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CONFIRMATION HEARING ON THE NOMINATIONS OF JAMES O'GARA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY; JULIE MYERS, TO BE ASSISTANT SECRETARY FOR IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY; AND EMILIO GONZALEZ, TO BE DIRECTOR OF THE BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

OCTOBER 18, 2005

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NOMINATIONS OF JAMES O'GARA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY; JULIE MYERS, TO BE ASSISTANT SECRETARY FOR IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY; AND EMILIO GONZALEZ, TO BE DIRECTOR OF THE BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY

TUESDAY, OCTOBER 18, 2005

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

The Committee met, pursuant to notice, at 2:31 p.m., in room–226, Dirksen Senate Office Building, Hon. John Cornyn presiding.

Present: Senators Cornyn, Coburn, and Leahy.

OPENING STATEMENT OF HON. JOHN CORNYN, A U.S. SENATOR FROM THE STATE OF TEXAS

Senator CORNYN. [Presiding] The Committee will come to order.

I want to thank Chairman Specter for scheduling today's hearing. This hearing involves three very important positions, and this is the first step to getting those positions filled. If confirmed, each of these nominess will fill a vital position in our Government, and I hope we can get these nominations voted out of the Committee in the near term and to the Senate floor as soon as possible.

The Homeland Security nominations are particularly relevant in light of the hearing held this morning by Chairman Specter, which concerned the issue of comprehensive immigration reform. And of course the Secretary of the Department of Homeland Security and the Secretary of the Department of Labor, Secretary Chao, testified. At that hearing we heard about the need to restore integrity and the rule of law to the U.S. immigration system. And while there is a growing consensus that the system is badly broken, there is not yet a consensus on the path ahead.

What we can all agree upon is that if these nominees are confirmed, that they will play critical roles in implementing the reforms that Congress adopts and in evaluating any proposal from the standpoint of the resources and capabilities of the Department to respond to Congress's mandate.

With that background, I look forward to discussing with each of the nominees the challenges that they would face as well as the role that immigration reform will play in either hurting or helping your respective agencies' abilities to accomplish their missions.

What I want to do is say a few words about Ms. Myers by way of introduction, then I would like to recognize my colleagues, Senator Martinez and Ms. Ileana Ros-Lehtinen, to say a few words about Mr. Gonzalez.

Immigration and Customs Enforcement's mission—ICE—is to prevent acts of terrorism by targeting the people, money, and materials that support terrorists and criminal activities. This is the largest investigative arm of the Department of Homeland Security. If confirmed as Assistant Secretary for ICE, Ms. Julie Myers would oversee a budget of several billion dollars and manage approximately 20,000 employees. She would be responsible for coordinating a wide range of enforcement efforts, including alien smuggling, financial crimes, and the apprehension, detention, and removal of illegal aliens.

The Senate Homeland Security and Government Affairs Committee recently approved the nomination of Ms. Myers to be Assistant Secretary. Ms. Myers's nomination is supported by the Fraternal Order of Police and by the Federal Law Enforcement Officers Association. She also has the support of Senator Warner, the former Secretary of the Navy and the current chair of the Senate Armed Services Committee, as well as Larry Thompson, the former Deputy Attorney General of the United States.

Ms. Myers has served as a senior official within the administration for the past 5 years. Her professional experience includes both work as a prosecutor and manager over several sections within the Department of Treasury's Office of Enforcement. As Deputy Assistant Secretary at the Department of Treasury, she supervised both the counter-narcotics and international money laundering sections of the Department of Treasury. She then worked as the Assistant Secretary for Export Enforcement at the Department of Commerce, where she oversaw a law enforcement agency whose mission is to combat the illegal export of sensitive U.S. technology. She has also served as chief of staff to Secretary Chertoff when he was at the Criminal Division at the Department of Justice.

As I indicated, I would now like to recognize my colleague, Senator Martinez, for any introductory comments he would care to make.

PRESENTATION OF EMILIO GONZALEZ, NOMINEE TO BE DIRECTOR OF THE BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY, BY HON. MEL MARTINEZ, A U.S. SENATOR FROM THE STATE OF FLORIDA

Senator MARTINEZ. Thank you, Mr. Chairman. It is a real honor and privilege to be here with you today, and thank you for allowing me a few moments to share with you the great honor I feel in being here today to introduce my good friend Emilio Gonzalez to the Committee. The President has chosen a great person to lead our Nation's Citizenship and Immigration Services. Emilio Gonzalez

will bring a great deal of depth of international and domestic policy experience to this position.

His dedication to our Nation began early in his life when, many years ago, as a young man, he enlisted in the military, in the United States Army, making the rank of colonel. As the Director for Western Hemisphere Affairs for President Bush, he served as a key national security advisor and trusted advisor to both President Bush and Dr. Condoleezza Rice, who served as National Security Advisor at the time. I mention this point out of the fact that Mr. Gonzalez, through his hard work, has already earned the trust of the President and his key advisors and will be able to hit the ground running in this very, very important position.

As an immigrant to this country himself, Mr. Gonzalez and I share a common heritage, both of us immigrating here from Cuba at early ages. I understand from my own life experience that he understands the meaning and the value of a United States citizenship, the meaning and the value of what it means to live in a society that is free and that is open and, at the same time, also understands the national secretary requirements that go hand in hand with immigration and citizenship policies. He will know how to balance this important responsibility with compassion and understanding. Emilio is a man of character and competence. He is also a man committed to his faith and to his wonderful family that is here with him today.

We are currently debating and discussing, as the Chair pointed out, the very important issue of immigration reform. Our country is at a point where we need to address the immigration issue in a way that recognizes the economic contributions that immigrants are making and have made to this country, while at the same time also balancing the very important need for strong border enforcement and the enforcement of the rule of law.

I know that Emilio, a colleague during our time in the administration and also a friend of mine, will serve our country well in this position and I urge my colleagues in the Senate to join me in a swift confirmation of Mr. Gonzalez to this very important post.

Thank you.

Senator CORNYN. Thank you, Senator Martinez.

Representative Ros-Lehtinen, we will be glad to hear from you.

PRESENTATION OF EMILIO GONZALEZ, NOMINEE TO BE DIRECTOR OF THE BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY, BY HON. ILEANA ROS-LEHTINEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Representative ROS-LEHTINEN. Thank you so much. Thank you, Mr. Chairman and thank you to my dear friend, the good doctor. I have had the privilege of serving with him in the House. He ignored me then, too.

[Laughter.]

Representative ROS-LEHTINEN. I am so pleased to be here today with our wonderful Senator from the State of Florida, Mel Martinez, to support a constituent of my Congressional district and a dear friend, Dr. Emilio Gonzalez, in his nomination to the position

of Director of Bureau of U.S. Citizenship and Immigration Services at the Department of Homeland Security.

As you heard from Senator Martinez, throughout his professional career Dr. Gonzalez has remained committed to protecting and defending our National security. He completed a distinguished military career with the rank of colonel, spanning nearly three decades in the U.S. Army, and is considered one of the most accomplished foreign area officers in the Department of Defense. Dr. Gonzalez also served as Director of Western Hemisphere Affairs at the National Security Council during President George W. Bush's first administration. And it is in this capacity that he served as a key national security and foreign policy advisor to President Bush and to then-National Security Advisor Condoleezza Rice. So clearly, Dr. Gonzalez's experience is beyond that of an average nominee.

His predecessor, the current U.S. Ambassador to Spain Eduardo Aguirre, made significant and measurable progress at the Agency toward eliminating the immigration backlog, improving customer service, and enhancing national security. I am certain that Dr. Gonzalez will not only continue in Ambassador Aguirre's tradition of excellence but that he will propel the Department of Homeland Security to new heights by bringing his expertise in foreign affairs, his knowledge of international security policy issues, and his unwavering professionalism to the position of Director of the Bureau of U.S. Citizenship and Immigration Services.

President Bush has repeatedly demonstrated his commitment to nominating outstanding members of the Hispanic community to Federal posts and he continues to do so by recommending an individual, Emilio Gonzalez, who is so devoted to protecting our precious homeland. So it is therefore my honor to join President Bush and my friend Senator Martinez in offering my utmost support for Dr. Emilio Gonzalez—a gentleman, a scholar, and a true patriot. And he is joined here today by his wife, Gloria, and his daughters Gigi and Vicki. It is a pleasure to have them here.

Thank you, Emilio.

Thank you, Senators.

Senator CORNYN. Thank you very much for those introductions. I know members of Congress on both sides of the Capitol have a lot of conflicting commitments, so we will be glad to excuse you if you will then let us proceed now.

As our colleagues leave, let me say a few words by way of introduction about the third nominee, who has been nominated to be Deputy Director for Supply Reduction at the Office of National Drug Control Policy, Mr. James O'Gara.

Mr. O'Gara is the President's nominee to be the Director for Supply Reduction for the Office of National Drug Control Policy. This position is charged with implementing the President's national drug control strategy in the area of supply reduction. If confirmed, Mr. O'Gara will focus his efforts on disrupting the market for illegal drugs in the United States and abroad by working with his counterparts at other agencies, including the departments of State, Defense, Justice, Homeland Security, and Treasury, as well as the Central Intelligence Agency.

Mr. O'Gara currently serves as Special Assistant to the Director of National Drug Control Policy and is responsible for advising the

Director on matters of intelligence, interdiction, and international affairs. For the last 4 years, Mr. O'Gara has been the principal drafter of the President's national drug control strategy, with responsibility for soliciting input from Congress, executive agencies, State and local governments, as well as the private sector, in the development of the strategy. He is also a former Judiciary staff member for Senator Hatch. And we won't hold that against you.

[Laughter.]

Senator CORNYN. I know Senator Leahy is going to be here in just a moment, the Ranking Member, but I would be happy to recognize Senator Coburn if he has any preliminary remarks he would care to make.

Senator COBURN. I don't have an opening statement, Mr. Chairman.

Senator CORNYN. Thank you, Dr. Coburn.

May I please ask the nominees each to come forward and have a seat. And if you will, before you sit down, raise your right hand and repeat after me.

I, James O'Gara, Julie Myers, Emilio Gonzalez, do solemnly swear that I will tell the truth, the whole truth, and nothing but the truth, so help me God.

Thank you very much. Please have a seat.

Mr. O'Gara, you are the first nominee up, and we will be glad to hear any opening remarks that you would care to make.

STATEMENT OF JAMES O'GARA, NOMINEE TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. O'GARA. Thank you very much, Chairman Cornyn. Senator Coburn. I would like to thank Chairman Specter and Ranking Member Leahy for holding this hearing today.

I would like to thank the President and Director Walters for giving me this opportunity to be part of the team that is helping to drive down drug use in the United States—17 percent, over the past 3 years, reductions among 8th, 10th, and 12th graders. The Office of Drug Control Policy, where I serve, is in fact a creation of this very Committee. I would like to thank Senator Hatch, whose quick action during the 1990's saved the office from elimination, and I would also like to thank Senator Biden for his intellectual authorship of the law that created the Office in the first place.

From my time at the Drug Enforcement Administration to the Committee staff that you alluded to, to my time at ONDCP, I learned that when we push back against the drug problem, we can make it smaller. My focus, if confirmed, will be our international drug control efforts in Colombia and the Andes, in the Transit Zone, in Mexico and Afghanistan.

Thank you for the opportunity to testify, and I look forward to answering your questions.

[The biographical information of Mr. O'Gara follows.]

I. BIOGRAPHICAL INFORMATION (PUBLIC)

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

James F. X. O'Gara
James Ramsey O'Gara

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

Home:

Washington, D.C. 20008

Work:

750 17th Street, N.W.
Eighth Floor
Washington, D.C. 20503

3. Date and place of birth.

April 18, 1965

Philadelphia, Pennsylvania

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

Ellen Marie O'Gara nee Ellen Marie Townley
Washington Hospital Center/Medstar Health
110 Irving Street, N.W.
Washington, D.C. 20010

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

St. John's College, Annapolis, Maryland
September 1984-May 1988
Degree received: B.A., May 1988

The Claremont Institute, Montclair, California
July 1988-August 1988/Degree received: Fellow

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

12/2001-present
Office of National Drug Control Policy
750 17th Street, N.W.
Washington, D.C. 20503
Employee

1999-present
James O'Gara Photography (sole proprietorship)
3901 Connecticut Avenue, N.W.
Washington, D.C. 20008
Owner

11/1996-12/2001
The Philanthropy Roundtable
1150 17th Street, N.W.
Washington, D.C. 20036
Employee

6/1996-10/1996
The New Citizenship Project
1150 17th Street, N.W.
Washington, D.C. 20036
Employee

3/1993-5/1996
Drug Enforcement Administration
700 Army-Navy Drive
Arlington, Virginia 20515
Employee

9/1989-1/1993
Office of National Drug Control Policy
750 17th Street, N.W.
Washington, D.C. 20503
Employee

1/1989-4/1989
United Press International
The Capitol

Annapolis, MD
Employee

11/1988-12/1988
National Journalism Center
800 Maryland Avenue N.E.
Washington, D.C.
Intern

9/1988-11/1988
Alan Keyes for U.S. Senate
Fenton Street
Silver Spring, MD
Employee

7/1988-8/1988
The Claremont Institute
4650 Arrow Highway
Suite D-6
Claremont California91763
Publius Fellow

5/1988-6/1988
Broadneck Senior High School
1265 Green Holly Drive
Part-time employee (substitute teacher)

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

N/A

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

Publius Fellowship, Claremont Institute for the Study of Statesmanship and Political Philosophy, July 1988-August 1988

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

N/A

10. Other Memberships: List all organizations to which you belong that are active in lobbying

before public bodies. Please list all other organizations to which you belong.

I do not belong to any organizations.

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

N/A

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

A list of publications follows.

Legislation debated on political ads, United Press International, February 22, 1989

Cabinet level job pushed for JSA head, United Press International, February 23, 1989

Schaefer proposes truck legislation, United Press International, February 24, 1989

Racing meetings to be open to the public, United Press International, March 1, 1989

Disabled fees goes down in the Senate, United Press International, March 1, 1989

Levitan scraps budget proposal, United Press International, March 2, 1989

Resurrected death penalty clears committee, United Press International, March 3, 1989

Parole report suggests changes for policing inmates, United Press International, March 7, 1989

Speed limit urged despite expected fate, United Press International, March 7, 1989

Election reform canned for 1989, United Press International, March 8, 1989

Takeover bills move closer to passage, United Press International, March 9, 1989

Maryland senators dabble in international politics, United Press International, March 9, 1989

Senate committee takes up insurance bill, United Press International, March 13, 1989

Retired judges could be called back for more duty, United Press International, March 15, 1989

Ethics bill triggers exchange over disclosure, United Press International, March 15, 1989

Schaefer education bill gets second chance, United Press International, March 17, 1989

Senate committee kills uniform banking fees, United Press International, March 18, 1989

Resurrected Schaefer bill tentatively approved, United Press International, March 22, 1989

Disabled advocates want more state money, United Press International, March 22, 1989

Senate looks at AIDS bill; House defeats action, United Press International, March 22, 1989

AIDS bill advances in both chambers, United Press International, March 23, 1989

Auto insurance waiver clears Senate, United Press International, March 23, 1989

Senate takes different tack on carbofuran, United Press International, March 23, 1989

Tree-cutting bill blocked, United Press International, March 24, 1989

Incinerator measure passes Senate, United Press International, March 24, 1989

Resurrected Schaefer bill tentatively approved, United Press International, March 24, 1989

Senate committee endorses racing changes, United Press International, March 27, 1989

Senate committee kills insurance counsel bill, United Press International, March 27, 1989

Senate moves to phase out new car dealer tax, United Press International, March 28, 1989

Senate tentatively approves rental-purchase changes, United Press International, March 28, 1989

Senate tentatively approves abortion clinic blockade bill, United Press International, March 28, 1989

Senate poised to vote on phone rate-setting change, United Press International, March 29,

1989

Racing bill clears Senate, heads to House, United Press International, March 30, 1989

Trotter to try floor amendment for assault rifles, United Press International, March 30, 1989

Tire dump bill clears Senate environmental committee, United Press International, March 31, 1989

Final appointment to gun board, United Press International, March 31, 1989

Senate committee approves pari-mutuel Arabian racing, United Press International, April 3, 1989

Senate approves phone rate-setting bill, United Press International, April 4, 1989

Senate enacts covered loads bill, United Press International, April 4, 1989

Senate committee votes out assault rifle curbs, United Press International, April 4, 1989

Arabian racing bill moves through Senate, United Press International, April 5, 1989

Smokers' bill bogged down in Senate, United Press International, April 6, 1989

Senate panel approves heavily amended banking bill, United Press International, April 6, 1989

Marijuana immunity bill advances, United Press International, April 7, 1989

Unsolicited fax items targeted in junk fax bill enacted Friday, United Press International, April 7, 1989

Marijuana bill dies in Senate, United Press International, April 8, 1989

Revived smoking bill goes down in flames, United Press International, April 8, 1989

Senate, House negotiating insurance rate bill, United Press International, April 10, 1989

House action may doom banking bill, United Press International, April 10, 1989

1989 General Assembly: Not all the legislation made it this year, United Press International, April 13, 1989

Through a Lifestyle Looking Glass, The Washington Times, April 19, 1990

Following Napoleon to disaster, The Washington Times, April 19, 1990

The 1991 Diplomatic Dossier, Dossier Magazine, August 1990

Whiff of impending disaster, The Washington Times, October 16, 1990

Grisly tale of Uncle Joe, The Washington Times, October 29, 1991

Love affair with victimhood, The Washington Times, January 26, 1993

Losing Ground Against Drugs—A Report on Increasing Illicit Drug Use and National Drug Policy, July 29, 1996.

The Clinton Administration's continuing retreat in the war on drugs, the Heritage Foundation, with July 12, 1996, John Walters.

The facts about falling crime rates, The Washington Times, August 30, 1996, with John P. Walters

Clean needles and the crisis in drug use, The Washington Times, November 12, 1996, with John P. Walters

Needle exchange helps fight the spread of HIV, The Washington Times, November 24, 1996, with John P. Walters

Buying A Movement: Can Foundation-Funded Journalism Create Better Citizens?, Philanthropy Magazine, Winter 1997

Brother, Can They Paradigm!: Budget balancing creates a new kind of foundation-government collaboration, Philanthropy Magazine, Spring 1997

Legislative Update: A Report on the 105th Congress, Philanthropy Magazine, Spring 1997

Leveraging big government bucks, July 1, 1997, The Washington Times

A victory over teenage drug use?, The Washington Times, August 15, 1997, with John P. Walters

Smoke gets in your lies, The Washington Times, September 22, 1997, with John P. Walters

More Headlines on Philanthropy, Philanthropy Magazine, Fall 1997

Foundation-Government Collaboration in the 1990's, Philanthropy Magazine, Fall 1997

Bloomberg by Bloomberg: Michael Bloomberg's no excuses philanthropy, Philanthropy Magazine, Fall 1997

Advertising Ineptitude, The Weekly Standard, July 27, 1998, with John P. Walters

Giving Back: How McDonald's Revolutionized Corporate Philanthropy, Philanthropy Magazine, Winter 1998

Who Gets Ted's Billion?: Keeping Ted Turner's promise to the United Nations, Philanthropy Magazine, May-June 1998

Venture Capital Meets Philanthropy: Software guru Paul Brainerd on the "social venture" model, Philanthropy Magazine, May-June 1998

Are You Funding Environmental Fearmongering?: Foundation funding and rumors of environmental apocalypse, Philanthropy Magazine, July-August 1998

Target: Community: An interview with Silicon Valley venture capitalist Gib Myers, Philanthropy Magazine, September-October 1998

Revolution in the Classroom: The school choice movement gets a $100 million shot in the arm, Philanthropy Magazine, September-October 1998

Cheer Up: The future looks bright, Philanthropy Magazine, November-December 1998

The New Templeton Funds: Sir John Templeton on prayer, forgiveness, and smart investing, Philanthropy Magazine, January-February 1999

Can Americans be Trusted?: Like most things, it depends on who you ask, Philanthropy Magazine, January-February 1999

A Passion for Performance: Peter Drucker's gospel of accountability, March-April 1999

Two Sure Things: America's unsuspecting middle class is about to wake up to yet another tax, March-April 1999

Evolution in Giving: Philanthropy yesterday, today, and tomorrow, May-June 1999

The Giant on the Hill: At the Getty, elite populism meets popular elitism, July-August 1999

Keeping it Together: They're still listening to John J. Raskob after all these years, Philanthropy Magazine, September-October 1999

The Perfect Gift: This year, we're making it easier to give wisely, Philanthropy Magazine, November-December 1999

Simon Says: The former Treasury Secretary on service, donor intent, and Bill Gates, Philanthropy Magazine, January-February 2000

Philanthropic Gigantism: Two billionaires, two billion-dollar gifts, two very different approaches, Philanthropy Magazine, January-February 2000

Ted Turner Goes Wild: The CNN founder on saving the environment and the population bomb, Philanthropy Magazine, March-April 2000

Fighting to Win: Ever wonder what makes Ted Turner tick? We asked him, Philanthropy Magazine, March-April 2000

Charting a High-Tech Future: The National Geographic Society explores the next century, Philanthropy Magazine, May-June 2000

The Philanthropic Bookshelf: The best of the new crop of books, Philanthropy Magazine, July-August 2000

Keeping up with the "Fat Boy": A look inside the Ford Foundation, Philanthropy Magazine, September-October 2000

Not preaching to the choir: The Gill Foundation takes its message to the skeptics, Philanthropy Magazine, September-October 2000

Giving the Very Best: Fourteen cutting edge programs that deserve your support, Philanthropy Magazine, November-December 2000

Three Debates in Health Care: When philanthropy affects the meaning of human life, Philanthropy Magazine, January-February 2001

Don't Mess With Texas: The colorful 40-year battle for control of a Corpus Christi foundation, Philanthropy Magazine, March-April 2001

That Old-Time Religion: What the faith-based initiative means for philanthropy, Philanthropy Magazine, May-June 2001

Done Well, Doing Good: The Maclellan Foundation does God's work through philanthropy, Philanthropy Magazine, July 2001

Doing More With Less?: An aging group of nuns searches for ways to further its mission, Philanthropy Magazine, July 2001

Learning from History: What Rockefeller can teach Gates about global health; Philanthropy Magazine, August-September 2001

Fanton Gets Focused: MacArthur's president on racism, geniuses, and redefining the foundation, Philanthropy Magazine, August-September 2001

Doing Our Duty: In troubled times, what can philanthropy do?, Philanthropy Magazine, October 2001

Mouths Wide Open: Norman Borlaug on feeding a hungry world (and keeping environmentalists at bay); Philanthropy Magazine, October 2001

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

The state of my health is excellent. I last received a complete physical exam in 2000.

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

N/A

15. Legal Career:

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

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

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

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

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

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

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

2. What percentage of these appearances was in:

(a) federal court;
(b) state courts of record;
(c) other courts.

3. What percentage of your litigation was:

(a) civil:
(b) criminal.

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

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

N/A

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

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

N/A

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

N/A

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

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

   I do not anticipate receiving any such future benefits.

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

   I would seek guidance from my agency's designated Ethics Officer.

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

   I do not.

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

   Form 278 is attached.

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

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

   I worked as a 72-hour volunteer for Bush-Cheney 2004, operating out of Sheboygan Wisconsin in the final week of the campaign, and performing canvassing and related get-out-the-vote activities. During the summer and fall of 1996, I volunteered for the Bob

Dole for President campaign, principally assisting with debate briefing books on the subject of crime and drug policy. In September 1988 I joined the Alan Keyes for Senate campaign, where I worked for the final two months of the campaign as assistant press secretary.

III. GENERAL (PUBLIC)

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

   For the past eight years, I have volunteered weekly or every other week at the Gift of Peace hospice/homeless shelter in Northeast Washington, D.C. My current schedule as overnight volunteer has me devoting 10-12 hours twice a month.

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

   I do not and I have not.

Senator CORNYN. Thank you, Mr. O'Gara.

Ms. Myers, we will now turn to you for any opening statement you care to make.

STATEMENT OF JULIE MYERS, NOMINEE TO BE ASSISTANT SECRETARY FOR IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY

Ms. MYERS. Thank you, Mr. Chairman, Senator Coburn. I am honored to appear before you today.

I want to begin by thanking the President for his faith in me and for nominating me for this position. I also want to thank Secretary Chertoff, with whom I've had the privilege of working with in the past and, if confirmed, I would look forward to working with again.

ICE is a tremendous agency. I know this because I have worked with the agents first-hand, as an Assistant United States Attorney, Deputy Assistant Secretary at the Treasury Department, as chief of staff for the Criminal Division, and most recently, as Assistant Secretary for Export Enforcement at the Commerce Department. I have seen first-hand what ICE can do, but there is much more that must be done.

If confirmed, here is my vision for ICE:

First, to echo the Secretary's comments this morning, ICE must effectively engage in interior enforcement and removal of aliens. I hope very much that Congress passes comprehensive immigration reform. But if confirmed, I will not wait for that to begin enforcing all the laws on the books and streamlining our removal processes.

Second, part of the reason that the Department of Homeland Security was created was to connect the dots to ensure that we were harnessing all available intelligence. If confirmed, I would work to make sure that ICE is using all the intelligence data bases that it has, all the information that it has to track those who want to harm our country.

Third, I would work to expand ICE's great work in terms of strategic investigations and financial investigations. They have done great things there in the Cornerstone Program and others, but much more must be done.

And finally, but very importantly, I would work on Agency-building to build a new ICE culture. Much must be done in the way of building morale, improving infrastructure both financial and otherwise to make ICE into the truly great agency it will become.

I thank the Committee for its consideration of my nomination, and I will be pleased to answer any questions that you have.

[The biographical information of Ms. Myers follows.]

I. BIOGRAPHICAL INFORMATION (PUBLIC)

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

   Julie Lyn Myers
   (Julie Myers Wood - use socially)

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

   Home: 1053 N. Stafford Street
   Arlington, VA 22201

   Office: Executive Office of the President
   1800 G Street
   9th Floor
   Washington, DC 20502

3. Date and place of birth.

   July 12, 1969. St. Louis, Missouri.

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

   Married - John Wood, Chief of Staff, Department of Homeland Security, 3801 Nebraska Avenue, NW, Washington, DC 20858.

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

   Johnson County Community College, received credits for courses taken at my high school (did not physically attend class at JCCC), 1985-1987.
   Baylor University, 1987-1991, B.A. May 1991.
   Cornell Law School, 1991-1994, J.D. May 1994.

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

1) 6/1991-8/1991, Waitress; TGIF Friday's; Milwaukee, WI.

2) 6/1992-8/1992 and 1/1993-5/1993, Teaching Assistant for Professor Kevin M. Clermont; Cornell Law School; Ithaca, NY.

3) 6/1992-8/1992, Summer Clerk for Cornell University Counsel's Office; Ithaca, NY.

4) 8/1993-11/1993, Teaching Assistant for Professor Stuart Schwab; Cornell Law School; Ithaca, NY.

5) 1/1994-5/1994, Teaching Assistant for Professors Kevin M. Clermont and John Siliciano; Cornell Law School; Ithaca, NY.

6) 6/1993-8/1993 and 6/1994-8/1994, Summer Associate; Mayer, Brown & Platt; Chicago, IL.

7) 8/1994-8/1995, Law Clerk; Chambers of the Honorable C. Arlen Beam; U.S. Court of Appeals for the Eighth Circuit; Lincoln, NE.

8) 10/1995-12/1997, Associate; Mayer, Brown & Platt; Chicago, IL.

9) 1/1998-10/1999, Associate Independent Counsel; Office of the Independent Counsel (Kenneth W. Starr); Little Rock, AR and Washington, DC.

10) 10/1999-10/2001, Assistant United States Attorney; United States Attorney's Office for the Eastern District of New York; Brooklyn, NY.

11) 10/2001-10/2002, Deputy Assistant Secretary (Money Laundering and Financial Crimes); Department of the Treasury; Washington, DC.

12) 11/2002- 9/2003, Chief of Staff for the Criminal Division; Department of Justice; Washington, DC (Deputy Chief of Staff 11/2002-12/2002).

13) 10/2003-11/2004, Assistant Secretary of Commerce (Export Enforcement); Department of Commerce; Washington, DC.

14) 11/2004-present, Special Assistant to the President for Presidential Personnel; Executive Office of the President.

15) 2/2004-4/2005, Member of the Board of Directors, Myers Brothers of Kansas City, Inc., an automotive industrial firm owned by members of my family; (uncompensated).

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

No.

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

Omicron Delta Kappa
Golden Key National Honor Society
Baylor University President's Award for Excellence in Student Involvement
American Jurisprudence Award for the Highest Grade in Constitutional Law
Winner, Two Cornell Law School Moot Court Competitions
Cum laude graduate of Cornell Law School
Editor, Cornell Law Review

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

American Bar Association
Chicago Bar Association
Lincoln Inn of Court
Women in International Trade
DOJ Liaison to ABA Task Force on Ethical Standards for Prosecutorial Investigations
Cornell Christian Legal Group, Co-Chair 1993-1994
Federalist Society, student member

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

Kansas State Society
First Baptist Church of Shawnee, Kansas
Baylor Alumni Association
Kappa Alpha Theta

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

Illinois Bar - Admitted, 1994
United States Court of Appeals for the Eighth Circuit - Admitted, 1995
United States Court of Appeals for the Seventh Circuit - Admitted, 1996 (approx.)
United States District Court for the Northern District of Illinois - Admitted, 1996 (approx.)

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

I have included copies of my previous testimony. I have also included copies of talks and speeches to the extent that I have a copy of a written speech. Most often, I spoke from notes or talking points, and I no longer have those notes. Where I could find articles written about the talks or speeches, I have included them.

In 1995, I was co-author for one brief article for a newsletter at Mayer Brown & Platt on employment law and the requirements of the Americans With Disabilities Act. I do not have a copy of this article and have not been able to find a copy of this article.

As a Deputy Assistant Secretary for Money Laundering and Financial Crimes at Treasury, I spoke frequently, in speeches and on panels, about international money laundering, focusing on Title III of the USA Patriot Act (particularly the new Treasury regulations) and the Financial Action Task Force (FATF). I do not have a record of all such appearances, but they included the following:

- 20th Annual OCDETF Conference
- Case Western Reserve Law School
- Women In International Trade Brown Bag Lunch
- IRS-CI Suspicious Activity Reporting Conference
- United States Attorney's Office - EDNY
- International Regulators Conference
- Practicing Law Institute Forum on the Patriot Act
- NY HIFCA Bank Secrecy Act Conference
- Swiss Bankers Association
- National Defense University
- American Insurance Association

- American Bankers Association
- National Conference of Mayors break-out sessions on homeland security

As Assistant Secretary for Commerce, I spoke at the following events on export enforcement, national security and nonproliferation issues:

- January 14, 2004 - Presentation at the Industry Coalition on Technology Transfers Meeting
- January 22, 2004 - Export Enforcement Update with Trade Associations (SEMI, American Electronic Association and Women in International Trade Association) in San Jose, CA
- March 23, 2004 - International Electronics Manufacturers and Consumers of America Speech on Export Enforcement Activities and Update
- March 31, 2004 - Chicago Bar Association Brown Bag Lunch Seminar Speech
- April 16, 2004 - Industry Roundtable with Customs Brokers and Forwarders Association (CBFA) in Miami Florida
- April 22, 2004 - Export Controls and Global Trade Compliance Conference Keynote Address
- April 27, 2004 - ABA Brown Bag Lunch Talk to International Trade Group
- June 1, 2004 - Washington International Business Club Speech on China and Export Controls
- August 11, 2004 - FLETC Graduation Speech
- September 22, 2004 - Business Executives Enforcement Team Speech - Boston, Massachusetts
- October 13, 2004 - Boeing International Compliance Seminar Speech - Top 5 Problems That Lead to Civil Liability
- October 19, 2004 - Speech at the Customs and International Trade Bar Association Dinner - Trends in Export Enforcement

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

    Excellent. My last physical examination was in approximately 1999.

14. Judicial Office: State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

    None.

15. Citations: If you are or have been a judge, provide: (1) citations for the ten most significant opinions you have written; (2) a short summary of and citations for all appellate opinions where your decisions were reversed or where your judgment was affirmed with significant criticism of your substantive or procedural rulings; and (3) citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, please provide copies of the opinions.

    Not applicable.

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

    None.

17. Legal Career:

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

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

After law school, from August 1994 to August 1995, I served as a law clerk to the Honorable C. Arlen Beam, a judge on the Court of Appeals for the Eighth Circuit in Lincoln, Nebraska.

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

I have never been a solo practicioner.

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

11/2004-present: Special Assistant to the President, The White House, Washington, DC, 20502.

10/2003-11/2004: Assistant Secretary of Commerce (Export Enforcement); Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230.

11/2002-9/2003: Chief of Staff for the Criminal Division; Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC; 11/2002-9/2003 (Deputy 11/2002-12/2002).

10/2001-10/2002: Deputy Assistant Secretary (Money Laundering and Financial Crimes); Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC, 20220.

10/1999-10/2001: Assistant United States Attorney; United States Attorney's Office for the Eastern District of New York; 147 Pierrepont Street, Brooklyn, NY, 11201.

1/1998-10/1999: Associate Independent Counsel; Office of the Independent Counsel (Kenneth W. Starr); Little Rock, AR and Washington, DC.

10/1995-12/1997: Associate; Mayer, Brown & Platt, 190 S. LaSalle Street, Chicago, IL, 60603 (summer associate, 6/1993-8/1993 and 6/1994-8/1994).

8/1994-8/1995: Law Clerk; Chambers of the Honorable C. Arlen Beam; U.S. Court of Appeals for the Eighth Circuit, 100 Centennial Mall North, Lincoln, NE 68508.

6/1992-8/1992: Summer Clerk for Cornell University Counsel's Office; Cornell University, Day Hall Lobby, Ithaca, NY, 14853.

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

From 1995 through 1997, at Mayer, Brown & Platt, my law practice primarily involved general commercial litigation.

From January 1998 to October 2001, first with the Office of Independent Counsel, and then with the U.S. Attorney's Office for the Eastern District of New York, I was a criminal prosecutor handling criminal investigations and prosecutions, including immigration investigations and prosecutions.

In several government positions from October 2001 to November 2004, I worked on legal policy and federal regulations relating to criminal law. During that time, I also handled a large number of specific matters relating to issues on particular criminal cases, including a large number of sensitive national security cases, but I was not the line prosecutor assigned to any particular case.

In addition, from September 2003 to November 2004, as Assistant Secretary of Commerce, I also dealt with many civil litigation issues relating to cases brought by Export Enforcement agents. These issues included investigative issues, as well as litigation and settlement strategy.

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

As an associate at Mayer, Brown & Platt, I represented publicly traded companies, government entities, and individuals. I was a general litigation associate, focusing on matters involving labor and employment issues, white collar defense and antitrust law.

At the Department of Justice (both main Justice and the United States Attorney's Office), the Independent Counsel's Office, the Department of Treasury and the Department of Commerce, I represented the United States. At main Justice, I worked on a wide variety of matters, including immigration and smuggling issues, public integrity, narcotics, money laundering and asset forfeiture, and violent crime. At the United States Attorney's Office, I specialized in white collar cases. At the Department of Treasury, I specialized in money laundering and financial crimes. At the Commerce Department, I focused on national security criminal and civil cases

involving violations of federal export control laws.

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

While I was in the U.S. Attorney's Office, from November 1999 through November 2001, I appeared in court almost daily, depending upon the matters I was working on and the progress of those investigations. While I was in the Independent Counsel's Office, from January 1998 through October 1999, I appeared in court sporadically. In both the U.S. Attorney's Office and the Independent Counsel's Office, I also appeared in the grand jury on a number of occasions.

While I was working at Mayer Brown & Platt, from September 1995 to December 1997, I appeared in court occasionally.

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

Approximately 90% federal courts, 10% state courts of record.

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

At the U.S. Attorney's Office and Independent Counsel's Office, 100% of my litigation was criminal or relating to criminal cases (habeas, civil forfeiture actions). At Mayer, Brown & Platt, approximately 90% of my litigation was civil, and 10% was criminal.

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

I have tried five cases to verdict in courts of record. I was chief counsel in three, co-counsel in one and associate counsel in one. All of these cases were jury trials. I also was associate counsel in two injunction hearings. I also served as sole counsel in numerous sentencing and pre-trial hearings.

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

All of the trials were jury trials. The injunction hearings were non-jury.

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

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

As discussed in more detail in response to question 19, I also personally directed substantial litigation during my jobs at the Treasury, Commerce, and Justice Department. For example, at the Department of Justice, I was responsible for making recommendations on whether to proceed or decline prosecution on a number of very sensitive matters. As an Assistant Secretary at the Commerce Department, I regularly made key investigative and strategy decisions on Export Enforcement's criminal and civil investigations and prosecutions, worked with U.S. Attorneys offices on decisions to go forward in criminal cases, directed agents and/or Commerce attorneys to engage in particular

investigation tasks, and reviewed the use of particular strategies or investigative techniques.

1. *Operation Horseback.* This was an Organized Crime Drug Enforcement Task Force (OCDETF) investigation of a MDMA (ecstasy), heroin and cocaine smuggling ring. I represented the United States in two prosecutions that were brought in *Operation Horseback*, United States v. Ahmedi, et al., 00-CR-666 (E.D.N.Y.) and United States v. Sokoli, et al., 01-CR-030 (E.D.N.Y.). I worked with agents from the former United States Customs Service (USCS) and Drug Enforcement Agency (DEA) on this investigation. Both cases were before the Honorable I. Leo Glasser. In Ahmedi, all three defendants pleaded guilty to an attempt to conspire to import narcotics, pursuant to 21 U.S.C. § 963. Defendant Blerim Skoro was sentenced to 84 months imprisonment. Defendants Ahmedi and Susan Skoro were each sentenced to a year and a day imprisonment.

Based on leads obtained through the Ahmedi investigation, we pursued the related Sokoli investigation. Ultimately, all the defendants pleaded guilty in that case as well, pursuant to 21 U.S.C. § 963. Defendant Besnik Sokoli pleaded guilty to conspiracy to import heroin and was sentenced to 186 months imprisonment. Defendant Mentor Pervizaj pleaded guilty to a conspiracy to import heroin and was sentenced to seventy-eight months imprisonment. Defendant Dardani Pervizaj pleaded guilty to a conspiracy to import heroin and was sentenced to 120 months imprisonment. Christy Ann Fiammetta pleaded to a conspiracy to import MDMA, and was sentenced to four years probation. Defendant Behat Pervizaj pleaded to a conspiracy to import MDMA and was sentenced to 30 months imprisonment. Defendant Nuridin Pervizaj pleaded guilty to a conspiracy to import MDMA and was sentenced to four years probation.

I was lead counsel for this investigation and prosecution. After I left the United States Attorney's Office, however, Assistant United States Attorney Tom Siegel finished some of the sentencing for the defendants in the Sokoli case.

Assistant United States Attorney Tom Siegel
Eastern District of New York
718-254-7000

Defense Counsel:
United States v. Ahmedi, et al., 00-CR-666 (E.D.N.Y.)

Defendant Teuta Ahmedi - Defense counsel was Benjamin Heinrich, 189 East 163rd Street Bronx, NY 10451 (718) 588-4400.

Defendant Blerim Skoro - Defense counsel was Jerrold Berman, 350 Broadway New York, NY 10013 (212) 925-7373.

Defendant Susan Skoro - Defense counsel was David E. Singer, 301 North Main Street New City, NY 10956 (914) 634-0304.

United States v. Sokoli, et al., 01-CR-030 (E.D.N.Y.).

Defendant Besnik Sokoli - Defense counsel was Stanley L. Cohen, 351 Broadway, Third Floor New York, NY 10013 (212) 979-7572.

Defendant Dardani Pervizaj - Defense counsel was Geoffrey S. Stewart, 350 Broadway, Suite 700 New York, NY 10013 (212) 625-9696

Defendant Mentor Pervizaj - Defense counsel was Christopher J. Marengo, 2116 Williamsbridge Road Bronx, NY 10461 (718) 829-3207.

Defendant Christy Ann Fiammetta - Defense counsel was Joseph P. Carrozza, 2027 Williamsbridge Road Bronx, NY 10461 (718) 829-4500.

Defendant Behat Pervizaj - Defense counsel was Anthony F. Siriano, 2027 Williamsbridge Road, Bronx, NY 10461 (718) 823-2600.

Defendant Nuridin Pervizaj - Defense counsel was Lawrence M. Herrmann, 37-51 76th Street Jackson Heights, NY 11372 (718) 779-6630

2. *United States v. Calle*, 00-CR-800 (E.D.N.Y.). I represented the United States in an obstruction of justice and fraud case against Defendant Richard Calle before the Honorable Nicholas G. Garaufis. I worked on this case with an agent from the Federal Bureau of Investigation (FBI). Calle was convicted of obstruction of justice after a jury trial. He was sentenced to twenty-two months imprisonment.

I was lead counsel in this case. Another Assistant United States Attorney, Caren Myers, assisted me in the trial of the matter, and represented the United States at sentencing.

Assistant United States Attorney Caren Myers
Eastern District of New York
718-254-7000

Defendant Richard Calle - Defense counsel was Thomas F.X. Dunn, 7 Dey Street, Suite 1101 New York, NY 10007 (212) 941-9940.

3. *United States v. Arbel, et al*, 01-CR-917 (E.D.N.Y.). I represented the United States in an investigation and indictment in a securities fraud case before the Honorable I. Leo Glasser. I worked on this investigation with agents from the FBI, the Internal Revenue Service-Criminal Investigation (IRS-CI), and an investigator from the Securities and Exchange Commission (SEC). I indicted the case shortly before I left the United States Attorney's Office. All thirteen of the defendants ultimately pleaded guilty. Lead defendant Ilan Arbel was sentenced to 120 months imprisonment.

I was the lead counsel during the investigation. Assistant United States Attorney Nicki Kowalski joined me on the case shortly before indictment. After I left the U.S. Attorney's Office, Assistant United States Attorney Nicki Kowalski took over the case.

Nicki Kowalski
Former Assistant United States Attorney
718-254-7000
Current contact information unknown

Defendant Ilan Arbel - Defense counsel was Gerald L. Shargel, 570 Lexington Avenue New York, NY 10022 (212) 446-2330.

Defendant Louis Catapano - Defense counsel was James R. Froccaro, 7 Old Shore Road Port Washington, NY 11050 (516) 767-5062.

Defendant Glen Deluca - Defense counsel was Joseph Tacopina, Law Offices of Joseph Tacopina, P.C. 275 Madison Avenue New York, NY (212) 227-8877

Defendant Stephen DiBenedetto - Defense counsel was Daniel Nobel, 401 Broadway, 25th Floor New York, NY 10013 (212) 219-2870

Defendant Neil Grippa - Defense counsel were Howard D. Simmons, 217 Broadway, Suite 603 New York, NY 10007 (212) 233-1486 and Steven M. Bernstein, 233 Broadway, Suite 2701 New York, NY 10279 (212) 349-0500.

Defendant Brett Hamburger - Defense counsel was Steven M. Kaplan, 535 Fifth Avenue New York, NY 10017 (212) 682-1400.

Defendant Michael Kelly - Defense counsel was Kenneth D. Wasserman, 122 East 42nd Street New York, NY 10168 (212) 867-4488.

Defendant George Matarazzo - Defense counsel were Kenneth A. Paul, 319 Broadway, Suite 500 New York, NY 10007 (212) 587-8000 and Roger L. Fidler, 1441 Third Avenue, Suite 7B New York, NY 10022 (212) 734-1848.

Defendant David Melillo - Defense counsel was Barry A. Bohrer, Morvillo, Abramowitz, Grand, Lason & Silberberg, P.C. 565 Fifth Avenue New York, NY 10017 (212) 856-9600.

Defendant Enrico Montaperto - Defense counsel was Arnold Saphirstein, 155 Bellmore Road East Meadow, NY 11554.

Defendant Stephen O' Donnell - Defense counsel was Arthur L. Aidala, 8118 13th Avenue Brooklyn, NY 11228 (718) 238-9898.

Defendant Robert Valente - Defense counsel was Michael Rosen, 61 Broadway, Suite 1105 New York, NY 10006 (212) 742-1717

4. *United States v. Darco, et al*, 00-CR-128 (E.D.N.Y.). I represented the United States in a bank robbery and escape case before the Honorable Charles P. Sifton. I worked on this case with an agent from the FBI and a NYPD officer who was cross-designated to work on the FBI Bank Robbery Task Force. Defendant Albert Paneque pleaded guilty to bank robbery by force and violence and was sentenced to 42 months of imprisonment. Defendant John Darco was convicted after trial on bank robbery and escape charges. Darco was sentenced to 262 months of imprisonment.

Although I was lead counsel on this case, and had lead responsibility for the entire investigation and trial, Assistant United States Attorney Amy Walsh also assisted during the trial.

Assistant United States Attorney Amy Walsh
Eastern District of New York
718-254-7000

Defendant John Darco - Defense counsel was Bernard Alan Seidler, 580 Broadway New York, NY 10012 (212) 334-3131.

Defendant Albert Paneque - Defense counsel was Marvin L. Pope, 401 Broadway, Suite 1503 New York, NY 10013 (212) 219-3100.

5. *United States v. Dionisio, et al*, 99-CR-589 (E.D.N.Y.). I was co-counsel in a securities fraud trial before the Honorable Nina Gershon. The case involved the Russian organized crime community teaming up with traditional organized crime to engage in stock manipulation in "boiler rooms." Assistant United States Attorney Patricia Notopoulos was the lead attorney on

this investigation. I was her co-counsel. I joined this case several months before trial, and was primarily responsible for developing the trial evidence against the Russian defendants, Muchnik and Yurofsky, and working with the experts on the analysis of the stock trading. We worked on this case with agents from the FBI, IRS-CI, and investigators from the SEC and NASD.

At trial, Muchnik and Yurofsky were convicted, and two other defendants were acquitted. Defendant Alexander Muchnik was convicted of conspiracy to commit securities fraud, securities fraud, and money laundering. He was sentenced to 33 months of imprisonment. Defendant Denis Yurofsky was convicted of conspiracy to commit securities fraud and was sentenced to 30 months imprisonment.

As part of the Dionisio investigation, Assistant U.S. Attorney Notopoulos prosecuted twenty other individuals, all of whom pleaded guilty. After I joined the investigation, I assisted her in developing the evidence and directing the investigation for some of these individuals, but she had primary responsibility for those guilty pleas.

Assistant United States Attorney Patricia Notopoulos
Eastern District of New York
718-254-6354

Defendant Brian Duffy - Defense counsel was Joseph R. Corozzo, Jr., Rubinstein & Corozzo, LLP 260 Madison Avenue New York, NY 10016 (212) 545-8777

Defendant Alexander Muchnik - Defense counsel was Robert Koppelman, 585 West End Avenue New York, NY 10024 (212) 577-6580.

Defendant Frank Ragusa - Defense counsel was Barry Gene Rhodes, 16 Court Street, Suite 1004 Brooklyn, NY 11241 (718) 624-3784.

Defendant Denis Yurofsky - Defense counsel was Albert Y. Dayan, 68-60 Austin Street, Suite 302 Forest Hills, NY 11375 (718) 849-7000.

6. *United States v Moldonado*, 99-CR-761 (E.D.N.Y.)and No. 00-1646 (2nd Cir.). I represented the United States in a trial and appeal in a felon-in-possession case before the Honorable Frederic Block. I worked on this case with an agent from the Bureau of Alcohol, Tobacco and Firearms (ATF). The defendant, Adrian Moldonado, was convicted after trial for waving a semi-automatic gun around in a housing project. Based on his criminal history, Moldonado was sentenced to 180 months imprisonment.

Moldonado appealed his conviction to the Second Circuit, arguing that the jury instructions were improper and also claiming ineffective assistance of counsel. I wrote the brief for the United States on appeal, and also argued the case in the Second Circuit, No. 00-1646. The verdict and sentence were affirmed in an unpublished *per curiam* opinion.

Former Assistant United States Attorney Jodi Avergun was present as a supervisor during this trial, but I was the lead counsel. As is common practice in the Eastern District, Assistant United States Attorney Emily Berger from the Criminal Appeals section was on the brief with me for the Second Circuit, but I was the primary attorney assigned to the appeal.

Jodi Avergun
Chief of Staff to DEA Administrator Karen Tandy
DEA
202-307-8000

Emily Berger
Assistant United States Attorney
Eastern District of New York
718-254-7000

Defendant Adrian Moldonado - Trial defense counsel was David E. Liebman, 277 Broadway, Suite 501 New York, NY 10007 (212) 513-7188.

7. *United States v. Susan McDougal*, No. LR-CR-98-82 (E.D.Arkansas). I represented the United States as associate counsel in a criminal contempt and obstruction trial before

Judge Howard. Assistant United States Attorney Mark Barrett was the lead attorney on the trial. At trial, defendant Susan McDougal was acquitted on the obstruction of justice charge. The jury was unable to reach a verdict on the criminal contempt charges. The government did not retry the case.

Assistant United States Attorney Mark Barnett
District of Colorado
(303) 454-0100

Defendant Susan McDougal - Defense Counsel was Mark Geragos Geragos & Geragos, Two California Plaza, 350 South Grand Avenue 39th Floor, Los Angeles California (213) 625-3900

8. *United States v. Oudovenko*, 00-CR-1014 (E.D.N.Y.). I represented the United States in a smuggling investigation involving a violation of the Endangered Species Act. I worked on this case with an agent from the United States Fish and Wildlife Service and the USCS. The case was before the Honorable John Gleeson. The defendant, Grigori Oudovenko, pleaded guilty and was sentenced to 27 months imprisonment.

Defendant Grigori Oudovenko - Defense Counsel were David C. Farman, 859 Concourse Village West, Bronx, NY 10451 (718) 292-8600 and Norman A. Bloch, Thompson Hine, LLP, One Chase Manhattan Plaza, 58th Floor, New York, New York 10005 (212) 344-5680.

9. *United States v. Zheng*, 99-CR-1166 (E.D.N.Y.). I represented the United States in an investigation and prosecution of fraud, specifically "shoulder surfing," and sale of stolen long distance telephone cards and numbers. The case was before the Honorable Raymond J. Dearie. The defendant, Shi Xin Zheng, pleaded guilty to 18 U.S.C. § 1029(a)(3) and was sentenced to 18 months imprisonment.

Defendant Shi Xin Zheng - Defense Counsel was Julia P. Heit, 142 East 16th Street, New York, New York 10003 (212) 477-6600.

10. *United States v. Hypolite*, 00-CR-1186 (E.D.N.Y.). I represented the United States in an investigation into illegal importation of narcotics. I worked on this case with an agent

from the United States Customs Service. The case was before the Honorable Charles P. Sifton. I include this as a typical example of the many cases that I handled with United States Customs Agents involving seizures at JFK airport. The defendant pleaded guilty to 21 U.S.C. § 863.

Defendant Andy Hypolite - Defense Counsel was Bruce McIntyre, McIntyre & Pope, 401 Broadway, Suite 1503, New York, New York 10013.

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

Work as the Assistant Secretary for Export Enforcement. As Assistant Secretary for Export Enforcement, I was responsible for managing the Commerce Department agents who investigate violations of dual use export control laws. As such, I led the Department's efforts to prevent and prosecute violations of U.S. dual-use export control laws and directed overall investigative and litigation strategy for the Export Enforcement cases. I managed nine field offices with Special Agents, supervising approximately 170 FTEs and a budget of $25 million.

On a macro level, I concluded early on that the agency was not properly prioritizing its investigations. Not all export investigations are alike, and I believed that not all investigations warranted the same level of investigative resources. After obtaining consensus from my Deputy Assistant Secretary and leadership in the field, I created the Export Case Emphasis List (X-CEL). The X-CEL list was a case privatization and tracking system. The X-CEL allowed Export Enforcement to ensure that it was focusing its efforts and limited budget on cases of the highest priority: cases involving items with potential use in chemical, biological, and/or nuclear weapons and cases involving violations where the end-users were from nations or organizations of greatest concern.

These efforts paid off. During my tenure, Export Enforcement achieved substantial results in a significant number of national security cases, such as the conviction of Dr. Thomas Butler for illegally exporting Yersinia Pestis (Bubonic Plague), the arrest of Asher Karni for conspiring to export so-called "nuclear triggers," and the first criminal convictions in a deemed export case. My personal involvement in these and other national security cases included reviewing and evaluating the evidence, directing and approving investigative techniques, prepping a witness for trial, and determining investigative strategy.

In addition to the significant criminal cases, Export Enforcement agents also pursued a large number of civil violations. We increased enforcement efforts to ensure corporate compliance with the export control rules. As a result, during my tenure, the number of administrative case completions nearly doubled, from 34 in Fiscal Year 2003 to 63 in Fiscal Year 2004. Over the same period, civil penalties increased from $4.1 million to $6.2 million. My personal involvement in the civil cases included directing and approving investigative techniques, guiding deposition strategy, reviewing and evaluating the evidence, approving temporary denial orders, and reviewing settlement parameters and agreements.

In addition, much of my legal work at the Department of Commerce directly intersected with immigration issues. For example, Export Enforcement agents were on the forefront of investigations into foreign nationals who have visas but also have improper access to sensitive technology (so called "deemed exports"). It is important to have a thorough understanding of the visa process as well as the export licensing process in order to pursue these cases successfully. During my tenure, Export Enforcement obtained the first criminal conviction in a deemed export case and obtained civil settlements in several other deemed export cases. For example, during my tenure, Export Enforcement obtained a $560,000 civil penalty from Lattice Semiconductor for their failure to obtain export licenses for five Chinese nationals who, during the course of their employment with Lattice, were brought to the United States for technical training on licensable goods.

In addition to my litigation work at Commerce, I also participated in the rulemaking process. We worked to develop

regulations that increased the transparency of the civil penalty process and thereby offered additional guidance to industry on how to comply with the law.

Work as Chief of Staff for the Criminal Division. As Chief of Staff for the Criminal Division, I assisted the Assistant Attorney General in leading and managing the Criminal Division, a component with nearly 500 prosecutors and an annual budget of more than $129 million. During that time, I provided leadership direction for all substantive and administrative aspects of the Criminal Division's mission.

Assistant Attorney General Chertoff delegated me the authority to handle many sensitive legal matters in the Division. Relevant to the ICE position, I worked closely with the new Department of Homeland Security, representing the Division in discussions regarding information sharing and other matters. I also worked closely with the Department of Treasury on terrorist financing issues. In addition, I represented the Criminal Division in planning and meetings regarding the interagency anti-smuggling center. I worked particularly closely supervising matters, people and legal issues in the following divisions: Narcotics and Dangerous Drugs; Organized Crime; Counterespionage; Asset Forfeiture and Money Laundering; Computer Crimes and Intellectual Property; and Public Integrity.

Work as Deputy Assistant Secretary for Money Laundering and Financial Crimes. As Deputy Assistant Secretary for Money Laundering and Financial Crimes in the Office of Enforcement at the Department of Treasury immediately after 9/11, I directly supervised two sections of the Office of Enforcement: the Counternarcotics Section and the International Money Laundering Section.

I worked extensively on the Department's implementation of Title III of the Patriot Act relating to money laundering, including the regulatory changes required by the Act. In addition, I worked closely with the United States Customs Service and other federal law enforcement agencies on the implementation and development of the National Money Laundering Strategy. Moreover, I supervised the Treasury Department's work on the Financial Action Task Force.

Work as an Assistant United States Attorney. As an Assistant United States Attorney (AUSA), I worked extensively with agents from the former United States Customs Service. This work ranged from simple drug and other import fraud cases to more complex smuggling investigations. For example, I worked extensively with several United States Customs Service (USCS) agents on a multi-layer smuggling investigation. This investigation started with a simple stolen car ring. We then discovered that the initial target, the owner of the import/export company where the cars were being shipped, was connected to several other criminals and criminal organizations, including an international smuggling organization. With the agent from USCS, I traveled to London to pursue investigative and financial leads on this case and worked closely with Her Majesty's Revenue and Customs (HMRC), and other foreign authorities to obtain additional evidence. After I left the U.S. Attorney's Office, the smuggling case was indicted and successfully prosecuted.

As an AUSA, I also worked on immigration cases at various stages and times. While working in the General Crimes Section of the U.S. Attorney's Office, I worked with agents from the Immigration and Naturalization Service to prosecute a number of aggravated felony removal cases, pursuant to 8 U.S.C. § 1326. For these cases, I would present the case to the grand jury and then represent the United States through the sentencing period. I do not recall how many of these cases I presented, but I think a conservative estimate would be at least five prosecutions. All of my defendants pleaded guilty before trial. I also worked on a couple of more complicated immigration cases, including one case involving some Russians running a small immigration fraud ring in Brooklyn. All the defendants pleaded guilty in this case.

Furthermore, all AUSAs in the Eastern District were required to be "the duty assistant" for certain periods. For those times, I drafted arrest warrants on simple cases and presented those cases for arraignment before a duty magistrate judge. As a duty assistant, I drafted a number of arrest warrants for aggravated felony removals, as well as a few passport fraud cases.

Finally, in my capacity as an AUSA in the Business and Securities Fraud Section, I worked on a number of large investigations and prosecutions in highly complicated cases involving white-collar crimes. The experience sharpened my skills in keeping track of complex investigations, assessing the evidentiary strength of cases, and developing the strongest possible indictments.

Work as an Associate Independent Counsel. At the Independent Counsel's Office, I worked on the Little Rock and Washington, DC, investigations. My principal work included drafting briefs and other documents, questioning a few witnesses in the grand jury, and writing memos analyzing legal questions.

Work as an Associate at Mayer, Brown & Platt. At Mayer Brown & Platt, I worked on a number of large matters. My experience included writing briefs, handling all aspects of discovery, and taking and defending depositions. I also was a key associate on two injunction hearings.

Work as a Law Clerk. As a law clerk to the Honorable C. Arlen Beam, I assisted the Judge in preparing for oral argument and drafting opinions on a wide range of cases.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

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

   As indicated on my 278, I receive an interest payment from a Myers Brothers of Kansas City, Inc., note payable to me.

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

   I will work closely with the Department Ethics Officer and the Office of Government Ethics to resolve any potential conflicts of interest and enter ethics agreements, as appropriate. More specifically, I plan to recuse myself from any matter involving Myers Brothers of Kansas City, Inc. or any company in which my husband or I own stock.

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

   No.

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

   278 Attached.

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

   Attached.

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

   No, although I volunteered for one day on the Ehrlich for Governor campaign in November 2002.

FINANCIAL STATEMENT

NET WORTH

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

ASSETS (estimated as of October 12, 2005)				LIABILITIES			
Cash on hand and in banks	142	410	00	Notes payable to banks-secured		0	
U.S. Government securities-add schedule				Notes payable to banks-unsecured		0	
Listed securities-add schedule	702	940	00	Notes payable to relatives		0	
Unlisted securities--add schedule	168	000	00	Notes payable to others		0	
Accounts and notes receivable:				Accounts and bills due (estimated) - paid off monthly	5	000	00
Due from relatives and friends		0		Unpaid income tax		0	
Due from others - see schedule	189	950	00	Other unpaid income and interest		0	
Doubtful		0		Real estate mortgages payable-add schedule	263	000	00
Real estate owned-add schedule	500	000	00	Chattel mortgages and other liens payable		0	
Real estate mortgages receivable		0		Other debts-itemize:		0	
Autos and other personal property	72	000	00	Stock Calls (see attached schedule)	2	220	00
Cash value-life insurance		330	00				
Other assets itemize:		0					
				Total liabilities	270	220	00
				Net Worth	1505	410	00
Total Assets	1775	630	00	Total liabilities and net worth			
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor	No			Are any assets pledged? (Add schedule - see stock calls)	Yes		
On leases or contracts	No			Are you defendant in any suits or legal actions?	No		
Legal Claims	No			Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax	No						
Other special debt	No						

Schedules for Net Worth Statement (Estimates as of October 12, 2005)

Listed Securities			
Vanguard 500 Index Fund	21	870	00
Vanguard Total Stock Market Index Inv.	12	460	00
Janus Mercury Fund	11	010	00
Thrift Savings Plan – Julie Myers	114	000	00
Thrift Savings Plan – John Wood	48	340	00
Roth IRA – Vanguard 500 Index Fund Investment	13	280	00
Roth IRA – Vanguard European Stock Index Fund	8	640	00
Roth IRA – Vanguard Total Stock Market Index Investment	8	150	00
Roth IRA – Vanguard Total Bond Market Index Fund Investment	9	500	00
Vanguard Tax Exempt Money Market Fund	8	120	00
Vanguard Retirement 2035 – IRA	3	050	00
American Century Investments IRA – Vista Fund	17	720	00
American Century Investments IRA – Heritage Fund	17	510	00
Carnival Corporation (CCL) Stock	14	740	00
Deerfield Triarc Capital (DFR) Stock	27	420	00
Home Depot Inc. (HD) Stock	15	210	00
Irwin Financial Corporation (IFC) Stock	10	280	00
Talx Corporation (TALX) Stock	16	800	00
Tortoise Energy Cap Corp (TYY) Stock	24	540	00
Flagstar Bancorp Inc. (FBC) Stock	14	840	00
Garmin Ltd Reg Shs (GRMN) Stock	13	110	00
Harley Davidson Inc. (HDI) Stock	13	320	00
Home Depot Inc. (HD) Stock	15	210	00
JOS A. Bank Clothiers Inc. (JOSB) Stock	25	060	00
Pfizer Incorporated (PFE) Stock	9	780	00
Pimco Corporate Opportunity Fund (PTY) Stock	68	880	00
Quest Diagnostics Inc. (DGX) Stock	19	740	00
Talx Corporation (TALX) Stock	50	390	00
Tejon Ranch Co. (TRC) Stock	18	220	00
United Health Group Inc. (UNH) Stock	16	760	00
Vanguard Windsor II Fund (Kirkland & Ellis 401k)	11	090	00
Vanguard Primecap Fund (Kirkland & Ellis 401k)	9	040	00
Vanguard Explorer Fund (Kirkland & Ellis 401k)	11	720	00
Vanguard Int'l Value Fund (Kirkland & Ellis 401k)	1	720	00
Vanguard Int'l Growth Fund (Kirkland & Ellis 401k)	1	420	00
Unlisted Securities – Schedule			
Myers Brothers of Kansas City, Inc. Stock (automotive industrial equipment sales and service) (not publicly traded)	168	000	00

Real Estate Owned - Schedule			
Townhouse in Arlington, 1053 N. Stafford Street (estimated value)	500	000	00

Liabilities

Real Estate Mortgages Payable			
Mortgage on townhouse, 1053 N. Stafford Street	263	000	00
Misc. Liabilities – Stock Calls			
JOS A Bank Clothiers Inc (QZS JK) Call	(-	60	00)
Garmin Ltd Reg. Shs Call (GQRJK) Call	(-2	160	00)

III. GENERAL (PUBLIC)

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

   During the time that I was an associate at Mayer, Brown & Platt, from 1995 through 1997, I participated in the Mayer Brown pro bono program and did small amounts of pro bono work on particular cases. I would estimate that I spent less than 10% of my time on pro bono work.

   From January 1998 through November 2004, I was a government employee and represented the United States.

   During 2002 and 2003, I served as a mentor for a young teenager at Thurgood Marshall High School, a DC charter school for kids who are interested in the legal profession.

2. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion. Do you currently belong, or have you belonged, to any organization which discriminates -- through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies?

   No.

3. Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, did it recommend your nomination? Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and interviews in which you participated).

   Not applicable.

4. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking how you would rule on such case, issue,or question? If so, please explain fully.

Not applicable.

5. Please discuss your views on the following criticism involving "judicial activism."

The role of the Federal judiciary within the Federal government, and within society generally, has become the subject of increasing controversy in recent years. It has become the target of both popular and academic criticism that alleges that the judicial branch has usurped-many of the prerogatives of other branches and levels of government.

Some of the characteristics of this judicial activism have been said to include:

a. A tendency by the judiciary toward problem-solution rather than grievance-resolution;

b. A tendency by the judiciary to employ the individual plaintiff as a vehicle for the imposition of far-reaching orders extending to broad classes of individuals;

c. A tendency by the judiciary to impose broad, affirmative duties upon governments and society;

d. A tendency by the judiciary toward loosening jurisdictional requirements such as standing and ripeness; and

e. A tendency by the judiciary to impose itself upon other institutions in the manner of an administrator with continuing oversight responsibilities.

Not applicable.

AFFIDAVIT

I, Julie Lyn Myers, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

Oct. 13, 2005
(DATE)

Julie Myers
(NAME)

(NOTARY)
Notary Public for the District of Columbia
Comm. expires 1/31/2006

Senator CORNYN. Thank you, Ms. Myers.

Dr. Gonzalez?

STATEMENT OF EMILIO GONZALEZ, NOMINEE TO BE DIRECTOR OF THE BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY

Mr. GONZALEZ. Thank you, Senator Cornyn.

I would like to thank Chairman Specter, Ranking Member Leahy, and other members of the Committee for allowing me the opportunity to appear before you today as you consider the President's nomination of me to be the next Director of the U.S. Citizenship and Immigration Services. And I also want to thank you for affording me such an expeditious hearing date. In addition, I would like to thank President Bush and Secretary Chertoff for the trust and confidence that they have placed in me to lead U.S. CIS.

I would also like to acknowledge and thank my wife of 27 years, Gloria, and my daughters Gloria and Victoria, who flew up from Florida to be with me today.

I also want to thank Senator Mel Martinez and Ileana Ros-Lehtinen for their kind introductions. Both are dear friends who have served this great Nation with honor and distinction, and their public praise, particularly in this special setting, means more to me than they will ever know.

I am humbled by the opportunity to be here, in part because I am a product of the U.S. immigration system. My parents came to this country in 1961 fleeing the horrors of Fidel Castro's rule in Cuba. Immigration is not new to my family. My grandfather left his home in Spain in the early 1900's, so therefore I am the third generation of my family to have lived in as many countries.

My parents arrived in Tampa, Florida, with little more than the clothes on their backs but with high hopes for a better future for their then-7-year-old daughter and 4-year-old son—a son who sits before you today. I am and always will be an immigrant, an American not by birth but by choice. For me, the President's nomination to be Director of U.S. CIS is more than just an honor. It is an opportunity to return to a life dedicated to public service that began when I was 20 years old and commissioned as 2nd lieutenant in the United States Army. For almost three decades I served in a variety of roles that included troop leader, staff officer, intelligence analyst, intelligence collector, instructor, military attache, personnel manager, regional specialist and policy advisor. I later served on the President's National Security Council.

Should I be confirmed, I would look forward to bringing my leadership skills, understanding of national security, and my own personal immigrant experience to bear on the issues that lay before U.S. CIS and the Department of Homeland Security.

For the sake of brevity, I will end it here, Senator, and I will submit the remainder of my remarks for the record.

Senator CORNYN. Without objection.

[The biographical information of Mr. Gonzalez follows.]

I. BIOGRAPHICAL INFORMATION (PUBLIC)

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

My full legal name is Emilio Tomas Gonzalez.

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

Home Address:

228 Southwest 30th Road
Miami, FL 33129

Business Address:
Tew Cardenas LLP
One Metro Center Building
700 12th Street, N.W.
Suite 1150
Washington, D.C. 20005

3. Date and place of birth:

Dec. 21, 1956, Havana,Cuba.

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

Married. My spouse's name is Gloria A. Gonzalez (Maiden Name: Aristigueta). She is a teacher but not currently employed.

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

University of Southern Florida, 1974-77, B.A., International Studies 1977
Tulane University, 1985-86, M.A., Latin American Studies,1986
United States Naval War College, 1993-94, M.A., National Security and Strategic Studies, 1994
University of Miami, 1994-1997, PhD, International Relations 1997

6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other

enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

1977-2003-U.S. Army

2003-Present-Tew Cardenas, LLP.

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

Yes, I was a member of the U.S. Army from 1977 until 2003 when I retired as a full Colonel. I received an honorable discharge and my serial number is 267-25-2095.

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

Honorary Memberships: Phi Sigma Iota, The National Foreign Language Honor Society (US Military Academy Chapter) Alpha Sigma Lambda: The Honor Society of Graduate and Professional School Students

Awards and Decorations:

United States:
Superior Service Medal
Defense Meritorious Service Medal (2OLC) Meritorious Service Medal (2OLC) Joint Service Commendation Medal Army Commendation Medal Humanitarian Service Medal Armed Forces Expeditionary Medal Armed Forces Reserve Medal National Defense Service Medal Basic Parachutist Badge

El Salvador: Gold Medal for Military Merit
Mexico: Order of Military Merit, Order of Naval Merit
Colombia: Order of Jose Maria Cordoba, Order of Nariño, (rank of Commander)
Panama: Order of Arnulfo Arias (grade of Commander)
Dominican Republic: Order of Christopher Columbus, (Grade of Commander)
Honduras: Order of Military Merit

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

None.

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

I am a member of the following:

Order of Malta (SMOM)
2950 S.W. 27th Avenue
Ste. 300
Miami, FL 33131

Cuban American Veterans Association (CAVA) (Resigned)
P.O. Box 140305
Coral Gables, FL 33114

Cuban American National Council (CNC) (Resigned)
1223 S.W. 4th Street
Miami, FL 33135

Florida Association of Volunteer Agencies
for the Caribbean and the Americas (FAVACA) (Resigned)
1330 S.W. 22nd Street
Suite 207
Miami, FL 33145

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

Not Applicable.

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

I authored a Doctoral Dissertation titled *Obedecer y Cumplir*: Professional Development and Institutional Reform within the Salvadoran Armed Forces, December 1997, University of Miami. Not published.

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

    Excellent. (Within the last year).

14. Judicial Office: State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

    Not Applicable.

15. Citations: If you are or have been a judge, provide: (1) citations for the ten most significant opinions you have written; (2) a short summary of and citations for all appellate opinions where your decisions were reversed or where your judgment was affirmed with significant criticism of your substantive or procedural rulings; and (3) citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, please provide copies of the opinions.

    Not Applicable.

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

    Not Applicable.

17. Legal Career:

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

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

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

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

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

Not Applicable.

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

Not Applicable.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

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

   I do not anticipate receiving any deferred income receipts or future benefits from any source for services rendered.

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

   I do not anticipate any potential conflicts of interest. However I will work closely with the Department's Designated Agency Ethics Official (DAEO) to identify any potential areas of concern.

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

   None.

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

   Copy of financial disclosure form will be provided by the Office of Government Ethics.

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

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

   Media Surrogate, 2004 Bush-Cheney Campaign.

FINANCIAL STATEMENT
NET WORTH

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

ASSETS		LIABILITIES	
Cash on hand and in banks	$135,000	Notes payable to banks-secured	None
U.S. Government securities-add schedule	N/A	Notes payable to banks-unsecured	None
Listed securities-add schedule	N/A	Notes payable to relatives	None
Unlisted securities--add schedule	N/A	Notes payable to others	None
Accounts and notes receivable:	None	Accounts and bills due	$7,000
Due from relatives and friends	None	Unpaid income tax	None
Due from others	None	Other unpaid income and interest	None
Doubtful	N/A	Real estate mortgages payable-add schedule	$185,000
Real estate owned-add schedule	$600,000 market value	Chattel mortgages and other liens payable	None
Real estate mortgages receivable	None	Other debts-itemize:	
Autos and other personal property	$6,000	Credit Cards	$10,000
Cash value-life insurance	$750,000		
Other assets itemize:			
IRAs	$120,000		
401k	$56,000		
		Total liabilities	$202,000
		Net Worth	$1,465,000
Total Assets	$1,667,000	Total liabilities and net worth	$1,667,000
CONTINGENT LIABILITIES		GENERAL INFORMATION	
As endorser, comaker or guarantor	None	Are any assets pledged? (Add schedule)	None
On leases or contracts	None	Are you defendant in any suits or legal actions?	No
Legal Claims	None	Have you ever taken bankruptcy?	No
Provision for Federal Income Tax	None		
Other special debt	None		

III. GENERAL (PUBLIC)

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

   Not Applicable.

2. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion. Do you currently belong, or have you belonged, to any organization which discriminates -- through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies?

   Not Applicable.

3. Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, did it recommend your nomination? Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and interviews in which you participated).

   Not Applicable.

4. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking how you would rule on such case, issue,or question? If so, please explain fully.

   Not Applicable.

5. Please discuss your views on the following criticism involving "judicial activism."

The role of the Federal judiciary within the Federal government, and within society generally, has become the subject of increasing controversy in recent years. It has become the target of both popular and academic criticism that alleges that the judicial branch has usurped-many of the prerogatives of other branches and levels of government.

Some of the characteristics of this judicial activism have been said to include:

a. A tendency by the judiciary toward problem-solution rather than grievance-resolution;

b. A tendency by the judiciary to employ the individual plaintiff as a vehicle for the imposition of far-reaching orders extending to broad classes of individuals;

c. A tendency by the judiciary to impose broad, affirmative duties upon governments and society;

d. A tendency by the judiciary toward loosening jurisdictional requirements such as standing and ripeness; and

e. A tendency by the judiciary to impose itself upon other institutions in the manner of an administrator with continuing oversight responsibilities.

Not applicable.

AFFIDAVIT

I, EMILIO TOMAS GONZALEZ, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

October 13, 2005
(DATE)

(NAME)

Janice M. McKutchin
(NOTARY)

District of Columbia : SS
Subscribed and Sworn to before me, in my presence,
this 13 day of October, 2005
Janice M. McKutchin
Notary Public, D.C.
My commission expires August 14, 2009

Janice M. McKutchin
Notary Public, District of Columbia
My Commission Expires 8-14-2009

Senator CORNYN. Very good. We will proceed now with the rounds of questioning, although given the fact that there are only two of us here, we will take a little bit of liberty with that. As I always tell nominees, the fact that we don't have a full phalanx of Senators up here is not necessarily bad news. Some might regard it as good news.

But let me begin first with Ms. Myers, we have heard an awful lot of testimony, and you alluded to it in your comments, about the expedited removal program, this morning from Secretary Chertoff. I was delighted to hear him say that it had to end—the catch-and-release program, that is—and that we had to make sure that the deterrence effect of expedited removal was real.

So I would like to hear from you. We have gone from roughly 90 days through the ordinary process down to in the 30's, but we still have 20 days just for giving the proper travel documentation and other what I would call more bureaucratic requirements. Do you have any suggestions for us or any thoughts on how we can reduce that time even further to a shorter period of time so that the threat of detention and removal is a real deterrent?

Ms. MYERS. Thank you, Senator Cornyn, for that question. I certainly agree with your sentiment that the threat of detention and removal should not be a threat, it should be something that we are actually able to enforce. When we detain someone, we should be able to remove them at the end of the day.

In terms of cutting down that time period, I think it is important to look at the business cycle of removal and look at where are there choke points, where are we as the U.S. Government, ICE, the Border Patrol, other points, taking too long in doing our parts of the job, and where are our other partners in the system, such as foreign governments, taking too long or taking too many days to respond to certain requests.

I think that the Department's first look at streamlining this has some good potential for progress. One of the things that they are doing is looking into video conferencing. Many countries require an in-person interview with a consular officer before they will issue travel documents. Can we do this interview on video conferencing? I am pleased to say that Honduras has agreed to video conferencing. That can significantly cut down the amount of delay.

Obviously, video conferencing cannot be it alone. We need to look at every single piece, every single place along the way and search for improvements there.

I would like to just add that I don't think expedited removal can handle this alone. In instances where we will have to release individuals, we should look for alternatives to detention that actually work. We should take a look at the intensive supervision appearance programs, electronic monitoring, or other methods. And finally, we should look at what are the incentives and disincentives for people to abscond if they are released. I think if we looked comprehensively at our bond situation, that might be an area we could improve. If people knew that if they absconded they would be removed back home very quickly if they were caught, that might be an area we could also improve upon.

Senator CORNYN. Ms. Myers, I know that management experience is one important qualification for the position that you have

been nominated to. You have quite an accomplished resume and you have held several high-profile and important positions, and it appears you have excelled in all of them.

Ms. MYERS. Thank you, Senator.

Senator CORNYN. But can you assure the Committee that you have the experience necessary to take on a job of this magnitude with the responsibility for such a large part of our law enforcement efforts at the Department of Homeland Security?

Ms. MYERS. Absolutely, Senator, I can assure you that my experience qualifies me for this job. First, in terms of law enforcement experience, I have had the opportunity to manage a nationwide law enforcement agency—not only any law enforcement agency, but one that dealt with sophisticated cases, in fact, enforcing a form of border security, our export control laws.

In addition to my work at the Commerce Department, when I served as chief of staff to Secretary Chertoff, I had the opportunity there to manage very sophisticated cases and show the kind of judgment and skill that is needed in order for ICE—

Hello, there, Ranking Member Leahy. I appreciate hosting this Committee on my behalf and on behalf of the other nominees.

While I was serving as chief of staff for Secretary Chertoff, I had the ability to manage a large number of sections in the Criminal Division and to move the agenda forward, and to do this in a short time. I am someone that, when put in place, will find out what consensus is, find out what the agenda needs to be, and achieve results. I have done that at the Commerce Department, at the Justice Department, at the Treasury Department, and I was successful as an AUSA. If confirmed as Assistant Secretary for ICE, I would do the same thing there.

But management experience alone is not enough. One of the additional reasons that I should be confirmed as Assistant Secretary is my vision for the Agency, as described previously in my opening statement, and I would be happy to answer any additional questions you have about that.

Senator CORNYN. Well, thank you very much. There will be some, I am sure, some additional rounds, since 5 minutes goes by very quickly. So we will come back for additional—I will have additional questions of Mr. O'Gara and Dr. Gonzalez.

At this time, I will turn to our distinguished Ranking Member, Senator Leahy.

Senator LEAHY. Thank you, Mr. Chairman. It has been a tad busy today. We are trying to work out a schedule for another major nomination in the next few weeks or months. I was thinking of that when I saw your name, Ms. Myers, but your name is spelled differently.

Let me ask you about the Law Enforcement Support Center. I am sure you expected that I would ask a question about LESC. It started off as a pilot project in one county in Arizona and now it fields more than a half million calls annually from law enforcement officers around the Nation seeking information about the legal status of immigrants. It is manned 7 days a week, 24 hours a day. The reason, Mr. Chairman, that I am somewhat interested in this, is that it is located in—

Senator CORNYN. Vermont.

Senator LEAHY. Yes.

ICE has assigned the LESC to work on the Absconder Apprehension Initiative, tracking down the aliens who have been ordered to leave the country, but fled instead. Operation Predator, focused on alien sex offenders issued 16,000 detainers last year. The government is trying to cross-link LESC with NCIC at the FBI. How do you envision using the LESC?

Ms. MYERS. Thank you, Senator, for that question. I agree with you that LESC has really been one of the great successes in ICE's short history. As you mentioned, it has answered more than 500,000 calls in the past year alone. I think that LESC has been effective as serving as a major point of contact, but I think we can really expand it working, for example, through the new Fugitive Operations Support Center, which is proposed and we hope to be fully up and running by the end of calendar year 2005.

If confirmed, I would work to ensure that the LESC, as well as the Fugitive Operations Support Center, get all the support that they need and are known as a single point of contact to State and locals throughout the country. They should know where to call, who to contact, and know that they can reach someone on the other end of the line.

Senator LEAHY. Thank you.

Dr. Gonzalez, I look at your record in public service, including your 25 years in the military. I am looking for expertise in immigration matters. When did you work in the White House with the National Security Council?

Mr. GONZALEZ. Sir, that was in 2002 and 2003.

Senator LEAHY. Were you on detail from the Army?

Mr. GONZALEZ. I was, sir.

Senator LEAHY. The Web site of your current employer states you were the Director for Western Hemisphere Affairs at the National Security Council. What were the responsibilities in that position?

Mr. GONZALEZ. Sir, I had the responsibilities for—the way we were divided up is geographically and functionally. So I had responsibilities for Central America, the Caribbean, and I also had functional responsibilities for defense issues and also immigration issues, matters such as temporary worker status, planned/unplanned migrations, particularly Haiti, Cuba.

Senator LEAHY. Is that the sum of your immigration experience?

Mr. GONZALEZ. Sir, my immigration experience—from your perspective, that would be it. My immigration experience happens to be the fact that I am a product of the U.S. immigration system. So not only do I bring my personal story to bear on this position should I be confirmed, but also the fact that I have 30 years of progressive management experience throughout my career. I am not an immigration attorney, no, sir.

Senator LEAHY. I was going to say my maternal grandparents emigrated here from Italy not speaking any English, but I don't consider myself an expert in handling the Immigration Service. I will have other questions for you, especially about the St. Albans Service Center that I am sure you are aware of, and what they have done to reduce backlogs and to make other improvements. I hope that you would work closely with them to ensure that those improvements continue.

Mr. GONZALEZ. Sir, I can tell you that in all the briefings that I have been—I don't want to say "subjected to," but that I have had, only the highest comments have been made about the service centers in Vermont. And if confirmed, I look forward to visiting there.

Senator LEAHY. I will go with you.

Mr. GONZALEZ. Yes, sir. It would be my pleasure.

Senator LEAHY. Thank you.

Senator CORNYN. Senator Coburn, if you have any questions?

Senator COBURN. I do. I had some confusion about the scheduling that we had arranged. Are we needing to do that or not?

Senator CORNYN. My conflict has not yet arisen, so we will play that by ear.

Senator COBURN. Thank you very much.

Well, I don't have any questions for Ms. Myers. She came before the Homeland Security Committee and I chaired the Subcommittee that had that. So I will direct most of my questions to Dr. Gonzalez and Mr. O'Gara.

I am really interested in Plan Colombia and what it has really accomplished. It has been a tremendous cost to this country. Can you kind of summarize what the American taxpayer has gotten for Plan Colombia?

Mr. O'GARA. Thank you, Senator. I think we have gotten a tremendous amount. The Plan Colombia, which has received tremendous support from bipartisan majorities in the Congress on both sides of the Capitol, has done a number of things in Colombia—which I will come back to in a minute—because our charge from the President on down has been to focus on the narcotics piece.

In 2001, the last full year before President Uribe took office, Colombia produced over 900 metric tons of export quality cocaine, mostly destined for export to the U.S. Through an aggressive program involving the Department of State, obviously the Colombia national police and the military in the lead, and the United States Agency for International Development, we have been able to reduce that through an aggressive eradication program to just over 500 tons. That is about a 33 percent reduction in four years.

Another positive development as a result of Plan Colombia has been the ability to finance interdiction efforts off the north coast and the Pacific coast of Colombia, which have interdicted increasing amount sort of cocaine bound for the U.S. Of that 515, roughly, tons available for export last year, we seized 248 tons en route to the United States. And that is seizures in Colombia, off the coast of Colombia, and in the Transit Zone.

So we have had, I think, tremendous success, and a lot of it, frankly, has been the dedication and aggressiveness of the Uribe administration, which has really taken this mission very seriously.

Senator COBURN. Is there a balloon effect to the other countries that neighbor Colombia, and what are we doing about that?

Mr. O'GARA. Well, that is an excellent question. I mean, the balloon effect—and Senator Biden has talked about this at length—is something we need to be very mindful of. The balloon effect, obviously, being when you push down somewhere, it pops up somewhere else. The neighboring cocaine-producer countries of Bolivia and Peru produce, respectively, on the order of 100 and 165 metric

tons of cocaine a year. And we've been able to keep that relatively stable. I think Peru was down a little bit last year, Bolivia was up a little bit. Ninety-nine percent of Bolivia's cocaine doesn't come to the U.S. market, and in the case of Peru it is only about 16 percent, so we have been able to, I think, protect our market from being accessed by those.

We have to be very careful. We have seen evidence of Mexican trafficking groups making inroads into the Peruvian market. We need to keep on top of that. But so far, so good.

Senator COBURN. One followup question. One of my concerns is we spend a lot of money in interdiction and stopping the flow of drugs, but we don't spend the same amount of money in terms of drug treatment programs. One of the ways you stop demand for drugs is to get people off drugs, and one of the things that I would like to see us doing—I would like to see more emphasis placed by the administration, is that we know very well-run drug treatment centers free about 65 to 70 percent of the people for life from their drug addiction. And, you know, one of the ways to decrease demand is to do that.

What are your thoughts on drug treatment as a component of decreasing the demand for the product that you are trying to destroy?

Mr. O'GARA. Absolutely. I mean, we see it as a virtual circle, where drug treatment reduces the demand and therefore the impulse of the American drug consumer to bring the drugs into the country, law enforcement can make drug treatment work better by referring people to mandatory treatment through drug courts, interdiction makes the drug more expensive and makes it harder for people to use as much as they want. So we think that they all work together. The President's request for fiscal year 2006 contained—I want to say 23 percent drug treatment. It was probably the second-biggest single element of that, including the access to recovery initiative, which is $100 million, to give access to community, faith-based, and other groups to provide drug treatment services.

But you are absolutely right. Drug treatment is a key element of a successful strategy, and one that is balanced.

Senator COBURN. Mr. Chairman, I will yield back for another round, if we have it.

Senator CORNYN. Mr. O'Gara, let me ask you about the connection between illegal drug trafficking and terror. As I have looked more and more into human smuggling and that sort of organized crime activity that we know occurs south of our border but literally internationally, I have been impressed with the fact—or should say, maybe, depressed—with the fact that, more and more, these organized crime syndicates are really just concerned about making money. And they will smuggle drugs, they will traffic in people, they will traffic in weapons and the like.

Can you enlighten us any about the connection that you have observed between illegal drug trafficking and terror?

Mr. O'GARA. Mr. Chairman, indeed there is a connection. It varies. I think the Department of State identifies 40 listed FTOs at this time. Our last scrub identified 12 of them, which had some significant role in either producing drugs, guarding cultivation, traffic, and so forth. The connection is perhaps clearest in Colombia, where

you have three foreign terrorist organization groups, the ELN, the FARC, and the AUC. All of them are heavily involved in the drug trade—cultivating, monitoring cultivation and processing, in some cases even off-continent distribution of those drugs.

With respect to the FARC, I think the U.S. Government supports the efforts of the Colombian Government to target and marginalize and take back Colombia. One of the ways we have done that—and I don't think anybody really saw this coming—was, frankly, by hitting them in the pocketbook as aggressively as we have. We have cost them hundreds of millions of dollars annually in drug revenues. Similar with the AUC and similarly with the ELN.

In terms of other terrorist groups, there have been linkages that have been frightening to many. Certainly the al Qaeda-affiliated group that perpetrated the Madrid bombings, they made their money by selling hashish. So it comes in different forms and contexts.

Senator CORNYN. Thank you. I will have some other questions in writing for Ms. Myers and Mr. O'Gara, and I just have a couple of questions for Dr. Gonzalez and then I am going to turn the gavel over to Senator Coburn.

Dr. Gonzalez, what steps do you plan to implement, if confirmed, that will achieve the President's goal of 6-month processing times for all immigration benefit applications?

Mr. GONZALEZ. Thank you for the question, sir.

The backlog reduction which you are talking about is obviously something that is key to everybody that works in U.S. CIS. And I think we can safely say that so far the backlog reduction has been a good-news story. We are not where we need to be, we need to work harder to get to the President's stated goal, but at the same time I think that the accomplishments to date have been noteworthy. Personnel have already been shifted to locations that have the greatest influx of documents, resources have been dedicated, new technologies are coming online soon, which will help facilitate, create efficiencies.

But at the same time, sir, as much as everybody wants to talk about backlog reduction and everybody wants to achieve that as an end state because the 6-month period, I think, is a fair and acceptable period, I don't think we want to do that at the expense of security. And I think we need to balance good customer service, letting an individual, a client who submits his paperwork, have a feeling about how long it is going to take. And I think that is a fair request of a client.

But at the same time, there is a national security imperative, and I would just as soon come here at a future date to have to explain to you why we did not meet a particular target because there were Homeland Security imperatives than have to come here and explain to you why we naturalized somebody that we shouldn't have, or why we adjudicated in a positive way somebody that was unworthy of that benefit.

Senator CORNYN. I appreciate your answer, but you realize that Congress is getting ready to make a hard job probably even more difficult.

Mr. GONZALEZ. Yes, sir.

Senator CORNYN. If we take the 10 or 11 million people who are currently living here out-of-status, who come here in violation of our laws, and if we create some legal mechanism for a temporary worker program and have to some way—and I don't know exactly how we are going to do it yet—transition that population out of the shadows into the mainstream of American life, and obviously all without granting amnesty, you are going to have a huge challenge, not just dealing with the current population that you have to deal with in terms of immigration applications, benefit applications, but obviously a tremendous challenge in terms of trying to correct what I think is a lack of attention that this country, and particularly the Federal Government, has historically given to this immigration problem, which has now risen to crisis proportions.

I am not going to ask you for a definitive answer on how you are going to do that today, but I will ask you to respond to a question I will submit to you in writing that I would like to get the benefit of your thoughts in that regard.

I will turn the gavel now over to Senator Coburn.

Senator COBURN. (presiding) I just have a couple of questions.

With unanimous consent we will enter into the record a statement by Senator Pat Roberts in terms of the support of Julie Myers.

I also would note that the record will be left open for 1 week for written questions by other members of the Committee or other Senators. It will close next Tuesday, the 25th, at 5 p.m.

Dr. Gonzalez, you were asked a minute ago—or it was implied you weren't an attorney. I think that is great. Being a physician myself, I like to see something besides attorneys in some of our positions.

Mr. GONZALEZ. So do I, sir.

Senator COBURN. I don't think it is necessarily a deficit. And that is not to reflect negatively on attorneys. I love my son-in-law.

What challenges do you see in front of the Bureau of Citizenship and Immigration Services in the future? You are looking at this. If confirmed, you are going to have to measure and assess those challenges. What do you see as those challenges, and what are your answers to them?

Mr. GONZALEZ. Sir, in no priority, but some priority, I think we just discussed the backlog reduction. I think that is a key challenge across the board. But I don't want at least people in U.S. CIS at some point to feel that that is what it is all about, that we are only here to do backlog reduction and we are not here to do other things or we are not concerned with other matters.

Again, the backlog reduction is being addressed. Resources and technologies are being dedicated. We hope to get there by the end of September of next year. If confirmed, I will be tracking that progress regularly just to make sure that we not only get there, but we get there the right way. And we don't need to sacrifice national security just to be expedient. I think we can do both and we should do both, and we should hold ourselves to that standard.

Another would be IT modernization and transformation. Quite frankly, from what I have been exposed to, the IT systems at U.S. CIS are very, very antiquated. In addition to what the Senator just said before he left, if you layer on top of that some kind of tem-

porary worker program, I don't think the systems—in fact, I know the systems that exist right now wouldn't be able to handle it. So as a result, getting the right technology, using the very best technology available to be able to capture all that information for whatever piece of this temporary worker program is allotted to U.S. CIS, I think, is important. Again, that is being addressed as we speak, although obviously, when you are talking about IT modernization, it is a very expensive situation to have to undertake. But that having been said, it is a priority for me and a concern which I will follow up, if confirmed.

The other thing I would like to also address is fraud detection. U.S. CIS has fraud detection capabilities, and I think it is incumbent on all of us as professionals—and again, I come from a national security background—I think we should service customers that come to us in a dignified and honorable way. For many of these people, U.S. CIS is the first real face of American bureaucracy that they experience. In fact, most people that come to this country are fleeing oppressive bureaucracies somewhere else. So I think it is incumbent on us to have a very, very professional staff.

But just like I would require the staff at U.S. CIS to handle themselves with decorum and integrity, I think I would also require clients to handle themselves the same way, with making sure that the documentation that they give is correct; if it is not correct, to produce a correct document; if it is a fraudulent document, to do what we need to do at that point. But again, I want to not just emphasize customer service, but I want to emphasize the national security aspect of the mission that U.S. CIS has.

And the other has to do with the temporary worker program. Whatever comes down the pike in whatever fashion, shape, form, label, whatever we want to call it, if there is a piece—which I will be—for U.S. CIS, we need to start preparing for that now, as opposed to waiting four, five, six, 7 months from now.

Senator COBURN. All right, thank you. You might be surprised to learn that in 2004 the Federal Government spent $66 billion on IT. And we don't have what we should to show for it. So I will promise you that you will get to come before the Federal Financial Management Committee in terms of how you spend your money on IT—which happens to be my Subcommittee—so we can make sure that we get our value for what we are spending on that.

Mr. GONZALEZ. Yes, sir.

Senator COBURN. And I think your comments in terms of starting to plan now for some type of way on a temporary worker program, it is incumbent so that you will be ready when the changes—The changes are coming. The Congress is going to do it, the American people demand it, it is going to happen. We are going to control the border. We are going to repatriate those people to their home countries who are here illegally, and then we are going to work out something for those positions in our country that can't be filled by American workers, the opportunity for others to come here and work.

Mr. GONZALEZ. And we would hope to position U.S. CIS to be able to undertake whatever missions Congress sets out for us. Again, whatever piece of that pie will go to U.S. CIS, we want to be ready.

Senator CORNYN. All right. Thank you.

I have no additional questions. We have no other members here. The record will be left open until Tuesday, the 25th, at 5 p.m.

I thank each of our nominees for being before the Committee and I look forward to working with you in the future.

The hearing is adjourned.

[Whereupon, at 3:19 p.m., the Committee was adjourned.]

[Questions and answers and submissions for the record follow.]

QUESTIONS AND ANSWERS

Senator Joseph R. Biden, Jr.
Questions for James O'Gara
Nominee to be Deputy Director of Supply Reduction
at the Office of National Drug Control Policy

Note: I would enjoy the opportunity to discuss any of these questions in greater detail with the Senator or his staff, and look forward to continuing an active dialogue on drug policy.

1. As the principal author of the national drug control strategy for the past four years, you have been charged with summarizing the nation's drug problem and explaining our national strategy to confront it. One of the principle criticisms of the strategies that you have written is that there was no real consultation process with law enforcement, prevention, and treatment groups about the formulation of the strategy, beyond the boilerplate letter that the Director sends out every year soliciting views and that the document does not really reflect the problems that are out there. For example, it wasn't until the 2005 strategy that you mentioned methamphetamine, despite the fact that the drug had been, and still is, wreaking havoc in communities across the country.

> Why is it that you waited until 2005 to address the methamphetamine crisis in this country in a document that is supposed to be a snapshot of the drug problem and efforts to address it?

A. ONDCP has been engaged on the methamphetamine issue. The National Drug Control Strategy has an entire section dedicated to Targeting Synthetic Drugs, with a focus on methamphetamine. It discusses the success of declining U.S. superlabs, but also the new challenge of increasing amounts of meth from beyond our borders.

The Strategy has certainly evolved in discussing methamphetamine and that is in large part due to extensive consultations with States and Members of Congress. In 2004, it took a new focus on Synthetic Drugs, particularly methamphetamine and the dangers associated with its production in small toxic laboratories. The Strategy took on the geographical spread of meth from West to East as well as the need for international and domestic law enforcement mechanisms and regulatory controls.

> Do you agree with Attorney General Gonzales that there is a methamphetamine epidemic in this country, and, if so, why has ONDCP not reacted accordingly?

A. The rise of methamphetamine consumption in the United States over the past decade is characteristic of an epidemic. We have seen the rise of superlabs run by foreign trafficking organizations operating within our borders and watched the rapid spread of methamphetamine across the country through the proliferation of small clandestine laboratories which have a broad impact beyond just the drug user. From 2002 through 2004, more than 49,000 small clandestine laboratories were discovered and seized in the United States. Additionally, the number of new

methamphetamine users continued to rise during the last decade. Today, approximately 583,000 Americans that are current users (defined as used in the past 30 days) of methamphetamine.

This is not, however, a problem that defies solution. Federal law enforcement efforts principally by the Drug Enforcement Administration working with the Royal Canadian Mounted Police have caused domestic shortages of pseudoephedrine, prompting in turn a dramatic decrease in "superlabs" in America. We are seeing the first indications of sustained reductions in small clandestine laboratories, and youth methamphetamine use is down 25 percent over three years. More still needs to be done. If confirmed, my focus will be on stopping the methamphetamine produced outside of our borders, to take some of the burden off of our domestic law enforcement agencies.

Currently, DEA personnel are working closely with vetted Mexican Law Enforcement Units to investigate and destroy methamphetamine labs as well as interdict precursor chemicals (essential elements needed for manufacturing) and finished methamphetamine products. DEA, Mexican, and Hong Kong law enforcement authorities have successfully coordinated tri-lateral enforcement operations that have netted over 68 million pseudoephedrine tablets destined for Mexico; a leading U.S. drug company operating in Mexico agreed to reduce its import quota request by 70 percent; and the U.S. is working with COPREFIS, the cognizant Mexican authority, to receive pre-export notification of chemical shipments from China, particularly those shipments going through Hong Kong.

2. A National Association of Counties survey found that 58 percent of its 500 responding counties reported that methamphetamine was their largest drug problem and 88 percent report an increase in meth-related arrests over 5 years ago. In fact, the increased presence of meth has exacerbated the workload of 82 percent of responding counties' law enforcement. Specifically, 52 percent said they have to pay more overtime, while 13 percent have changed officers' work assignments to accommodate increased policing needs, and 11 percent say they are assigning officers to longer shifts to address the growing crisis.

> Given the scope of the problem and the effect that it has had on communities across this country, why has ONDCP not taken more of a leadership role on helping State and local law enforcement and other officials to deal with the spread of this drug?

A. ONDCP has provided both operational and policy support to State and local law enforcement to help address the methamphetamine threat in the United States, including but not limited to:

- Oversight of the High Intensity Drug Trafficking Area (HIDTA) program. As part of this oversight, ONDCP approves the various counterdrug initiatives proposed by the individual HIDTAs. For the past few years, of the approved initiatives focused on a single drug, more focused on methamphetamine than on any other single drug.

- ONDCP, through the HIDTA program, provides approximately $500,000 in support to the National Methamphetamine Chemical Initiative (NMCI), which in turn provides valuable information and support to State and local law enforcement throughout the nation to combat methampethamine, including best practices information.

- The Drug Endangered Children (DEC) program, which aims to help children harmed due to proximity to use and production of methamphetamine and other drugs, is supported in part by the NMCI.

- Since 2001, ONDCP officials have traveled to nearly every state discussing methamphetamine with State and local officials; participated, typically as a keynote speaker, in approximately 25 regional summits or local conferences regarding methamphetamine around the nation; given hundreds of speeches and presentations to State and local officials regarding approaches to the methamphetamine problem; testified before Congress, encouraging the legislative branch to restrict chemicals used in the production of methamphetamine; and convened the first-ever "State Drug Czar conference," which focused on issues such as methamphetamine at the State and local level.

- ONDCP has reviewed and shared with State and local policy officials the data regarding new approaches to methamphetamine taken in individual states.

Was there any thought about the methamphetamine problem when ONDCP signed off on the President's request to eliminate the Byrne Justice Assistance Grant Program or cut the High Intensity Drug Trafficking Area program by 56 percent? Please explain.

A. As described in more detail in answer to question #4, below, it is important to note that the President's request for Fiscal Year 2006 contains an increase of 2.1 percent for drug law enforcement, for a total of $3.36 billion. JAG should be viewed in the context of government-wide funding proposed for State and local governments, as well as other grant assistance proposed for State and local governments, as contained in the DOJ Fiscal Year 2006 request. In particular, the Administration is committed to providing funding to State and local entities for terrorism preparedness programs (primarily through the Department of Homeland Security) by maintaining over $3.5 billion in funding for these programs in Fiscal Year 2006, the same level proposed in the Fiscal Year 2005 budget request.

Does Director Walters or any of his immediate staff consult with State and local officials on a regular basis to hear about their concerns about methamphetamine or other drug problems? Please explain the consultation process and how you and others at ONDCP incorporate the views of those on the front lines into your policy decisions.

A. Effective consultation with our State and local partners, community organizations, and allies against illicit drugs is crucial to the success of ONDCP's mission. Director John Walters

and his Deputy Directors travel widely and consult extensively within the United States and internationally as a normal part of doing business—consultation which in turn is drawn upon during the development each year of the President's National Drug Control Strategy. Implementing that Strategy, in turn, is the focus of the agency, and the budget certification process.

Director Walters took the lead in increasing the level of interaction with Mayors and State and local officials. In June 2003, he launched a "25 Cities Initiative," since renamed the "Major Cities Initiative." Cities selected for the initiative include Atlanta, Baltimore, Boston, Chicago, Cincinnati, Cleveland, Dallas, Denver, Detroit, Houston, Los Angeles, Miami, Minneapolis, New York, Philadelphia, Phoenix, Pittsburgh, Portland, Sacramento, San Diego, San Francisco, Seattle, St. Louis, Tampa, and Washington, D.C.

By meeting with local leaders and developing teams of local citizens and officials to identify problems they can address, the initiative has aimed to further the President's national goals of stopping drug use before it starts, healing those who are using drugs, and disrupting the market for drugs. The initiative works with the leadership of 25 targeted cities—particularly in the areas of drug prevention, drug treatment, and public safety—to enhance cooperation, and to identify and accomplish significant improvement in certain key measures of drug use in each city.

Since the initiative's inception, Director Walters or members of his staff have visited all 25 cities for the purpose of consultations relevant to the initiative. Director Walters also maintains an extensive travel schedule that brings him in contact with a variety of State and local officials. A partial selection of Director Walters's travel schedule for January-September 2005 is appended below.

Selected 2005 Out of Town Events

January 25, 2005 – Roanoke, VA

- Observe/Speak to Core Team Session (Roanoke Prevention Council)
- Visit Bethany Hall Recovery Home for Chemically Dependent Women
- "METH WATCH" Event with VA Attorney General Jerry Kilgore

February 22 – 24, 2005 – Miami, FL

- National Drug Control Strategy Press Conference
- Visit The Village treatment center
- Host and Attend the Major Cites Mayor's Conference
- Announce results of Partnership Attitude Tracking Survey – parents sections

March 1, 2005 – Brussels, Belgium

- Conduct media roundtable with EU journalists

- Address the International Dimensions for European Drug Policy Conference re: US drug policy successes

March 3, 2005 – London
- Conduct media roundtable with UK journalists

March 4, 2005 – Paris
- Conduct media roundtable with French journalists

March 7, 2005 - Vienna
- Deliver opening remarks on behalf of the United States at the UN CND

March 14 – 15, 2005 – Reno, NV
- Meeting with Governor Kenny Guinn
- Access to Recovery Briefing
- Address the Indian Health Service California Tribal Leaders Consultation Conference

April 7, 2005 – Cincinnati, OH
- PRIDE Conference
- Tour First Step Home & Press Conference
- Meeting With Major Cities Neighborhood Representatives

April 28 – 29, 2005 – Columbia, SC
- Meet and Greet with Alcohol Enforcement Team & High School Students at Dutch Fork High School
- Lunch with School Administrators and Student Leaders
- Observe the Dutch Fork Middle School Youth Advisory Action Council (YAAC)
- Meth Watch Press Conference at the Irmo Pharmacy
- Observe Local Law Enforcement Controlled Party Dispersal and Prevention Techniques
- Community Roundtable Annual Recognition Dinner:Keynote Address
- Community Key Leaders Breakfast
- Meeting with *The State* Editorial Board
- Meeting with Lt. Governor Andre Bauer
- Media Availability with Lt. Governor Andrew Bauer, South Carolina Representative Tracy Edge

May 12 – 13, 2005 – Dallas, TX
- Address Frisco Police Department and Guests
- Meet and Greet with Chief of Police Todd Renshaw
- Meet and Tour the Telecom Electric Supply Company
- Introductions/Meeting with Officials on Student Drug Testing Policy
- Meeting with Parents and Students
- Media Availability at Frisco High School

- Treatment Event at Nexus Recovery Center
- Media Availability at Nexus Recovery Center
- Address the Federation of State Medical Boards' Annual Meeting

May 18 – 19, 2005 – Boise, ID

- Address ICADD Conference
- Media Availability
- Drug Court Briefing
- Access to Recovery Briefing
- Idaho Statesman Editorial Board Meeting
- Pull Aside with Idaho First Lady Mrs. Kempthorne
- ICADD Awards Banquet Luncheon

June 27 – 28, 2005 – Orlando, FL

- Address the National High School Coaches Athletic Association
- Address American School Counselors Association
- Media Availability
- Disney Drug-Free Work Place Briefing
- Meeting with Mayor Buddy Dyer

July 25, 2005 – New York City

- Participate in American Probation and Parole Conference Awards Ceremony
- Address the American Probation and Parole Conference
- PDFA Update Meeting with Steve Pasierb and Mike Townsend regarding the Meth Ads
- Visit Exodus Re-Entry Center

July 26 – July 30, 2005 – Honolulu

- JIATF West Event
- AAPI Roundtable
- Marijuana Briefing and Over Flight
- Methamphetamine Briefing
- National Lieutenant Governor's Association Annual Meeting
- Drug Court Roundtable and Session
- Coalition Briefing and Lunch
- Tripler Army Medical Center Drug Testing Lab Meeting and Tour
- Meeting with Governor Linda Lingle
- Lieutenant Governor's "Moving Forward" Drug Summit and Media Availability
- Ed Board Meeting with the *Honolulu Advertiser*

August 18, 2005 – Nashville, TN

- Tour Davidson County Drug Court / Treatment Facility

- Administration Officials (Attorney General Alberto Gonzales, Secretary Mike Leavitt and Director John Walters) Address Tennessee Anti-Drug Leaders and Drug Court Graduates re methamphetamine
- Media Availability / Q & A
- Conference Call with White House Press Corps

September 11 – 12, 2005 – San Antonio, TX

- Visit Wounded Patients at Brooke Army Medical Center
- Visit Families of Patients
- Dinner with Airmen at Lackland AFB
- Visit with Hurricane Katrina Victims
- Meeting with Pastor Freddie Garcia and Brief Tour of the Victory Fellowship of Texas

September 20 , 2005 – Baton Rouge, LA

- Visit River Center Evacuation Center
- Visit Set Free Indeed Ministry (Tour and ATF Briefing)

September 22, 2005 – Cincinnati, OH

- Meeting and Tour of Drug and Poison Information Center - Children's Hospital Medical Center
- Drug Free Communities Grant Announcements/Press Conference
- Neighborhood Walk Through and Tour
- Visit to First Step Home Treatment

3. State and local law enforcement make the majority of the drug arrests in this country. And, as you well know, most Federal law enforcement drug cases originate from State and local cases. As the Deputy Director of Supply Reduction, you would be responsible for working with State and local law enforcement groups to reduce the supply of drugs in this country.

Can you give some examples of how you have worked with these groups in the past?

A. State and local law enforcement is responsible for an enormous amount of the intelligence and a large share of the narcotics cases eventually worked by Federal authorities, in task force settings, and in other joint settings like HIDTAs. To pick one example, the Drug Enforcement Administration, where I served, supports approximately 2,625 deputized State and local task force officers working side-by-side with 1,425 DEA Special Agents on 217 Task Forces. I believe that Federal law enforcement's working successfully with State and local law enforcement as full partners is central to the success of the National Drug Control Strategy's goal of disrupting the market.

As a staff member at the Office of National Drug Control Policy, I have interacted with State and local law enforcement primarily through attending meetings with my principal, Director Walters, who travels and meets extensively with State and local officials, including HIDTA Directors,

sheriffs, and police chiefs. Director Walters has traveled to 26 of 28 HIDTAs at least once in the past four years and has addressed their annual national conference three times.

How would you facilitate partnerships between Federal, State and local law enforcement?

A. If confirmed as Deputy Director for Supply Reduction, my duties will be focused on international drug control, foreign and domestic drug intelligence, and interdiction—with domestic law enforcement remaining the principal responsibility of Deputy Director for State and Local Affairs, Scott Burns. I will look forward, if confirmed, to supporting Deputy Director Burns in furtherance of Federal-State and local cooperation, for instance as it occurs through the HIDTA program.

Do you believe that Federal funding for State and local law enforcement is integral to a sound national drug control policy? Please explain how your views on this matter comport with the Federal drug budget.

A. Federal support is a major driver of drug law enforcement programs among State and local law enforcement agencies. When I worked at DEA I witnessed the importance of the partnership between Federal and State and local law enforcement. The President's request for Fiscal Year 2006 proposes an increase of 2.1percent for drug law enforcement—for a total of $3.5 billion. The request also contained more than $3.5 billion in grants to State and local agencies, including to first responders, through the Department of Homeland Security. The challenge clearly remains of identifying an appropriate balance between Federal support to State and local law enforcement, first responders, and other homeland security related programs.

4. In 1994, you and John Walters wrote an article for the Heritage Foundation entitled "How the Clinton Administration is Abandoning the War Against Drugs." In this article, you criticized the Clinton Administration for "de-emphasizing law enforcement."

Don't you think that the argument could be made that the Bush Administration is de-emphasizing law enforcement given the fact that the drug budget that ONDCP approved this year proposed cutting the HIDTA program by 56% as well as reducing funding for Department of Justice law enforcement assistance programs by 46.2% -- or $1.2 billion -- from 2005 levels?

A. As your next question indicates, this line of argument has been advanced, and we take it very seriously, particularly given the adjustments in the area of State and local support and the concerns that has engendered. It is important to note that the President's request for Fiscal Year 2006 contains an increase of 2.1 percent for drug law enforcement, for a total of $3.36 billion. The increase of 2.1 percent compares favorably with a *reduction* in non-security discretionary spending of 1 percent in the Fiscal Year 2006 request.

In order to focus departmental resources on counterterrorism, which is the Department of Justice's (DOJ) overriding priority, the Administration was required to make difficult choices in

the Fiscal Year 2006 budget proposal.

The Byrne Justice Assistance Grant program (JAG) should be viewed in the context of government-wide funding proposed for State and local governments, as well as other grant assistance proposed for State and local governments, as contained in the DOJ Fiscal Year 2006 request. In particular, the Administration is committed to providing funding to State and local entities for terrorism preparedness programs (primarily through the Department of Homeland Security) by maintaining over $3.5 billion in funding for these programs in Fiscal Year 2006, the same level proposed in the Fiscal Year 2005 budget request. DOJ's budget request includes over $1.5 billion in other grant assistance to State and local officials, including $90.3 million for the Office of Justice Programs' (OJP) counterterrorism efforts. The DOJ budget includes: $185.3 million to strengthen communities through programs providing services such as drug treatment; $335 million to combat violence, including enhancements to Project Safe Neighborhoods; $235.2 million for law enforcement technology, including funding to continue and further develop the Administration's DNA initiative; and $92.5 million to support drug enforcement, including funding to continue and expand the Southwest Border Drug Prosecution Program.

As you may know, JAG and its predecessor programs (Byrne Formula and LLEBG) are not designed exclusively for funding drug enforcement activities, but are available for State and local jurisdictions for myriad uses, many that are not drug-related. For example, Byrne's 29 purpose areas allowed funding, at local discretion, for general law enforcement purposes, including funding for multi-jurisdictional drug and gang task forces, crime prevention and domestic violence programs, courts, corrections, drug treatment, and justice technology initiatives. LLEBG was available to pay for police overtime, school security, etc. JAG itself allows funding for all purposes previously allowable under Byrne Formula and LLEBG.

Elimination of JAG funding does not leave State and local areas totally without resources to combat illegal drug use. In addition to funding from the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and the Federal Bureau of Investigation (FBI), the Department's Fiscal Year 2006 budget proposal for OJP includes an investment of $92.5 million in programs to support drug enforcement. An additional $18.8 million is proposed for the Southwest Border Drug Prosecution Program, for a total of $48.4 million to continue this initiative in California, Texas, Arizona, and New Mexico. To help 24 states plan or implement prescription drug monitoring programs, the Harold Rogers Prescription Drug Monitoring Program request is $5 million, while $20 million is requested for the cleanup of methamphetamine labs. In addition, the request for the Cannabis Eradication Program is $19.1 million, a $7.5 million increase.

Other OJP programs also support drug enforcement activities, such as the Regional Information Sharing System (RISS) Program, which improves local law enforcement's ability to target, investigate, and prosecute crime, as well as the ability to share information with member local, State, Federal, and Tribal law enforcement agencies. RISS nodes, which are the access points for information, continue to grow and now include 16 High Intensity Drug Trafficking Areas, 17 state agency systems, and twelve Federal systems.

Other Federal agencies also provide invaluable support in the fight against substance abuse. The Administration has requested $100 million for the High Intensity Drug Trafficking Area (HIDTA) Program, currently administered by the Office of National Drug Control Policy. HIDTA creates partnerships between Federal, State and local law enforcement agencies to promote a coordinated, intelligence driven response to regional drug trafficking problems. In addition, the Department of Homeland Security, through U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, helps stop drug trafficking across our Nation's borders.

The decision to reduce the HIDTA budget was made in the context of the President's strong commitment to accountability and fiscal responsibility. This commitment, coupled with other priorities such as winning the War on Terror and protecting the homeland, requires the Administration to reduce the level of non-security related discretionary spending.

> What is your response to the statement from the President of the International Association of Chiefs of Police stating: "when I read President Bush's proposed budget for 2006 I felt as if someone had punched me in the stomach. Instead of building on this tremendous progress, the budget would cut funding for vital assistance programs and would weaken our ability to protect our communities from crime and terrorism"?

A. The International Association of Chiefs of Police has been a leader in the area of advancing excellence in policing, in law enforcement executive education, in dissemination of best practices—in short, in upholding the highest standards and finest traditions of policing. My former boss, Thomas A. Constantine, was the first ever honorary President of IACP named to preside over a General Assembly Session in 1997. My current boss, Director Walters, has been a regular speaker before IACP, appearing multiple times before their annual executive level working session of the Narcotics and Dangerous Drugs Committee, as well as at a plenary session at their annual national conference in Philadelphia in 2003. I have the highest opinion of the IACP as an institution and look forward to working with them to resolve the differences we have over the apportionment of Federal support to State and local law enforcement.

5. In 1994, you and John Walters wrote an article for the Heritage Foundation entitled "How the Clinton Administration is Abandoning the War Against Drugs." In this article, you criticized the Clinton Administration for focusing it's drug policy on chronic, hardcore drug users. You called it an "ineffectual" policy and "the latest manifestation of the liberals' commitment to a 'therapeutic state' in which government serves as the agent of personal rehabilitation."

> Can you explain what you meant by this?

A. The initial thrust of the Clinton Administration's drug policy was to focus on hard-core drug users at the expense of law enforcement, international, and interdiction programs. This was a direction that was soon reversed, as the article noted, with the appointment of a new ONDCP Director (and after Majority and Minority reports and oversight hearings by the Senate Judiciary

Committee).

Drug treatment programs are a key element of the balanced National Drug Control Strategy of today. Indeed, as the answer to the next question indicates, the Access to Recovery initiative is one of the flagship efforts of the Bush Administration in the arena of drug policy. It is an effort, we believe, that will be reinforced by the impact of law enforcement, which can direct users into treatment through drug courts, and which can make drugs more scarce and expensive—disrupting the dependent individual's access to drugs by disrupting the market.

What should the federal policy be towards hardcore drug users?

A. The National Drug Control Strategy seeks, in the words of President Bush's introductory letter from 2004, to "engage the desire of all Americans to make this a better Nation, facing down the lie of addiction, and offering the hope of recovery." The Strategy proposes to devote an unprecedented $3.36 billion to drug treatment programs for Fiscal Year 2006, an increase of 4.5 percent, and a percentage (26 percent) of the drug budget exceeding that dedicated to interdiction programs (23 percent) and on par with that requested for law enforcement programs (27 percent). The Strategy offers an unprecedented array of treatment options through the Access to Recovery initiative, which seeks to providing individuals seeking alcohol and drug treatment with vouchers to a range of appropriate community-based services. The fiscal year 2006 budget proposed $150 million for ATR, an increase of $50.8 million over the fiscal year 2005 enacted level.

In that article, you also criticized the Clinton Administration for being focused on the problem of drugs in schools a problem which you said "arguably is not even the federal government's responsibility."

Can you please explain what you mean by that?

A. It was rhetorical excess to state that the Federal Government arguably bears no responsibility for helping address the problem of drugs in schools. It is an area where some money comes from the Federal Government, some from States, and some from counties and private sources. Certain arenas of drug control, foreign interdiction programs for example, are 100 percent Federally supported.

Do you still believe that reducing the availability of drugs in our nation's schools is not something the federal government should pursue?

A. I do not.

Did this philosophical belief that you and Director Walters hold have anything to do with the President's proposal to cut the Safe and Drug Free Schools program, which provides funding to states for school-based anti-drug and anti-violence education, by 52 percent?

A. It did not, to my knowledge.

In the same article you also called then-drug czar Lee Brown "virtually invisible."

How do you respond to the fact that some people feel that the current drug czar, your boss John Walters, is also virtually invisible?

A. Director Walters came into office as probably the most knowledgeable ONDCP Director in the agency's history, having previously served in the office previously as Chief of Staff and Deputy Director for Supply Reduction. During his tenure, the country has seen the largest decrease—17 percent—in teen drug use, the largest such reduction in over a decade. He is a forceful advocate for drug control programs and for the importance of a balanced strategy. He has a clear vision of how drug policy is best understood and how it can be effective, and he has traveled extensively in the service of sharing that vision with cognizant nonprofit leaders, as well as Federal and State and local officials.

Finally, in your Heritage Foundation article, you stated that "Washington must get serious about promoting rehabilitation that works, such as religious-based programs instead of simply funding programs that promise to rehabilitate drug addicts and fail to deliver."

Can you tell me what studies you relied upon in making the statement that religious-based substance abuse treatment programs work?

A. I am not a specialist in the area of drug treatment. The statement was based on personal observations after having visited faith-based treatment programs.

Are there any that you relied upon to show that they work better than medical programs?

A. I am not personally familiar with any studies comparing faith-based and secular drug treatment programs. While in private life I was fortunate to have had the opportunity to visit a number of outstanding and well-managed faith-based drug and alcohol treatment programs, including Victory Fellowship Ministry, run by Pastor Freddie Garcia in San Antonio; Union Gospel Mission's LifeChange program in Portland, Oregon; Amazing Ministries in Milwaukee; and Step 13's Bob Cote in Denver.

6. One of the purposes of ONDCP is to coordinate inter-agency disputes on drug policy matters and make sure that various Federal agencies are not working at cross purposes when it comes to drug control.

How has ONDCP worked to broker disagreements between the Departments of State and Defense on counter-narcotics policy in Afghanistan?

A. ONDCP participates in the Afghanistan Interagency Operations Group (AIOG), which meets frequently, and the NSC Deputies Committee as appropriate. We and others in the AIOG

have worked with the Departments of State and DoD to encourage their collaboration and coordination of shared programs, resources, and other support to meet objectives of the counternarcotics (CN) plan.

Do you believe that ONDCP's efforts have achieved the best policy result?

A. Reaching the goal of eliminating poppy cultivation and narcotics trafficking in Afghanistan requires a comprehensive and integrated approach. The five pillar CN implementation plan adopted in 2004 is designed to provide a more coordinated effort. As your question indicates, the setbacks in 2004-2005, including the limited eradication results both years, spurred a reevaluation of the plan. Our overall review indicated programs are being implemented, though still not producing desired results. Although eradication efforts failed to reach their goals last season, work on the other pillars is progressing.

Review of individual pillars in 2005 showed: (1) Public Information Campaign resulted in 90 percent of the Afghan population knows the drug trade is illegal, against Islam; over 80 percent voice support for CN; (2) Alternative Livelihood Programs, while hampered by security problems in Helmand and Kandahar provinces, got off to a relatively good start, with quick-impact projects in several of the major poppy growing provinces (e.g., Nangarhar and Helmand), planning ongoing for long-term comprehensive programs, and Good Performer projects awarded in several provinces where poppy cultivation had been significantly reduced; (3) Interdiction capacity and operations were increased through expansion of the Afghanistan Special Narcotics Force (ASNF) and establishment of the National Interdiction Unit (NIU), supported by DEA-Foreign-deployed Advisory Support Teams (FAST), with an average of 2-3/month individual and joint ASNF and NIU/FAST-supported raids that destroyed nearly 350 labs and seized over 50 metric tons of opiates and precursor chemicals; and, while pillars (4) Eradication and (5) Judicial Reform failed to meet performance objectives, we are instituting improvements and new initiatives in both pillars which will produce much better results. A key lesson learned last year was the need to focus prevention efforts at the provincial level.

Based on the lessons learned from our assessment, the elements of the revised Plan for 2005-2006 for Elimination/Eradication include:

- Focusing our efforts in key poppy-growing provinces.
- Applying lessons learned by reorganizing Central Poppy Eradication Force (CPEF) into a more mobile Afghan Eradication Force (AEF).
- Setting up a provincially based Poppy Elimination Program (PEP) that vigorously discourages cultivation year round, mobilizes governor-led eradication early on while farmers can still replant legitimate crops, and coordinate integration of Alternative Livelihood Programs directly with the governor and local officials.

- Deploying more air-mobility assets to enable timely and accurate monitoring and verification of opium crops and robust support for eradication.

Improvement of the pillar for Judicial Reform:

- Assisting the Afghan government in setting up specially trained CN prosecution teams and supporting those teams with mentors.

- Providing DOJ prosecutors/advisors to help train and establish the Afghanistan CN Judicial Court system.

- Aggressively working with the Government of Afghanistan, Italy, UN, and other international partners to build and establish correctional facilities for incarceration of convicted narcotics traffickers and corrupt officials.

How did that process differ, if at all, from any actions that ONDCP took to broker disagreements between the Departments of Justice and Health and Human Services with regard to Scheduling pseudoephedrine, the active ingredient in methamphetamine.

A. ONDCP was involved in both instances. One difference is that the overall process of U.S. Government Afghan policy is managed by the NSC, while policy concerning synthetic drugs, including the proposed scheduling of controlled substances, is developed through the Synthetic Drugs Interagency Working Group, which is chaired by ONDCP, and co-chaired by the Department of Justice and the Department of Health and Human Services. ONDCP Deputy Director Scott Burns oversees and coordinates the activities of the SDIWG, including any discussions that may have occurred on the issue of rescheduling pseudoephedrine.

To give the Committee an idea of how ONDCP helps to form Administration policy, please detail how you and others at ONDCP worked to resolve these policy disputes.

A. By working through the Afghanistan Interagency Operations Group (AIOG), which meets frequently, and the Deputies Committee if needed, we have encouraged resolution of issues and advanced support for implementation of all five pillars of the counternarcotics (CN) plan as a team effort, with appropriate roles for all the relevant players.

In what other ways have you worked to bring together disparate views within the Executive branch on significant drug policy matters?

A. Since returning to ONDCP for the second time, I have been fortunate to work with a talented and dedicated group of interagency colleagues at the Department of Defense, State, Homeland Security, Justice, Treasury, and elsewhere. I co-chair a monthly NSC Policy Coordinating Committee that brings together the aforementioned agencies as well as members of the Intelligence Community, the Homeland Security Council, the Drug Enforcement Administration, Customs and Border Protection, the United States Coast Guard, and others for

the purpose of formulating policy, forging consensus, and surfacing and elevating disputes for resolution at higher levels where absolutely necessary.

In recent months we have worked through (and are working through) a number of occasionally contentious issues relating to the geographic focus of interdiction activities and the respective roles of different agencies in those activities. My preferred policy approach is to use the tools at my disposal—typically, ONDCP's oversight function within the interagency, and, in this case, the NSC process—to work toward a resolution that is fair, meaningful, and durable.

7. The President's budget request for 2005 proposed significant cuts for law enforcement, including a 56 percent cut in the High Intensity Drug Trafficking Area program and complete elimination of the Edward Byrne Memorial Justice Assistance Grants.

> As the office responsible for advising the President on drug policy, how could ONDCP have allowed such deep cuts?

A. It is important to note that the President's request for Fiscal Year 2006 contains an increase of 2.1 percent for drug law enforcement, for a total of $3.36 billion. The increase of 2.1 percent compares favorably with a *reduction* in non-security discretionary spending of 1 percent in the Fiscal Year 2006 request. The request also contains more than $3.5 billion in grants to State and local agencies, including to first responders, through the Department of Homeland Security.

The challenge clearly remains of identifying an appropriate balance between Federal support to State and local law enforcement, first responders, and other homeland security related programs.

> Was there any internal discussion about decertifying the Department of Justice's budget as a result of these proposed cuts?

A. I am advised by ONDCP's budget office that agency communications with the Office of Management and Budget regarding funding matters are to remain a matter of internal record within the Administration.

> Do you believe that State and local law enforcement are a vital part of our national drug control strategy?

A. I believe that working successfully with State and local law enforcement is central to the success of the National Drug Control Strategy's goal of disrupting the market. As previously stated in answer to a question, during my time at DEA I learned firsthand that State and local law enforcement is responsible for an enormous amount of the intelligence and a large share of the narcotics cases eventually worked by Federal authorities, in task force settings, and in other joint settings like HIDTAs. While it is often not recognized, State and local law enforcement is also at times in the forefront of sophisticated cases such as the New York State Police's groundbreaking wiretap-driven investigation of elements of the Jose Santacruz-Londono

organization in New York during the late 1980s and early 1990s.

Did you or anyone else in the Director's office speak with State and local law enforcement representatives or HIDTA Directors before proposing these cuts?

A. ONDCP personnel, and specifically the Deputy Director for State and Local Affairs, Scott Burns, are in regular communication with law enforcement, including HIDTA Directors. However, ONDCP personnel did not specifically solicit the views of law enforcement representatives about the Administration's budget proposal.

If not, why not? If so, please specify names and localities of the people with who you met?

A. The President's Budget remains internal to the Executive Branch until released in early February of each year. Agencies are not permitted to discuss budget changes outside the Executive Branch before that time.

Have you or anyone else in the Director's office met with law enforcement officials to listen to their concerns about these proposed cuts?

A. Director Walters travels extensively, and the period subsequent to the release of the Fiscal Year 2006 budget request is no exception. Since that time, in May 2005, he met with the combined membership of the IACP Narcotics and Dangerous Drugs Committee, and discussed the Fiscal Yeah 2006 budget with the assembled members including the DEA Administrator, two former DEA Administrators, and assorted police chiefs, a HIDTA director, a DEA Special Agent in Charge, directors of public safety, and a police superintendent.

Deputy Director for State and Local Affairs Scott Burns and his deputies meet with law enforcement officials throughout the year to discuss a variety of topics. A primary topic of discussion this year has been the concerns of law enforcement officials regarding proposed cuts to the HIDTA program. Deputy Director Burns and his staff have listened to the concerns of law enforcement, engaged in productive dialogues, and have carried the message back to ONDCP. Significantly, with principal authority over the HIDTA program, Deputy Director Burns has met extensively with HIDTA Directors and maintains close communication. The Office of State and Local Affairs will continue consulting with law enforcement officials as a normal part of business and as a valuable part of our National Drug Control Strategy.

Shortly after the release of the President's Fiscal Year 2006 Budget, Deputy Director Burns was in Las Vegas at a HIDTA Conference and was able to discuss the Fiscal Year 2006 Budget with the HIDTA directors. Most recently, Deputy Director Burns met with HIDTA Directors in Miami at the IACP Conference and listened to their thoughts on the way forward for HIDTA Program. Deputy Director Burns and his staff have met and discussed the budget with HIDTA directors on numerous occasions, including the July 2005 HIDTA Conference in San Francisco, and meetings in Laredo, Texas, Fayetteville and Little Rock, Arkansas, Tampa, Florida, and

Nashville.

If not, why not? If so, please specify names and localities of the people with whom you met?

A. Please see answer immediately above.

8. In this year's budget request, the President proposed cutting the budget of the High Intensity Drug Trafficking Area (HIDTA) Program by 56 percent and moving the program to the Department of Justice. I joined with Senators Grassley, Hatch and DeWine to write to Director Walters to express our alarm at the President's proposal, especially given the assurances that Mr. Walters provided the Committee at his confirmation hearing that he had no intention of moving the program out of ONDCP. Later, the Senate unanimously passed a sense of the Senate resolution that the program should remain at ONDCP and 56 Senators signed a letter to the Appropriators urging them to fully fund the program and keep it at ONDCP.

How have ONDCP's plans for the HIDTA program changed since Congress rejected the Administration's proposed HIDTA funding cuts and refused to transfer it out of ONDCP?

A. ONDCP is very much aware of the concern of many in Congress that the HIDTA program remain fully funded and located at ONDCP. If confirmed as Deputy Director for Supply Reduction, my duties will be focused on international drug control, foreign and domestic drug intelligence, and interdiction—with domestic law enforcement remaining the principal responsibility of Deputy Director for State and Local Affairs, Scott Burns. I will look forward, if confirmed, to supporting Deputy Director Burns in furtherance of Federal-State and local cooperation, for instance as it occurs through the HIDTA program.

9. Please explain the process that you used to prepare the drug strategy. Include information about who you consulted with, how long government agencies are given to comment on the final draft of the strategy and what the process is for including their comments.

A. The Director of ONDCP consults with a wide range of experts and officials while developing the National Drug Control Strategy. Specified consultants include the heads of the National Drug Control Program agencies, Congress, State and local officials, citizens and organizations with expertise in demand and supply reduction, and appropriate representatives of foreign governments. Internally, the consultation process involves key ONDCP officials, yielding insight from their extensive field contacts on topics to be addressed, issue areas to be explored, programs to be highlighted, and themes to be examined, ultimately leading to a general outline which is discussed among senior staff and which leads to a first draft. Drafts of the NDCS are coordinated internally within the agency, and comments incorporated as appropriate. The draft in turn is "married up" with longer-term budget proposals that have been moving through the system throughout the previous year. Drafts are then circulated to the appropriate Federal agencies including DoD, CIA, DHS, DOJ, HHS, and the Departments of State and

Education. Eventually, the consolidated draft is forwarded to White House Staff Secretary for internal EOP clearance. Suspenses vary for each of the processes, but are typically one month for the initial request for input, one week for the internal ONDCP review, five to seven working days for Department level review, and two to three days for the final White House Staff Secretary review.

As an aside, one of the more gratifying parts of developing the Strategy is the opportunity to highlight the work of people in the field who are making an important contribution, and in the process to get to know them a little and help them receive some of the recognition they deserve. In just the past two years I have personally had the opportunity to have lengthy discussions with teachers, high-school principals, prosecutors, concerned community coalition activities, treatment providers, doctors, and U.S. Government aircrews.

Julio Medina, profiled in the most recent Strategy, is a former addict and prison inmate who is helping others bridge the challenging transition to freedom through Exodus Transitional Ministries in Harlem. Dr. Joe Schmidt is a principal who brought a well-regarded student drug testing program to Chicago's St. Patrick High School. Vicky Ward is a concerned mother in Kansas City, Kansas who got tired of seeing kids get into car accidents at prom time and decided to do something about it. Reverend Richard J. McCain is pastor of the Southeast Cleveland Church of Christ in Cleveland. But when I talked to him, he was busy running off drug dealers in his southeast Cleveland neighborhood.

10. How would you characterize your relationship with State and local law enforcement agencies?

A. Having worked at the Drug Enforcement Administration, I have a deep appreciation for law enforcement. As a staff member at the Office of National Drug Control Policy, I have interacted with State and local law enforcement principally through my principal, Director Walters, as he travels and meets with State and local officials, including HIDTA Directors, sheriffs, and police chiefs. Within ONDCP, the primary relationship with State and local law enforcement is between the dedicated staff in the Office of State and Local Affairs and the numerous and extensive law enforcement officers, groups, and organizations they deal with. The Deputy Director of State and Local Affairs, Scott Burns, was formerly a County Attorney and came from the law enforcement community. The current Director of the HIDTA program, Joe Keefe, served with the DEA for 30 years and held positions including Chief of Operations and Special Agent in Charge of the Special Operations Division.

11. How do you intend to reach out to interest groups and drug policy experts if you are confirmed to be the Deputy Director for Supply Reduction at the Office of National Drug Control Policy?

A. If confirmed, as Deputy Director for Supply Reduction, I will have the benefit of counsel from a range of drug control experts in Federal agencies. I realize the importance of consulting with groups and experts when making decisions, especially in the international arena. I will also

work with my colleagues at ONDCP to continue actively to seek out insight from academic experts, the public policy and think tank communities, and the private sector.

12. The legislation to reauthorize the Office of National Drug Control Policy pending in the House of Representatives would require that the Deputy Director of Supply Reduction have substantial interdiction experience.

Do you feel that you are qualified under that criteria?

A. Section 105 of the "Office of National Drug Control Policy Reauthorization Act of 2005" (H.R. 2829) amends the establishment of the Office of National Drug Control Policy and designation of officers. Part (a)(c)(2) states that the Deputy Director for Supply Reduction "...shall have substantial experience and expertise in drug interdiction operations and other supply reduction activities..."

ONDCP opposes the provision you cite, because the duties of the Deputy Director for Supply Reduction extend beyond interdiction, to include international drug control, and foreign and domestic drug intelligence. The Deputy Director for Supply Reduction is responsible for implementing the National Drug Control Strategy's goal of disrupting the market for illegal drugs in the United States and abroad, by working with counterparts at National Drug Control Program agencies including the Departments of State, Defense, Justice, Homeland Security, and Treasury, as well as the Central Intelligence Agency. For the past four years, I have worked with my colleagues in those agencies on the drug issue.

My career in drug control has been in the policy arena. If confirmed, I will continue to rely on the staff of the U.S. Interdiction Coordinator, the JIATF-S commander, as well as a staff of superb military detailees, including one from the U.S. Coast Guard, to serve as an interface with the operational interdiction elements of the U.S. Government.

Q. The bill also would also stipulate that the Deputy Director of Supply reduction serve as the United States Interdiction Coordinator. Please detail any operational experience that you have had that would qualify you for this responsibility.

A. As indicated in the answer to the previous question, my career in drug control has been in the policy arena. The core role of the USIC, as established by Presidential Directive, is to ensure that the operational priorities of the United States to interdict the flow of illicit drugs are consistent with the President's National Drug Control Strategy; to assess the sufficiency of assets committed to illicit drug interdiction by Federal drug program agencies and ensuring that their use, location, and scheduling are properly integrated and optimized; and to report unresolved issues to the Director for resolution among principals. Carrying out the day-to-day duties of the USIC has historically fallen to a dedicated staff made up principally of officers of the United States Coast Guard—a pattern I would anticipate continuing if the responsibility were moved into ONDCP. Please note that the law controlling the USIC has been changed or proposed for changes three times over the past three years. The Administration has maintained that the

ONDCP Director should have the flexibility to select the USIC.

13. Controlling chemical precursor availability is critical to reducing the supply of methamphetamine. The National Methamphetamine Chemical Initiative is funded from the baseline funding for the High Intensity Drug Trafficking Area program.

> What have you and your colleagues done to encourage the National Methamphetamine Chemical Initiative to carry out its mission?

A. ONDCP, through the HIDTA program, provides approximately $500,000 in support to the National Methamphetamine Chemical Initiative (NMCI), which in turn provides valuable information and support to State and local law enforcement throughout the nation to combat methamphetamine, including best practices information. The Drug Endangered Children (DEC) program, which aims to help children harmed due to proximity to use and production of methamphetamine and other drugs, is supported in part by the NMCI. NMCI receives $500,000 in HIDTA discretionary funds annually. ONDCP leadership actively supports NMCI in operational and policy matters. Additionally, ONDCP leadership participates in NMCI conferences and events.

> Were you or any of your colleagues at ONDCP concerned that the President's proposal to cut funding for the HIDTA program by 56 percent would put funding for this important supply reduction program at risk?

A. It would be important to maintain funding for effective programs like NMCI even in the face of budget constraints.

14. As the author of the National Drug Control Strategy, can you explain how the strategies that you have written provide a specific roadmap for impacting the drug problem?

A. One of our key goals for the National Drug Control Strategy is to highlight the many successful ways in which the Federal Government, State and locals, and nonprofits and private citizens are working every day to stop drug use before it starts, heal America's drug users, and disrupt the market of illegal drugs. Each of these efforts is important and one of our challenges as a policy organization is to highlight what is working and help guide resources and attention, where possible, in that direction.

Such programs and efforts take as many forms as there are drug users, from a faith-based prisoner reentry program in Harlem, Exodus Transitional Ministries, to a pace-setting intelligence center like the multi-agency Panama Express program in Tampa Florida, to a community coalition in Kansas (the Tri-County Northland Coalition) dedicated to keeping teenagers safe during dangerous times like prom and high-school graduation week. Efforts such as these combine to support the central elements of a balanced strategy—prevention, treatment, and market disruption. By pursuing all three, we make the drug problem smaller.

The concept of balance is central to the "roadmap" you describe. Ours is a strategy that harnesses the mutually-reinforcing power of prevention, treatment, and market disruption. It is my view—more importantly, it is the President's view—that these things work best when they work together.

Drug treatment demonstrably reduces crime. Law enforcement diverts users into drug treatment and makes the system work more efficiently, by giving treatment providers leverage over the clients they serve—for example through drug courts. Treatment narrows the problem for law enforcement by shrinking the market for illegal drugs, while interdiction shrinks the amount of drugs available on our streets, and can drive up prices and push addicts into detox. For their part, prevention efforts reduce the load on the treatment system and, ultimately, the criminal justice system. Prevention programs are affected by law enforcement too—they work best in a climate where lawbreaking is punished and young people are discouraged from trying illegal drugs in the first place.

15. As the author of the National Drug Control Strategy, can you explain the process by which you ensure that all of the requirements for consultation, performance measures and data to be included in the national strategy are included?

A. The NDCS incorporates information on performance measures in the discussion each year of the President's Management Agenda (Introduction) and in more detail in the agency-by-agency discussion in the companion Budget Summary document; the consultation process (Appendix B); and data (the Data Supplement).

16. Can you please explain why the National Drug Control Strategy Data Supplement containing information required under law to be submitted to Congress no later than February 1, 2005 was not officially submitted to Congress this year along with the National Drug Control Strategy and Budget Summary?

A. A draft of the National Drug Control Strategy Data Supplement was forwarded to me internally this Spring and was not posted to the Internet due to my oversight. A copy of the data tables was provided to a Congressional staff member earlier this month when requested.

17. Please detail for the Committee all experience that you have had managing programs or supervising subordinates.

A. If confirmed, as Deputy Director for Supply Reduction, I will have the benefit of an excellent staff of 21, including eight military detailees (including one Coast Guard officer), liaisons from DEA and DOJ, and eleven civilians. This is a staff that I have worked closely with—on a daily basis—in my capacity as the Director's special assistant. They are of the highest caliber. Prior to coming to ONDCP I served as Executive Director of the Philanthropy Roundtable, an association of private foundations. At the Roundtable I was responsible for all publications including a six-times-a-year magazine, *Philanthropy*, with an attendant stable of roughly 20 writers, as well as specialized guidebooks published by the Roundtable; overseeing

construction and management of the organization's Web site; and managing the Roundtable's membership database and database programmer.

18. Have you ever discussed with Director Walters moving responsibility for the High Intensity Drug Trafficking Area program from the office of the Deputy Director for State and Local Affairs to the office of the Deputy Director for Supply Reduction?

Would you support such a move? Please provide the Committee with a yes or no answer.

A. I have never recommended such a move nor do I expect to. In more than two years of ONDCP's working with the Committee on our reauthorization, we have never proposed moving the HIDTA program to OSR.

19. What are ONDCP's current plans for the High Intensity Drug Trafficking Area program?

Is the idea of moving the program to the Department of Justice still on the table after being overwhelmingly rejected by Congress? Please provide the Committee with a yes or no answer.

A. No budget decision has been made at this time. I look forward, if confirmed, to supporting Deputy Director Burns in his oversight of the HIDTA program. Decisions about program funding and the program's location are made at the ONDCP Director level in consultation with the OMB Director. Accordingly, I am unable to commit the agency to a particular budget or course of action.

20. Do you believe that interdiction along the Southwest border is an important part of reducing the supply of drugs in the United States?

If so, what are your plans for enforcement along the border?

A. Yes. The Administration is mid-way through an extensive look how we can leverage our resources at the border to improve drug seizures. The interagency review, which ONDCP is leading with a DHS co-chair and extensive interagency support, is looking at POEs, between the POEs, the air threat, investigations, intelligence, and the challenge of seizing outbound currency.

Additional ongoing elements of our border effort include:

- **Expanded Extradition with Mexico.** Prospects for cooperation with Mexico on extraditions continues to improve. In 2004 the government of Mexico extradited a record 34 fugitives to the United States. The Mexican Supreme Court recently issued an encouraging ruling, stating that the possibility of life imprisonment or imprisonment for up to 100 years is not a violation of the Mexican Constitution. Were the ruling to becomes precedent, a major impediment to extradition may be removed.

- **Attack on Mexico DTOs.** Cross-border law enforcement cooperation continues in the form of initiatives such as Operation United Eagles, which, as of the end of 2004 resulted in the arrest of 19 members of the Arellano Felix Organization, dealing a severe blow to the Tijuana cartel.

- **Increased Border Agents in Arizona.** Phase II of the Arizona Border Control Initiative (ABCI) was initiated in March 2005 to target smuggling activities that had shifted to more remote areas of the Southwest border. ABCI Phase II increases the number of Border Patrol agents in Arizona by 25 percent. In FY 2004 ABCI contributed to a 105% increase in the seizure of marijuana, and a 13,333% increase in the seizure of cocaine.

- **Anti-Gang Effort.** In February 2005 ICE launched Operation Community Shield, a national law enforcement initiative that brings all of ICE's law enforcement powers to bear in the fight against violent street gangs. Among the goals of Operation Community Shield is to seek the prosecution and/or removal of alien gang members from the United States, many of whom entered the country illegally via the Southwest border and play an active role in the illegal drug trade.

How do you plan to work with law enforcement to achieve the Administration's goals for interdiction along the border?

A. It is difficult to overstate the role of law enforcement on the border. Whether in the form of Federal CBP officers at or between the POEs, State and local law enforcement entering data into an information sharing system like Cobija, of agents of the Drug Enforcement Administration working the Mexico side of the border, the role of law enforcement is central.

Which federal, State and local law enforcement groups will you rely on to implement this strategy?

A. The draft interagency strategy discussed in the answer to above encompasses DOJ, DHS, Treasury, the Intelligence Community, and State and local law enforcement. Additionally, the HIDTA program maintains relevant database and data sharing initiatives along the border, such as Cobija.

21. Part of the legal requirements of the National Drug Control Strategy, of which you are the author, is supplying Congress with an assessment of the effectiveness of the national strategy using performance measures.

How does ONDCP measure effectiveness of national drug control programs other than through the use of the Office of Management and Budget's PART score?

A. ONDCP regularly assesses Federal anti-drug programs through a variety of mechanisms. As part of the budget certification process, ONDCP assesses program effectiveness in tandem with agency budgets—formal guidance is provided through the Funding Guidance as well as the

Director's Summer and Fall Certification letters. In addition, ONDCP staff urge agencies to improve their accountability reporting and challenge projected program targets to ensure adequate contribution to the National Drug Control Strategy's goals. Also, the annual Budget Summary includes an assessment of program effectiveness, using various sources such as GPRA Performance Reports and input from agency staff.

Additionally, ONDCP conducts research to develop and assess drug policy, identify and detail changing trends in the supply of and demand for illegal drugs, monitor trends in drug use and identify emerging drug problems, assess program effectiveness, and improve the sources of data and information about the drug situation. Funding for policy research has supported analyses that resulted in the following publications: the Economic Costs of Drug Abuse in the United States, Estimation of Drug Availability n the United States, the Price and Purity of Illicit Drugs, and What America's Users Spend on Illegal Drugs.

Research projects supported with this funding include:

- Price and Purity of Illicit Drugs. This yearly project generates quarterly and annual illicit drug prices and purities for the United States and selected cities. Results of the project are used to monitor market trends and support other research projects related to the illicit drug market and will be particularly important to assessing the impact of law enforcement disruption on local drug markets. Statistical models based on data from the Drug Enforcement Administration are used to estimate typical prices for standardized purchases of heroin, cocaine, methamphetamine, and marijuana. The paper includes price trends for these standardized purchases over time.

- Retail Value of U.S. Drug Market: What America's Users Spend on Illegal Drugs. The report estimates the amount of drugs consumed in the United States and how much Americans spend to purchase them. The report focuses on the retail sales value of cocaine, heroin, marijuana, and other illegal drugs. It also currently provides ONDCP's estimates of the size of the heavy chronic user population. These estimates provide measures of the size of the illegal drug market in the United States.

- State- and County-level drug use/consequences data. This project identifies and obtains existing/archived data at the state- and county-level to analyze local drug situations. The data are being mapped and will prove useful for planning and research purposes. This project is the source for ONDCP's estimate of the number of drug-related deaths, which are one of many measures characterizing the drug market.

22. ONDCP contracted with the RAND Corporation to conduct a study on the price and purity of illegal drugs for 1981 though the second quarter of 2003. The conclusions of the study were not uniformly positive for the Administration's supply control efforts.

Did you take issue with the reports conclusions? If so, please explain.

A. I did not.

The report was completed in spring 2004 but was not released until November of 2004. Why was there a delay in releasing this report, especially considering the disclaimer that the views in the report did not necessarily reflect the views of the government and therefore would not require as extensive an approval process?

A. Price and purity studies are conducted to inform drug policy and the reports are written for transparency and for reproducibility. There was a delay in the release of the report because the draft reports undergo dissemination to the counterdrug community for review, checking, and editing. We made the report available shortly thereafter.

Will this report be updated annually?

A. The report will be updated annually. The price and purity study is currently in process to be updated.

If so, who will be conducting future assessments?

A. The Institute for Defense Analyses (IDA) will be updating this study.

If it is an organization other than the RAND Corporation, please explain what you found wanting to change contractors.

A. Since Fiscal Year 1993, the Operational Evaluation Division of IDA has been tasked by the Department of Defense (DoD) to conduct counterdrug operational analyses, and has provided the Office of the Secretary of Defense, the Joint Staff, USSOUTHCOM, and the U.S. Interdiction Coordinator with comprehensive assessments of the operational impact of international detection, monitoring, and interdiction activities focused on the illegal drug business. As part of this effort, IDA developed analysis procedures and requisite software processes for tracking and assessing various data sources offering insights into drug trends. These databases included records from the System To Retrieve Information from Drug Evidence (STRIDE) maintained by the Drug Enforcement Administration.

23. When was the last time ONDCP or another Federal agency examined the estimates of the yield of coca crops in South America?

Do you believe that ONDCP or another national drug control agency should re-examine the yield calculations given the fact that the U.S. government is eradicating and interdicting substantial amounts of cocaine but not seeing the expected decreases in purity or increases in price?

A. The U.S. Government, through DEA, which manages the Breakthrough program, periodically reevaluates yield calculations for coca producer countries. The most recent

completed studies by country are:

Colombia: Fall 2004, coca farmer interviews and biomass collection in Norte de Santander

Peru: April 2004, 18-month study of five major coca growing areas; and

Bolivia: on-going study to be completed in April 2006, last study completed in 1994.

Additionally, the most recent country reports, related to coca crop yields, are:

Bolivia, coca base processing efficiency study, 1994;

Peru, coca base processing efficiency study, 1997; and

Colombia, coca base processing efficiency study, 2001.

While our understanding of crop yields is reasonably current, it is correct to note that there are uncertainties inherent in the crop estimation process and continual efforts to refine it as well. The Interagency Assessment of Cocaine Movement for 2004 concluded that increasingly contradictory trends in several key data sets precluded a precise estimate of cocaine flow. To reduce the ambiguity in the IACM estimate, the Director ONDCP established the Cocaine Trends Working Group under the auspices of the IACM Steering Committee. The working group was asked to accomplish the following:

- Identify the assumptions underlying the various data sets that compose the IACM, challenge these assumptions, and where possible analyze the sensitivity of the data to possible errors in assumptions;
- Where possible, quantifying the uncertainties involved in the various estimates;
- Identify collection tasks that could provide more timely indicators of illicit drug market conditions; and
- Identify other initiatives that could improve the data and reduce uncertainty.

A draft paper is currently being coordinated in the Intelligence Community that summarizes the conclusions of this Working Group. Several process improvements are already being undertaken to improve cultivation, production, movement, and seizure accountings.

Why was a discussion of price and purity data not included in the 2005 National Drug Control Strategy?

A. We look forward to discussing changes in price and purity when there is clear evidence

of a trend to report.

The goal of the dramatic Department of State-led eradication program in Colombia, and the extraordinarily successful transit zone interdiction program of the Coast Guard, Customs and Border Protection air assets, and Department of Defense, and the DEA organization attack efforts in the Andes, Mexico, Central America, and the Caribbean, are all geared to one thing—disrupting the market for illegal drugs, and ultimately increasing the price and causing purity to drop or become unreliable.

We have not as yet seen that in the case of cocaine. Causes include the fact that there has been significant overproduction by traffickers. We have to cut through all the excess, which is geared for a "customer" nobody thinks about in those terms—seizures by law enforcement. A roughly 40 percent reduction in Colombia's production in export quality cocaine over four years is thus hugely impressive, and a real accomplishment by the Department of State and Colombian National Police air assets. But as long as we are cutting into overproduction, we are unlikely to cause significant market disruption. Colombia's 2004 production of export quality cocaine is estimated at 515 metric tons (down dramatically from 905 metric tons just four years ago), seizures enroute to the United States that year stood at roughly 248 metric tons, and U.S. consumption is roughly 250 metric tons per year.

We are driving down heroin production in Colombia. And, the latest analysis of heroin price and purity by DEA revealed that between 2003 and 2004, nationwide average South American heroin purity declined by 22 percent while average price rose by 30 percent.

24. How, if at all, would you change U.S. counter-narcotics policy in Afghanistan?

A. Building on our initial experience with eradication, the Poppy Elimination Program (PEP) effort will seek to prevent planting in the first place, and eradicate where necessary in concert with the forces of the local Governor and at a time early enough in the growing cycle (for instance, in December or January) that the farmer's investment is significantly lower than in early summer, when past efforts have been concentrated, and where resistance can be expected to be lighter. The PEP effort will also make a systematic effort to stage alternative livelihood programs in the seven key PEP provinces.

We also need to accelerate our judicial reform efforts, so that there are specially trained prosecution teams along with correctional facilities for incarceration of convicted narcotics traffickers and corrupt officials.

Questions for the Record for James O'Gara
Nominee for Deputy Director for Supply Reduction
Office of National Drug Control Policy

Senator Charles Grassley
Senate Judiciary Committee

Note: I would enjoy the opportunity to discuss any of these questions in greater detail with the Senator or his staff, and look forward to continuing an active dialogue on drug policy.

1. In your opening statement at the nomination hearing on October 18, 2005, you stated that your focus would be international drug control efforts in Colombia, the Transit Zone, Mexico and Afghanistan.

a. What do you believe is ONDCP's role in addressing international drug control efforts?

A. Reduced to its fundamentals, ONDCP's role in the international sphere is to work with our Federal agency counterparts to secure funding for, and assist in the implementation of, the President's National Drug Control Strategy, and to work with our host nation counterparts to do the same. We also seek to harmonize agency efforts such that we can achieve maximum impact and the greatest degree of unity of effort possible. Operations like JIATF-S exemplify this type of strength through unity, and JIATF-S's results speak for themselves— record seizures in the transit zone year after year.

b. What do you see as the biggest problems and obstacles we face regarding drug control in those specific countries/areas?

A. If there is a common element to the different areas you mention, it would have to be the need to maintain the pressure. As a government, as a people, we have to be wary of a tendency to push to the point of success and then move on to other challenges. In the arena of drug control policy, and international drug control efforts, we have a fairly straightforward (as distinct from easy) challenge: kill the crop, interdict the remaining production, and attack the organizations that traffic in it. In the Western hemisphere, we are on a path to success, killing strategically significant quantities of coca, interdicting enormous and growing amounts of what is left, and successfully targeting significant trafficker and transporter groups with the effect—rarely so visible after a law enforcement takedown—of shifting smuggling routes out of an entire section of the Caribbean. I see the challenge in Afghanistan as essentially the same, and where the process of institutional development will take longer, but not forever. Recall how dire things seemed in Colombia in 1990.

c. How do you plan to strengthen our efforts to combat drug production and transportation from and through Colombia, the Transit Zone, Mexico and Afghanistan?

A. As with the previous question, I see the challenge here less as one of policy innovation

than of policy implementation. I will seek first of all to implement the proven recipe of program elements that is leading the Government of Colombia to success. There is room for improvement in any program, and I see my challenge, working with my interagency colleagues and host nation counterparts, as improving the efficiency and effectiveness of what we are doing, while maintaining the agility and flexibility to respond to emerging threats, like the importation of methamphetamine precursors into Mexico.

2. In an editorial to the Boston Herald on September 18, 2005, Dave Murray, from ONDCP, wrote that, "Between 2003 and 2004, average South American heroin purity declined by 22 percent, while average price rose by 30 percent." This is great news for efforts to reduce the amount of illegal drugs flowing into the United States. However, I'm concerned that Mr. Murray didn't cite any other price and purity numbers.

a. What were the changes in price and purity for South American cocaine during the same period?

A. The figures you cite were based on DEA's Domestic Monitor Program (DMP) report (June 2005, DEA-05017), which collects retail heroin purchases from 25 U.S. cities. There is no comparable program for cocaine purchases at the retail level that can be linked to a specific source country. ONDCP's latest published assessment of drug price and purity are through July 2003, although we maintain internal, unofficial, estimates for cocaine price and purity based on DEA's STRIDE database, through mid-2005 for internal use in anticipation of finished data that we are expecting from our contractor, the Institute for Defense Analyses. Our internal estimates are unofficial and are unpublished, but do not show any significant change in price or decline in cocaine purity.

b. What were the changes in price and purity for heroin from other areas of the world, such as Southeast and Southwest Asia?

A. Please see the table below.

Table 1

Heroin Samples: Origin, Purities, and Prices

Heroin Sources	2001	2002	2003	2004
Southeast Asia samples	7	10	2	9
Southeast Asia percent pure	18.1%	23.9%	37.9%	42.6%
Southeast Asia price per milligram pure	$0.56	$0.61	$0.44	$0.66
Southwest Asia samples	29	22	33	19
Southwest Asia percent pure	26.5%	29.8%	27.1%	44.9%
Southwest Asia price per milligram pure	$0.42	$0.75	$0.95	$1.01
Mexico samples	344	242	320	342
Mexico percent pure	21.0%	27.3%	26.3%	27.9%
Mexico price per milligram pure	$1.28	$0.70	$0.75	$0.97
South America samples	386	341	468	420
South America percent pure	49.7%	46.0%	41.8%	32.5%
South America price per milligram pure	$0.77	$0.72	$0.77	$1.00

c. Please include copies of all documents from which you derived this information with your response.

A. Please see response to #2, above.

3. The U.S. government provided $72 million this year for poppy eradication in Afghanistan. Meanwhile, the Karzai Administration continues to oppose aerial eradication and the manual eradication efforts have proven to be a failure in reducing crop production. In fact, I found out that the State Department eradication program, the Central Poppy Eradication Force, somehow managed to eradicate only 209 hectares of poppy this year, which equals out to a price tag of about $345,000 per hectare.

a. Please explain what ONDCP is doing to ensure that this complete mismanagement of taxpayer dollars will not happen again. Please also provide your detailed plan to for an effective eradication effort next year.

A. Please see the answer to question d, below.

b. Our counter narcotics program should include efforts to halt production and transportation, and alternative development programs. How are you coordinating the efforts of the Departments of Defense, State and Justice in developing an effective strategy to address next year's crop production?

A. The Departments of Defense, State, and Justice, other agencies, and our Embassy in Kabul all worked very closely together to update our five-pillar Afghanistan counternarcotics plan. In implementing the plan, interagency coordination and communication occurs on a daily basis at the working level, both in Washington and in Kabul. Direct coordination at more senior levels also occurs on a regular basis.

The Administration developed an approach that aims to reverse the tide of narcotics cultivation, processing, and trade and begins to combat the threat it poses to Afghan stability and Afghanistan's pursuit of democracy. Our approach is a comprehensive, simultaneous, large-scale effort that includes changing public attitudes; identifying and prosecuting drug traffickers and corrupt officials; destroying illicit crops, opiates, and processing labs; and creating legitimate income streams.

c. Have you met with President Karzai or members of his administration to discuss possible aerial eradication efforts in the future?

A. I have met with President Karzai, narcotics minister Habib al Qaderi, then-interior minister Ahmad Ali Jalali, National Security Advisor Dr. Zalmay Rassoul, and other members of his cabinet team, although not at a time when aerial eradication was under active discussion.

d. Please specify the successes and failures of the 5 Pillar Plan. What performance measures have been met and what changes are you considering for the 5 Pillar Plan to endure success in the future?

A. Reaching the goal of eliminating poppy cultivation and narcotics trafficking in Afghanistan requires a comprehensive and integrated approach. The five pillar counternarcotics (CN) Implementation Plan adopted in 2004 is designed to provide a more coordinated effort. The setbacks in 2004-2005 spurred a reevaluation of the Plan. Our overall review indicated programs are being implemented, though still not producing desired results. Although eradication efforts failed to reach their goals last season, work on the other pillars is progressing.

Review of individual pillars in 2005 showed: (1) Public Information Campaign resulted in 90 percent of the Afghan population knows the drug trade is illegal, against Islam; over 80 percent voice support for CN; (2) Alternative Livelihood Programs, while hampered by security problems in Helmand and Kandahar provinces, got off to a relatively good start, with quick-impact projects in several of the major poppy growing provinces (e.g., Nangarhar and Helmand), planning on-going for long-term comprehensive programs, and Good Performer projects awarded in several provinces where poppy cultivation had been significantly reduced; (3) Interdiction capacity and operations were increased through expansion of the Afghanistan Special Narcotics Force (ASNF) and establishment of the National Interdiction Unit (NIU), supported by DEA-Foreign-deployed Advisory Support Teams (FAST), with an average of 2-3/month individual and joint ASNF and NIU/FAST-supported raids that destroyed nearly 350 labs and seized over 50 metric tons of opiates and precursor chemicals; and, while pillars (4) Eradication and (5) Judicial Reform failed to meet performance objectives, we are instituting improvements and new initiatives in both pillars which will produce much better results. A key lesson learned last year was the need to focus prevention efforts at the provincial level.

Based on the lessons learned from our assessment, the elements of the revised Plan for 2005-2006 for Elimination/Eradication include:

- Focusing our efforts in key poppy-growing provinces.
- Applying lessons learned by reorganizing Central Poppy Eradication Force (CPEF) into a more mobile Afghan Eradication Force (AEF).
- Setting up a provincially based Poppy Elimination Program (PEP) that vigorously discourages cultivation year round, mobilizes governor-led eradication early on while farmers can still replant legitimate crops, and coordinate integration of Alternative Livelihood Programs directly with the governor and local officials.
- Deploying more air-mobility assets to enable timely and accurate monitoring and verification of opium crops and robust support for eradication.

Improvement of the pillar for Judicial Reform:

- Assisting the Afghan government in setting up specially trained CN prosecution teams and supporting those teams with mentors.
- Providing DOJ prosecutors/advisors to help train and establish the Afghanistan CN Judicial Court system
- Aggressively working with the Government of Afghanistan, Italy, UN, and other international partners to build and establish correctional facilities for incarceration of convicted narcotics traffickers and corrupt officials.

e. What steps are you taking to ensure that other countries provide the funding they have pledged to combat drug production in Afghanistan?

A. We meet regularly with the UK, the lead country for coordinating international counternarcotics assistance to Afghanistan, at least monthly on a formal basis and informally through frequent contacts with the British Embassy in Washington. Discussions with the UK include the key issue of donor funding for CN. With the support of the U.S. Government, earlier this year the UK assisted the Government of Afghanistan with setting up a CN Trust Fund (CNTF) to allow donor countries to earmark their contributions to Afghanistan for the CN effort. Periodically, we participate at Donor Conferences, as well as during bilateral meetings, to encourage other countries to provide funds to the CNTF. The USG also sends demarches to donor countries to ask for funding of CN pledges which are followed-up by US Embassy bilateral exchanges. In 2004-2005 the following countries provided funds to the Afghanistan CN effort:

- UK: approximately $105 million ($315 million over three years) including $27 million for Alternative Livelihoods (AL), plus an additional $100 million announced last summer—expected over three years and majority to alternative livelihood projects
- Germany: $23 million for CN Law Enforcement
- France: $2.5 million for CN Law Enforcement
- Italy: $1.8 million for CN Criminal Justice
- Japan $4.8 million for CN Law Enforcement

f. In addition, how often will you be meeting with our allies – including Great Britain, Germany and Italy – to coordinate effectively coordinate opium eradication and alternative development efforts?

A. We meet with the UK frequently, in Washington, London, and particularly in Kabul, to coordinate opium eradication and integration of alternative livelihood projects within the context of the Poppy Elimination Program (PEP). The UK chairs, with U.S. Government participation, the Eradication Targeting Cell in Kabul where operational coordination is conducted for eradication activists. Additionally, the U.S. Government works with the UK to coordinate PEP activities in Helmand, where the UK is responsible for implementation and support. Similarly, U.S. Government officials meet with German officials, occasionally in Washington and Berlin, more frequently in Kabul, to support Germany's alternative livelihood projects in Badakhshan Province, where Germany also leads a Provincial Reconstruction Team (PRT) that helps coordinate Afghan eradication activities. While Italy is not involved in opium eradication and alternative livelihood programs, we coordinate extensively with Italian officials, who lead the Judicial Reform effort, in building the Afghan court system and correction facilities.

g. It is my understanding that, earlier this year; the Government of Afghanistan was to conduct a baseline survey on how best to address the problem of opium production. Please provide a copy of those results and a statement about how you plan to use this information in our efforts to combat opium production in Afghanistan.

A. I am not aware of a Government of Afghanistan (GOA) baseline survey on how to best address opium production, but I am familiar with a UN Rapid Assessment Survey (available on UNODC Web site) which was conducted earlier this year. The UN Survey provided some preliminary indications of CN Plan effectiveness and where improvements may be needed. It demonstrated that crop reductions were possible where there was commitment and direct participation of provincial governors in the CN Implementation Plan. It gave an initial indication of why poppy prevention efforts needed to be focused at the provincial level. Considering this survey and more particularly the lessons gleaned from the failed eradication effort last season, we revised the CN Plan to establish the PEP initiative to center our efforts at the provincial level, as the best course of action for meeting poppy reduction goals and objectives to eliminate opium production. The GOA, through the Ministry of CN, has taken full responsibility for coordinating the PEP Teams in the major poppy growing provinces and is holding governors accountable for their success.

4. The Government of Colombia has been very successful in eradicating coca within its borders. The number of AUC members demobilized and demobilizing has surpassed all expectations. The economy of Colombia is accelerating, and it is my understanding that citizens now feel safe to travel in their own country.

a. How is ONDCP coordinating with the Departments of Defense and State, and USAID to ensure that these trends continue?

A. Thanks to bipartisan, bicameral support for the Andean Counterdrug Initiative, the program has enjoyed sustained support, and you are absolutely right that the trends have surpassed even the most optimistic projections. We are working and will continue to work closely with the Department of State's Bureau of International Narcotics and Law Enforcement as well as the State and AID regional bureaus and the NSC staff to ensure that the gains of Plan Colombia are consolidated.

ONDCP is monitoring the efforts of Federal agencies to institutionalize improvements in Colombian security, for example:

- DOD provides human rights training for the Colombian Military and National Police; streamlined logistics support system of the Colombian Military; and training to improve the professionalism of the Colombian Military.

- Department of Justice is working closely with the Government of Colombia to institute an accusatorial system of justice by providing advice and training to the Government of Colombia so that those changes would be made permanent in law.

- USAID has revolutionized the way the Government of Colombia provides assistance to its least advantaged by setting up Houses of Justice to hear and respond to local complaints and reduce the workload on the justice system.

- USAID provides alternative development that is viable and tied to infrastructure and markets to ensure the farmers are not forced to go back to illicit crops to make a living.

b. I continue to be concerned about a lack of coordination among governmental and non-governmental organizations in coordinating alternative development programs.

A. If confirmed I pledge to work with your staff to identify and address any such concerns.

c. We have encountered many problems in trying to ensure that there are adequate programs available for a smooth reintegration of demobilized former narco-terrorists. What is ONDCP's plan to iron out a smooth and coordinated strategy between our administrative agencies to ensure that we don't lose our momentum?

A. The U.S. Government currently supports the demobilization process through a combination of technical assistance to monitoring groups like the OAS, and through specialized DOJ training to special units that will debrief demobilizing individuals. We will work with DOJ and AID to ensure that aid delivery is coordinated and that aid is well spend. Please note also the answer to Question #4 f below.

d. When will Plan Colombia II be made available to Congress?

A. The Department of State's Bureau of Western Hemisphere Affairs has been the principal lead in preparing the way ahead for follow-on drug control activities in Colombia, pursuant to an NSC tasking. The process is fairly well along and I would anticipate that there may be an opportunity to brief Congress in the next two or three months.

e. Given the success we have seen with Plan Colombia, will Plan Colombia II include a greater emphasis on Alternative Development to ensure that Colombians are not forced back into drug production to provide for their families?

A. Current funding under the Andean Counterdrug Initiative provides significant funding to AID projects including alternative development and institution building efforts. In the Fiscal Year 2006 request, for instance, $124 million out of $463 million is dedicated to AID projects. AID's largest single funding category in Colombia is that of "Provide Economic and Social Alternatives to Illicit Crop Production," which is receiving $70.69 million in Fiscal Year 2005 funding. Another prospective outlet for AID programs is identified in your next question.

f. What steps are you taking to ensure that demobilized soldiers are effectively reintegrated into Colombian society and don't return to their former lives?

A. The Government of Colombia plans to invest $88 million of its own resources and is seeking $48 million from the United States through Fiscal Year 2007. Colombia's request for additional assistance is under review within the Administration, as we evaluate the provisions of Peace and Justice law, and the manner in which the Government of Colombia implements the law.

g. What steps are you taking to ensure that other countries provide the funding they have pledged to combat drug production in Colombia?

A. President Alvaro Uribe has taken an energetic lead role in seeking the support of European donor nations, and has secured pledges from Ireland, The Bahamas, The Netherlands, South Korea, and Sweden. I would be happy to arrange for a briefing for any interested Committee staff on additional details.

5. We continue to receive conflicting information about the status of our current efforts to halt coca cultivation and flows out of Colombia. The CIA's Crime and Narcotics Center, the Defense Intelligence Agency and the Drug Enforcement Administration all use different methodologies and have produced different crop cultivation numbers.

With regard to flow estimates, it is my understanding that the Inter-Agency Cocaine Movement model provides one number while the Consolidated Counterdrug Data Base model provides another, and that different agencies use different numbers to produce their statistical information. This, I believe, makes it difficult for us to get an accurate picture of how successful our interdiction efforts have been.

a. Which cultivation estimate gives us the most accurate measure of how much coca is being cultivated in Colombia in a given year?

A. As your question indicates, crop cultivation numbers are generated by more than one organization—in this case by the United Nations Office of Drugs and Crime and by the U.S. Government. Depending on the year and country, the two sets of numbers sometimes track one another, although the magnitudes often differ significantly. The U.S. Government estimate has had the benefit of extensive overhead imagery and other technical resources. The UN survey typically benefits from the addition of excellent on-the-ground interviews with farmers and the addition of other socioeconomic data.

b. Which of these measures is more accurate in determining the flow of cocaine into the US?

A. The U.S. Government typically uses the U.S. estimate for cultivation and production. While our understanding of crop yields is reasonably current, it is correct to note that there are uncertainties inherent in the crop estimation process and continual efforts to refine it as well. As your question indicates, the IACM provides a flow estimate, and the CCDB is sometimes used

by operators in the field to generate estimates to serve their operational needs. The interagency community comes together to produce the IACM, the estimate for 2004 concluded that increasingly contradictory trends in several key data sets precluded a precise estimate of cocaine flow. To reduce the ambiguity in the IACM estimate, the Director ONDCP established the Cocaine Trends Working Group under the auspices of the IACM Steering Committee. The working group was asked to accomplish the following:

- Identify the assumptions underlying the various data sets that compose the IACM, challenge these assumptions, and where possible analyze the sensitivity of the data to possible errors in assumptions;
- Where possible, quantify the uncertainties involved in the various estimates;
- Identify collection tasks that could provide more timely indicators of illicit drug market conditions; and
- Identify other initiatives that could improve the data and reduce uncertainty.

A draft paper is currently being coordinated in the Intelligence Community that summarizes the conclusions of this Working Group. Several process improvements are already being undertaken to improve cultivation, production, movement, and seizure accountings.

c. How accurate are the various methodologies - plus or minus 10%, 20%, 30%?

A. The Cocaine Trends Working Group is looking at issues of quantifying uncertainties and reducing uncertainties.

d. What is your plan to implement effective performance measures?

A. As indicated below in answer to a question, ONDCP regularly assesses Federal anti-drug programs through a variety of mechanisms. As part of the budget certification process, ONDCP assesses program effectiveness in tandem with agency budgets—formal guidance is provided through the Funding Guidance as well as the Director's Summer and Fall Certification letters. In addition, ONDCP staff urge agencies to improve their accountability reporting and challenge projected program targets to ensure adequate contribution to the National Drug Control Strategy's goals. Also, the annual Budget Summary includes an assessment of program effectiveness, using various sources such as GPRA Performance Reports and input from agency staff. If confirmed as Deputy Director for Supply Reduction, I will seek to continue to work with our agency counterparts to strengthen and refine their goals and measurement systems in service of the President's National Drug Control Strategy.

6. The availability of key interdiction assets in the transit zone has been steadily declining. For example, Navy P-3 flying hours have decreased significantly over the past 5 years and, the Netherlands withdrew their P-3s from the transit zone late last year. What is your plan to

compensate for these losses?

A. It is correct to state that Navy P-3 hours have declined precipitously as a result of unforeseen wing fillet erosion problems. The good news is that we have received backfills of DoD AEW support in the form of AWACS supporting the Airbridge Denial mission, enabling us to release CBP P-3 MPA assets to operate in the transit zone. Additionally, CBP/AMO and the Coast Guard have both increased their MPA capability. We have been in discussions with the United Kingdom regarding their MPA capability, we receive support from the French Government, and we are working with other allies in the region to obtain MPA support as well. And such support is paying dividends, contributing the successive years of record seizures and removals of cocaine enroute to the United States—248 metric tons in 2004.

7. In 2001, the National Research Council provided ONDCP with a list of recommendations to increase the effectiveness of its drug control enforcement policies. However, it's my understanding that ONDCP has not fully addressed these recommendations. Please state how you plan to address the recommendations.

A. ONDCP has taken several steps to address Supply Reduction Policy issues identified by the NRC report. In conjunction with the U.S. Coast Guard and Customs, ONDCP produced a report, "Measuring the Deterrent Effect of Enforcement Operations on Drug Smuggling, 1991-1999" (August 2001) that addressed specifically one of the NRC issues. One of the three principles of the National Drug Control Strategy is to Disrupt the Market for drug trafficking. ONDCP has operationalized this principle through the development of a market disruption modeling effort. This model, developed with the support of the interagency community, informs our thinking about the best policy and program efforts to disrupt and dismantle drug markets and drug trafficking organizations. Components of the model address exactly the points identified by the NRC concerning trafficker responses to control activities, the speed with which these responses occur, the effect of control activities on price and purity, and their duration. These latter issues are currently being addressed through an in-house effort to develop a dynamic model of the cocaine market that considers time lags and the impact on price/purity of enforcement efforts. Finally, one of ONDCP's seven operational priorities is the Data Initiative, the purpose of which is to ensure the continued financial viability of key data sets, such as NSDUH and DAWN; design and implement a follow-on to ADAM; coordinate data collection and analysis activities among drug control agencies to better inform policy; identify gaps in knowledge and develop/refine and implement data systems/research projects to address them; and provide analyses of existing data to answer current policy questions.

8. As the principal author of the last three National Drug Control Strategies, please explain the process used to prepare those strategies.

A. The Director of ONDCP consults with a wide range of experts and officials while developing the National Drug Control Strategy. Specified consultants include the heads of the National Drug Control Program agencies, Congress, State and local officials, citizens and organizations with expertise in demand and supply reduction, and appropriate representatives of

foreign governments. Internally, the consultation process involves key ONDCP officials, yielding insight from their extensive field contacts on topics to be addressed, issue areas to be explored, programs to be highlighted, and themes to be examined, ultimately leading to a general outline which is discussed among senior staff and which leads to a first draft. Drafts of the NDCS are coordinated internally within the agency, and comments incorporated as appropriate. The draft in turn is "married up" with longer-term budget proposals that have been moving through the system throughout the previous year. Drafts are then circulated to the appropriate Federal agencies including DoD, CIA, DHS, DOJ, the Department of State, Ed, and HHS. Eventually, the consolidated draft is forwarded to White House Staff Secretary for internal EOP clearance. The final product is cleared three times: there is an internal ONDCP review, a Department level review, and a final review which is handled by the White House Staff Secretary.

As an aside, one of the more gratifying parts of developing the Strategy is the opportunity to highlight the work of people in the field who are making an important contribution, and in the process to get to know them a little and help them receive some of the recognition they deserve. In just the past two years I have personally had the opportunity to have lengthy discussions with teachers, high-school principals, prosecutors, concerned community coalition activities, treatment providers, doctors, and U.S. Government aircrews.

Julio Medina, profiled in the most recent Strategy, is a former addict and prison inmate who is helping others bridge the challenging transition to freedom through Exodus Transitional Ministries in Harlem. Dr. Joe Schmidt is a principal who brought a well-regarded student drug testing program to Chicago's St. Patrick High School. Vicky Ward is a concerned mother in Kansas City, Kansas who got tired of seeing kids get into car accidents at prom time and decided to do something about it. Reverend Richard J. McCain is pastor of the Southeast Cleveland Church of Christ in Cleveland. But when I talked to him, he was busy running off drug dealers in his southeast Cleveland neighborhood.

9. As you were preparing the National Drug Control Strategy, who did you specifically discuss the strategy with?

A. As suggested in the answer to Question #8, the strength of the strategy formulation process is that ONDCP is comprised of a highly mobile Director and Deputy Directors, all of whom make themselves available to provide suggestions and guidance and the benefit of their extensive travel and contacts with the field.

10. In the back of the strategy, there is a list of individuals and organizations whose views were solicited during the development of the strategy. Did you speak with any of them directly? If so, please list their names. Were their suggestions incorporated into the strategy?

A. I take very seriously the role of consulting for the Strategy. I communicated with a variety of individuals during the development of the Strategy, both orally and via email, both designated consultants as well as individuals not listed in the appendix. As an example, I engage

many of the individuals highlighted in the Strategy's boxes in hours of discussions over a period of days or weeks during the drafting, editing, and fact checking process. With regard to your question about who specifically I discussed the Strategy with, I did not maintain records of each individual with whom I spoke or the form of communication employed. Additionally, please see answer to Question #9, above.

11. Do you agree with Attorney General Gonzales that there is a methamphetamine epidemic in this country, and if so, why has ONDCP not reacted?

A. The rise of methamphetamine consumption in the United States over the past decade is characteristic of an epidemic. We have seen the rise of superlabs run by foreign trafficking organizations operating within our borders and watched the rapid spread of methamphetamine across the country through the proliferation of small clandestine laboratories which have a broad impact beyond just the drug user. From 2002 through 2004, more than 49,000 small clandestine laboratories were discovered and seized in the United States. Additionally, the number of new methamphetamine users continued to rise during the last decade. Today, approximately 583,000 Americans that are current users (defined as used in the past 30 days) of methamphetamine.

This is not, however, a problem that defies solution. Federal law enforcement efforts principally by the Drug Enforcement Administration working with the Royal Canadian Mounted Police have caused domestic shortages of pseudoephedrine, prompting in turn a dramatic decrease in "superlabs" in America. We are seeing the first indications of sustained reductions in small clandestine laboratories, and youth methamphetamine use is down 25 percent over three years. More still needs to be done. If confirmed, my focus will be on stopping the methamphetamine produced outside of our borders, to take some of the burden off of our domestic law enforcement agencies.

Currently, DEA personnel are working closely with vetted Mexican Law Enforcement Units to investigate and destroy methamphetamine labs as well as interdict precursor chemicals (essential elements needed for manufacturing) and finished methamphetamine products. They have had success, but run up against the related challenge of controlling pseudoephedrine and ephedrine imports into countries such as Mexico. The U.S. needs to ensure close cooperation with source countries for pseudoephedrine (Germany, India, and China) and ephedrine (India, Czech Republic, and Germany) coupled with the cooperation of importing nations such as Mexico and Panama to make shipments more transparent and accountable.

ONDCP has been engaged in this issue. The National Drug Control Strategy has an entire section dedicated to Targeting Synthetic Drugs, with a focus on methamphetamine. It discusses the success of declining U.S. superlabs, but also the new challenge of increasing amounts of meth from beyond our borders. Legislative recommendations are also put forth. The Strategy has certainly evolved in discussing methamphetamine and that is in large part due to extensive consultations with States and Members of Congress.

12. In the House reauthorization bill of the Office of National Drug Control Policy proposed by

Congressman Souder's committee, it was written that the Deputy Director of Supply Reduction should have substantial interdiction expertise. What experience do you have that qualifies you under this criterion? Please explain in detail.

A. Section 105 of the "Office of National Drug Control Policy Reauthorization Act of 2005" (H.R. 2829) amends the establishment of the Office of National Drug Control Policy and designation of officers. Part (a)(c)(2) states that the Deputy Director for Supply Reduction "...shall have substantial experience and expertise in drug interdiction operations and other supply reduction activities..."

ONDCP opposes the provision you cite, because the duties of the Deputy Director for Supply Reduction extend well beyond interdiction, to include international drug control, interacting with Federal law enforcement, and foreign and domestic drug intelligence. The Deputy Director for Supply Reduction is responsible for implementing the National Drug Control Strategy's goal of disrupting the market for illegal drugs in the United States and abroad, by working with counterparts at National Drug Control Program agencies including the Departments of State, Defense, Justice, Homeland Security, and Treasury, as well as the Central Intelligence Agency. For the past four years, I have worked with my colleagues in those agencies on the drug issue.

My career has been in drug control and it has been in the policy arena. If confirmed, I will continue to rely on the staff of the U.S. Interdiction Coordinator, the JIATF-S commander, as well as a staff of superb military detailees, including one from the U.S. Coast Guard, to serve as an interface with the operational interdiction elements of the U.S. Government.

13. Do you believe State and local drug enforcement is an important component of the national drug control strategy?

A. Yes. I believe that working successfully with State and local law enforcement is central to the success of the National Drug Control Strategy's goal of disrupting the market. During my time at DEA I learned that State and local law enforcement is responsible for an enormous amount of the intelligence and a large share of the narcotics cases eventually worked by Federal authorities, in task force settings, and in other joint settings like HIDTAs. While it is often not recognized, State and local law enforcement is also at times in the forefront of sophisticated cases such as the New York State Police's groundbreaking wiretap-driven investigation of elements of the Jose Santacruz-Londono organization in New York during the late 1980s and early 1990s.

14. What do you believe the role of State and local law enforcement should be in reducing drug trafficking in the United States?

A. State and local law enforcement is responsible for an enormous amount of the intelligence and a large share of the narcotics cases eventually worked by Federal authorities, in task force settings, and in other joint settings like HIDTAs. To pick one example, the Drug Enforcement Administration, where I served, supports approximately 2,625 deputized State and

local task force officers working side-by-side with 1,425 DEA Special Agents on 217 Task Forces. I believe that Federal law enforcement's working successfully with State and local law enforcement as full partners is central to the success of the National Drug Control Strategy's goal of disrupting the market.

15. How would you describe your relationship with State and local law enforcement?

A. As a staff member at the Office of National Drug Control Policy, I have interacted with State and local law enforcement primarily through attending meetings with my principal, Director Walters, who travels and meets extensively with State and local officials, including HIDTA Directors, sheriffs, and police chiefs. Director Walters has traveled to 26 of 28 HIDTAs at least once in the past four years and has addressed their annual national conference three times. Additionally, ONDCP's Deputy Director for State and Local Affairs, Scott Burns, and his Assistant Deputy, Joseph Keefe, are in daily contact with the HIDTA Directors and other State and local law enforcement agencies.

16. Have you been involved in developing a strategy with State and local officials to deal with the use, production and trafficking of methamphetamine? If so, what have you done?

A. ONDCP's Deputy Director for State and Local Affairs, Scott Burns, has been tasked with developing an Interim Report and otherwise coordinating ONDCP's efforts on synthetic drugs. I have not been involved in the development of the October 2004 Interim Report. If confirmed, however, I will work to address the challenge of keeping methamphetamine and methamphetamine precursors from being smuggled into the United States from Mexico.

17. Have you ever discussed with Director Walters moving the HIDTA program under the office of Supply Reduction within ONDCP? Do you support such a move?

A. I have never recommended such a move nor do I expect to. In more than two years of ONDCP's working with the Committee on our reauthorization, we have never proposed moving the HIDTA program to OSR.

18. How would you describe your relationship with the HIDTA's and the HIDTA directors?

A. As indicated in the answer to Question #15, as a staff member at the Office of National Drug Control Policy, I have interacted with State and local law enforcement primarily through attending meetings with my principal, Director Walters, who travels and meets extensively with State and local officials, including HIDTA Directors, sheriffs, and police chiefs. Director Walters has traveled to 26 of the 28 HIDTAs at least once in the past four years and has addressed their annual national conference three times. In addition, the primary relationship between the HIDTA Directors and ONDCP is with the HIDTA Director, Joe Keefe, and the Deputy Director of State and Local Affairs, Scott Burns. My relationship is secondary to theirs.

19. How many times have you met and discussed drug problems with the HIDTA directors?

A. Please see the answer to Question #18.

20. The budget request for 2005 proposed a significant reduction in funding for the HIDTA program and the elimination of the Edward Byrne Memorial Justice Assistance Grant Program, what position did ONDCP take with the Office of Management and Budget (OMB) on these programs? Please include any memoranda, letters, or other correspondence that stated the ONDCP position to OMB.

A. I am advised by ONDCP's budget office that agency communications with the Office of Management and Budget regarding funding matters are to remain a matter of internal record within the Administration. As the Fiscal Year 2006 budget process concludes, we stand ready to wok with the HIDTA program if as appears likely it is returned to ONDCP with full funding.

21. As the Special Assistant to the Director, what budget recommendations did you propose to the Director on the HIDTA and Byrne Grant programs?

A. I am advised by ONDCP's budget office that internal agency deliberations regarding funding matters are to remain a matter of internal record within the Administration.

22. What role do you see HIDTA and the Byrne Grant programs playing in national, regional, and local drug supply reduction?

A. If confirmed, my focus will be on stopping the drugs produced outside of our borders, to take some of the pressure off of our domestic law enforcement agencies. Unless our authorizing statute changes this division of labor, interacting with domestic law enforcement agencies will remain the principal responsibility of Deputy Director for State and Local Affairs, Scott Burns, and if confirmed I look forward to working with him to ensure that the foreign-domestic interface works well and supports implementation of the President's National Drug Control Strategy.

23. Did you speak with State and local law enforcement administrators and HIDTA directors about these cuts before they were proposed? If not, why? If so, please list their names and localities.

A. The President's Budget remains internal to the Executive Branch until released in early February of each year. Agencies are not permitted to discuss budget changes outside the Executive Branch before that time.

24. What significant contributions have the HIDTAs made to methamphetamine enforcement in terms of clandestine lab seizures and lab enforcement training to State and local law enforcement agencies?

A. I am aware that the High Intensity Drug Trafficking Area program in recent years has focused more approved initiatives—27 percent in the past year, or 96 out of 361 initiatives—on methamphetamine than on any other single drug. ONDCP's HIDTA office reports that HIDTAs identified 2,728 clandestine labs during 2004 and dismantled 1,601 labs during that same period. The HIDTA office does not maintain separate statistics on HIDTA clandestine lab training efforts.

HIDTA's primary weapon against the precursors and essential chemicals is funded out of the Southwest HIDTA California Border Alliance Group in San Diego. This HIDTA Program is the National Methamphetamine Chemicals Initiative (NMCI). This is a national anti-methamphetamine manufacturing strategy, intelligence-sharing and training initiative. The program funds three coordinators: one for California, one for Nevada, Arizona, and New Mexico and the other for Montana, Wyoming, Utah, and Colorado.

NMCI has three primary missions:

1. Work with its members to improve support of chemical investigations.

2. Coordinate actual investigations.

3. Promote information-sharing and law enforcement training.

In fact, HIDTA has targeted the distribution and manufacture of methamphetamine in a comprehensive, coordinated and multi-faceted approach. HIDTA's efforts vary from dismantling small mobile labs to dismantling major international drug trafficking organizations primarily involved in the distribution of methamphetamine.

Half of the HIDTAs have identified a significant methamphetamine drug threat and have developed a strategy to combat the problem. Many of the HIDTAs have teams that specifically address the manufacturing of methamphetamine. In the HIDTAs that don't have specific teams, many of their task forces are specially trained to handle dismantling clandestine lab operations.

In 2004, the HIDTAs targeted 7,869 transactions of precursors and essential chemicals. In many states, the HIDTA Program has been instrumental in securing legislation tightening the control of precursors and essential chemicals. HIDTAs have been heavily involved in educating retailers about ephedrine and pseudoephedrine as it relates to the manufacturing of methamphetamine.

25. Were the above contributions considered in the budget recommendations ONDCP made to OMB?

A. As you are aware, OMB considers numerous factors when determining funding for discretionary programs, including the results of the PART tool.

26. Why are HIDTA activities not detailed in either the National Synthetic Drug Action Plan or the October 2004 Interim Report?

A. The National Synthetic Drugs Action Plan and its Interim Report focus on policy initiatives rather than law enforcement operations, examining market disruption primarily through the lens of precursor control and our partnership with countries such as Mexico. Although HIDTA is not specifically discussed in the Interim Report, Deputy Director for State and Local Affairs Scott Burns, the co-chair of the Synthetic Drugs Interagency Working Group, has consistently and publicly noted that among HIDTA counterdrug initiatives focused on a specific drug, there are more initiatives focused on methamphetamine than on any other single drug.

27. How have ONDCP's plans for the HIDTA Program changed since Congress rejected ONDCP's proposed HIDTA funding cut and refused to transfer it out of ONDCP?

A. I am advised by ONDCP's budget office that agency deliberations regarding funding matters are to remain a matter of internal record within the Administration. While no decisions about the location or funding level of the HIDTA program have been made at this time, any future decisions will be made above my level, in close consultation with the Office of Management and Budget.

28. Please describe your relationship with key staff of Congress in dealing with drug issues.

A. I have briefed Congressional staff in the House and Senate regarding the National Drug Control Strategy and President's Budget. I frequently work through our Office of Legislative Affairs to address Congressional inquiries that deal with international issues, especially those dealing with Colombia, Mexico, and Afghanistan. I look forward to having more of a relationship and dialogue with staff on drug issues, if confirmed.

29. Please describe your relationship with key drug policy leaders in other countries.

A. I have met with key policymakers and enjoyed productive exchanges with law enforcement officials in Colombia, Mexico, and Afghanistan, including the Colombia's President, MOI/MOJ, and MOD; Mexico's MOD, Attorney General, Deputy AG, and AFI Director; and Afghanistan's President, MOI, and Counternarcotics Minister. I value their insights and counsel and, if confirmed, will seek to maintain regular contact with an appropriate subset.

30. Have you ever managed a national program for an executive branch agency? Please explain.

A. The position of Supply Reduction Deputy, for which I have been nominated, does not include managing national programs. Instead, the position deals with coordinating and collaborating with other Federal agencies that run programs. The OSR position has been vacant for more than one year, and during that time I have had the opportunity to work with the Acting

Deputy Director and the Assistant Deputy Director to manage the office's outstanding staff. As Deputy Director for Supply Reduction, if confirmed, my management style will be to motivate the excellent staff and detailees in OSR to integrate themselves within the community more fully, focus on the truly important goals we have set for ourselves, and follow through relentlessly.

31. What supervisory experience do you have? Please explain (where, how many employees, types of employees, etc.).

A. If confirmed, as Deputy Director for Supply Reduction, I will have the benefit of an excellent staff of 21, including eight military detailees (including one Coast Guard officer), liaisons from DEA and DOJ, and eleven civilians. This is a staff that I have worked closely with—on a daily basis—in my capacity as the Director's special assistant. They are of the highest caliber. Prior to coming to ONDCP I served as Executive Director of the Philanthropy Roundtable, an association of private foundations. At the Roundtable I was responsible for all publications including a six-times-a-year magazine, *Philanthropy*, with an attendant stable of roughly 20 writers, as well as specialized guidebooks published by the Roundtable; overseeing construction and management of the organization's Web site and Web programmer; and managing the Roundtable's membership database and database programmer.

32. Please summarize your experience speaking on public policy issues.

A. Most of the public speaking I have done on public policy issues has been in the context of meetings, conferences, and internal government deliberations. I welcome the opportunity, if confirmed, to expand my opportunity to speak regarding key international drug policy issues. Part of the success we can achieve with regard to Supply Reduction is to educate the public with regard to the successes we are seeing in the international drug arena.

33. What has been your role in helping with the Drug Endangered Children problem nationally?

A. I am familiar with the DEC program. ONDCP Deputy Director for State and Local Affairs Scott Burns has worked with local governments regarding this important program. If confirmed, my focus will be on stopping the methamphetamine produced outside of our borders, to take some of the burden off of our domestic law enforcement agencies, and reduce the impact of meth labs on communities such as those served by the DEC program.

34. The National Methamphetamine Chemical Initiative funding comes from HIDTA baseline funding. What have you done to encourage and enhance NMCI in carrying out its mission?

A. ONDCP, through the HIDTA program, provides approximately $500,000 in support to the National Methamphetamine Chemical Initiative (NMCI), which in turn provides valuable information and support to State and local law enforcement throughout the nation to combat methamphetamine, including best practices information. The Drug Endangered Children (DEC) program, which aims to help children harmed due to proximity to use and production of

methamphetamine and other drugs, is supported in part by the NMCI. NMCI receives $500,000 in HIDTA discretionary funds annually. ONDCP leadership actively supports NMCI in operational and policy matters. Additionally, ONDCP leadership participates in NMCI conferences and events.

35. Please explain the imbalance of discretionary spending between marijuana eradication and methamphetamine programs.

A. Much more HIDTA funding is spent each year on methamphetamine than on marijuana. With regard to your question on discretionary spending, the program's Fiscal Year 2005 discretionary spending allocated $4.6 million to target regional drug trafficking organizations (this was prioritized for methamphetamine investigations) and $4 million for marijuana programs. Please note that High Intensity Drug Trafficking Area program in recent years has focused more approved initiatives—27 percent in the past year, or 96 out of 361 initiatives—on methamphetamine than on any other single drug.

36. There is a widely-accepted statistic that State and local law enforcement agencies effect over 80 percent of the drug-related arrests in the United States. It is also well-established that intelligence usually runs from the street up to the higher-level dealers. Given these statements, how would you propose to leverage the resources of State and local governments, while facilitating partnerships among federal, State and local drug law enforcement agencies across the nation?

A. I believe that working successfully with State and local law enforcement is central to the success of the National Drug Control Strategy's goal of disrupting the market. As previously stated in answer to a question, State and local law enforcement is responsible for an enormous amount of the intelligence and a large share of the narcotics cases eventually worked by Federal authorities, in task force settings, and in other joint settings like HIDTAs. While it is often not recognized, State and local law enforcement is also at times in the forefront of sophisticated cases such as the New York State Police's groundbreaking wiretap-driven investigation of elements of the Jose Santacruz-Londono organization in New York during the late 1980s and early 1990s. Interacting with domestic law enforcement agencies will remain the principal responsibility of Deputy Director for State and Local Affairs, Scott Burns, and if confirmed I look forward to working with him to ensure that the foreign-domestic interface works well and supports implementation of the President's National Drug Control Strategy.

37. What are your thoughts on measuring the success of drug enforcement operations by analyzing illegal drug prices at all levels of the marketplace over time?

A. Measuring the price and purity of illegal drugs over time is an excellent way to measure he strategic, cumulative effect of supply reduction activities, from source country programs to interdiction efforts to organization attack efforts.

38. As the author of the last three National Drug Control Strategy documents, please explain

why the methamphetamine crisis facing this country has not received direct attention in the Strategy.

A. ONDCP has been engaged on the methamphetamine issue. The National Drug Control Strategy has an entire section dedicated to Targeting Synthetic Drugs, with a focus on methamphetamine. It discusses the success of declining U.S. superlabs, but also the new challenge of increasing amounts of meth from beyond our borders. Legislative recommendations are also advanced.

The Strategy has certainly evolved in discussing methamphetamine and that is in large part due to extensive consultations with States and Members of Congress. In 2004, it took a new focus on Synthetic Drugs, particularly methamphetamine and the dangers associated with its production in small toxic laboratories. The Strategy took on the geographical spread of meth from West to East as well as the need for international and domestic law enforcement mechanisms and regulatory controls.

39. When does ONDCP plan to formulate a written methamphetamine strategy besides the National Synthetic Drugs Action Plan?

A. ONDCP is reviewing the latest data with regard to meth use, production, lab seizures, and state efforts to control precursor sales. The Administration's overall strategy for reducing all illicit drug use is contained in the President's National Drug Control Strategy, which is released each year in February. The Administration recognizes the unique nature of the threat posed by synthetic drugs, methamphetamine in particular, and, pursuant to the release of the National Synthetic Drugs Action Plan (October 2004) and its Interim Report (May 2005), has set a goal of developing a strategic document which describes interagency efforts to reduce both the illicit supply of, and demand for, drugs like methamphetamine, and commits to a strategic framework, which includes benchmarks and measurable objectives for evaluating progress. The Administration aims to complete and release this document around the beginning of 2006.

40. What are your plans for drug law enforcement along the border? What role do State and local law enforcement have in this plan? What role do the HIDTA's have in this plan?

A. The Administration is mid-way through an extensive look how we can leverage our resources at the border to improve drug seizures. The interagency review, which ONDCP is leading with a DHS co-chair and extensive interagency support, is looking at POEs, between the POEs, the air threat, investigations, intelligence, and the challenge of seizing outbound currency. While the effort has not reached the granularity of looking at specific State and local agencies, it is difficult to overstate the role of law enforcement on the border. Whether in the form of Federal CBP officers at or between the POEs, State and local law enforcement entering data into an information sharing system like Cobija, of agents of the Drug Enforcement Administration working the Mexico side of the border, the role of law enforcement is central.

41. If ONDCP believes in the effectiveness of the National Youth Anti-Drug Media Campaign,

why has only $1 million been proposed for methamphetamine-specific advertising?

A. ONDCP believes in the effectiveness of the National Youth Anti-Drug Media Campaign—and that they have been a driver of the dramatic drop in teen drug use over the past three years. ONDCP believes the Campaign can be useful in the fight against methamphetamine and has already awarded a contract to the Partnership for Drug Free America to create new anti-meth ads as well as to secure donated media time and space for the new messages, using Fiscal Year 2005 appropriations.

The Congressionally authorized goal of ONDCP's National Youth Anti-Drug Media Campaign is to prevent and reduce drug use among youth. Therefore, the Media Campaign directly addresses those illicit substances that are most used by our youth. Methamphetamine is a particularly dangerous drug, but fortunately it has not been as widely used by teens as other drugs, so the Media Campaign historically has not created or run ads for teens on the dangers of methamphetamine use. In fact, methamphetamine use by teens is on the decline.

ONDCP recognizes that while teens seldom use methamphetamine, this illicit drug has a huge negative impact on youth due to its manufacture, trafficking, and use. It puts youth at risk of poisonings, fires and explosions, environmental contamination, dysfunctional families and risk of abuse and neglect, as well as many other dangers.

ONDCP decided to set aside one million dollars for the new ads for these reasons:

1. PDFA has secured an ad agency that has agreed to donate both the creative talent and the out-of-pocket production costs associated with creating the advertising, thus cutting costs substantially.
2. PDFA through its network of local affiliates is getting media outlets in key cities to donate media time and space, rather than ONDCP buying media time and space, as is the usual practice for the Media Campaign, thus saving advertising costs.
3. To help assure high visibility of the new ads, ONDCP will be including them in the "match reel" of ads so broadcasters and cable outlets can give them additional airtime at no direct cost to ONDCP.
4. Dollars taken away from the core purpose of the Media Campaign would reduce visibility of campaign messages for youth and their parents, thus compromising the ability to reach youth effectively and help continue the substantial downward trend in overall teen drug use—down 17 percent in the past three years—and thus reduce the likelihood of reaching the President's five-year goal of a 25 percent reduction in overall teen drug use. Because of the media match, each dollar not expended on media time and space reduces the value of media exposure by nearly two dollars.

In addition to the new anti-meth ads, the Media Campaign indirectly addresses methamphetamine in some substantive ways other than television ads. For example:

- All Campaign Web sites (for teens, for parents, and for journalists and screenwriters) include the latest scientific information about the risks of methamphetamine.

- The Campaign has conducted three briefings for entertainment industry writers and producers on methamphetamine. The NYADMC held one this past spring in Los Angeles, in collaboration with the Writer's Guild, which drew more than 100 writers, and another in October 2005 in New York City.

- The Campaign's strategy for parents, who remain the most influential force in the lives of teens, is to talk with teens about drugs and to monitor their behavior. This is based on research that shows that such actions significantly reduce the chance that teens will use drugs of any kind, including marijuana, cocaine, ecstasy, alcohol, heroin, or methamphetamine.

- The Media Campaign has provided advertising time for anti-meth ads through its media "match" program, including PDFA methamphetamine ads.

42. Other than PART, which evaluations is ONDCP using to measure the effectiveness of federal anti-drug programs?

A. ONDCP regularly assesses Federal anti-drug programs through a variety of mechanisms. As part of the budget certification process, ONDCP assesses program effectiveness in tandem with agency budgets—formal guidance is provided through the Funding Guidance as well as the Director's Summer and Fall Certification letters. In addition, ONDCP staff urge agencies to improve their accountability reporting and challenge projected program targets to ensure adequate contribution to the National Drug Control Strategy's goals. Also, the annual Budget Summary includes an assessment of program effectiveness, using various sources such as GPRA Performance Reports and input from agency staff.

43. How do you plan to address the inconsistencies between the 2005 National Drug Control Strategy and the National Synthetic Drugs Action Plan? For example, in the Strategy the National Alliance for Model State Drug Laws (NAMSDL) was recommended to receive no funding, while the Action Plan suggests NAMSDL support the formulation of prescription drug monitoring programs and other anti-synthetic drug abuse legislation across the country.

A. While the President's Budget has not requested funding for NAMSDL in recent years, Congress has appropriated money to NAMSDL. Accordingly we have sought to gain NAMSDL's assistance in this key area of prescription drug monitoring, and area with which they have some experience. I look forward to working with your staff to address this issue.

44. You testified on October 18, 2005 that Coca production in Colombia had decreased from an estimated 900 MT per year to 500 MT per year in the last four years. You also stated that over 250 MT was interdicted last year. What source did you use for these production numbers? If these figures are accurate, how do you account for the fact that the price and purity of cocaine in the United States has not changed?

A. The production figures of 905 metric tons for 2001 and 515 for 2004 are the official U.S. Government figures for export quality production in Colombia.

With regard to cocaine, we have not as yet seen changes in price and purity. We saw them quickly in the 1989-1990 timeframe, when the Colombian government declared war on traffickers, and the U.S. stepped up interdiction efforts. One likely reason why we have not seen a change faster is the fact that there has been significant overproduction by traffickers. We have to cut through all the excess, which is geared for a "customer" nobody thinks about in those terms—seizures by law enforcement. A roughly 40 percent reduction in Colombia's production in export quality cocaine over four years is thus hugely impressive, and a real accomplishment by the Department of State and Colombian National Police air assets. But as long as we are cutting into overproduction, we are unlikely to cause significant market disruption. Colombia's 2004 production of export quality cocaine is estimated at 515 metric tons (down dramatically from 905 metric tons just four years ago), seizures enroute to the United States that year stood at roughly 248 metric tons, and U.S. consumption is roughly 250 metric tons per year.

45. There are several ways to measure the level of Coca production in the Andean region as well as the amount being smuggled into the United States through the Transit Zone. What is your opinion of the accuracy of each of these measurements and which of these measures do you have the most confidence in and why?

A. Please see the answer to question #5b.

46. In the process of drafting the National Drug Control Strategy, who did you seek input from in the following sectors:

a. Congress

b. Executive branch agencies

c. State governments

d. Local governments

e. Private sector organizations

A: A list of consultants is appended below. Please note that, in addition, the consultation letter is sent to selected foreign governments, selected foreign institutions such as the OAS, United States Attorneys (beginning in 2004), and HIDTA directors (beginning in 2005).

A Congress

Members of the United States Senate

Daniel K. Akaka – HI
Lamar Alexander – TN
Wayne Allard – CO
George Allen – VA
Evan Bayh – IN
Robert F. Bennett – UT
Joseph R. Biden – DE
Jeff Bingaman – NM
Christopher S. Bond – MO
Barbara Boxer – CA
Sam Brownback – KS
Conrad Burns – MT
Robert C. Byrd – WV
Ben Nighthorse Campbell – CO
Thomas R. Carper – DE
Lincoln D. Chafee – RI
Saxby Chambliss – GA
Hillary Rodham Clinton – NY
Thad Cochran – MS
Norm Coleman – MN
Susan M. Collins – ME
John Cornyn – TX
Jon S. Corzine – NJ
Larry E. Craig – ID
Thomas A. Daschle – SD
Mark Dayton – MN
Mike DeWine – OH
Christopher J. Dodd – CT
Elizabeth Dole – NC
Pete V. Domenici – NM
Byron L. Dorgan – ND
Richard J. Durbin – IL
John Edwards – NC
John Ensign – NV
Michael B. Enzi – WY
Russell D. Feingold – WI
Dianne Feinstein – CA
Peter G. Fitzgerald – IL
Bill Frist – TN
Bob Graham – FL
Lindsey O. Graham – SC
Charles E. Grassley – IA
Judd Gregg – NH

Chuck Hagel – NE
Tom Harkin – IA
Orrin G. Hatch – UT
Ernest F. Hollings – SC
Kay Bailey Hutchison – TX
James M. Inhofe – OK
Daniel K. Inouye – HI
James M. Jeffords – VT
Tim Johnson – SD
Edward M. Kennedy – MA
John F. Kerry – MA
Herb Kohl – WI
Jon Kyl – AZ
Mary L. Landrieu – LA
Frank R. Lautenberg – NJ
Patrick Leahy – VT
Carl Levin – MI
Joseph I. Lieberman – CT
Trent Lott – MS
Richard G. Lugar – IN
John McCain – AZ
Mitch McConnell – KY
Barbara A. Mikulski – MD
Patty Murray – WA
Benjamin Nelson – NE
Bill Nelson – FL
Mark Pryor – AR
Jack Reed – RI
Harry M. Reid – NV
Pat Roberts – KS
John D. Rockefeller – WV
Paul S. Sarbanes – MD
Charles E. Schumer – NY
Jeff Sessions – AL
Richard C. Shelby – AL
Olympia J. Snowe – ME
Arlen Specter – PA
Ted Stevens – AK
John E. Sununu – NH
James M. Talent – MO
George V. Voinovich – OH
John W. Warner – VA
Ron Wyden – OR

Members of the United States House of Representatives

Neil Abercrombie – HI
Gary L. Ackerman – NY
Robert B. Aderholt – AL
Todd Akin – MO
Rodney Alexander – LA
Robert E. Andrews – NJ
Joe Baca – CA
Spencer Bachus – AL
Brian Baird – WA
Tammy Baldwin – WI
Cass Ballenger – NC
Roscoe G. Bartlett – MD
Joe Barton – TX
Doug Bereuter – NE
Shelley Berkley – NV
Howard L. Berman – CA
Marion Berry – AR
Judy Biggert – IL
Rob Bishop – UT
Sanford D. Bishop, Jr. – GA
Marsha Blackburn – TN
Earl Blumenauer – OR
Roy D. Blunt – MO
Sherwood L. Boehlert – NY
Henry Bonilla – TX
Mary Bono – CA
John Boozman – AR
Madeleine Z. Bordallo – GU
Leonard L. Boswell – IA
Rick Boucher – VA
Allen Boyd – FL
Jeb Bradley – NH
Robert A. Brady – PA
Sherrod Brown – OH
Michael Burgess – TX
Richard M. Burr – NC
Dan Burton – IN
Ken Calvert – CA
Dave Camp – MI
Chris Cannon – UT
Benjamin L. Cardin – MD
Brad Carson – OK

John R. Carter – TX
Ed Case – HI
Steve Chabot – OH
Ben Chandler – KY
Donna M. Christensen – VI
William Lacy Clay – MO
James E. Clyburn – SC
Howard Coble – NC
Tom Cole – OK
Michael A. Collins – GA
John Conyers – MI
Jim Cooper – TN
Jerry F. Costello – IL
Christopher Cox – CA
Robert E. Cramer, Jr. – AL
Ander Crenshaw – FL
Joseph Crowley – NY
John A. Culberson – TX
Elijah E. Cummings – MD
Randy Cunningham – CA
Danny K. Davis – IL
Jo Ann Davis – VA
Lincoln Davis – TN
Tom Davis – VA
Nathan Deal – GA
Peter A. DeFazio – OR
William D. Delahunt – MA
Rosa L. DeLauro – CT
Tom DeLay – TX
Mario Diaz-Balart – FL
Norman D. Dicks – WA
Calvin M. Dooley – CA
John T. Doolittle – CA
David Dreier – CA
John J. Duncan, Jr. – TN
Jennifer B. Dunn – WA
Chet Edwards – TX
Jo Ann Emerson – MO
Eliot L. Engel – NY
Anna G. Eshoo – CA
Bob Etheridge – NC
Lane Evans – IL
Terry Everett – AL
Eni F.H. Faleomavaega – AS

Sam Farr – CA
Chaka Fattah – PA
Tom Feeney – FL
Jeff Flake – AZ
J. Randy Forbes – VA
Barney Frank – MA
Trent Franks – AZ
Rodney P. Frelinghuysen – NJ
Elton Gallegly – CA
Jim Gibbons – NV
Paul E. Gillmor – OH
Phil Gingrey – GA
Virgil H. Goode, Jr. – VA
Bob Goodlatte – VA
Bart Gordon – TN
Porter J. Goss – FL
Kay Granger – TX
Sam Graves – MO
Mark Green – WI
Jane Harman – CA
Katherine Harris – FL
Melissa A. Hart – PA
J. Dennis Hastert – IL
Alcee L. Hastings – FL
Doc Hastings – WA
Robin Hayes – NC
J.D. Hayworth – AZ
Joel Hefley – CO
Baron Hill – IN
Maurice D. Hinchey – NY
David L. Hobson – OH
Joseph M. Hoeffel – PA
Peter Hoekstra – MI
Rush Holt – NJ
Darlene Hooley – OR
John N. Hostettler – IN
Amo Houghton – NY
Steny H. Hoyer – MD
Kenny Hulshof – MO
Duncan Hunter – CA
Henry J. Hyde – IL
Jay Inslee – WA
Johnny Isakson – GA
Ernest J. Istook, Jr. – OK

Jesse L. Jackson, Jr. – IL
William L. Jenkins – TN
Walter B. Jones – NC
Paul E. Kanjorski – PA
Marcy Kaptur – OH
Ric Keller – FL
Patrick J. Kennedy – RI
Carolyn C. Kilpatrick – MI
Ron Kind – WI
Peter T. King – NY
Steve King – IA
Jack Kingston – GA
Mark Steven Kirk – IL
John Kline – MN
Joe Knollenberg – MI
Jim Kolbe – AZ
Dennis J. Kucinich – OH
Ray LaHood – IL
James R. Langevin – RI
Tom Lantos – CA
Rick Larsen – WA
Tom Latham – IA
Steven C. LaTourette – OH
James A. Leach – IA
Barbara Lee – CA
Sheila Jackson Lee – TX
Jerry Lewis – CA
Ron Lewis – KY
John Linder – GA
Frank A. LoBiondo – NJ
Zoe Lofgren – CA
Nita M. Lowey – NY
Frank D. Lucas – OK
Ken R. Lucas – KY
Stephen F. Lynch – MA
Carolyn B. Maloney – NY
Edward J. Markey – MA
Jim Marshall – GA
Jim Matheson – UT
Robert T. Matsui – CA
Karen McCarthy – MO
Betty McCollum – MN
Thaddeus G. McCotter – MI
Jim McDermott – WA

John M. McHugh – NY
Scott McInnis – CO
Mike McIntyre – NC
Howard P. McKeon – CA
Martin T. Meehan – MA
Kendrick B. Meek – FL
Gregory W. Meeks – NY
Robert Menendez – NJ
John L. Mica – FL
Candice Miller – MI
Jeff Miller – FL
Alan B. Mollohan – WV
James P. Moran – VA
Tim Murphy – PA
Sue W. Myrick – NC
Jerrold Nadler – NY
Grace F. Napolitano – CA
George R. Nethercutt, Jr. – WA
Anne M. Northup – KY
Eleanor Holmes Norton – DC
Devin Nunes – CA
John W. Olver – MA
Solomon P. Ortiz – TX
Tom Osborne – NE
Doug Ose – CA
C.L. Otter – ID
Major R. Owens – NY
William J. Pascrell – NJ
Ed Pastor – AZ
Ron Paul – TX
Donald M. Payne – NJ
Nancy Pelosi – CA
Mike Pence – IN
Collin C. Peterson – MN
John E. Peterson – PA
Charles W. Pickering – MS
Joseph R. Pitts – PA
Todd R. Platts – PA
Richard W. Pombo – CA
Earl Pomeroy – ND
Rob Portman – OH
David E. Price – NC
Adam H. Putnam – FL
George P. Radanovich – CA

Ralph Regula – OH
Dennis R. Rehberg – MT
Silvestre Reyes – TX
Ciro D. Rodriguez – TX
Harold Rogers – KY
Mike Rogers – MI
Mike D. Rogers – AL
Dana Rohrabacher – CA
Ileana Ros-Lehtinen – FL
Mike Ross – AR
Steven R. Rothman – NJ
Lucille Roybal-Allard – CA
Edward R. Royce – CA
C.A. Dutch Ruppersberger – MD
Tim Ryan – OH
Jim Ryun – KS
Martin Olav Sabo – MN
Linda T. Sanchez – CA
Loretta Sanchez – CA
Bernard Sanders – VT
Max Sandlin – TX
Jim Saxton – NJ
Adam B. Schiff – CA
Edward L. Schrock – VA
Robert C. Scott – VA
F. James Sensenbrenner – WI
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Pete Sessions – TX
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Christopher Shays – CT
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Don Sherwood – PA
Rob Simmons – CT
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Ike Skelton – MO
Louise M. Slaughter – NY
Adam Smith – WA
Christopher H. Smith – NJ
Lamar S. Smith – TX
Nick Smith – MI
Vic Snyder – AR
Mark E. Souder – IN
John M. Spratt – SC
John E. Sweeney – NY

Thomas G. Tancredo – CO
John S. Tanner – TN
Ellen O. Tauscher – CA
W.J. Tauzin – LA
Charles H. Taylor – NC
Gene Taylor – MS
Lee Terry – NE
William M. Thomas – CA
Bennie G. Thompson – MS
Mac Thornberry – TX
Todd Tiahrt – KS
Pat Tiberi – OH
John F. Tierney – MA
Edolphus Towns – NY
Jim Turner – TX
Michael R. Turner – OH
Tom Udall – NM
Chris Van Hollen – MD
Peter J. Visclosky – IN
David Vitter – LA
Greg Walden – OR
James T. Walsh – NY
Zach Wamp – TN
Maxine Waters – CA
Diane E. Watson – CA
Melvin L. Watt – NC
Henry A. Waxman – CA
Anthony D. Weiner – NY
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Dave Weldon – FL
Jerry Weller – IL
Robert Wexler – FL
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Heather A. Wilson – NM
Joe Wilson – SC
Frank R. Wolf – VA
Lynn C. Woolsey – CA
David Wu – OR
C.W. Bill Young – FL
Don Young – AK

Executive Branch agencies

Central Intelligence Agency

Department of Defense
Department of Education
Department of Health and Human Services
Department of Homeland Security
Department of Justice
Department of State
Department of Transportation
Department of Veterans Affairs

State Governments

Governors

John Elias Baldacci – ME
Haley Barbour – MS
Craig Benson – NH
Rod R. Blagojevich – IL
Kathleen Babineaux Blanco – LA
Phil Bredesen – TN
Jeb Bush – FL
Sila M. Calderón – PR
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John Hoeven – ND
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Mike Huckabee – AR
Mike Johanns – NE
Dirk Kempthorne – ID
Joseph E. Kernan – IN
Ted Kulongoski – OR
Linda Lingle – HI
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Janet Napolitano – AZ
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Tim Pawlenty – MN
Sonny Perdue – GA
Rick Perry – TX
M. Jodi Rell – CT
Edward G. Rendell – PA
Bill Richardson – NM
Robert Riley – AL
Mitt Romney – MA
M. Michael Rounds – SD
Mark Sanford – SC
Arnold Schwarzenegger – CA
Kathleen Sebelius – KS
Bob Taft – OH
Pedro P. Tenorio – MP
Togiola T.A. Tulafono – AS
Charles W. Turnbull – VI
Thomas Vilsack – IA
Olene S. Walker – UT
Mark Warner – VA
Robert Wise, Jr. – WV

Local governments

Mayors

Jerry E. Abramson – Louisville, KY
Michael R. Bloomberg – New York, NY
Jane L. Campbell – Cleveland, OH
Richard M. Daley – Chicago, IL
Manuel A. Diaz – Miami, FL
Heather Fargo – Sacramento, CA
Shirley Franklin – Atlanta, GA
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Gavin Newsom – San Francisco, CA
Greg Nickels – Seattle, WA
Martin O'Malley – Baltimore, MD
Alexander Penelas – Miami-Dade, FL
R.T. Rybak – Minneapolis-St. Paul, MN
Jorge A. Santini – San Juan, PR
Francis G. Slay – St. Louis, MO
John F. Street – Philadelphia, PA
Bill White – Houston, TX
Anthony A. Williams – Washington, DC

Private sector organizations

Addiction Research and Treatment Corporation
AFL-CIO
African Methodist Episcopal Church
Albuquerque Partnership
American Baptist Churches
American Education Association
American Enterprise Institute
American Managed Behavioral Healthcare Association
American Medical Association
American Psychological Association
American Public Health Association
American Public Human Services Association
American Society of Addiction Medicine
B'nai B'rith International
Boys and Girls Clubs of America
Boy Scouts of America
Broward County Commission on Substance Abuse
Californians for Drug-Free Youth
Mark M. Campbell
Catholic Charities U.S.A.
Center for Strategic and International Studies
Center Point
Central Conference of American Rabbis
Children First America
Child Welfare League of America
Christian Embassy
Church of God and Christ

Church of Jesus Christ of Latter-Day Saints
Coalition for a Drug-Free Greater Cincinnati
Columbia University – Center on Addiction and Substance Abuse
Columbia University – Mailman School of Public Health
Community Anti-Drug Coalitions of America
Community Behavioral Health
Community Resources for Justice
Concerned Women for America
Congress of National Black Churches
Crystal Cathedral
D.C. Black Church Initiative
Department of Community and Human Services/Cross Systems Integration Efforts – WA
Detroit Empowerment Zone Coalition
Drug Abuse Resistance Education – D.A.R.E.
Drug and Alcohol Service Providers Organization of Pennsylvania
Drug-Free America Foundation
Drug Watch International
His Eminence Edward Cardinal Egan – Archdiocese of New York
Employee Assistance Professionals Association
Empower America
Entertainment Industries Council
Episcopal Church – NY
Evangelical Lutheran Church in America
Fellowship of Christian Athletes
Focus on the Family
His Eminence Francis Cardinal George – Archbishop of Chicago
Georgia State University – Department of Psychology
Girl Scouts of the USA
Hadassah
Hands Across Culture
Heritage Foundation
Houston Council on Alcohol and Drugs
Institute for a Drug-Free Workplace
Institute for Policy Innovation
Institute for Social Research
Institute for Youth Development
Jackson Partnership
Norma Jaeger – Statewide Drug Court Coordinator (ID)
Jewish Council for Public Affairs
Johnson, Bassin, and Shaw
Join Together – Boston
Join Together – Northern Nevada

Josh McDowell Ministry
Kansas City Fighting Back Coalition
His Eminence William Cardinal Keeler – Archbishop of Baltimore
First Lady of Idaho Patricia Kempthorne
King County Mental Health,
Chemical Abuse and Dependency Services Division
KIT Solutions
The Honorable Michael J. Kramer
Judith Kreamer
Larimer County Probation
Legal Action Center
Michael Litow
His Eminence Roger Cardinal Mahony – Archbishop of Los Angeles
Nashville Prevention Partnership
National Alliance for Hispanic Health
National Asian Pacific American Families Against Substance Abuse
National Association for Alcohol and Drug Abuse Counselors
National Association for Children of Alcoholics
National Association of Addiction Treatment Providers
National Association of County Behavioral Health Directors
National Association of Drug Court Professionals
National Association of Elementary School Principals
National Association of Native American Children of Alcoholics
National Association of Secondary School Principals
National Association of State Alcohol and Drug Abuse Directors
National Association of Student Assistance Professionals
National Black Child Development Institute
National Center for Public Policy Research
National Commission Against Drunk Driving
National Council of Juvenile and Family Court Judges
National Council of La Raza
National Crime Prevention Council
National Families in Action
National Family Partnership
National Federation of Republican Women
National Federation of State High School Associations
National Hispanic Medical Association
National Hispanic Science Network on Drug Abuse
National Indian Youth Leadership Project
National Inhalant Prevention Coalition
National Mental Health Association
National Opinion Research Center
National Parents and Teachers Association
National Pharmaceutical Council

National School Boards Association
National TASC (Treatment and Accountability for Safer Communities)
National Treatment Consortium
Network of Safe and Drug-Free Schools
New York University – School of Medicine
Northeastern University – Bouve College of Health Sciences
Operation PAR (Parental Awareness Responsibility)
Oregon Partnership
Oregon Trail School District
Partnership for a Drug-Free America
Pennsylvania State University – Prevention Research Center
Phoenix House – New York
Prairie View Prevention Services
Presbyterian Church – USA
Prevention Think Tank
Prevention Through Service Alliance
PRIDE Youth Program
Progressive National Baptist Convention
Rio Arriba Family Care Network
Rio Grande Safe Communities Coalition
Robert Wood Johnson Foundation
Ronald McDonald House of Charities
Rutgers University – School of Criminal Justice
Salud Hispana
Michael D. Sanders
Scott Newman Center
Southern Baptist Convention
Southern Christian Leadership Conference
State University of New York – Stony Brook School of Social Welfare
Ken Steil
Substance Abuse Program Administrators Association
Support Center for Alcohol, Drug Research and Education
Sussex County Coalition for Healthy and Safe Families
First Lady of Ohio Hope Taft
Teen Challenge
Teen Challenge International
Teen Mania Ministries
Temple University School of Medicine
Texas Tech – Department of Psychiatry
The Bridge
Therapeutic Communities of America
Union of American Hebrew Congregations
Union of Orthodox Jewish Congregations of America
United Methodist Church

United Synagogue of Conservative Judaism
University of Arizona – Department of Sociology
University of Kansas
University of Kentucky – Center for Prevention Research
University of Memphis – Department of Psychology
University of Notre Dame
University of Rhode Island Community Research & Service Team
University of South Carolina – Department of Criminology and Criminal Justice
University of South Carolina – Department of Psychology
University of Wisconsin – Madison
Utah Council for Crime Prevention
Washington Business Group on Health
White Bison
Yakima County Substance Abuse Coalition
YMCA of America
Young Life

47. How was this input incorporated into the National Drug Control Strategy?

A. Input from consultants is solicited via fax or email. Emails are printed out and merged with faxes in a binder for the use of the Strategy drafter, who reads every submission and identifies opportunities for incorporation into the Strategy. It is important to note that because the Strategy is thematic in nature, and geared to be accessible to the lay reader, it is not practical to incorporate all of the many excellent suggestions and comments we receive.

48. As a Special Assistant to the Director of ONDCP, who and how often did you consult with or contact the following agencies and organizations:

a. Drug Enforcement Administration (DEA)

Frequent contact with various individuals

b. U.S. Customs and Border Protection (CBP)

Regular contact

c. U.S. Immigration and Customs Enforcement (ICE)

Regular contact

d. Federal Bureau of Investigation (FBI)

Regular contact

e. High Intensity Drug Trafficking Area Directors (HIDTA)

My primary portfolio is international. Contact with these organizations is by Deputy Director Burns.

f. Fraternal Order of Police (FOP)

My primary portfolio is international. Contact with these organizations is by Deputy Director Burns.

g. National Sheriff's Association

My primary portfolio is international. Contact with these organizations is by Deputy Director Burns.

h. Federal Law Enforcement Officers Association (FLEOA)

My primary portfolio is international. Contact with these organizations is by Deputy Director Burns.

i. National Narcotics Officer Association Coalition

My primary portfolio is international. Contact with these organizations is by Deputy Director Burns.

j. International Narcotic Enforcement Officer's Association

My primary portfolio is international. Contact with these organizations is by Deputy Director Burns.

k. State Narcotics Officer's Associations

My primary portfolio is international. Contact with these organizations is by Deputy Director Burns.

l. International Association of Chiefs of Police (IACP)

My primary portfolio is international. Contact with these organizations is by Deputy Director Burns.

m. Community Anti-Drug Coalitions of America (CADCA)

My primary portfolio is international. Contact with these organizations is by Deputy Director Solberg

n. United Nations Office of Drugs and Crime (UNODC)

Regular contact

o. International Criminal Police Organization (INTERPOL)

No contact

p. Foreign national police agencies

Annual visit with Colombian National Police officials and officials of the Mexican AFI

q. Royal Canadian Mounted Police (RCMP)

Some contact

Note: I am happy to meet with staff to augment these answers.

A. My role in dealing with police organizations and associations is typically in the context of a visit or remarks by Director Walters or Deputy Director Burns. I have contact with a large number of agencies and organizations not on this list, mostly in the arena of foreign programs and interdiction.

49. What intelligence, interdiction and federal law enforcement experience did you have prior to your current position as the Senior Staff Advisor to the Director of ONDCP on these matters?

A. I served as an assistant to two DEA Administrators and have been a consumer of intelligence for most of my career. I have traveled extensively throughout the source countries of South and Central America and South Asia. I have worked on national intelligence policy and program matters as well as supporting the head of a large Federal law enforcement agency in navigating the national security bureaucracy and influencing the development of an NSC Presidential Decision Directive.

50. Your biography states that you have served as a Special Assistant to The Director of National Drug Control Policy, executive director of the Philanthropy, drug policy advisor to Senator Orrin Hatch, foreign policy advisor to the Administrator of DEA, and coordinator for South American Affairs at ONDCP. These are mainly analytical and advisory positions, what operational experience do you have in counter narcotics? What skills and knowledge have you gained in these advisory positions that qualify you to be the Deputy Director for Demand Reduction?

A. I have had the opportunity to be present three times at the creation of national policy for drug control, with NSD-18, PDD-14, and NSPD-25, and have spent years of my career getting to understand the whys and wherefores of the national security bureaucracy, which oversees and helps manage so much of what the U.S. Government does internationally in the area of drug control programs. I have had the opportunity to interact at senior levels of law enforcement, in the world of law enforcement intelligence, at the Defense Department, and in the interdiction agencies, supporting programs, shaping budgets, and resolving interagency conflicts. My analytical and policy skills are quite useful for coalition and consensus building. The staff I would oversee, if confirmed, is highly skilled and includes individuals with extensive operational experience both in interdiction and source country missions.

51. What do believe your role will be as the Deputy Director for Supply Reduction, if confirmed?

A. Since returning to ONDCP for the second time, I have been fortunate to work with a talented and dedicated group of interagency colleagues at the Department of Defense, State, Homeland Security, Justice, Treasury, and elsewhere. I co-chair a monthly NSC Policy Coordinating Committee that brings together the aforementioned agencies as well as members of the Intelligence Community, the Homeland Security Council, the Drug Enforcement Administration, Customs and Border Protection, the United States Coast Guard, and others for the purpose of formulating policy, forging consensus, and surfacing and elevating disputes for resolution at higher levels where absolutely necessary. As OSR Deputy Director I would similarly participate in meetings of the next level, selected meetings of the NSC Deputies. My preferred policy approach is to use the tools at my disposal—typically, ONDCP's oversight function within the interagency, and, in this case, the NSC process—to work toward a resolution that is fair, meaningful, and durable. As I indicated in the answer to a previous question, my management style, if confirmed, will be to motivate the excellent staff and detailees in OSR to integrate themselves within the community more fully, focus on the truly important goals we have set for ourselves, and follow through relentlessly.

52. Do you believe that ONDCP needs to perform its responsibilities better?

A. I believe that ONDCP performs the challenging task of interagency coordination across disciplinary lines with skill and adroitness. This skill has contributed to impressive results including record drug seizures, reductions in cocaine production, and significant declines in drug use domestically among young people. Further outreach, collaboration, and consultation will only strengthen ONDCP's partnerships at all levels and help us advance strong relationships that will amplify our anti-drug successes.

53. What do you know about the certification process as it pertains to international supply reduction?

A. I have worked with the certification process and in fact staffed the earlier "cooperate fully" certification process at ONDCP as a more junior staffer in the early 1990s. During this my

second tour at ONDCP I have again had the opportunity of monitoring the process as it is ably managed by INL, following it through to clearance at the NSC, ONDCP, and White House legislative affairs levels.

54. How would you address the concerns voiced by some that this process is unfair and arbitrary?

A. I believe that the current certification process works well and is accepted by most countries, and am unaware that any Federal agencies have concerns with the process. If confirmed I will be closely involved with the annual certification process and will work hard to ensure that the process is conducted fairly.

55. Do you think the HIDTA initiatives should be consolidated in some areas?

A. Oversight of the HIDTA program is the principal responsibility of Deputy Director for State and Local Affairs, Scott Burns. If confirmed I look forward to working with him to ensure that the foreign-domestic interface works well and supports implementation of the President's National Drug Control Strategy.

56. Do you think that the HIDTA program should be expanded to cover new areas affected by increased methamphetamine trafficking?

A. ONDCP provided special discretionary funding in Fiscal Year 2005 to support investigations including meth investigations by HIDTAs. HIDTA country designation requests are reviewed by ONDCP's Office of State and Local Affairs against statutory criteria, which include the extent to which: the area is a center of illegal drug production, manufacturing, importation, or distribution; State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem; drug-related activities in the area are having a harmful impact in other areas of the country; and a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

57. The control of the borders has been an increasing area of concern. What would be your recommendations on how to best control drug smuggling across the land borders with Mexico and Canada, as well as the air and marine borders?

A. We share your concern regarding the borders, but we also believe that we will be able to leverage the significant investment in place on both Northern and Southwest borders to increase drug seizures. As I indicated in the answer to a previous question, the Administration is mid-way through an extensive look how we can leverage our resources at the border to improve drug seizures. The interagency review, which ONDCP is leading with a DHS co-chair and extensive interagency support, is looking at POEs, between the POEs, the air threat, investigations, intelligence, and the challenge of seizing outbound currency. While the effort has not reached the granularity of looking at specific State and local agencies, it is difficult to overstate the role of

law enforcement on the border. Whether in the form of Federal CBP officers at or between the POEs, State and local law enforcement entering data into an information sharing system like Cobija, of agents of the Drug Enforcement Administration working the Mexico side of the border, the role of law enforcement is central.

58. What role do you think ONDCP should play in the war on terrorism?

A. While ONDCP per se does not have a role in the Global War on Terror, it is clear that drug control programs in places like Colombia have had an enormous, strategic impact on groups like the AUC and FARC, which rely on drug profits for a majority of their finances. The drug-terror nexus appears to be strongest in those regions of the world where the rule of law is weakest. Terrorist, insurgent, or separatist organizations that have achieved control over large geographic regions and eliminated the institutional presence of the central government often find they have common interests with drug traffickers:

- Financial: The FARC, AUC, and ELN terrorist organizations provide security for the drug trafficking industry, shielding drug cultivation, production and trafficking from law enforcement operations, and receiving in turn huge revenues.

- Political: Coca and opium cultivation are labor intensive enterprises and often provide the major source of income in drug production regions. Insurgent or separatist organizations that protect the illicit drug industry from government counterdrug operations may enjoy greater popular support from the inhabitants of drug producing regions.

- Ideological: In some cases, anti-western organizations have justified their involvement in drug trafficking by the damage trafficking and consumption inflicts on Western society.

Many drug traffickers resemble terrorists in other ways:

- In major trafficking countries in Latin America, drug traffickers engage in violence for political purposes. Drug traffickers use violence and bribery to intimidate and corrupt government officials, weaken law enforcement institutions and the rule of law, and enhance their own political power to the point they are beyond the reach of law and themselves threatening to democratic institutions.

- In the United States drug traffickers threaten our communities with crime, violence, disease, and addiction. In 2002, over 26,000 people died of drug-induced causes and almost 700,000 people went to the emergency room due to drugs. Illicit drugs cost the economy over $180 billion annually in lost earnings, health care, and social costs. Half of all arrestees are on drugs at the time of their arrest. Behind these statistics lie countless broken homes, shattered lives, and social ruin rivaling any terrorist attack on the United States.

59. What role do you think the Department of Defense should play in drug interdiction?

A. The Department of Defense plays a critical role in the President's strategy to reduce the supply of illegal drugs bound for the United States. The recent record years for cocaine removals have been achieved through a combination of military, law enforcement and international authorities and core competencies. The Department of Defense provides the essential command and control, planning, communications, intelligence, and international partnerships that are the core of the National task forces (Joint Interagency Task Forces). DoD's contributions are complemented by the authorities, competencies and resources of U.S. law enforcement and our allies. The Department of Defense's unique capabilities cannot be readily replicated by any other department or agency.

60. The National Guard counter drug schools has trained numerous State and local law enforcement officials, how do you think they should be funded and at what level?

A. The five National Guard Counterdrug Schools provide law enforcement agencies, community based organizations and military counterdrug personnel with tuition-free training to support and enhance their capabilities to combat illegal drugs and any associated violence or transnational threats related to the use, abuse, and distribution of illegal drugs. I have not engaged with the National Guard Counterdrug School issue and am not in a position to make an educated funding recommendation at this time, although ONDCP's Deputy Director for State and Local Affairs, Scott Burns, has been engaged in this area and I will be happy to work with him, if confirmed, on the issue.

61. The National Guard counter drug program supports State and local law enforcement in numerous ways. DoD funding has not always been adequate for these activities. What role do you think ONDCP should play in developing adequate funding for the NG counter drug efforts?

A. ONDCP's role with regard to funding National Guard counterdrug efforts is similar to this office's role in ensuring adequate funding for the many other drug control programs across the government. The National Drug Control Budget development process begins with the development and consolidation of ONDCP funding guidance which is issued to drug control agencies. ONDCP then conducts follow-ups with drug control agencies on funding guidance. Summer Budget submissions are due to ONDCP concurrent with the bureaus' submission to Departments. During the Summer Budget review, ONDCP reviews drug control bureau's summer submissions. Fall Budget submissions are due to ONDCP prior to submission to OMB. During the ONDCP Budget Certification process, a review of all budgets for adequacy is done and ONDCP then issues certification decisions. Then, OMB Passback and Appeals are due. After the OMB process, ONDCP issues a data call for the Drug Control Budget Summary where drug control agencies submit budget summaries and narratives. Finally, ONDCP prepares the President's National Drug Control Strategy Budget Summary, the release of which corresponds with the President's Budget.

62. In your opinion, what kind of job has ONDCP done in working with DoD, the State Department, and other agencies in the past?

A. ONDCP maintains excellent working relations with our DoD and Department of State colleagues. I look forward to the confirmation of INL Assistant Secretary designate Anne Patterson, with whom I have enjoyed an excellent working relationship both in her capacity in Western Hemisphere Affairs at the Department of State and more recently as Ambassador to Colombia. During my tenure at ONDCP I have interacted with senior staff at both agencies, and if confirmed, I intend to increase the degree and level of my interaction both with DoD and the Department of State.

63. How would you work to improve these relationships?

A. As I indicated in response to an earlier question, my preferred policy approach is to use the tools at my disposal—typically, ONDCP's oversight function within the interagency, and, in this case, the NSC process—to work toward a resolution that is fair, meaningful, and durable. I believe regular communication and interaction are key to building solid relationships. If confirmed, I will work to establish close working relationships with my peers in the interagency.

.64. How do you plan to maintain situational awareness of drug enforcement efforts of the many agencies, at all levels, that play a role in supply reduction?

A. That is an excellent question—one that gets to the heart of the challenges of being Deputy Director for Supply Reduction. I find that frequent visits with agency counterparts and establishing close working relationships with peers are invaluable to maintaining the situational awareness you describe. I have found that an excellent aid to situational awareness is to make it my practice to spend at least half a workday at another agency at least once a week.

65. Have you published any materials on the role of DoD in US national drug control policy? If so, please provide copies.

A. I have provided the Committee with all my published writings. To the best of my knowledge I have published nothing on the role of DoD in U.S. national drug control policy.

66. Please provide copies of the below named articles:

> Needle exchange helps fight the spread of HIV, The Washington Times, November 24, 1996, with John P. Walters
>
> The facts about falling crime rates, The Washington Times, August 30, 1996, with John P. Walters
>
> Clean needles and the crisis in drug use, The Washington Times, November 12, 1996, with John P. Walters

A. Copies of the second and third articles are appended below. The first article is in fact a

letter to the editor by Robert Heimer of Yale University responding to Clean Needles and the Crisis in Drug Use.

The Washington Times/November 12, 1996
Clean needles and the crisis in drug use
John P. Walters and James F.X. O'Gara

The National Institutes of Health announced October 17 that it will ask an external review panel to evaluate a previously-approved study giving clean needles to 300 intravenous drug users in Anchorage, Alaska. AIDS activists and others have lobbied long and hard for needle exchange programs, or NEPs, asserting that free distribution of federally funded needles and syringes to intravenous drug users is a proven means of reducing the transmission of HIV. Moral and legal opposition to drug use, they contend, is literally killing people by fostering the spread of a deadly disease that could be prevented.

Ironically, NIH's decision to reconsider the study was prompted by criticism from liberal groups like Public Citizen that the study's proposed control group (300 addicts would not receive federally funded syringes, but could still buy them at local drugstores) was "unconscionable" and clearly "parallel" to the infamous "Tuskegee Syphilis Study, in which African-American men were denied penicillin treatment for syphilis for about three decades" so that researchers could study the progress of the disease. Not everyone agrees.

Skepticism of NEPs was neatly summed up in a line from a Bush Administration report on the subject: "[T]here is no getting around the fact that distributing needles facilitates drug use and undercuts the credibility of society's message that using drugs is illegal and morally wrong." From the other side of the aisle, Rep. Charles Rangel agrees. "I cannot condone my government telling communities ravaged by the twin epidemics of drugs and AIDS that clean needles are the best we can do for you . . . I believe government has an obligation to do more than just help people use drugs more safely."

Mr. Rangel has a point: NEPs are costly enough to detract from programs that seek unambiguously to get people off drugs. The Alaska program, for example, will cost $2.4 million, or about the same as 1,100 drug-treatment beds. Even for a highly charged ideological issue, the public debate over needle distribution has become remarkably detached from the known facts. The emotionalism and junk science surrounding the debate have obscured the central fact that there is absolutely no hard evidence that NEPs actually work in reducing HIV transmission. That's why researchers are still doing trials.

Over the years, about 75 sanctioned and non-sanctioned NEPs have sprouted up across the country, typically claiming to reduce the transmission of HIV. The problem is, this is a difficult claim to make with anything approaching scientific certainty. The reasons why have nothing to do with the competence of the researchers and everything to do with the inherent unreliability of the population being studied (drug addicts); the absence of an ideal control group (drug addicts who seek out clean needles are likely to be more fastidious and self-protective than other addicts,

otherwise why would they participate?); and the difficulty for researchers in disentangling the source of HIV infection (many IV drug users carry multiple risk factors).

Yet none of these challenges has stopped proponents from claiming to have reduced HIV transmission. Worse, many unfounded claims have been repeated uncritically in press reports despite the fact that most programs had high dropout rates, some participants reported that they had not shared needles before entry, and little testing of returned needles was typically done to see if they had actually been shared (i.e., contained traces of more than one blood type).

The absence of credible research in the field is so total that in 1992, Congress directed the Secretary of Health and Human Services to request an authoritative study of the effectiveness of NEPs and bleach distribution programs (bleach can be used to sterilize needles). But the ensuing Institute of Medicine (IOM) report, issued in 1995, was careful to acknowledge that the "studies that examine needle exchange and bleach distribution programs have a variety of limitations, including inadequate samples, sample attrition, improper controls, problematic measures, and incomplete analyses." The IOM study also acknowledged up front that no firm conclusions could be drawn under the customary scientific standard of "preponderance of the evidence," and substituted instead a weaker "pattern of evidence" standard.

The aforementioned "patterns of evidence" suggested that "needle exchange programs can be effective in preventing the spread of HIV and do not increase the use of illegal drugs." These tentative, highly qualified conclusions have been heralded by needle exchange proponents as definitive proof of the efficacy - and thus the moral imperative - of needle exchange programs. The New York Times, for instance, rushed into print to describe the IOM findings as evidence that NEPs "greatly reduce the spread of the virus that causes AIDS while not encouraging more illicit drug use. . ."

Not "can reduce"; not even "do reduce"; but "greatly reduce." Since then, two prominent researchers who served on the IOM panel, Dr. Herbert D. Kleber and Dr. Lawrence S. Brown, Jr., have had to patiently explain some of the more common misinterpretations and misrepresentations of the study. Messrs. Kleber and Brown note that the study states "NEPs 'can be effective in preventing the spread of HIV . . .' The line avoids using 'does prevent' or 'are effective.' These are far too strong." In fact, Messrs. Kleber and Brown continue, in some places that have NEPs, participants do worse than non-participants. Some countries, like Switzerland, "have extensive NEPs and high HIV rates." The relationship, they contend, is "far from straightforward." In addition, the claim that NEPs don't increase illegal drug use is simply unsubstantiated. "Few sites have studied the issue," they write, "and none exceeding six months, too short for attitudinal changes to have an effect."

All of which raises a basic question: Are NEPs needed at all? In 41 states and the District of Columbia, inexpensive sterile needles can be purchased from pharmacies. In Alaska, the site of the NEP trial, needles are even sold in pet stores. When Connecticut rescinded its prescription laws for syringes, the traffic at one needle exchange program was cut in half. Availability, alas, is a relative term. Like proponents of condom distribution in schools, it is not enough for needle

exchange advocates that syringes and needles are available at the corner drugstore at 20 cents each. They want a federal program to push their product.

While retail-level syringe and needle purchases are typically not regulated, many states do have laws against possession of "paraphernalia" - including syringes and needles - that is intended to facilitate the use of illegal drugs. While state laws differ and state conviction rates are difficult to determine, it is instructive that the federal drug paraphernalia law is seldom enforced (just 12 convictions in fiscal year 1995).

In any case, it is doubtful that these laws have any deterrent effect. An individual accustomed to stealing and robbing to supply a drug habit (heroin costs $950 per gram) is unlikely to be put off by the "risk" of being busted with clean injection equipment worth less than a dollar. In fact, Alaska (where this latest trial is scheduled to occur) has no prescription law and no state paraphernalia law.

Whatever one's view of needle exchange programs, and the federal role in supporting them, it is difficult to argue scientifically that they have lived up to their billing. That this is not a central issue in the current debate is the most obvious indication yet that this debate is not really about public health policy but politics.

John P. Walters is president of the New Citizenship Project and James F.X. O'Gara is the Project's director of research.

The Washington Times/August 30, 1996
The facts about falling crime rates
John P. Walters and James O'Gara

President Clinton has captured the title of Crime-Fighter-in-Chief. While Republicans seem to have little to say about the issue, the president has been aggressively claiming credit for "his" accomplishments. At a May 13th White House ceremony, the president claimed that the "100,000 police, the Brady Bill, the assault weapons ban, the other supports have led to drops in violent crime and murder and rape and robbery." A month later, speaking in the East Room, Vice President Gore went even farther: "President Clinton replaced a stale talk-on-crime policy with an invigorated tough-on-crime policy. It worked. America's crime rate, especially in our large cities, is falling."

Not that the White House is doing all the heavy lifting. The Democratic platform goes on for pages about the importance of crime control, with more than 30 references to police, criminals, felons, fugitives, stalkers, predators, and offenders. For its part, the Clinton Justice Department rushed into print Aug. 8 with a partially-complete Uniform Crime Report to highlight a dip in juvenile crime between 1994 and 1995.

There may well be no partisan political benefit to engaging president on the crime issue. But for

those who genuinely care about reducing the appalling rate of violent crime - still near record levels nationally despite recent, welcome, but small declines for the nation as a whole - the reasons why the president is wrong may make all the difference. Where crime is down all the evidence points to increased innovation and accountability by local police departments. Federal programs and federal officials have been virtually irrelevant.

Contrast the rhetoric of the president and the views of local police officials.

In 1995, Chicago experienced sizeable reductions in murder, robbery, and assault. Chicago Police Department spokesman Paul Jenkins cites a number of local initiatives that have been making a difference - the Clinton "COPS" program was not among them. "We track every gun" used by juvenile offenders, said Mr. Jenkins. "We have a towing ordinance in effect for narcotics and prostitution. If you are dealing narcotics, we will take your car. There are some offenders who say 'Take my money, take my family, don't take my car.'"

In fact, none of the police department spokesmen interviewed for this article mentioned the COPS program or other federal "supports" in connection with falling crime rates in their cities (although surely there are officials in these jurisdictions too who will praise just about any handout from Washington). Time and again, the factors cited by successful police executives traced their roots, not to the federal government, but to local institutions; citizens and police chiefs imposing accountability on their local police departments.

In 1995, for example, San Diego experienced its fifth straight year of declining violent crime. How did it happen? Assistant to the Chief of Police Matthew Weathersby credits the results to increased accountability under an innovative new police chief, Jerry Sanders. "Under Chief Sanders we went through our restructuring, brought all the divisions on-line [and] gave the lieutenants 24-hour responsibility [for the beat area]," said Mr. Weathersby. "The primary goal is to bring increased accountability to the system. If a lieutenant has 24-hour and seven-days-a-week responsibility for his service area, he can't say 'It didn't happen on my watch.'"

Chief Sanders also expanded San Diego's "Citizen Academy," which "takes citizens and gives them a glimpse of what law enforcement is all about." The COPS program? As of the end of 1995 it had given San Diego 27 officers actually on the beat, compared to a force of 1,987. Nearby Los Angeles, which has also saw crime plummet in 1995, had deployed just 54 Clinton-funded officers at the end of 1995, compared to a force of 9,093.

Across the country, Boston Police Department spokesman John McNulty attributes some of that city's drop in crime to new policies that stress "accountability, from the street cop all the way up to the superintendent." Boston is breaking the entire city down into two-square-block reporting areas so that emergency calls can be routed to the line officer with responsibility for the neighborhood. "That way you have continuity of the same cop going to the same area," says Mr. McNulty. As for the impact of President's COPS program, judge for yourself: Crime in Boston has been dropping since 1990, yet it was not until the end of 1995 that city actually fielded its first 61 COPS-funded officers (compared to a force of 2,147 full-time officers).

In 1995, Houston experienced reductions in murder, rape and robbery. What happened? According to spokesman John Leggio, Houston's reductions had little or nothing to do with Federal assistance, and everything to do with a "very aggressive overtime program" that put the equivalent of 655 additional officers on the street. After years of attrition in Houston's officer ranks, the increases in beat officers had an impact. Says Mr. Leggio, soon after implementing the overtime program "we started to see our response rate improve and our crime rate begin to tumble." Police Chief Sam Nuchia also established regular meetings bringing together citizens from all areas of the city including homeowner groups and civic clubs, to meet with him on solving problems. The COPS program? It has provided precisely 151 officers, compared to a total force of 5,200.

Perhaps the best example of all is New York City, where a new police chief successfully attacked "quality of life" crimes and enforced accountability for the officers of the NYPD by setting standards of performance, backed by a system of real incentives and disincentives. New York City's murder rate has fallen so fast that it accounted for just over 25 percent of the total nationwide drop in homicides over the past year, according to preliminary estimates. Yet New York City, with 38,189 police officers, had added precisely 342 Clinton cops by the end of 1995. Moreover, only 28 of the 342 "new" cops were actually new hires (the rest were "redeployed" from desk jobs). A spokesman for New York Attorney General Dennis Vacco, asks, rhetorically: "Where are they? We don't see these police officers."

Still, none of this has stopped the president and his advisors from taking credit for the good news on crime. In New Orleans this May, the president boasted of working "hard to pass the crime bill, to put 100,000 police officers on the streets." Senior Clinton aide George Stephanopoulos told the New York Times that by "next week, 43,000 of the 100,000 cops will be on the street and funded," prompting a confused DOJ spokesman to observe: "When I heard that my jaw dropped open."

The truth, we soon learned, and from no less an authority than Attorney General Janet Reno, is that the 43,000 figure is more than double the number of new police officers actually on the beat. That number, as of July 8, was 19,149 according to the Department of Justice. The rest, we are informed, are in the infamous bureaucratic "pipeline."

In fact, even that is an exaggeration, inflated by the inclusion of some 6,794 officers who were merely "redeployed" from other non-patrol assignments, or who received additional overtime. All told, the COPS program has delivered just 12,355 actual new police officers, an increase of less than two percent in the number of officers nationwide (factor in private security guards and it's a half-percent increase). Washington bureaucrats may consider this a fast start, but it is still far too small to have an effect on national crime levels. In fact, of the 20 largest cities that received the earliest COPS awards (those made in 1994), 55 percent report an increase in murders during the first half of 1996, and 47 percent reported an increase in violent crime last year.

Moreover, as serious researchers on police staffing have pointed out, it takes about 10 police officers to put the equivalent of one officer on the street around the clock, factoring in weekends, three shifts a day, sick leave, desk work, and vacation time. In other words, the Clinton COPS program has put on the street the equivalent of 1,235 around-the-clock police officers - the equivalent of only one new officer for every U.S. city and town over 25,000 population.

At a time when Americans' trust in public institutions has reached historic lows, the president does more harm than many cynical political observers realize in claiming for himself what rightly belongs to those actually reducing crime in San Diego, Chicago, Houston and New York. At stake is not just the spoils of politics, but our understanding of the necessary local steps for reducing the victims of violent crime in America.

John P. Walters is president of the New Citizenship Project. James O'Gara is the Project's director of research.

67. If confirmed, how many hours per week do you anticipate having to commit to this position?

A. I currently work between 40 and 60 hours per week and would anticipate continuing at that level.

68. If confirmed, how many days per month do you anticipate having to travel domestically to perform your duties?

A. I would anticipate traveling less than one week a month domestically.

69. If confirmed, how many days per month do you anticipate having to travel internationally to perform you duties?

A. I would anticipate traveling less than one week a month internationally.

70. What pay plan/grade and series were your previous federal government positions (ONDCP Coordinator for South American Affairs, DEA Foreign Policy Advisor, and ONDCP Special Assistant to the Director)?

A. ONDCP Coordinator for South American Affairs/GS-11

DEA Foreign Policy Advisor/GS-12

ONDCP Special Assistant to the Director/GS-15

71. What experience do you have in the federal budget process?

A. My experience in the Federal budget process is principally a result of my involvement in the

strategy development process, which proceeds in tandem with the budget process. ONDCP is also responsible for providing National Drug Control Program Agencies with budget guidance, and then certifying that the guidance has been faithfully observed. ONDCP also approves drug-related reprogrammings for $5 million or more. Budget expertise at ONDCP resides within the Office of Planning and Budget, which maintains a number of budget analysts, who provide the budget tables and other budget elements that become part of the National Drug Control Strategy.

72. What interagency meetings have you chaired?

A. I co-chair, with an NSC colleague, the monthly meeting of the NSC International Drug Control Policy Coordinating Committee.

73. What interagency meetings have you participated in on the development of policy and agency budgets?

A. I participate in numerous interagency meetings, often under the NSC-PCC or NSC-DC process. There are separate meeting structures for International Narcotics, South America, and Afghanistan, among others. I convene regular meetings with colleagues at DEA, DHS, DoD, and Department of State for the purpose of addressing specific policy issues on an ad hoc basis.

74. What level of security clearance do you currently possess?

A. I currently maintain a Top Secret/SCI security clearance.

75. In your opinion, what role does ONDCP have in the development of technology as it relates to counter drug activities?

A. ONDCP has a central role in the research and development of counter drug technologies. The Counter Drug Technology Assessment Center (CTAC), was established in 1998 to serve as the central counterdrug technology research and development organization for the United States Government. CTAC sponsors a research and development (R&D) program designed to advance the technological capabilities of national drug control agencies responsible for supply- and demand-reduction activities. In 1998, Congress provided funding to begin the Technology Transfer Program (TTP) (Public Law 105-61), which expanded CTAC's mission to include a program to transfer proven law enforcement technologies to support the counterdrug missions of state and local law enforcement agencies.

The Demand Reduction R&D program endeavors to improve the quality of drug addiction research by providing the scientific community with technologies that enable scientists to explore novel prevention and treatment modalities.

The Supply Reduction R&D program focuses on the development of technology for use by Federal, state, and local law enforcement agencies to reduce the supply of illegal drugs. The intent is to develop technologies that satisfy identified law enforcement requirements that

increase investigative capability and would otherwise go unfunded. Federal law enforcement agencies are the primary end users for the developed technologies and once these are tested and evaluated, they become available to state and local agencies either through the Technology Transfer Program or through independent purchase by these agencies.

The Technology Transfer Program (TTP) transfers drug crime fighting technologies and user training to state and local law enforcement agencies that otherwise would not be able to obtain them due to limited budgets and/or a lack of technological expertise. The TTP is unique in that applicants receive the actual technologies (rather than grant dollars) and are required to complete training on their use prior to receipt. CTAC is able to track each piece of delivered equipment in the field and solicit feedback from recipients via follow-up evaluations on its effectiveness – this enables CTAC to calibrate its catalog of available technologies.

Questions for James F.X. O'Gara on his nomination to be the Deputy Director for Supply Reduction at the Office of National Drug Control Policy (ONDCP) from Senator Edward M. Kennedy

Note: I would enjoy the opportunity to discuss any of these questions in greater detail with the Senator or his staff, and look forward to continuing an active dialogue on drug policy.

As the principal author of the last four National Drug Control Strategy documents, I'd like you to address issues surrounding the Administration's controversial proposals to cut funds for the High Intensity Drug Trafficking Area program. As you know, the Administration has sought to reduce half of these funds – taking away about $128 million – and moving the program out of the Office of Drug Control Policy and moving it into the Justice Department.

The program has been a highly successful partnership of federal, State and local governments to combat drug threats nationally, region-by-region. It's funded task forces that are multi-agency missions on interdiction, prosecution, and intelligence to fight money-laundering, drug-distribution, violence, and gangs. Under it, State and local heads of agencies join federal officials in determining the direction of their individual regional efforts to disrupt drug trafficking. No other cooperative effort of this magnitude exists in law enforcement today.

1) Do you support maintaining the program within the Office of National Drug Control Policy or are you in favor of cutting its funding and moving it into the Justice Department?

A. Any decisions about the funding level and location of the HIDTA program will be made above my level, in close consultation with the Office of Management and Budget.

2) According to the Coalition of National Narcotic Officers' Associations, the success of the program has been due, in part, to its placement in the Office of National Drug Control Policy which provides a neutral environment giving federal, state, and local agencies an equal voice in meeting regional drug threats. Do you agree that attacking drug trafficking region-by-region provides necessary flexibility throughout the country to attack specific threats?

A. It makes eminent sense for law enforcement organizations composed principally of State and local officials to target the drug trade on a regional, as opposed to a strictly local, basis. I believe the experience of DEA's large and highly regarded task force program is that the Department of Justice can operate in close coordination with State and local police agencies.

3) The program has flourished largely because of support by State and local criminal justice agencies, which have invested $630 million of their own resources to support the $227 million provided by the Office of National Drug Control Policy. Why should we expect continued local support, if we move management of the program out of this neutral

agency?

A. You are absolutely correct to note that what makes the HIDTA program successful is first and foremost the participation of State and local law enforcement, which makes up the majority of the program's participants. With regard to Fiscal Year 2007, no decisions about funding or program location have been made at this time.

4) Each of the 28 area programs is governed by an executive board with equal number of state, local, and federal representatives. The Office of National Drug Control Policy does not have representation on the boards and does not compete for resources with any of the represented agencies. But, transferring the program to Department of Justice will likely alter that balance, since the FBI, the U.S. Marshal Service, and other programs of the Department may have more influence. It does not appear that any of the local boards were consulted about the shift before the proposal was announced. Why was that? Wouldn't it have been better to ask all of the people in the field about whether the move would be more productive or less productive before it was proposed?

A. ONDCP personnel, and specifically the Deputy Director for State and Local Affairs, Scott Burns, are in regular communication with law enforcement, including HIDTA Directors. However, ONDCP personnel did not specifically solicit the views of law enforcement representatives about the Administration's budget proposal. The President's Budget remains internal to the Executive Branch until released in early February of each year. Agencies are not permitted to discuss budget changes outside the Executive Branch before that time.

The New England regional program was established in 1999 and includes six states. Its strategy is to combat the drug threat to the region through the use of 12 task forces that share intelligence information. Among the programs in place are centers which provide the only way for New England law enforcement officials to identify operational conflicts between agencies, such as officers shooting other officers by mistake. It's the only database available to multiple law enforcement investigative systems through a single point of entry.

5) Who will provide for the function in Boston, if half the budget is cut and management of the task forces moves into the Justice Department? The Organized Crime Enforcement and Drug Task Force (OCEDTF) would not be appropriate because it funds federal prosecutors on a case by case basis. It provides some support for drug law enforcement, but such cases don't start with it. It has no operational capacity, gathers no intelligence, and develops no informants. The two offices complement each other.

A. The New England HIDTA performs a number of excellent services including the deconfliction mission you identify. Additionally, the HIDTA mission of pooling intelligence and sharing intelligence is especially critical in a region like New England which is characterized by numerous smaller county police departments. You are correct to state that such funding probably could not be picked up by the OCDETF program, which tends to be case driven.

6) Are the budget cuts designed to fund more intensive efforts to disrupt drug production abroad in countries like Colombia and Afghanistan?

a. Isn't it a mistake to fund more crop destruction and take money away from local law enforcement?

A. Thanks to bipartisan, bicameral support for the Andean Counterdrug Initiative, the program has enjoyed sustained—but not increasing—support, while in dollar terms, the bulk of our counternarcotics programs in Afghanistan have been funded to date through supplemental budget requests.

b. Despite extraordinary amounts of money already being spent to disrupt foreign production, the drugs that are hitting our streets in New England are cheaper and purer than they have been in recent years. What data do you have to support such a shift in resources?

A. I am happy to be able to report that while New England certainly did experience a large degree of heroin supply, that between 2003 and 2004, average South American heroin purity declined by 22 percent, while average price rose by 30 percent—good news for addicts, who have more reason to come in for detox, and good news for law enforcement, which has less heroin with which to contend.

7) For the past five years, the U.S. government has been involved in an unprecedented cocaine eradication campaign in Colombia, where 90 percent of the world's cocaine originates. Despite the fact that U.S.-funded operations have been successful in eradicating hundreds of thousands of hectares of coca leaf, a recent study by the RAND Corporation showed that the reduction in coca production is not translating into higher prices or lower purity of powder cocaine on American streets. What is more, the most recent National Survey on Drug Use and Health shows that the number of people under age 18 who have initiated cocaine use has actually increased by 33% since 2000.

a) Why do you think that we are not seeing eradication efforts in Colombia disrupting the market for powder cocaine in the United States? What will you do to change the program to improve the results?

A. With regard to cocaine, we have not as yet seen changes in price and purity. We saw them quickly in the 1989-1990 timeframe, when the Colombian government declared war on traffickers, and the U.S. stepped up interdiction efforts. One likely reason why we have not seen a change faster is the fact that there has been significant overproduction by traffickers. We have to cut through all the excess, which is geared for a "customer" nobody thinks about in those terms—seizures by law enforcement. A roughly 40 percent reduction in Colombia's production in export quality cocaine over four years is thus hugely impressive, and a real accomplishment by the Department of State and Colombian National Police air assets. But as long as we are

cutting into overproduction, we are unlikely to cause significant market disruption. Colombia's 2004 production of export quality cocaine is estimated at 515 metric tons (down dramatically from 905 metric tons just four years ago), seizures enroute to the United States that year stood at roughly 248 metric tons, and U.S. consumption is roughly 250 metric tons per year.

b) Given the fact that ONDCP has used negative performance evaluations of other programs, such as the Safe and Drug Free School program, to justify budget cuts, will ONDCP recommend that the President's budget reduce funding for the Andean Regional Initiative?

A. The Fiscal Year 2007 request is not complete at this time, but the analysis presented in response to Question #7a suggests that we are on track for an eventual downturn in cocaine availability, as has been the case with heroin in the past year.

c) Why wasn't this price and purity data incorporated into the National Drug Control Strategy?

A. We look forward to discussing changes in price and purity when there is clear evidence of a trend to report. You are correct to infer, however, that the goal of the dramatic Department of State-led eradication program in Colombia; and the extraordinarily successful transit zone interdiction program of the Coast Guard, Customs and Border Protection air assets, and Department of Defense; and the DEA organization attack efforts in the Andes, Mexico, Central America, and the Caribbean, are all geared to one thing—disrupting the market for illegal drugs, and ultimately increasing the price and causing purity to drop or become unreliable.

Please note that with regard to cocaine initiation, initiation by those under age 18 accounts for only about one-third of all cocaine initiates. For those 18 and older, the number of initiates was flat since 2000: 714,000 in 2000 and 710,000 in 2003. SAMHSA has developed an additional methodology for assessing initiation that only reports on the number of initiates in the past 12 months. This method avoids the potential bias of recall over long periods of time that may affect the alternate method. These data also show that about two-thirds of recent initiates are 18 and older and that there has been no change in the overall number of recent initiates (i.e., about 1 million each in 2002, 2003, and 2004). In addition, the average age of first use of cocaine is 20.0 years, about the same as it was in 2002 and 2003 (19.8 years).

8) One of the strongest criticisms of the Office of National Drug Control Policy is its failure to cooperate effectively with other federal agencies, as well as State and local agencies. A major reason for the existence is cooperation and coordination, but it doesn't happen. How many times have you met with the Directors of programs to discuss illegal drug supply problems?

A. I have had the opportunity multiple times to meet with and discuss problems with senior officials within the Federal supply control agencies, whether the U.S. Coast Guard, the Department of Homeland Security, Customs and Border Protection, the Drug Enforcement

Administration, Department of Justice, or the Department of Defense.

9) How would you characterize your relationship with State and local law enforcement and drug enforcement agencies?

A. If confirmed as Deputy Director for Supply Reduction, my duties will be focused on international drug control, foreign and domestic drug intelligence, and interdiction—with domestic law enforcement remaining the principal responsibility of Deputy Director for State and Local Affairs, Scott Burns. I will look forward, if confirmed, to supporting Deputy Director Burns in furtherance of Federal-State and local cooperation.

10) Please explain the process you used to prepare the National Drug Strategy. Did you consult with any program directors prior to the formulation of the strategy? If so, please identify them.

A. The Director of ONDCP consults with a wide range of experts and officials while developing the National Drug Control Strategy. Specified consultants include the heads of the National Drug Control Program agencies, Congress, State and local officials, citizens and organizations with expertise in demand and supply reduction, and appropriate representatives of foreign governments. Internally, the consultation process involves key ONDCP officials, yielding insight from their extensive field contacts on topics to be addressed, issue areas to be explored, programs to be highlighted, and themes to be examined, ultimately leading to a general outline which is discussed among senior staff and which leads to a first draft. Drafts of the NDCS are coordinated internally within the agency, and comments incorporated as appropriate. The draft in turn is "married up" with longer-term budget proposals that have been moving through the system throughout the previous year. Drafts are then circulated to the appropriate Federal agencies including DoD, CIA, DHS, DOJ, the Department of State, Ed, and HHS. Eventually, the consolidated draft is forwarded to White House Staff Secretary for internal EOP clearance.

As an aside, one of the more gratifying parts of developing the Strategy is the opportunity to highlight the work of people in the field who are making an important contribution, and in the process to get to know them a little and help them receive some of the recognition they deserve. In just the past two years I have personally had the opportunity to have lengthy discussions with teachers, high-school principals, prosecutors, concerned community coalition activities, treatment providers, doctors, and U.S. Government aircrews.

Julio Medina, profiled in the most recent Strategy, is a former addict and prison inmate who is helping others bridge the challenging transition to freedom through Exodus Transitional Ministries in Harlem. Dr. Joe Schmidt is a principal who brought a well-regarded student drug testing program to Chicago's St. Patrick High School. Vicky Ward is a concerned mother in Kansas City, Kansas who got tired of seeing kids get into car accidents at prom time and decided to do something about it. Reverend Richard J. McCain is pastor of the Southeast Cleveland

Church of Christ in Cleveland. But when I talked to him, he was busy running off drug dealers in his southeast Cleveland neighborhood.

11) One criticism of the National Drug Strategy is that it lacks goals and a strategic vision. What is your vision of the agency's role in the national effort to fight drug abuse?

A. One of our key goals for the National Drug Control Strategy is to highlight the many successful ways in which the Federal Government, State and locals, and nonprofits and private citizens are working every day to stop drug use before it starts, heal America's drug users, and disrupt the market of illegal drugs. Each of these efforts is important and one of our challenges as a policy organization is to highlight what is working and help guide resources and attention, where possible, in that direction.

Such programs and efforts take as many forms as there are drug users, from a faith-based prisoner reentry program in Harlem, Exodus Transitional Ministries, to a pace-setting intelligence center like the multi-agency Panama Express program in Tampa Florida, to a community coalition in Kansas (the Tri-County Northland Coalition) dedicated to keeping teenagers safe during dangerous times like prom and high-school graduation week. Efforts such as these combine to support the central elements of a balanced strategy—prevention, treatment, and market disruption. By pursuing all three, we make the drug problem smaller.

The concept of balance is central to the question of "vision" you describe. Ours is a strategy that harnesses the mutually-reinforcing power of prevention, treatment, and market disruption. It is my view—more importantly, it is the President's view—that these things work best when they work together.

Drug treatment demonstrably reduces crime. Law enforcement diverts users into drug treatment and makes the system work more efficiently, by giving treatment providers leverage over the clients they serve—for example through drug courts. Treatment narrows the problem for law enforcement by shrinking the market for illegal drugs, while interdiction shrinks the amount of drugs available on our streets, and can drive up prices and push addicts into detox. For their part, prevention efforts reduce the load on the treatment system and, ultimately, the criminal justice system. Prevention programs are affected by law enforcement too—they work best in a climate where lawbreaking is punished and young people are discouraged from trying illegal drugs in the first place.

James F. X. O'Gara
Nominee for Deputy Director for Supply Reduction, ONDCP

Note: I would enjoy the opportunity to discuss any of these questions in greater detail with the Senator or his staff, and look forward to continuing an active dialogue on drug policy.

1. The problem of methamphetamine abuse has increased exponentially in recent years, expanding geographically to reach all corners of the United States. In Vermont, for example, we rarely heard about methamphetamine until the last year or two, but its use and manufacture have now led to deaths in Vermont on more than a few occasions. ONDCP's media release announcing your nomination stated that you were the principal author of the past three National Drug Control Strategies. Methamphetamine received little attention in the 2003 and 2004 National Drug Control Strategies. Why wasn't a growing epidemic given more attention in those years? If confirmed, what steps do you intend to take to address the methamphetamine problem in our country? How do you plan to fight the smuggling of methamphetamine and pseudoephedrine from Mexico?

A. ONDCP has been engaged on the methamphetamine issue. The National Drug Control Strategy has an entire section dedicated to Targeting Synthetic Drugs, with a focus on methamphetamine. It discusses the success of declining U.S. superlabs, but also the new challenge of increasing amounts of meth from beyond our borders. Legislative recommendations are also advanced.

The Strategy has certainly evolved in discussing methamphetamine and that is in large part due to extensive consultations with States and Members of Congress. In 2004, it took a new focus on Synthetic Drugs, particularly methamphetamine and the dangers associated with its production in small toxic laboratories. The Strategy took on the geographical spread of meth from West to East as well as the need for international and domestic law enforcement mechanisms and regulatory controls.

We have seen the rise of superlabs run by foreign trafficking organizations operating within our borders and watched the rapid spread of methamphetamine across the country through the proliferation of small clandestine laboratories which have a broad impact beyond just the drug user. From 2002 through 2004, more than 49,000 small clandestine laboratories were discovered and seized in the United States. Additionally, the number of new methamphetamine users continued to rise during the last decade. Today, approximately 583,000 Americans that are current users (defined as used in the past 30 days) of methamphetamine.

This is not, however, a problem that defies solution. Federal law enforcement efforts principally by the Drug Enforcement Administration working with the Royal Canadian Mounted Police have caused domestic shortages of pseudoephedrine, prompting in turn a dramatic decrease in "superlabs" in America. We are seeing the first indications of sustained reductions in small clandestine laboratories, and youth methamphetamine use is down 25 percent over three years. More still needs to be done. If confirmed, my focus will be on stopping the methamphetamine

produced outside of our borders, to take some of the burden off of our domestic law enforcement agencies.

Currently, DEA personnel are working closely with vetted Mexican Law Enforcement Units to investigate and destroy methamphetamine labs as well as interdict precursor chemicals (essential elements needed for manufacturing) and finished methamphetamine products. They have had success, but run up against the related challenge of controlling pseudoephedrine and ephedrine imports into countries such as Mexico. The U.S. needs to ensure close cooperation with source countries for pseudoephedrine (Germany, India, and China) and ephedrine (India, Czech Republic, and Germany) coupled with the cooperation of importing nations such as Mexico and Panama to make shipments more transparent and accountable.

2. The Administration received criticism this year for proposing to cut the budget of the High Intensity Drug Trafficking Area program. The program began in 1990 to target hot spots for large-scale drug trafficking. Many State and local law enforcement agencies claim that the program is vital to their drug interdiction efforts and for coordinating with federal agencies. The New England HIDTA is crucial to Vermont's efforts to combat drug trafficking; particularly the growing problem of heroin abuse in our state. Did you support the Administration's proposal to cut the High Intensity Drug Trafficking Area budget? If so, why? If confirmed, will you support the continued funding of the High Intensity Drug Trafficking Area program?

A. I am advised by ONDCP's budget office that agency deliberations regarding funding matters are to remain a matter of internal record within the Administration. While no decisions about the location or funding level of the HIDTA program have been made at this time, any future decisions will be made above my level, in close consultation with the Office of Management and Budget.

Clearly, Federal support is a major driver of drug law enforcement programs among State and local law enforcement agencies. The President's Fiscal Year 2006 request proposed more than $3.5 billion in grants to State and local agencies, including to first responders, through the Department of Homeland Security. The challenge clearly remains of identifying an appropriate balance between Federal support to State and local law enforcement, first responders, and other homeland security related programs.

3. Did you support the Administration's proposal to eliminate the Byrne Justice Assistance Grant Program? If so, why?

A. I am advised by ONDCP's budget office that agency deliberations regarding funding matters are to remain a matter of internal record within the Administration. It is important to note that the President's request for Fiscal Year 2006 contains an increase of 2.1 percent for drug law enforcement, for a total of $3.36 billion. The increase of 2.1 percent compares favorably with a *reduction* in non-security discretionary spending of 1 percent in the Fiscal Year 2006 request.

In order to focus departmental resources on counterterrorism, which is the Department of Justice's (DOJ) overriding priority, the Administration was required to make difficult choices in the Fiscal Year 2006 budget proposal.

The Byrne Justice Assistance Grant program (JAG) should be viewed in the context of government-wide funding proposed for State and local governments, as well as other grant assistance proposed for State and local governments, as contained in the DOJ Fiscal Year 2006 request. In particular, the Administration is committed to providing funding to State and local entities for terrorism preparedness programs (primarily through the Department of Homeland Security) by maintaining over $3.5 billion in funding for these programs in Fiscal Year 2006, the same level proposed in the Fiscal Year 2005 budget request. DOJ's budget request includes over $1.5 billion in other grant assistance to State and locals, including $90.3 million for the Office of Justice Programs' (OJP) counterterrorism efforts. The DOJ budget includes: $185.3 million to strengthen communities through programs providing services such as drug treatment; $335 million to combat violence, including enhancements to Project Safe Neighborhoods; $235.2 million for law enforcement technology, including funding to continue and further develop the Administration's DNA initiative; and $92.5 million to support drug enforcement, including funding to continue and expand the Southwest Border Drug Prosecution Program.

As you may know, JAG and its predecessor programs (Byrne Formula and LLEBG) are not designed exclusively for funding drug enforcement activities, but are available for State and local jurisdictions for myriad uses, many that are not drug-related. For example, Byrne's 29 purpose areas allowed funding, at local discretion, for general law enforcement purposes, including funding for multi-jurisdictional drug and gang task forces, crime prevention and domestic violence programs, courts, corrections, drug treatment, and justice technology initiatives. LLEBG was available to pay for police overtime, school security, etc. JAG itself allows funding for all purposes previously allowable under Byrne Formula and LLEBG.

4. Several law enforcement organizations have expressed concern to the Senate about your confirmation because they feel ONDCP has done little to consult with State and local law enforcement agencies. In your efforts to draft the past three National Drug Control Strategies, did you consult with State and local law enforcement agencies? In your current position, how many times have you met and discussed illegal drug supply problems with the HIDTA directors? If confirmed, how will you reach out to the State and local law enforcement community to develop a comprehensive strategy to disrupt the market for illegal drugs?

A. Having worked at the Drug Enforcement Administration, I have a deep appreciation for law enforcement. As a staff member at the Office of National Drug Control Policy, I have interacted with State and local law enforcement principally through my principal, Director Walters, as he travels and meets with State and local officials, including HIDTA Directors, sheriffs, and police chiefs. Director Walters has traveled to 26 of 28 HIDTAs at least once in the past four years and has addressed their annual national conference three times.

Within ONDCP, the primary relationship with State and local law enforcement is between the dedicated staff in the Office of State and Local Affairs and the numerous and extensive law enforcement officers, groups, and organizations they deal with. The Deputy Director of State and Local Affairs, Scott Burns, was formerly a County Attorney and came from the law enforcement community. The current Director of the HIDTA program, Joe Keefe, served with the DEA for 30 years and held positions including Chief of Operations and Special Agent in Charge of the Special Operations Division.

Unless our authorizing statute changes this division of labor, interacting with domestic law enforcement agencies will remain the principal responsibility of Deputy Director for State and Local Affairs, Scott Burns, and if confirmed I look forward to working with him to ensure that the foreign-domestic interface works well and supports implementation of the President's National Drug Control Strategy.

With regard to your question about the development of that Strategy, we view our State and local partners, community organizations, and allies against illicit drugs as crucial to the success of ONDCP's mission. Director John Walters and his Deputy Directors travel widely and consult extensively within the United States and internationally as a normal part of doing business—consultation which in turn is drawn upon during the development each year of the President's National Drug Control Strategy.

5. I have been skeptical about the interdiction approaches of Presidents of both parties, and I continue to have serious reservations about our policy in Colombia. An article in the September 18, 2005, Los Angeles Times states that "after several years and billions of American tax dollars spent fighting drug trafficking, cocaine is still making its way from Columbia to the U.S. in what appear to be hardly diminished quantities." Yet, despite little evidence that our strategy in Columbia is having any significant impact, President Bush is requesting an extension for aid to the project known as "Plan Columbia." How do you justify the continued funding of a program that is having questionable results? Do you have alternative plans to address the smuggling of cocaine from Columbia into the United States?

A. You are correct to indicate that we have not as yet seen changes in price and purity, and you are right to be cautious given the sums of foreign assistance involved. We saw changes in price and purity quickly in 1990, when the Colombian government declared war on traffickers, and the U.S. stepped up interdiction efforts. One likely reason why we have not seen a change faster is the fact that there has been significant overproduction by traffickers. We have to cut through all the excess, which is geared for a "customer" nobody thinks about in those terms—seizures by law enforcement. A roughly 40 percent reduction in Colombia's production in export quality cocaine over four years is thus hugely impressive, and a genuine accomplishment by the Department of State and Colombian National Police air assets. But as long as we are cutting into overproduction, we are unlikely to cause significant market disruption. Colombia's 2004 production of export quality cocaine is estimated at 515 metric tons (down dramatically from 905 metric tons just four years ago), seizures enroute to the United States that year stood at roughly 248 metric tons, and U.S. consumption is roughly 250 metric tons per year.

Senator Grassley's Follow-Up Questions for Julie Myers, Nominee to head the Immigration and Customs Enforcement (ICE)

1) Trade fraud and protection of intellectual property rights are critical to U.S. competitiveness and the nation's overall economic well being. You mentioned in our recent meeting that you would establish "front office representation" and dedicate resources to support and work more effectively with Customs and Border Protection (CBP) in the enforcement of trade-related issues such as: IPR Protection, Valuation Fraud, Transshipment, and Child Labor. Could you provide more details on how and specifically the types of changes you would make internally (ICE) to do this? For example, will there be a dedicated group of investigators that could maintain such expertise and be called upon to consistently do this mission?

ANSWER: I agree with you that we must ensure that ICE is effectively dedicating its resources in this area. In addition to bringing my personal experience regarding trade fraud and intellectual property cases to bear, if confirmed, I will ensure that a senior advisor in my front office is closely monitoring these issues. I understand that, within the Financial and Trade Investigations Division of the Office of Investigations, a Trade Fraud Unit and IPR Center already focus on these very issues and that field resources are similarly aligned. If confirmed, I will make it a top priority to carefully review the resources and accomplishments of these offices and, if I deem it appropriate, make necessary changes.

2) What will you do to ensure that the protection of trade laws receives equal weighting in terms of resources and your focus with respect to the other missions during your tenure?

ANSWER: As the Assistant Secretary for Immigration and Customs Enforcement, I will manage each of ICE's priorities with the resources at my disposal. Having worked at the Departments of Treasury and Commerce, I fully understand the importance of protecting the intellectual property rights of American businesses, protecting American jobs through strict adherence and enforcement of trade agreements, and otherwise protecting the revenue. I also believe that economic crimes pose a significant threat to the financial stability of the U.S. homeland. If confirmed, I will ensure that trade enforcement remains a top ICE priority.

3) How would you plan to work more closely with CBP on joint initiatives in the protection of vital trade laws?

ANSWER: It is my understanding CBP and ICE work together on a number of joint initiatives, and are making significant strides in IPR enforcement, textile transshipment violations, and identifying vulnerabilities in trade systems that

could be exploited by either terrorists or other criminal organizations. If confirmed, I will carefully review the activities that are already underway and continue to explore with Commissioner of CBP whether additional initiatives will further enhance our agencies' collective efforts in this area.

4) Would you object if CBP developed a cadre of investigators dedicated solely for protection of trade laws?

ANSWER: I believe that it is critical that ICE continue to lead criminal enforcement actions with respect to our trade laws. ICE has the institutional expertise to carry out this critical mission and the mandate to serve as the Department's lead in interior enforcement. At the same time, as an interdiction agency, CBP officers significantly contribute to these cases through seizures and otherwise. This is the same basic division of labor that existed when I was at the Department of Treasury. Uniformed Customs inspectors (now CBP officers) would make seizures and refer cases to the Office of Investigations (now ICE agents); the Office of Investigations would refer non-criminal cases back to CBP. This time-tested relationship has been effective and should continue. To the extent that coordination issues arise, I will work with CBP and the Department to more clearly define roles and responsibilities of both CBP and ICE.

5) In your statement before the Judiciary, you said that "ICE plays a vital role to ensure that federal facilities are secure and our immigration laws are enforced." There have been many reports of illegal aliens working in places such as nuclear energy sites and military bases. We would like to commend the Department in its efforts to reduce illegal aliens working in our critical infrastructure sites. We do, however, hope that the Department will require all contractors to use the basic pilot program to verify that their workers are legal aliens who are eligible to work. It certainly would reduce our national security risks. Will you consider encouraging the use of this program for employers who hire individuals in such sites?

ANSWER: If confirmed, I will encourage the use of the Basic Pilot Program, a USCIS program, for all employers whose workers are employed in critical infrastructure facilities. It is my understanding that the Basic Pilot Program will provide an essential tool to minimize the vulnerability of unauthorized workers illegally gaining employment in sensitive industries. I will carefully study this issue and find mechanisms to improve the Department's worksite enforcement efforts in a comprehensive manner.

6) You said that your highest priority is finding, prosecuting, and removing illegal aliens who break our laws. How do you feel about local law enforcement enforcing our immigration laws? Will you encourage more MOUs with state and local law enforcement, as authorized under the INA Section 287(g)?

ANSWER: State and local law enforcement play a critical role in the homeland security mission and are likely to encounter foreign-born criminals and immigration violators in the course of their day-to-day duties, and thus I believe ICE and the Department should look into cooperative ways to work with state and local police agencies with regard to law enforcement.

It is my understanding that Section 287(g) of the Immigration and Nationality Act authorizes the Secretary of Homeland Security to enter into Memoranda of Understanding (MOU) with states and/or political sub-divisions of states to perform immigration enforcement activities after appropriate training and under DHS supervision. I am informed that ICE currently has MOUs with the Alabama Department of Public Safety, Arizona Department of Corrections, Florida Department of Law Enforcement, and the Los Angeles and San Bernardino County Sheriff's Department.

I believe continued expansion of the 287(g) Delegation of Authority program should be an integral part of ICE's overall immigration enforcement strategy to ensure the safety of our communities and work more effectively with our partners in state/local law enforcement.

7) Currently, there is an MOU between ICE and Border Patrol that requires the border patrol sector chief to approve control delivery by ICE agents through their sector. Do you support that approval process – i.e. should ICE operate independently or should approval by the border patrol be required?

ANSWER: ICE controlled deliveries of contraband or aliens that cross the border or pass through a Border Patrol checkpoint require close coordination with the Border Patrol in order to ensure that the Border Patrol does not inadvertently interfere with the controlled delivery operations. In addition, coordination is required to ensure that the ICE controlled deliveries do not unduly disrupt routine Border Patrol enforcement operations. If confirmed, I will review our procedures on this issue to ensure that the terms of the MOU do not hinder ICE investigations in any way.

8) I continue to be concerned that the future of money laundering investigative authority within the Department of Homeland Security is being eroded. ICE has considerable expertise in conducting money laundering investigations that must be preserved.

- What is your plan to ensure the continued expertise and strength of money laundering investigations at ICE?

ANSWER: I share your concern about prioritizing money laundering investigations. I believe that criminal organizations are driven by profit, and effective money laundering and asset forfeiture investigations are effective tool to combat all criminal enterprises, including traditional immigration investigations,

such as alien smuggling, human trafficking and identity and benefit fraud investigations.

I have extensive experience in money laundering. I worked closely with legacy Customs Agents on money laundering investigations at the Treasury Department, the U.S. Attorney's Office, and at the Criminal Division at the Department of Justice. Indeed, I spearheaded the development of the 2002 National Money Laundering Strategy, and also coordinated the inter-agency work done in response to the 2001 National Money Laundering Strategy. I also worked on money laundering investigative issues with foreign counterparts, both in the context of the Financial Action Task Force, and through bilateral efforts, such as the Senior Law Enforcement Plenary in Mexico.

If confirmed, I will ensure that ICE continues to initiate quality financial investigations and bring my experience to bear in terms of focus, personnel, and priorities. In particular, I would like to build upon ICE's work in the Cornerstone initiative, and develop enhanced partnerships with the Department of Treasury's Office of Enforcement. In addition, one area that I believe could be expanded is ICE's partnership with the private sector, which often represents the first line of defense to financial fraud.

- Why do you believe the morale of the financial investigators currently at ICE is low and what do you plan to do to fix this problem?

  ANSWER: Morale is an important component of any federal law enforcement agency. If confirmed, I will do all I can to ensure that any morale issues affecting financial investigators -- or any ICE employees -- are promptly addressed.

  In my experience, both as an employee and as a manager, morale is higher when employees know what is expected of them, they are given the freedom to execute the mission, and they are rewarded for doing so effectively. If confirmed as Assistant Secretary, I would seek to build morale of the entire workforce in several ways.

  First, I will be the agency's strongest advocate – within the Department, throughout the Executive Branch, on Capitol Hill and to the Private Sector. The work that the agents do is tremendous – including, but not limited to the financial investigators - and I will do all I can to advocate on their behalf.

  Second, I will ensure that the agency knows what its core mission is and what is expected of personnel in order to succeed. From talking to a number of individuals in preparation for my hearings, it has become apparent to me that the agency could improve in this realm.

  Third, I will work to ensure that the agency employees know that they are being heard at headquarters. Not only will I seek to draw expertise and knowledge from

my senior managers in the field, but I will ensure that more junior employees also have a method to share their views. I plan to travel around the country to meet personally with agents to listen to and address cultural problems. My office will be just as open to management officials as it will be to line agents. And I will work tirelessly to address their concerns.

Finally, I have long believed that federal service features too many unsung heroes. I will work to ensure that these unsung heroes are rewarded properly – through methods ranging from formal awards to a simple "thank you."

9) I am very concerned that the various departments and agencies with jurisdiction over certain aspects of money laundering, which includes terrorist financing, tell me that they are coordinating their efforts, but I continue to see evidence of poor coordination, including redundant programs, lack of communication, and turf battles.

- What is your vision for enhancing the future of financial investigations at ICE?

ANSWER: Financial investigations are a critical part of the broad investigative mission of Immigration and Customs Enforcement. Denying terrorists and other criminal organizations, including those involved in the smuggling and trafficking in persons, the means to perpetuate crimes, or enjoy the profits of their crimes, will remain amongst the highest priorities of ICE and the Department.

My vision for enhancing the future of financial investigations at ICE includes the following: first, ensuring that we are partnering effectively with other law enforcement partners, such as the Department of Treasury; second, ensuring that we are leveraging financial investigations whenever possible with immigration authorities and investigations; third, working to expand and promote public-private partnerships to prevent financial fraud of all kinds; and fourth, working to enhance the ICE intelligence office and ensure that the intelligence is incorporated into active financial investigations.

- What is your understanding of what constitutes a "nexus to terrorism" under the terrorist financing MOU between DHS and DOJ? What should constitute a "nexus to terrorism?"

ANSWER: A "nexus to terrorism" exists if a subject has a significant connection, either financially, personally or through other documented direct contact, with or in support of a known terrorist organization.

- You have said ICE should continue to focus on terrorist financing investigations, but how can that be done with the current MOU in place and with the FBI coordination problems that you have acknowledged?

ANSWER: I am aware that the Offices of Inspector General at DOJ and DHS are conducting a review of the Terrorist Financing MOU and its implementation. I will look forward to carefully evaluating the IG review and addressing their recommendations. I will also reach out to the Director of the FBI to jointly address coordination issues that may exist. I know from my first-hand experience at the Department of Treasury that ICE agents bring important and meaningful expertise to terrorist financing cases. They must continue to work in concert with the JTTFs to bring these important cases.

- How do you plan to systematically reward SACs who sink time and resources into a case that turns out to have a terrorism nexus, and is thus taken over by the FBI under the terms of the MOU? How do you plan to create incentives to pursue cases that may develop a terrorism nexus if the perception among ICE agents is that such cases should be left for the FBI?

ANSWER: If confirmed, I will ensure that ICE SACs are appropriately recognized for their contributions to cases for which a terrorism nexus is established. ICE investigators are an integral part of the JTTFs and continue to work these cases diligently.

- How will you resolve jurisdictional questions that may arise over authority to conduct investigations on issues such as Black Market Peso Exchange or bulk cash smuggling?

ANSWER: There should be no jurisdictional issues regarding Bulk Cash Smuggling (BCS) and Black Market Peso Exchange (BMPE) investigations. ICE focuses on financial crimes and complex money laundering schemes that have an international nexus. In instances of crossover with another agency's investigation, it is my understanding that deconfliction and coordination mechanisms are in place. If confirmed, I will review this issue further.

EDWARD M. KENNEDY QUESTIONS
JUDICIARY COMMITTEE HEARING ON
EXECUTIVE NOMINATIONS
October 25, 2005

QUESTIONS FOR JULIE MYERS

A. Qualifications

As you know, the Homeland Security Act specifically requires five years of law enforcement experience and at a minimum, five years management experience for this position. There were no similar requirements written into law for other types of positions in the Act. Congress wanted the position filled by someone with policy expertise and managerial skills. You no doubt have good legal experience and your dedication to public service is commendable.

QUESTION:

I'm concerned that you may not have had the management experience needed to lead more than 20,000 employees and oversee a budget of more than $4 billion. Can you tell me more about your management experience and formal supervisory authority in your career?

ANSWER: I appreciate the opportunity to discuss my management experience, much of which has been directly supervising law enforcement officials and prosecutors.

Work as the Assistant Secretary for Export Enforcement. As Assistant Secretary for Export Enforcement, I was responsible for managing the Commerce Department agents who investigate violations of dual use export control laws. As such, I led the Department's efforts to prevent and prosecute violations of U.S. dual-use export control laws and directed overall investigative and litigation strategy for the Export Enforcement cases. I directly supervised a Deputy Assistant Secretary, as well as several Office Directors. I managed nine field offices with Special Agents, supervising approximately 170 FTEs and a budget of $25 million. I also supervised five foreign attaches.

I concluded early on that the agency was not properly prioritizing its investigations. Not all export investigations are alike, and I believed that not all investigations warranted the same level of investigative resources. After obtaining consensus from my Deputy Assistant Secretary and leadership in the field, I created the Export Case Emphasis List (X-CEL). The X-CEL list was a case prioritization and tracking system. The X-CEL allowed Export Enforcement to ensure that it was focusing its efforts and limited budget on cases of the highest priority: cases involving items with potential use in chemical, biological, and/or

nuclear weapons and cases involving violations where the end-users were from nations or organizations of greatest concern.

These efforts paid off. During my tenure, Export Enforcement achieved substantial results in a significant number of national security cases, such as the conviction of Dr. Thomas Butler for illegally exporting Yersinia Pestis (Bubonic Plague), the arrest of Asher Karni for conspiring to export so-called "nuclear triggers," and the first criminal convictions in a deemed export case.

In addition to the significant criminal cases, Export Enforcement agents also pursued a large number of civil violations. We increased enforcement efforts to ensure corporate compliance with the export control rules. As a result, during my tenure, the number of administrative case completions nearly doubled, from 34 in Fiscal Year 2003 to 63 in Fiscal Year 2004. Over the same period, civil penalties increased from $4.1 million to $6.2 million.

Work as Chief of Staff for the Criminal Division. As Chief of Staff for the Criminal Division, I assisted the Assistant Attorney General in leading and managing the Criminal Division, a component with nearly 500 prosecutors and an annual budget of more than $129 million. During that time, at the Assistant Attorney General's Direction, I helped provide leadership direction for all substantive and administrative aspects of the Criminal Division's mission.

I also served as a surrogate for Assistant Attorney General Chertoff on a number of sensitive legal matters in the Division, and I particularly closely supervised prosecutors, investigations, and criminal cases in the following divisions: Narcotics and Dangerous Drugs; Organized Crime; Counterespionage; Asset Forfeiture and Money Laundering; Computer Crimes and Intellectual Property; and Public Integrity. In addition, I directly supervised the Office of Administration, which included the overseeing the Division's budget, all personnel decisions, and information technology issues, among other matters.

Directly relevant to the ICE position, at DOJ, I worked closely with the Department of Homeland Security, representing the Division in discussions regarding information sharing and other matters. I also worked closely with the Department of Treasury on terrorist financing issues. In addition, I represented the Criminal Division in planning and meetings regarding the interagency anti-smuggling center.

Work as Deputy Assistant Secretary for Money Laundering and Financial Crimes. As Deputy Assistant Secretary for Money Laundering and Financial Crimes in the Office of Enforcement at the Department of Treasury immediately after 9/11, I directly supervised two sections of the Office of Enforcement – the Counter narcotics Section and the International Money Laundering Section.

At Treasury, I helped manage the Department's implementation of Title III of the Patriot Act relating to money laundering, including the regulatory changes required by the Act. I also supervised the Treasury Department's work on the

Financial Action Task Force, and worked closely with the former Customs Service. This work included directing the Treasury Department's efforts on a number of large international initiatives, such as Plan Colombia.

In addition, at Treasury I helped achieve consensus and implemented the 2001 National Money Laundering Strategy. When I arrived at the Treasury Department, this Strategy had languished and was controversial. Many within the inter-agency community, and even within Treasury, were dissatisfied with the Strategy and were avoiding taking the steps necessary to move it forward. Their reasons, I came to believe, were largely unrelated to the merits of the Strategy, which set forth a list of action items to reduce the danger of terrorists or other criminal organizations abusing our financial system to launder funds. I worked closely with the Customs Service, IRS, and DOJ, and was able to build common ground and advance many of the action items included in the 2001 Strategy, including working with the private sector on best practices to dismantle the Black Market Peso Exchange, providing asset forfeiture training that emphasizes major case development, and increasing the usefulness of reported information to law enforcement agencies and the financial industry.

At the same time, I spearheaded the interagency effort to draft the 2002 National Money Laundering Strategy. Given my experience with the 2001 Strategy, I recognized from the outset that this task required open collaboration, creative problem solving, and sustained analysis of the issues and optimal path forward. Once again, I believe I was able to develop a consensus.

Work as an Assistant United States Attorney. Like my predecessor, Michael Garcia, I believe that some of my time as a line Assistant United States Attorney constitutes relevant management experience. As a line Assistant United States Attorney, I managed a number of cases and investigations, overseeing the actions of a number of law enforcement agents and on occasion, more junior AUSAs. The cases ranged in their complexity – some were as simple as a felon in possession of a firearm, but some involved complicated multi-million dollar fraud schemes.

One example of an investigation I directed is called *Operation Horseback.* This was an OCDETF investigation of an MDMA (ecstasy), heroin and cocaine smuggling ring. I supervised an investigation team that included agents from the then-United States Customs Service and the Drug Enforcement Agency. I represented the United States in the two prosecutions that were brought in *Operation Horseback,* United States v. Ahmedi, et al., 00 CR 666 (E.D.N.Y.) and United States v. Sokoli,et al., 01-CR-030 (E.D.N.Y.). All nine defendants pleaded guilty, and most received substantial prison sentences. I was lead counsel for this Operation and made all the decisions with respect to the investigative team's action in terms of investigation, prosecutions, and plea agreements. Several of the other cases and investigations I directed are detailed in my answer to question 18 of the Judiciary Questionnaire.

For each of the cases and investigations I managed, I directed all the investigative steps for the agents and attorneys working on the case, and had substantial discretion in determining what investigative resources were allocated to the cases and investigations. This management included making difficult and, at times, unpopular calls on how an investigation should or should not proceed. Accordingly, I believe that this law enforcement management experience is relevant.

Work as a Special Assistant to the President. As Special Assistant to the President for Presidential Personnel, I have managed the political appointment process for a number of agencies and directly supervised up to three Deputy Associate Directors (or Associate Directors), and two staff assistants. In this capacity, I have had the ability to use my subject matter expertise in law enforcement and national security, and assist a number of agencies in finding talented senior leadership for a number of positions.

General Comments Regarding My Management Experience. A good deal of my experience has involved prioritizing and making the best use of limited resources – skills sorely needed at ICE. As Assistant Secretary of Commerce and as Chief of Staff of the Justice Department's Criminal Division I gained experience in managing complex enforcement organizations during certain financial difficulties.

For example, while at the Department of Justice, I directly supervised the Office of Administration, during a time when the Division had to do some significant belt-tightening, including placing some restrictions on travel and other items, in order to ensure that we operated effectively within the resources we were given. While at the Department of Commerce, I closely managed a budget of $25 million and implemented effective internal controls for financial and personnel performance measures. Thanks to close monitoring of this process, despite substantial budget pressure, I was able to ensure that all the field offices were able to undertake critical investigative travel, and we were also able to provide deserving hard-working career agents and officials bonuses for their work.

My posts in the Administration also have given me substantial grounding in a large number of key ICE issues and provided me a strong basis to begin assessing this particular agency's strengths and weaknesses, and move it forward towards greater success. For example, at the Treasury Department, I worked on significant issues relating to money laundering and terrorist financing, including developing enhanced cooperation and partnership with the Government of Mexico. I understand that many of these issues are still active and now fall under ICE's aegis. My experience will enable me to press for even more successful bilateral relations in the law enforcement arena. At the Justice Department, I had the opportunity to work on a number of issues that intersect and overlap with ICE concerns, including the development and enhancement of an information and intelligence sharing MOU, work in creation of an interagency anti-smuggling

center, and investigation into visa fraud at embassies. At the Department of Commerce, I worked on strategic investigations, an area where ICE has concurrent jurisdiction, and also directly dealt with many immigration issues, including deemed exports. In sum, I believe that the managerial skills, subject matter expertise, and interagency relationships developed in my previous positions will allow me to get up to speed quickly at ICE – more quickly, perhaps, than would be the case for a nominee with a narrower range of experience.

In addition to my expertise in many key ICE issues, I have carefully reviewed many Inspector General and GAO reports relating to ICE, as well as its predecessor agencies. I have also met with many insiders and outsiders, who have generously shared their insights into the agency, its strengths and its weaknesses. Taken together, this preparation will allow me to hit the ground running and help ICE fulfill its vital role in protecting our national security.

Moreover, my ability to gain the support of key career employees has been critical to achieving results in my previous posts. At the Treasury Department, for example, I quickly recognized that some of the most knowledgeable subject matter experts in the office were routinely excluded from key decisions, which demoralized them and risked flawed decisions. I sought to change this immediately. Bringing these experts into the decision process helped us achieve demonstrable results in the government's counter narcotics and anti-money laundering efforts. I have nurtured the same mutual trust and respect among career staff at the Departments of Commerce and Justice. I would work to do the same at ICE to ensure that the agency benefits fully from the skills and knowledge of its seasoned professionals, and that the employees' morale is commensurate with the vitally important work they do.

Can you also describe your direct immigration experience? As I understand it, you've worked on some immigration enforcement cases – but can you tell me specifically why you believe you have policy expertise in this area of law?

ANSWER: As your question indicated, as an AUSA, I prosecuted immigration cases at various stages and times. This direct experience prosecuting immigration cases and working on immigration issues as a line AUSA provided me with a clear understanding of how traditional Title 8 enforcement works.

In addition, I have also worked on a number of specific immigration policy issues at the Treasury, Justice and Commerce Departments. For example, at the Treasury Department, I worked on the money laundering regulations implemented in response to the USA Patriot Act. One of the immigration-related policy issues that we considered, particularly with respect to section 326, was the acceptability of alternative forms of identification, such as a matricular consular card, when opening up an account at a financial institution. I also worked on additional immigration policy-related issues, such as issues relating to remittance systems and proposals for a national form of identification. In addition, I participated in

law enforcement partnership meetings with law enforcement counterparts in Mexico. These meetings included discussion of a number of immigration policy issues.

At the Justice Department, again, I worked on several policy issues relating to immigration, as well as broader immigration enforcement. These issues included the development of an information sharing MOU between the Department of Justice and Homeland Security, as well as investigative work relating to visa fraud at the embassies and international smuggling organizations.

Likewise, much of my legal work at the Department of Commerce directly intersected with immigration issues. For example, Export Enforcement agents were on the forefront of investigations into foreign nationals who have visas but also had improper access to sensitive technology (so called "deemed exports"). In order to pursue these cases successfully, I developed a thorough understanding of the visa process as well as the export licensing process. During my tenure, Export Enforcement obtained the first criminal conviction in a deemed export case and obtained civil settlements in several other deemed export cases.

Finally, I would note that although I believe that my experience in immigration policy provides me with sufficient grounding in the subject matter, I do not believe that immigration policy experience, considered alone, is enough to transform ICE's immigration enforcement system and structure. It is widely acknowledged that our immigration enforcement system is weak. Doing more of the same will not enable ICE to improve immigration enforcement effectiveness or protect our national security. Instead, in my view, what is needed is a fresh view, informed by experience with the Nation's other law enforcement agencies, and the laws they enforce.

In my view, in tandem with Traditional Title 8 charges, we must look to other authorities in order to effectively combat illegal immigration. For example, to be successful, ICE must target the international criminal organization responsible for smuggling and trafficking thousands of illegal aliens across our borders. Charging them only with Title 8 crimes will not be sufficient to destroy these organizations. Instead, we should target their assets (civilly and criminally) and criminally charge them for money laundering and other crimes abroad and at home. I have substantial experience in these other elements of traditional customs laws.

Immigration authorities must also be leveraged to better target public safety threats. ICE has taken some steps in this area, with Operation Community Shield, which has resulted in the arrest of 1,500 violent gang members nationwide, including many illegal aliens. If confirmed, I will constantly look for new avenues to ensure the safety of our communities and the effective enforcement of our immigration laws.

B. Prosecutorial Discretion

A memorandum of November 17, 2000, to immigration field offices on *Exercising Prosecutorial Discretion* stated that "officers are expected to use prosecutorial discretion in a judicious manner at all stages of the [immigration] enforcement process". That discussion has been valuable on claims involving humanitarian concerns or situations with compelling facts. It's also a way to use our limited resources most effectively administering and enforcing the immigration laws. Obviously, we can't investigate and prosecute all immigration violations or detain all individuals.

QUESTIONS:

Some attorneys say this memorandum is no longer in effect in the field even though it was never formally or publicly rescinded. There are situations where immigrants with compelling circumstances justifying prosecutorial discretion have no recourse, and face removal to perilous situations. How do you feel about the use of prosecutorial discretion in such situations? If confirmed, can you assure us that the bureau will continue to exercise discretion in appropriate cases?

> **ANSWER:** As a former prosecutor and as a supervisor of law enforcement agents, I believe that it is critical to use prosecutorial discretion appropriately in making enforcement decisions. It is my understanding that the November 17, 2000 INS memorandum remains in effect, and has not been rescinded. However, I am told that memorandum was addressed to the operational components of the INS and not the INS attorneys. In addition, it is my understanding that ICE's Principal Legal Advisor has issued separate guidance on prosecutorial discretion by two separate memoranda dated October 6, 2005 and October 24, 2005. If confirmed, I will review these memoranda and any other guidance that has been disseminated or communicated. At that time, I will make a determination as to whether further guidance would be helpful to ensure that ICE employees know the availability of, the appropriate parameters for, and the potential uses and abuses of prosecutorial discretion.

C. Humanitarian Parole

It seems that ICE denies the overwhelming majority of the requests it receives to exercise its critical humanitarian parole authority, even in extremely compelling cases. A recent New York Times article reported a situation in which ICE has denied parole to a 12-year-old Ukrainian girl whose parents are both deceased and who is now living in an orphanage in Odessa. The request was apparently denied despite the fact that her grandmother, who has since adopted her, and her teenage brother, who essentially raised her while her heroin-addicted mother was unable, are here in this country and could care for her.

QUESTIONS:

Are you satisfied with the process and practices that ICE has in place for deciding requests for humanitarian parole? Do you believe that there is room for improving the way that ICE makes humanitarian parole decisions?

> **ANSWER**: Humanitarian parole can provide case-by-case compassion when urgent humanitarian reasons exist. I have not yet had an opportunity to fully study ICE's practices for deciding requests for humanitarian parole, but if confirmed I will review these practices carefully to ensure that humanitarian parole is granted in all appropriate cases. In particular, I am troubled by the implication in the New York Times article that high-profile cases are treated differently. In my review, I would want to ensure that ICE's procedures ensure that parole is granted in all appropriate cases, regardless of whether the case is high-profile.

D. OSHA

Last summer, the agency issued a press release on the arrest of and initiation of deportation proceedings against a number of undocumented workers at an Air Force Base in North Carolina. News reports indicate that DHS officials made the arrests by sending out notices of mandatory safety training by the Occupational Safety and Health Administration. They impersonated OSHA employees and lured workers into this meeting – the DHS officers arrested many of them.

The Department of Labor objected to what happened, saying "This is not something we were involved in, and we do not condone the use of OSHA's name in this type of activity."

Immigrant workers are already a vulnerable population at increasing risk of serious injuries in the workplace. The number of workplace deaths among such workers increased over 40% from 1992 to 2002, at a time when the number of deaths fell for the working population as a whole.

QUESTIONS:

Some argue that such ruses can be effective in law enforcement. In this particular case, there was a great concern that the tactic was harmful to both American and foreign workers, because they create distrust of important workplace safety agencies like OSHA. A sting operation such as this one damages OSHA's credibility and harms its efforts to protect workers. If confirmed would you permit these types of sting operations to continue?

> **ANSWER**: Generally speaking, I believe that ruses can serve an important role in law enforcement and can be an effective tool to enhance officer safety, prevent subjects from fleeing, and effectuate the safe arrest of a large group of violators. That said, I agree with Secretary Chertoff that the use of a ruse in this circumstance was not appropriate.

If confirmed, I will carefully review current ICE procedures for the use of ruses. In particular, I will examine whether there are sufficient internal protocols and approval mechanisms to ensure that a ruse is not used in an inappropriate manner. If appropriate protocols and mechanisms do not currently exist, under my leadership, ICE will establish them. In addition, I will also ensure that ICE agents coordinate appropriately in advance with other government agencies before using their name as part of any appropriate ruse.

E. Hurricane Katrina Immigrant Victims

After the terrorist attacks on September 11, officials at the Immigration and Naturalization Service publicly reassured victims of the tragedy that it was safe to come forward for assistance, and that INS would not initiate enforcement actions when victims approached the government for emergency relief.

Similarly, after Hurricane Katrina, President Bush himself publicly and privately expressed his commitment that all victims receive assistance and that DHS would keep providing information to federal officials in confidence for enforcement purposes.

In recent weeks, reports have surfaced that DHS is using information provided by victims of Hurricane Katrina to federal and local relief officials for the purpose of immigration enforcement. One account, published by the *Wall Street Journal*, details a raid on a Red Cross shelter in Long Beach, Mississippi, where police and U.S. Marshals blocked the parking lot and exits, and demanded identification from hurricane evacuees who "looked Hispanic."

QUESTIONS:

As the head of the Immigration and Customs Enforcement Agency, charged with investigating violations of immigration law, can you give us your commitment that the agency will comply with the President's directive to keep information gathered at relief sites from being used in immigration enforcement proceedings?

ANSWER: During natural disaster recovery efforts, immediate humanitarian relief to all victims--regardless of their immigration status--is necessary and appropriate. I believe that the Government's first concern should be to provide immediate assistance to all of the victims of a natural disaster. If I am confirmed as the Assistant Secretary of ICE, I will ensure that ICE continues to comply with all of the President's directives.

QUESTION:

What internal reporting mechanism would you implement between ICE, the Federal Emergency Management Agency (FEMA), and emergency shelters?

ANSWER: In support of the Department's mission, I believe that ICE, like other law enforcement agencies, should continue to assist FEMA and other federal, state and local agencies involved in the effort to recover from natural disasters like Hurricane Katrina. If confirmed, I will ensure that ICE provides FEMA with necessary support in the provision of disaster relief and will work closely with the leadership of FEMA and the Department to do so.

F. Detention of Asylum Seekers (DRO)

I'm concerned about the detention of asylum seekers who are no threat of flight and no security risk. The bipartisan Commission on International Religious Freedom recently found that even though it is a violation of the Department's own detention standards, asylum seekers in detention facilities are often kept with criminal aliens, or even with inmates serving criminal sentences. The Commission's expert found that putting asylum seekers in these conditions creates serious risk of psychological harm.

QUESTION:

Have you reviewed or are you aware of the Commission Study and do you have any reaction to its findings and recommendations, particularly the recommendation that non-criminal asylum seekers who must be detained should be subject to alternatives to detention or be held in secure, but non-jail like facilities?

ANSWER: I have reviewed the Commission's report and recommendations and appreciate the concerns the Commission has raised with regard to the treatment of asylum seekers. We must do all we can to ensure appropriate treatment for those legitimately fleeing persecution. I will strive to ensure that all detainees in ICE custody, including those who are seeking asylum are maintained in safe, secure, and appropriate conditions of confinement.

Particularly with respect to asylum seekers, I will carefully consider the possibility of expanding the use of alternatives to detention and less restrictive detention facilities in appropriate circumstances. At the same time, we must be mindful of the fact that some who seek asylum may seek us harm. Regrettably, our asylum system has been abused by terrorists and other criminals, including such notable terrorists as Ramzi Yousef, the mastermind of the 1993 World Trade Center Bombings.

I understand that DHS is in the process of reviewing all of the Commission's recommendations, including those involving the custody conditions of asylum seekers, to determine how to most appropriately respond. It is my understanding that in response to the findings of the report, Secretary Chertoff has already called for creation of a DHS Senior Officer for Refugee and Asylum Issues. And, if confirmed, I will certainly work closely with the Department to share in the careful attention to this report and any further responses to its recommendations.

QUESTION:

Will you continue to support alternatives to detention programs such as the Intensive Supervision Appearance program, which includes referrals to legal and social service providers, since studies show individuals are much more likely to appear in court if they have legal counsel?

ANSWER: Yes, given the limited amount of detention bed space available to the Office of Detention and Removal (DRO), it is critical that we continue to support and explore alternatives to detention. ICE detains aliens who pose a threat to community safety or national security, as well as those who are otherwise required to be detained under the nation's immigration laws. In order to address those priorities, while managing its limited detention space, DRO must continue to utilize alternatives to detention. These include community- based release programs that have effective reporting requirements and appearance assistance services linking released individuals with legal counsel and other community based support services. These also include programs such as the Intensive Supervision Appearance Program (ISAP), release using electronic monitoring devices (EMD), and release on bond. If confirmed, I will further explore ways in which ICE can utilize such programs.

In addition, it is my strong view that when an alien is represented by counsel it benefits both the alien and the government. If confirmed I will look into programs, in cooperation with the Executive Office for Immigration Review, that will enable aliens to obtain pro bono representation or otherwise encourages them to seek legal representation.

G. Legal Orientation Program (DRO/OPLA)

Congress has annually appropriated $1 million dollars to increase the efficiency and effectiveness of immigration removal proceedings. Congress recently passed the DHS appropriations bill that provides $2 million dollars for this program. Your agency had the responsibility to oversee and implement these legal orientation programs. Detainees receive information on their rights, court procedures and legal remedies. Immigrants are more willing to agree to removal at their first immigration hearing when they realize they have no other option. The program has resulted in greater judicial efficiency and less

time for aliens in custody at government expense. It's saved about $8 million dollars for the government.

QUESTIONS:

It seems to be a very successful program. If confirmed, will you ensure that this program is expanded to all persons in removal proceedings? I understand that ICE failed to transfer funds in FY 2003 specifically appropriated for the legal orientation program. If you are confirmed, will you make sure these funds are transferred?

> **ANSWER**: I am informed that the Legal Orientation Program is overseen and implemented by the Department of Justice's Executive Office for Immigration Review (EOIR). I am certainly supportive of programs that expedite the removal of deportable aliens and result in a more efficient removal program. I can assure you that I will make it a priority to see that the $2 million provided by Congress this fiscal year for the Legal Orientation Program is transferred to EOIR expeditiously.

H. The Death of Reverand Dantica while in ICE Custody (DRO)

I'm sure you are aware of the tragic case of Reverand Danticat, an 81 year old Haitian man who died while in the custody of Homeland Security. He was a pastor who fled Haiti after being attacked in Port-au-Prince. He had a valid visa to enter the United States and indeed had come here many times to visit his family. Upon arriving here he requested asylum and he was taken into custody. He had high blood pressure, but he was denied his medication and his family was not allowed to see him. He died five days handcuffed to a bed at Jackson Memorial Hospital.

QUESTION: (OPR)

Can you inform me whether ICE has done an investigation into the circumstances of Rev. Dantica's death? If you are confirmed, will you commit to looking into this matter?

> **ANSWER:** It is my understanding that an investigation was conducted into the circumstances of Rev. Dantica's death. However, since I am not at the Department at this time, I am not privy to the results of that investigation. If confirmed, I will certainly carefully look into this matter.

I. Coordination within DHS

I believe that the keys to the successful operation of the immigration bureaus in the Department are coordination and accountability. The Homeland Security Act was supposed to bring immigration functions together from other agencies, but the Act then dispersed immigration throughout the Department. The result is that immigration policy is still subjected to conflicting policies and interpretations.

QUESTION:

The bipartisan Commission on International Religious Freedom recently found that there is little or no coordination of asylum policy by the Department's entities (ICE, CBP, and CIS) involved in the process. The Commission recommended a high level official, an Asylum and Refugee coordinator, to whom the Secretary can delegate his authority to coordinate these entities on asylum policy and to ensure consistent treatment of asylum seekers. Do you have a position on this recommendation?

> **ANSWER:** It is certainly my view that it would be helpful for the Department to have an Asylum and Refugee coordinator to ensure consistent treatment of asylum seekers. I strongly support the Secretary's decision to implement this recommendation. If confirmed, I will ensure that ICE works cooperatively with this official on asylum and refugee matters.

QUESTION:

I'm sure you are aware of recent proposals to merge Customs and Border Patrol and Immigration and Customs Enforcement. Do you have a reaction to these proposals? What do you believe are the advantages or disadvantages of a merger between the two agencies?

> **ANSWER**: Secretary Chertoff, as part of his comprehensive Second Stage Review, decided that it was in the best strategic and operational interest of DHS to allow CBP and ICE to remain as separate organizations. I plan to fully support the Secretary's plan for DHS operations, policies, intelligence and organizational structure. If confirmed, I am committed to working closely with CBP and all other DHS organizations to address immigration, border and customs challenges collectively. It is imperative that coordination and communication continue to strengthen between ICE and CBP and that a healthy dialogue is created at all levels of these two organizations.

J. Language Training for New ICE Agents (OI/Training)

I understand that there was once a mandatory five week Spanish-language immersion training program for INS agents who were newly recruited. I have received information that language programs are no longer part of the curricula in training new ICE agents. Obviously, this is a concern when many of our front-line agents cannot communicate with many of the individuals they are encountering.

QUESTION:

Are there languages courses that are currently part of the curricula when training new ICE agents? Please describe these courses. Are these courses mandatory? If these programs no longer exist, would you, if confirmed, re-institute mandatory language training for new ICE agents?

ANSWER: It is my understanding that in recognition of its new global investigatory responsibilities, ICE has previously determined to cease training in a single foreign language. I am told that there are currently no courses in ICE that include mandatory foreign language training. The ICE Office of Training and Development, in collaboration with the various program offices such as DRO, FPS and OI, regularly monitors training needs across the organization, including specific language requirements as necessary. If confirmed I will carefully look into this issue to make a more studied determination regarding the issue of language training. I certainly think that language training could be immensely valuable to assist the agents in effectively protecting our national security.

Senator Kyl
Executive Nominations
'Julie Myers to be Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security'
October 18, 2005
Questions for the Record

Questions for Ms. Julie L. Myers

What will be your first priority as Assistant Secretary at ICE?

ANSWER: First, I will seek to transform ICE's immigration enforcement processes – both by strengthening ICE's role in interior enforcement and streamlining the detention and removal process. While comprehensive immigration reform would be very helpful in assisting ICE in meeting this goal, if confirmed, I will not wait for immigration reform to significantly enhance ICE's enforcement of existing immigration laws. In particular, I will seek to expand ICE's efforts in worksite enforcement, strengthen ICE investigative efforts to attack the organizations that perpetuate and profit from illegal immigration, and find mechanisms to remove the chokepoints in the removal process.

To that end, one of the first things that I plan to do, if confirmed, is to go down to the Arizona or Southwest border, meet with agents, prosecutors, and key state and local officials, hear first-hand from them about the issues confronting Arizona and other border states, and discuss additional ways to work together more productively in combating illegal immigration.

Second, I will seek to transform ICE's intelligence operation. Various components of the immigration system contain vast amounts of data about aliens and their activities. Although ICE has taken some steps to coordinate and utilize this information, such as in their Compliance Enforcement Unit, I believe that the agency can do more to ensure that all of these sources of information are being utilized effectively to try to identify national security threats and alien smuggling and trafficking means and methods, to ascertain patterns of fraud and/or other types of abuse, and to ensure that the agency is properly prioritizing resources. I will also make sure that ICE effectively draws from critical intelligence in its operational capacities.

Third, I will seek to build upon ICE's strategic and financial expertise to ehance its investigations. In particular, I will look to improve coordination with CBP in targeting specific imports and exports. In addition, if confirmed, I will emphasize the need to target the illegal transfer of technology for foreign nationals, or so-called "deemed exports." This is an area where ICE can use the combination of its immigration and customs authorities to prevent serious harm to the national security. On the financial front, I will partner further with our law enforcement

partners, such as the Treasury Department, and build additional public-private partnerships and cooperation to prevent financial fraud.

And, as an additional priority, I will devote extensive resources to agency building, including setting a defined vision for ICE, enhancing the agency infrastructure, building solid financial management procedures and practices and increasing morale. These steps will help ICE move into the next stage of effectiveness.

What is your overall strategy for improving and strengthening ICE's effectiveness?

ANSWER: My vision for ICE is to make it the nation's premier law enforcement agency by focusing its limited resources and efforts towards significant threats and vulnerabilities that impact homeland security. In particular, ICE is charged with preventing terrorist attacks by eliminating the exploitation of our immigration and customs systems – and doing so in a manner that fosters confidence in the immigration system and the rule of law. This vision demands effective and strong leadership on my part, a strong management team, dedication to results, vigilant management of scarce resources, and ongoing and extensive communication with ICE staff and other law enforcement partners.

To accomplish these goals, my strategy will be to move aggressively and effectively to identify and prioritize problems, and then shore up any areas of ICE that require improvement and action. With respect to areas where enhancements are needed, I believe it is important to have strong management metrics – what is not measured, often does not get done.

If confirmed, I plan to conduct a full review of ICE to identify, prioritize and address potential problems. Based on my understanding of the agency to date, however, it is my belief that ICE faces several key management challenges that must be immediately addressed in order to improve and strengthen ICE's effectiveness. ICE, of course, is still a relatively new agency. There is no question that major accomplishments have already been made toward fully integrating the bureau's workforce. However, more must be done.

I believe that financial management challenges are also a critical issue to the mission health of this agency and if confirmed, I intend to address them promptly. As initial steps toward improvement, I will name a permanent Chief Financial Officer (CFO) for ICE. I also plan on having weekly sessions with the CFO to monitor progress in addressing the root causes of ICE's financial difficulties. I will also immediately undertake a comprehensive review of all recent financial management and auditor reports, and associated recommendations, to further determine these root causes. I will then seek to institute "best management" practices that are fully responsive to the recommendations and also address the other financial management issues facing the agency.

What program do you consider most in need of improvement at ICE?

ANSWER: I believe that ICE has made substantial progress over the past two years in terms of effectively addressing the terrorist threats and vulnerabilities relating to our immigration and customs systems. If confirmed, I plan to immediately undertake a thorough review of the various ICE offices and programs to identify, prioritize and address potential problems.

In terms of substantive program areas, it is my current view that the Office of Intelligence is in most need of improvement at ICE. In my opinion, the Office of Intelligence should help service the operational components of ICE by, for example, providing classified and unclassified leads for cases, conducting more extensive trend analysis and supporting ongoing investigations. Based upon my briefings and knowledge to date, I believe that there is much room for improvement within the office toward ensuring that ICE is effectively "connecting the dots" on all information relevant to our national security mission.

For example, I do not believe that the Office of Intelligence effectively reviews all the classified information it receives or appropriately funnels it into ICE's operational offices, such as the Office of Investigations. The process for reviewing classified materials should be reviewed and refined. Even more generally, various components of the immigration system contain vast amounts of information about aliens and their activities. Although ICE has taken some steps to coordinate and utilize this information, such as in their Compliance Enforcement Unit, I believe that the agency can do much more to ensure that all of these sources of information are being utilized effectively to try to identify potential national security threats and alien smuggling and trafficking routes, and ascertain patterns of fraud and/or other types of abuse. The Office of Intelligence should lead this effort, and if confirmed, I will make sure that it does.

In addition, I believe that the administrative offices are greatly in need of improvement. ICE's institutional infrastructure needs to be strengthened, not only in terms of financial practices and procedures, but also with respect to cohesive and comprehensive ICE polices.

The Office of Detention and Removal (DRO) within ICE has not had a permanent director for many months. How do you propose to remedy the lack of continuity in the management of that office?

ANSWER: Detention and Removal is a critical component of the Department's immigration enforcement efforts. If confirmed, I will make it a high priority to identify and recruit strong candidates for upper management positions in the Office of Detention and Removal Operations (DRO), including the Director position.

Of course, DRO is a complex program involving management of a detained population, management of detention facilities, and enforcement of immigration laws and regulations in the administrative and criminal arenas. In addition to strong managerial and organizational skills, successful administration of the program requires effective liaison relationships with federal, state, and local law enforcement agencies, foreign governments, and the courts. Finding a candidate with this unique set of skills is challenging, but as the Detention and Removal program is key to effective immigration enforcement, only a qualified and well-rounded individual can lead this division of ICE.

In addition to recruiting a strong candidate to head the office, I will work to ensure that DRO's role is properly highlighted in the front office team. It is my understanding that, if confirmed, I will be able to hire an additional Deputy Assistant Secretary for ICE. At my direction, this person will concentrate on management, budget issues, and the Detention and Removal Process. This additional senior leader with responsibility for DRO will help ensure that it is given the high level attention and emphasis it deserves.

Secretary Chertoff has testified that DHS is going to end the "catch and release" practice where "other than Mexicans" or OTMs are released into the interior of the United States. What will ICE do to support such a goal?

ANSWER: As Secretary Chertoff has indicated, we must change the practice from "catch and release" to "catch and return." The apprehension of aliens without an endgame of prosecution and removal is an ineffective use of assets. To that end, the Secretary has taken a holistic view of immigration enforcement, bringing together the resources and expertise of both ICE and CBP. We cannot have an effective enforcement strategy that does not include the ability to remove apprehended aliens quickly and efficiently.

If confirmed, I will work closely with the Secretary on this effort and will ensure that ICE continues to contribute its significant resources, both through Detention and Removal Operations (DRO) and its investigative and enforcement resources. I will be vigilant in closely monitoring progress and flexible in adjusting resources and priorities as necessary. Alongside the Secretary and other leaders in the Department, I will look to find greater efficiencies in the removal process so that the Department achieves the Secretary's important goal. In addition to removing individuals who are apprehended and returned, among other areas, I will focus significant efforts on worksite and other enforcement, on ensuring that absconders are located and removed, and on identifying criminal aliens currently in state and federal prisons and then removing them once they have served their prison terms.

What is your opinion on using available contract detention space in the Southwest to support the expansion of the Expedited Removal process?

ANSWER: I believe that ICE should continue to use and, resources permitting, expand its use of contract detention space. As I understand it, ICE has already contracted resources, including 1,800 beds, to expand its detention capacity in support of the Secretary's initiative and is proactively planning for the addition of more capacity as needs are identified and as funds become available. At the same time, I believe that ICE's strategy for acquiring detention capacity must include facilities that are compliant with established conditions of confinement standards, that can meet activation timelines, and that will further the goal of enhancing efficiencies and economies of scale in the removal process. If confirmed, I will ensure that ICE looks at all possible options to acquire detention space that best meet its mission.

Do you see any advantage to negotiating fixed, long-term regional contracts for detention space?

ANSWER: I believe that it is essential that ICE look carefully at all options for acquiring detention space. If confirmed, I will commit to studying this issue and will consider carefully whether long-term contracts should be part of the ICE detention capacity inventory. I believe that the detention capacity system must be designed to support the goals of immigration enforcement as we adapt to new demands in the effort to secure our borders. As part of the effort to secure appropriate detention space, ICE should have an acquisition strategy that allows it to remain flexible.

Do you have any opinion on whether DHS should take advantage of its full authority under the Immigration and Nationality Act to expand expedited removal to the interior of the United States?

ANSWER: I think that DHS should aggressively consider all available options to ensure effective immigration enforcement, both at the border and within the interior of the United States. Although section 235(b) of the INA gives the Department this broad authority to use expedited removal, for several years it was used only on a limited basis. That limited use, however, has met with great success, such as in the Texas Hold 'Em initiative.

In mid-September, the Department took a substantial step in greatly expanding its use of the expedited removal authority by extending it along the southern border - within 100 miles of the border and for those aliens who cannot show that they have been in the country for more than 14 days and have no valid travel or entry documents or who attempt to enter the United States by fraud or misrepresentation. In my view, we should first evaluate the effectiveness of this recent expansion of expedited removal. If that expansion proves to be as effective as the limited scope initiatives like Texas Hold 'Em, we should then review

whether the scope of expedited removal should be expanded to areas within the interior of the United States, and/or whether the parameters for the use of expedited removal should be expanded at the border (for aliens who cannot prove that they have been in the country for more than 60 days, for example). Of course, aliens placed in expedited removal are subject to mandatory custody and thus expansion of this authority would have an obvious impact on detention and removal resources.

Expedited removal, however, cannot be our only tool for effective and streamlined removal within the interior. In my view, the Department should also seek to more aggressively use some of the other streamlined removal processes currently available, such as judicial removal (pursuant to 8 USC § 1228(c)). For example, as Assistant Secretary, I would work with U.S. Attorneys to aggressively evaluate expanded use of judicial removal in targeted districts. More generally, if confirmed, I will work to expand the use of all available streamlined removal processes, such as expedited removal under section 235(b) and judicial removal, whenever possible to ensure effective enforcement of our immigration laws.

What is your opinion on gaining the cooperation of State and local law enforcement officers to enforce immigration laws?

ANSWER: State and local law enforcement play a critical role in the homeland security mission, as they are likely to encounter foreign-born criminals and immigration violators in the course of their day-to-day duties. I believe that ICE and the Department should look into increasing cooperation with state and local police agencies. I know that ICE already makes immigration status information available to state and local law enforcement through the Law Enforcement Support Center within minutes of any query and that ICE encourages its officers at all levels to engage in partnerships with state and local law enforcement agencies through a variety of arrangements.

It is my understanding that Section 287(g) of the Immigration and Nationality Act authorizes the Secretary of Homeland Security to enter into Memoranda of Understanding (MOU) with states and/or political sub-divisions of states to perform immigration enforcement activities after appropriate training and under DHS supervision. I am informed that ICE currently has MOUs with the Alabama Department of Public Safety, Arizona Department of Corrections, Florida Department of Law Enforcement, and the Los Angeles and San Bernardino County Sheriff's Departments. I believe continued expansion of the 287(g) Delegation of Authority program should be an integral part of ICE's overall immigration enforcement strategy to ensure the safety of our communities and serve as a bridge to our partners in state and local law enforcement.

What is the present status of the Institutional Removal Program within ICE, and in your opinion is it running well?

> **ANSWER**: It is my understanding that the ultimate goal of the Criminal Alien Program (CAP) in the Institutional Removal Program (IRP) is to identify, process, and obtain a final order of removal prior to release to ICE for all removable aliens in prisons and jails. My understanding is that this program is in transition within ICE with the goal of improving its effectiveness. By transferring the programs to the ICE Office of Detention and Removal (DRO), ICE will use less costly Immigration Enforcement Agents (IEA) to replace ICE Special Agents currently performing criminal alien duties. DRO has consolidated the different criminal alien programs into the CAP. All incarcerated criminal aliens will be the primary responsibility of DRO once the transition is completed. I am informed that the transition of this program from OI to DRO has already occurred in New York City, the State of Alaska, Jefferson County, Colorado and Pinal County, Arizona
>
> If confirmed I will make it a priority to improve the performance of IRP in order to ensure that as many aliens as possible have a final order upon release, thereby, avoiding the additional costs in bed space that is currently being required to obtain a removal order for those turned over to ICE without one. One of ICE's top immigration enforcement priorities should be to locate and remove those aliens who have demonstrated that they are a threat to our communities by breaking our laws. I understand that resources dedicated to CAP in the ICE/DRO budgets of FY05 and FY06 will assist in staffing IRP locations to a level that will perform to meet expectations.

Some members of Congress and DHS' Inspector General have examined the question of whether CBP and ICE should be merged to improve the security and law enforcement functions of DHS. What are your thoughts on such a merger?

> **ANSWER:** Secretary Chertoff, as part of his comprehensive Second Stage Review, decided that it was in the best strategic and operational interest of DHS to allow CBP and ICE to remain as separate organizations. I plan to fully support the Secretary's plan for DHS operations, policies, and organizational structure. If confirmed, I am committed to working closely with CBP and all other DHS organizations to address immigration, border and customs challenges collectively.

It is reported that Arizona law enforcement officers sometimes come across "drop houses" where large numbers of illegal aliens are housed, but that ICE lacks the capacity to take all of those aliens into custody and transport them to DHS facilities for immigration processing. What will you do to resolve the problem?

> **ANSWER**: I believe that it is critical that we apprehend, detain, and, where possible, quickly remove these illegal aliens. I understand that the Secretary has already increased the number of beds along the Southwest border and is taking steps to improve the efficiency of the detention and removal process in order to

dramatically increase the Department's ability to detain and remove all removable aliens.

As I am told, through current efforts undertaken by ICE to identify smugglers and smuggling rings and known "drop houses," the Department is optimizing resources to mitigate the threats posed by these "drop houses" to local communities across the border regions. If confirmed, I will explore additional ways in which I can partner with the CBP Commissioner and state and local authorities to further address detention and removal needs and, in particular, the issue of custody and transportation of aliens discovered in "drop houses."

I also believe that it is critical to capitalize on ICE's combined expertise in immigration and financial investigations to effectively pursue the criminal organizations that are responsible for staging these aliens in "drop houses." Through an aggressive, focused approach on identifying and dismantling alien smuggling organizations, I will make it my priority to ensure that the numbers of "drop houses" encountered by Arizona law enforcement officials are significantly reduced.

What will ICE do to support Arizona's Fraudulent Identification Task Force, which frequently encounters illegal aliens engaged in document fraud?

ANSWER: Within the Office of Investigations, ICE has a dedicated Identity and Benefit Fraud Unit that addresses document fraud issues, and field offices have agents focused on investigating document fraud. Document fraud creates a vulnerability in which undocumented aliens, criminals, and others can subvert the legitimate immigration process. If confirmed as Assistant Secretary, I will determine whether the resources we already contribute to this particular taskforce are sufficient or whether additional resources are warranted. ICE also has a premier Forensic Document Lab (FDL) that provides training and assistance for document fraud investigations. As Assistant Secretary, I will ensure that the Arizona Fraudulent Identification Task Force has access to FDL resources.

The New York Times recently reported that the morale of employees at DHS is very low. Can you account for that low morale, and what do you intend to do to improve the morale of employees at ICE?

ANSWER: I was also troubled to read that the morale of the employees throughout DHS is very low. In particular, I was troubled to read that employees did not believe that new ideas were welcomed or encouraged within the agency. It is no small task to successfully merge together 22 component agencies. Certainly, the demands on all Department employees during these first several years – often described as requiring them "to build an airplane while flying it" – must have been incredibly difficult and hard on morale.

With respect to the root causes, at ICE, it is my view that the agency's initial financial difficulties substantially contributed to the low morale. In addition, I think that there have been some growing pains as the legacy agencies struggled to find a cohesive voice and unified mission. It is my understanding that things have improved, at least to some degree, as the financial situation has improved, and as the agency has had additional successes in the enforcement arena.

Going forward, in terms of improving the morale at ICE, in my experience, both as an employee and as a manager, morale is higher when employees know what is expected of them, they are given the freedom to execute the mission, and they are rewarded for doing so effectively. If confirmed as Assistant Secretary, I would seek to build morale of the entire workforce in several ways.

First, I will be the agency's strongest advocate – within the Department, throughout the Executive Branch, on Capitol Hill and to the Private Sector. The work that the agents do is tremendous – including, but not limited to the financial investigators - and I will do all I can to advocate on their behalf.

Second, I will ensure that the agency knows what its core mission is and what is expected of personnel in order to succeed. From talking to a number of individuals in preparation for my hearings, it has become apparent to me that the agency could improve in this realm.

Third, I will work to ensure that the agency employees know that they are being heard at headquarters. Not only will I seek to draw expertise and knowledge from my senior managers in the field, but I will ensure that more junior employees also have a method to share their views. I plan to travel around the country to meet personally with agents to listen to and address cultural problems. My office will be just as open to management officials as it will be to line agents. And I will work tirelessly to address their concerns.

Finally, I have long believed that federal service features too many unsung heroes. I will work to ensure that these unsung heroes are rewarded properly – through methods ranging from formal awards to a simple "thank you."

Do you believe that ICE currently receives adequate operational support from the Mexican authorities on investigations and immigration enforcement? If not, what would you propose doing to improve relations with ICE's counterparts in Mexico?

ANSWER: At the Departments of Treasury and Justice, I had the opportunity to work on a number of matters with our law enforcement counterparts in Mexico, and guide joint operational initiatives to help secure our border and prevent transnational crime. At that time, I found our Mexican counterparts consistently willing to work with federal law enforcement, including ICE, on investigations and immigration enforcement.

I understand that ICE's Mexican counterparts have continued to demonstrate their willingness to assist, often quietly, on significant border security, human smuggling and trafficking, money laundering, air security and commercial fraud matters. Surely, it is still too often the case that criminal groups operate with impunity to exploit, rob, abuse and even leave for dead the very migrants they have pledged to assist. These groups also traffic in guns, narcotics, and other contraband, thereby threatening the stability of communities on both sides of the border. We thus have a shared interest in strengthening joint US-Mexican efforts to target cross-border criminal activity aggressively.

If confirmed, I intend to look at building out US-Mexican relationships not just in capitals, but on a regional basis. I will also work to establish an integrated approach -- including with other Federal, state and local authorities -- to sharing leads and taking coordinated enforcement actions such that we identify and disrupt priority criminal organizations threatening both sides of the border. In short, I will make it a priority to continue to build our relationships with Mexican authorities so we can produce real results.

How does your experience as an Assistant U.S. Attorney at the in the U.S. Attorney's Office for the Eastern District of New York from October 1999 to October 2001 qualify as management experience to satisfy the requirement under Section 442(a)(2)(B) of the Homeland Security Act of 2002 that the Assistant Secretary "have a minimum of 5 years professional experience in law enforcement, and a minimum of 5 years of management experience"?

ANSWER: Like my predecessor, Michael Garcia, I believe that some of my time as a line Assistant United States Attorney is properly considered appropriate management experience.

As a line Assistant United States Attorney, I managed a number of cases and investigations, overseeing the actions of a number of law enforcement agents and on occasion, more junior AUSAs, on these matters. The cases ranged in their complexity – some were as simple as a felon in possession of a firearm, but some involved complicated multi-million dollar fraud schemes. One example of an investigation I directed is called *Operation Horseback.* This was an OCDETF investigation of an MDMA (ecstasy), heroin and cocaine smuggling ring. I supervised an investigation team that included agents from the then-United States Customs Service and the Drug Enforcement Agency. I represented the United States in the two prosecutions that were brought in *Operation Horseback,* United States v. Ahmedi, et al., 00 CR 666 (E.D.N.Y.) and United States v. Sokoli,et al., 01-CR-030 (E.D.N.Y.). All nine defendants pleaded guilty, and most received substantial prison sentences. I was lead counsel for this Operation and made all the decisions with respect to the investigative team's action in terms of investigation, prosecutions, and plea agreements. Several of the other cases and investigations I directed are detailed in my answer to question 18 of the Judiciary Questionnaire.

For each of the cases and investigations I managed, I directed all the investigative steps for the agents and attorneys working on the case, and had substantial discretion in determining what investigative resources were allocated to the cases and investigations. This management included making difficult and, at times, unpopular calls on how an investigation should or should not proceed. I believe this direct law enforcement management experience of cases and investigations will prove useful, if confirmed.

Julie Lyn Myers
Nominee to Serve as Assistant Secretary for Homeland Security
Bureau of Immigration and Customs Enforcement
Response to Questions from Senator Leahy

1. Section 442(1) of the Homeland Security Act requires the Assistant Secretary of the Bureau of Immigration and Customs Enforcement to have a minimum of 5 years professional experience in law enforcement and 5 years in management experience.

When questioned about this issue in your hearing before the Committee on Homeland Security and Government Affairs, you included as management experience several positions in which you managed small staffs or occasionally supervised junior staff on individual cases. I would like to get more detailed information about the management experience you claim in order to meet the five year statutory minimum requirement.

You count your time as an Assistant U.S. Attorney as management experience because you were "directly responsible and in charge of investigations and cases … and directly in charge, in certain instances, of more junior AUSAs as well as criminal investigators."

(a) You were an Assistant United States Attorney for approximately two years. During that period of time, were you promoted to a senior position in the office?

ANSWER: No. I was promoted to the Business and Securities Fraud Section after only one year in the office, which was somewhat unusual at the time, given the complexity of the cases handled in that section.

I appreciate the opportunity to elaborate on my experience in the United States Attorney's Office. I served in the office as a line Assistant United States Attorney. My answers to the pre-hearing questionnaire for the Judiciary Committee, particularly question 18, detail some of cases I handed in the office. I did not hold a formal, permanent supervisory role in the office. However, like my predecessor, Michael Garcia, I believe that some of my time as a line Assistant United States Attorney is properly considered appropriate management experience.

As a line Assistant United States Attorney, I managed a number of cases and investigations. The cases ranged in their complexity – some were as simple as a felon in possession of a firearm, but some involved complicated multi-million dollar fraud schemes. One example of an investigation I directed is called *Operation Horseback.* This was an Organized Crime Drug Enforcement Task Force (OCDETF) investigation of an MDMA (ecstasy), heroin and cocaine smuggling ring. I supervised an investigation team that included agents from the then-United States Customs Service and the Drug Enforcement Agency. I

represented the United States in the two prosecutions that were brought in *Operation Horseback,* United States v. Ahmedi, et al., 00 CR 666 (E.D.N.Y.) and United States v. Sokoli,et al., 01-CR-030 (E.D.N.Y.). All nine defendants pleaded guilty, and most received substantial prison sentences. I was lead counsel for this Operation and made all the decisions with respect to the direction of the investigation, prosecutions, and plea agreements.

For each of the cases and investigations I managed, I directed all the investigative steps, and had substantial discretion in determining what investigative resources were allocated to them. This management included making difficult and, at times, unpopular calls on how an investigation should or should not proceed. I believe this direct law enforcement management experience of cases and investigations will prove useful, if confirmed.

(b) You stated that you supervised AUSAs more junior to yourself. Did they report to you on a daily basis? Did you write their yearly evaluations?

ANSWER: No. I supervised AUSAs and agents on particular cases. The AUSAs and agents did not report to me on a daily basis except with respect to particular cases or investigations. I did not write their yearly evaluations.

(c) Were you ever listed in your USAO's organizational chart as a supervisory AUSA?

ANSWER: No.

(d) Were you ever paid a higher wage at the USAO for performing supervisory duties?

ANSWER: No.

(e) Did you have the authority to hire or fire employees during your time as an AUSA?

ANSWER: No, although I did provide input for reviews of support staff.

(f) Did you have any budgetary authority as an AUSA?

ANSWER: No. However, I had a substantial role in determining what investigative resources the cases I handled merited.

(g) While at the United States Attorney's Office, what was the longest jury trial you handled by yourself (i.e., not a trial that pled out, but one that you presented to a petit jury, and that you handled as the lead attorney)?

ANSWER: The longest jury trial that I handled at the U.S. Attorney's Office, where I was the lead attorney, lasted approximately two weeks. I also served as co-counsel on another jury trial at the U.S. Attorney's Office that lasted approximately two and one-half months.

2. Please elaborate on other positions you have held that you count toward the statutory requirement of five years of management experience. For each position, please state:

(a) The number of employees you managed;

(b) The titles of employees who reported directly to you;

(c) Whether you were responsible for writing annual evaluations for the employees;

(d) Whether you had the authority to hire and fire employees; and

(e) Whether you had any budgetary authority in the position.

ANSWER: As Special Assistant to the President for Presidential Personnel, I have managed the political appointment process for a number of agencies and directly supervised up to three Deputy Associate Directors (or Associate Directors), two staff assistants and interns. I have hiring and firing authority, although I seek approval from my supervisor before making any hiring or firing decisions. I do not have particular budget authority in this position, although I work with various agencies to accomplish their needs within particular budget requirements.

As Assistant Secretary (Export Enforcement) at the Commerce Department, I managed approximately 170 employees located in nine field offices and five international locations. The Deputy Assistant Secretary reported directly to me. I also directly supervised the Office Directors (Director of Export Enforcement, Director of Anti-Boycott Compliance, and Director of Enforcement Analysis), and Assistant Office Directors. I also closely supervised the Special Agents in Charge, although they reported to me through the Office Directors and Deputy Assistant Secretary. I was responsible for writing and reviewing annual evaluations for the senior management at Export Enforcement, including the Deputy Assistant Secretary and Office Directors. In addition, I reviewed and contributed to the annual evaluations for the Assistant Directors, Special Agents in Charge and the foreign attaches. I had the authority to hire and fire employees. I had budgetary authority for Export Enforcement's approximately $25 million dollar budget. I also worked on preparing Export Enforcement's annual budgetary requests and defended those requests at various points within the budget cycle (both within the Department and at OMB).

As Chief of Staff in the Criminal Division at the Department of Justice, I assisted the Assistant Attorney General in managing the division of 500 lawyers and a budget over $120 million. I directly supervised the Director of the Criminal Division's Office of Administration and front office staff in the Criminal Division, including Counsels to the Assistant Attorney General. I also served as a surrogate for Assistant Attorney General Chertoff on a number of sensitive matters in the Division, and I worked particularly closely supervising matters, people and issues in the following divisions: Narcotics and Dangerous Drugs; Organized Crime; Counterespionage; Asset Forfeiture and Money Laundering; Computer Crimes and Intellectual Property; Public Integrity; the Office of International Affairs; and Office of Enforcement Operations. I did complete some performance evaluations and reviewed other performance evaluations for the Assistant Attorney General. I did not have direct hiring or firing authority, although all personnel matters went through me and I reviewed and had some role in those decisions. I supervised the Criminal Division's budget and had budgetary authority and input. I worked on the Criminal Division's annual budgetary requests and represented the Division in meetings regarding those requests within the Department throughout the budget cycle.

At the Department of Treasury, I served as a Deputy Assistant Secretary for Money Laundering and Financial Crimes in the Office of Enforcement and managed approximately fifteen employees in two separate offices. I also had oversight responsibility for numerous large projects for the U.S. Customs Service, FINCEN and OFAC. I directly supervised the Director for the International Money Laundering Section and the Director for the Counter-Narcotics Section. I believe that I was responsible for annual evaluations of these employees. I believe that I had hiring and firing authority, although we had a very tight budget, so hiring authority was mostly theoretical. I did have some budgetary authority – I managed the budgets of the sections I supervised and helped seek and direct the funds for those offices. I worked on the Office of Enforcement's budget (even beyond my offices), and represented the Office in budget meetings throughout the budget cycle.

3. When Senator Voinovich questioned whether you had enough experience for this position, you assured him that you would "seek to work with those who are knowledgeable in this area who know more than I do." Did you do this as Assistant Secretary for Export Enforcement at the Commerce Department? If so, please explain the process you went through to find and hire knowledgeable people. If not, why not?

ANSWER: Yes. Generally speaking, in every job I have had, I have sought to work with all the subject-matter experts and build consensus for priorities and a clear agenda. I view career employees as invaluable assets and subject-matter experts. I believe that effective management requires a willingness to learn from, lean on, and trust others with specialized expertise – whether they are detailing

the history of a particular law enforcement investigation or providing insight into an agency's strengths and weaknesses.

With respect to my tenure as Assistant Secretary at the Commerce Department, I sought to identify career employees within the Commerce Department who were experts in the area of nonproliferation and export controls. I sought, formally and informally, to get their views about what the agency had done right and where there was room for improvement. I also spoke to those who had worked with the agency before, including long time career employees at the Department of Justice, to obtain their views on the agency and how it could be more successful.

After I was confirmed, I worked hard to ensure that I had appropriate input and views from all those who wanted to help the agency succeed in its goal of protecting national security by effectively enforcing the export control laws. In particular, informal conversations before starting at the agency convinced me that the agency needed to do a better job targeting the most important cases and investigations. I had identified a number of areas that I thought should be key priorities, based on my research and knowledge in the area. After I was confirmed, I worked with my senior leadership team, including the Deputy Assistant Secretary, Office Directors, and all the Special Agents in Charge to get their views on what these critical areas of focus should be. I also talked to career employees and experts at DOJ and DOD to see what they thought. After gaining consensus, we developed the Export Case Emphasis List (X-CEL). During my tenure, the agency used this list to ensure that it was focusing its efforts and limited budget on cases of the highest priority: cases involving items with potential use in chemical, biological, and/or nuclear weapons and cases involving violations where the end-users were from nations or organizations of greatest concern. This new mechanism made an appreciable difference to the effectiveness to the agency, and it would not have been as successful without the input I obtained from others.

Moreover, at the Commerce Department, when we had vacancies, I sought to ensure that the vacancies were as widely known as possible. First, I worked with the senior leadership to ensure that the vacancy announcements were crafted in a way that would attract the kind of knowledgeable employee we sought. I then directed the leadership to seek to announce the advertisement wherever possible outside of USAJOBS, as we wanted to make sure that all knowledgeable individuals considered applying for the positions. For example, at my direction, we placed a link to several of the advertisements on a number of websites for federal law enforcement officials. I also personally reached out to individuals I had worked with at other law enforcement posts, and encouraged them to apply for the key positions. I also reached out to leadership in various law enforcement organizations and asked them if they knew of anyone who would be interested in applying for the positions. Whenever I gave a speech or presentation, if we had a key vacancy, I would also mention it and encourage individuals to apply. This

process helped Export Enforcement attract some talented individuals during tough budget times.

4. Since graduating from law school in 1994, you have held eight jobs. Some of your short stints do not trouble me, such as time spent at a law firm or in a clerkship. However, beginning in 1997, you switched jobs quite frequently. To summarize: You left a law firm in 1997 to work with Kenneth Starr. You then joined the United States Attorney's Office in 1999, but left two years later in 2001. After that you spent one year (2001-2002) at Treasury; followed by 9 months at the Department of Justice's Criminal Division (November 2002-August 2003); 11 months at Commerce; and finally from November 2004 to the present in the White House, where you now work on political appointments.

The bureau you hope to lead, ICE, has been plagued since its establishment by management and budget difficulties, communication lapses between ICE and other Federal agencies, and low morale.

(a) Do you believe you spent enough time in any one position or agency to build the experience and knowledge it takes to assess a large agency's problems, to formulate, and then to implement a program or a strategy for improvement or reorganization?

ANSWER: Yes. I believe that, as my accomplishments attest, I have had sufficient time in each job to learn the culture, get up to speed, make a difference, and move the agenda forward.

For example, at the Commerce Department, I quickly concluded that our limited resources could be allocated more effectively. Consequently, I developed the Export Case Emphasis List, a case prioritization system to ensure that the agency was focusing on the most significant national security violations. Under this framework, and during my tenure, Export Enforcement achieved substantial results in a significant number of national security cases, such as the conviction of Dr. Thomas Butler for illegally exporting Yersinia Pestis (Bubonic Plague), the arrest of Asher Karni for conspiring to export so-called "nuclear triggers," and the first criminal convictions in a deemed export case.

In addition to the significant criminal cases, Export Enforcement agents also pursued a large number of civil violations. We increased enforcement efforts to ensure corporate compliance with the export control rules. As a result, during my tenure at the Commerce Department, the number of administrative case completions nearly doubled, from 34 in Fiscal Year 2003 to 63 in Fiscal Year 2004. Over the same period, civil penalties increased from $4.1 million to $6.2 million.

As another example, at the Treasury Department, I helped achieve consensus and implement the 2001 National Money Laundering Strategy. When I arrived at the

Treasury Department, this Strategy had languished and was controversial. Many within the inter-agency community, and even within Treasury, were dissatisfied with the Strategy and were avoiding taking the steps necessary to move it forward. Their reasons, I came to believe, were largely unrelated to the merits of the Strategy, which set forth a list of action items to reduce the danger of terrorists or other criminal organizations abusing our financial system to launder funds. I was able to build common ground and advance many of the action items included in the 2001 Strategy, including working with the private sector on best practices to dismantle the Black Market Peso Exchange, providing asset forfeiture training that emphasizes major case development, and increasing the usefulness of reported information to law enforcement agencies and the financial industry.

At the same time, I spearheaded the interagency effort to draft the 2002 National Money Laundering Strategy. Given my experience with the 2001 Strategy, I recognized from the outset that this task required open collaboration, creative problem solving, and sustained analysis of the issues and optimal path forward. Once again, I believe I was able to develop a consensus strategy that accomplished many vital goals.

In each position, the support of key career employees has been critical to achieving results. At the Treasury Department, for example, I quickly recognized that some of the most knowledgeable subject matter experts in the office were routinely excluded from key decisions, which demoralized them and risked flawed decisions. I sought to change this immediately. Bringing these experts into the decision process helped us achieve demonstrable results in the government's counternarcotics and anti-money laundering efforts. I have nurtured the same mutual trust and respect among career staff at the Departments of Commerce and Justice. I would work to do the same at ICE to ensure that the agency benefits fully from the skills and knowledge of its seasoned professionals, and that the employees' morale is commensurate with the vitally important work they do.

Moreover, my posts in the Administration have given me substantial grounding in a large number of key ICE issues and provided me a strong basis to begin assessing this particular agency's strengths and weaknesses. For example, at the Treasury Department, I worked on significant issues relating to money laundering and terrorist financing, including developing enhanced cooperation and partnership with the Government of Mexico. I understand that many of these issues are still active and now fall under ICE's aegis. My experience will enable me to press for even more successful bilateral relations in the law enforcement arena. At the Justice Department, I had the opportunity to work on a number of issues that intersect and overlap with ICE concerns, including the development and enhancement of an information and intelligence sharing MOU, work in creation of an interagency anti-smuggling center, and investigation into visa fraud at embassies. At the Department of Commerce, I worked on strategic investigations, an area where ICE has concurrent jurisdiction, and also directly

dealt with many immigration issues, including deemed exports. In sum, I believe that the managerial skills, subject matter expertise, and interagency contacts developed in my previous positions will allow me to get up to speed quickly at ICE – more quickly, perhaps, than would be the case for a nominee with a narrower range of experience.

In addition to my expertise in many key ICE issues, I have carefully reviewed many Inspector General and GAO reports relating to ICE, as well as its predecessor agencies. I have also met with many insiders and outsiders, who have generously shared their insights into the agency, its strengths and its weaknesses. Taken together, this preparation will allow me to hit the ground running and help ICE fulfill its vital role in protecting our national security.

Finally, I think it might be useful to provide a bit of context to my job history. I have continuously served in the federal government since January 1998. I left the Independent Counsel's Office because my role in the investigation was completed. I very much enjoyed my time at the U.S. Attorney's Office. After 9/11, however, I had a desire to contribute to our national security and work on anti-terrorism issues on a more macro level, rather than working solely on specific cases. I jumped at the chance to work at the Treasury Department on anti-money laundering issues. However, it became clear that my part of the Treasury Department was going to be eliminated based on the Homeland Security Act. For this reason, I went to work for Assistant Attorney General Michael Chertoff. After he left to become a federal judge, I had the opportunity to go to the Commerce Department. After the election, I was asked by the White House to work on personnel matters and provide subject matter expertise to the selection of political appointments.

(b) What is the most difficult management challenge you have faced, and how did you handle it?

ANSWER: At Commerce, I led the Export Enforcement agency, an agency with first-rate personnel and the vitally important mission of ensuring our national security by enforcing our export control laws. Although the agency had enormous potential, it was held back by several problems, including a lack of clear priorities and an inadequate institutional infrastructure. Within a short time, I worked with the senior leadership to identify and alleviate those problems.

With respect to the lack of priorities, I concluded early on that the agency was not properly prioritizing its investigations. Not all export investigations are identical and not all warrant the same level of investigative resources. After achieving consensus with my Deputy Assistant Secretary and leadership in the field, I created the Export Case Emphasis List (X-CEL). The X-CEL list was a case prioritization and tracking system. The X-CEL allowed Export Enforcement to ensure that it was focusing its limited resources on cases of the highest priority: in particular, cases involving items with potential use in chemical, biological,

and/or nuclear weapons and cases involving violations where the end-users were from nations or organizations of greatest concern.

With respect to the institutional infrastructure, I found an agency that was making progress, but had not yet achieved its potential as a world-class law enforcement agency. Part of the problem was that Commerce agents had emphasized civil cases for years, and the agency had neglected to refine and update its procedures for handling criminal investigations. We did not have standardized procedures for handling an officer safety incident, appropriate procedures or training for conducting searches and making arrests, a standardized code of conduct, or a regularly updated Special Agents Manual. Our procedures for outreach initiatives and other methods to inform the public were likewise outdated and inadequate. The agents had not had regular or sophisticated training that would enable them to keep up with the rapid changes in the export licensing regimes. Many of these problems were longstanding and deep-rooted, but with the invaluable help of senior leadership, we were able to solve all of these problems, even in a tight budget environment, and ensure that the agency moved toward future success.

5. Troubling stories about competition and mistrust between ICE and the Bureau of Customs and Border Protection are continually reported. If confirmed, what specifically will you do to resolve differences between ICE and CBP and ensure that these bureaus cooperate fully?

ANSWER: Enhancing coordination and communication between ICE and CBP is critical to the nation's security and I will make it one of my top priorities. At the senior management level, I will work hand-in-hand with the Commissioner of CBP to quickly resolve coordination issues that develop and collectively send the message to the field that strong coordination is expected. Next, I will look for ways to demonstrate that collaboration are valued, such as allocating additional resources for joint projects and exploring whether coordination efforts are properly considered and credited in ICE employee evaluations. In addition, I will look for additional ways for the two agencies to partner together toward our common goal, such as joint initiatives in intellectual property and strategic investigations. Finally, I understand that a number of steps have already been taken to ensure that the two agencies are sharing information and intelligence. I would work to explore whether there are additional areas where information and intelligence need to be shared, and address them with the CBP Commissioner.

6. In written questions following your hearing before the Homeland Security and Governmental Affairs Committee, Senator Akaka asked about whistleblower protections and how you, if confirmed, would educate employees of their whistleblower rights. You stated that you were not familiar with ICE's policies, but would ensure that employees receive "appropriate and effective education."

(a) In addition to educating employees, do you commit to protecting whistleblowers from retaliation?

Yes.

(b) Please describe any efforts you made in previous jobs to ensure that whistleblowers received adequate protection.

I cannot recall any particular examples, but at all my jobs, I have worked to ensure a culture where new and dissenting ideas and views were encouraged and welcomed. If confirmed, I would work to instill such a culture at ICE to help prevent problems and resolve concerns up front. If confirmed, I also will commit to ensuring that whistleblowers receive adequate protection at ICE, in addition to the appropriate and effective education.

7. In another written question, Senator Lieberman asked about the need to ensure that undocumented aliens who are the victims of natural disasters are able to seek humanitarian relief without fear of being turned over to federal authorities for deportation. This was the stated policy of the Bush Administration after the terrorist attacks of September 11, 2001. Your response to Senator Lieberman's question did not clearly state the way that you would handle this problem.

Several members of the Senate, including myself, sent a letter addressing this issue to Secretary Chertoff on September 14, 2005. As of October 21, 2005, the letter remains unanswered. What is your view on this issue? Do you believe that individuals who are victims of natural disasters should be free to seek humanitarian assistance from the government without fear of deportation?

ANSWER: In the aftermath of any natural disaster, immediate humanitarian relief to all victims, regardless of their immigration status, is necessary and appropriate. Congress recognized this when it permitted the provision of short-term, non-cash relief to undocumented aliens in times of disasters or emergencies, even while limiting the provision of certain other government benefits to those aliens. I believe that the Government's first concern should be to provide immediate assistance to all victims of a natural disaster.

It is my understanding that Assistant Secretary Pam Turner explained the Department's position on this matter in her letter dated October 12, 2005. I concur with the Department's stated approach that seeks to ensure we appropriately protect victims of Katrina and other natural disasters, while ensuring we adequately fulfill our enforcement responsibilities.

8. Expelling, returning or extraditing a person to a country where there are substantial grounds for believing that he or she would be subjected to torture is a violation of the Convention Against Torture (CAT), a treaty that the United States ratified in 1994. Although the U.S. is a party to CAT, there have been numerous reports of suspected terrorists being secretly transferred from U.S. custody to countries that are widely known to use torture.

Do you believe that it is lawful for the United States to transfer terrorist suspects to the control or custody of other nations for interrogation if there are substantial grounds for believing that they would be in danger of being subjected to torture? If confirmed as the head of ICE, do you commit to not engage in renditions of this type?

ANSWER: ICE engages in the removal of aliens from the United States pursuant to its enforcement of the U.S. immigration laws. It is my understanding that the immigration laws prohibit ICE from removing an alien from the United States where it is shown that the alien would more likely than not be tortured in the proposed country of removal. If confirmed, I commit that ICE will abide by this requirement and all other applicable laws to ensure the fair and humane treatment of all who are in ICE's custody.

9. A new Department of Homeland Security Inspector General report found that an estimated 3.6 million visitors to the U.S. overstay their visas, yet ICE only has 51 agents assigned to tracking down these individuals. If confirmed, how do you plan to address the issue of people who legally enter the United States, but then overstay their visa? With more than 3 million people currently in the U.S. who have overstayed their visas, how do you intend to address this problem?

   ANSWER: There is definitely room for improvement with respect to the enforcement of immigration laws against those who have overstayed their visas.

   I have reviewed the Inspector General's report on the ICE Compliance Enforcement Unit (CEU), and believe that it provides some solid recommendations for action to improve the CEU, such as working to ensure that data quality issues are addressed, assessing the workflow patterns in the office, and establishing effective performance standards. It is important to note that ICE's CEU was never designed to be the U.S. government's only mechanism to track down visa violators inside this country. Instead, the CEU was designed specifically to target visa violators that pose an elevated national security or public safety threat. Given the number of potential overstays and the limited federal resources, it makes sense to ensure that the highest risk violators are targeted for federal enforcement first. To date, I understand that the CEU has helped arrest more than 1,400 high-risk visa violators nationwide; including suspected national security threats, murderers, rapists, and other criminals, and that from fiscal year 2004 to 2005, the number of arrests by the CEU increased by roughly 300 percent.

   However, as this question suggests, the CEU cannot be the sole source of investigations and prosecutions on visa overstay cases. Any one of ICE's roughly 6,000 criminal investigators can make arrests for visa violations. On virtually any given day, ICE field agents arrest visa violators that are not necessarily handled or

processed by the CEU. It is my understanding that in fiscal year 2005 there were many thousands of such arrests made by ICE field agents.

Moreover, the number of visa overstays suggests a greater need for comprehensive immigration reform. Comprehensive reform could strengthen enforcement controls and provide additional mechanisms for targeting violators at worksite and other arenas, as well as provide a pathway for temporary workers and incentives for individuals to comply with the immigration laws.

Questions for Ms. Julie Myers, nominated to be Assistant Secretary of Immigration and Customs Enforcement, (ICE) Department of Homeland Security—Submitted by Senator Charles E. Schumer of New York

1. Because I represent a state on the Northern Border, it is important to me that we reconcile security measures with initiatives intended to promote trade and travel. Over the past several years I have worked diligently with DHS and Canadian officials to develop a plan for Shared Border Management at the border crossings at Buffalo and at Alexandria Bay. In Buffalo, all U.S. and Canadian Customs facilities would be placed on the Canadian side of the border in Fort Erie, Ontario. This will require a tremendous amount of cooperation between U.S. and Canadian agencies, and among the U.S. border agencies. Will you work with other U.S. and Canadian agencies to promote the successful implementation of Shared Border Management? Do you have any specific ideas as to how ICE and DHS as a whole might address the issue of facilitating convenient travel across the Northern Border without compromising national security?

ANSWER: If confirmed, I will ensure ICE continues to play an important role in the work that has already been done between DHS and Canadian officials on the land pre-clearance initiative. It is imperative that we work with our Canadian partners and other U.S. Government agencies to preserve our ability to exercise the fullest possible range of law enforcement authorities and tools available to identify and disrupt terrorists and other criminal travelers, while at the same time recognizing that the physical infrastructure of our border facilities needs to be updated to reflect current usage.

Separately, it is my understanding that ICE has worked with CBP, Border Patrol and other U.S. agencies to build regionalized enforcement efforts along the border with Canadian counterparts through Integrated Border Enforcement Teams (IBETs) and related mechanisms. I worked on some of these Northern Border issues at the Departments of Treasury and Justice. If confirmed, I would plan to visit the Northern Border and work to strengthen the IBETs and our overall relationships with our Canadian counterparts.

2. In the last session of Congress, I cosponsored the Trafficking Victims Reauthorization Act. Although we have successfully enacted sound legislation with regard to trafficking in persons, thousands of people continue to be victimized by this heinous crime. If confirmed, would you make combating human smuggling and trafficking a high priority? More specifically, what would you do to ensure that victims were adequately cared for and given the assistance they deserve, and how would you ensure that traffickers—often foreign nationals—were adequately and appropriately punished?

ANSWER: Human smuggling and trafficking organizations not only pose a threat to national security and public safety, but also inflict a significant human cost in terms of suffering and exploitation. I know that ICE has done extraordinary work

investigating human smuggling and trafficking organizations. If confirmed, I will continue to make the identification, disruption and prosecution of human smuggling and trafficking organizations a top priority. We must close these pipelines and keep them from being exploited by terrorist organizations seeking entry into the United States to do our citizens harm.

To do this, I believe that the merger of intelligence and operations is critical. To that end, if confirmed, I will work closely with the Human Smuggling and Trafficking Center, which includes a significant ICE presence and serves as an important interagency task force, to ensure that all of the Government's resources in this area are effectively leveraged. I will also ensure that ICE continues to train and utilize a dedicated cadre of agents as Victim Witness Coordinators and that the Coordinators make it a priority that victims receive immediate care. I understand that ICE plays an integral role in providing immigration relief to victims of trafficking by giving them "continued presence" immigration status, which allows trafficking victims to remain in the United States. I will continue this practice and make sure that these investigations remain high on the priority list, so that those responsible for perpetuating and supporting these organizations are identified, thoroughly investigated and prosecuted.

3. An agency such as ICE is dependent upon the work of many officers and agents to conduct investigations on everything from fraudulent document use to money laundering to trafficking and smuggling. (a) Do you believe that ICE currently employs enough officers to carry out all its functions?

ANSWER: ICE, like all law enforcement agencies, must prioritize the use of its personnel resources to target those threats that pose the most significant risk to the safety of this nation. I was encouraged to learn in FY 06, ICE received significant increases in detention beds ($90 million), Special Agents ($42 million), fugitive operations teams ($16 million), and Immigration Enforcement Agents ($9 million). These funds enable ICE to hire sufficient personnel to fulfill the ICE mission and institute new departmental immigration and customs initiatives. If confirmed, I will carefully study ICE's budget submissions and appropriations to ensure that ICE effectively leverages its resources along a clear set of priorities.

(b) Do you believe that ICE works effectively with state and local law enforcement to carry out its mission?

ANSWER: Secretary Chertoff has made it clear that homeland security and anti-terrorism efforts are a shared responsibility between federal state and local governments. Therefore, ICE and the Department must strive to identify and sustain cooperative relationships with state and local law enforcement agencies. Toward this end, it is my understanding that there are many outstanding partnerships between ICE and state and local law enforcement entities that are critical to public safety and homeland security.

I believe that ICE and the Department should look into increasing this cooperation with state and local police agencies. State and local law enforcement, for example, are likely to encounter foreign-born criminals and immigration violators in the course of their day-to-day duties. I know that ICE already makes immigration status information available to state and local law enforcement through the Law Enforcement Support Center within minutes of any query and that ICE encourages its officers at all levels to engage in partnerships with state and local law enforcement agencies through a variety of arrangements.

It is my understanding that Section 287(g) of the Immigration and Nationality Act authorizes the Secretary of Homeland Security to enter into Memoranda of Understanding (MOU) with states and/or political sub-divisions of states to perform immigration enforcement activities after appropriate training and under DHS supervision. I am informed that ICE currently has MOUs with the Alabama Department of Public Safety, Arizona Department of Corrections, Florida Department of Law Enforcement, and the Los Angeles and San Bernardino County Sheriff's Department. I believe continued expansion of the 287(g) Delegation of Authority program should be an integral part of ICE's overall immigration enforcement strategy to ensure the safety of our communities and serve as a bridge to our partners in state/local law enforcement. And if confirmed I will continue to support and expand these partnerships.

(c) If confirmed, how would you strengthen ICE in terms of personnel management and interagency cooperation?

ANSWER: My vision for ICE is to make it the nation's premier law enforcement agency by focusing its limited resources and efforts towards significant threats and vulnerabilities that impact homeland security. In particular, ICE is charged with preventing terrorist attacks by preventing exploitation of our immigration and customs systems – and doing so in a manner that fosters confidence in the immigration system and the rule of law. This vision demands effective and strong leadership on my part, a strong management team, dedication to results, vigilant management of scarce resources, and ongoing and extensive communication with ICE staff and other law enforcement partners.

To accomplish these goals, my strategy will be to move aggressively and effectively to identify and prioritize problems, and then shore up any areas of ICE that require improvement and action. With respect to areas where improvement is needed, I will institute strong management metrics – what is not measured, often does not get done.

If confirmed, I plan to conduct a full review of ICE to identify, prioritize and address potential problems. Based on my understanding of the agency to date, however, it is my belief that ICE faces several key management challenges that must be addressed in order to improve and strengthen ICE's effectiveness. ICE, of course, is still a relatively new agency. There is no question that major accomplishments have already been made toward fully integrating the bureau's workforce. However, more

must be done. If confirmed, I will continue these efforts and look for ways to expand them and improve morale and the success of mission.

I believe that financial management challenges are a critical issue to the mission health of this agency and if confirmed, I intend to address these issues promptly. As initial steps toward improvements, I will name a permanent Chief Financial Officer (CFO) for ICE. I also plan on having weekly sessions with the CFO to monitor progress in addressing the root causes of ICE's financial difficulties. I will also immediately undertake a comprehensive review of all recent financial management and auditor reports, and associated recommendations, to further determine the root causes. I will then seek to institute "best management" practices that are fully responsive to the recommendations, and also address the other financial management issues facing the agency.

I know from experience the great value of interagency cooperation. Indeed, I have forged strong and important relationships with ICE's key interagency partners through my work as Deputy Assistant Secretary of Treasury, Chief of Staff of the Criminal Division in the Justice Department, Assistant Secretary of Commerce, and at the White House. I will draw heavily both from my experience working successfully within the interagency community and from these established relationships to reach out to key law enforcement partners and enhance and expand joint initiatives.

One of the critical lessons of 9/11 was that the Federal Government must work in tandem to fight terrorism and improve national security. As the principal law enforcement agency responsible for immigration and customs enforcement, ICE brings critical resources and tools to this fight. To that end, JTTFS, HIDTAs, and other joint task forces rely heavily on the expertise and resources of ICE, whether it be in terrorism investigations, drug trafficking cases, alien smuggling and trafficking, or financial crimes. We must utilize these interagency partnerships effectively so that federal law enforcement, in tandem with State and local officials, are effectively cooperating and leveraging resources and, where appropriate, merging intelligence and operations. Accordingly, if confirmed, I plan to review all major information sharing partnerships and cooperative agreements (e.g. MOUs/MOAs) between ICE and other law enforcement agencies. I will assess what is working and what is not and partner with the heads of other law enforcement agencies to improve such coordination and cooperation.

EDWARD M. KENNEDY QUESTIONS
JUDICIARY COMMITTEE HEARING ON
EXECUTIVE NOMINATIONS
October 25, 2005

QUESTIONS FOR EMILIO GONZALEZ

A. Naturalization and Citizenship

The Homeland Security Act of 2002 created the Office of Citizenship the U.S. Citizenship and Immigration Services Bureau. It established a new federal leadership role in preparing immigrants for citizenship and encouraging a deeper understanding of what it means to be an American.

QUESTION:

As the Director of the bureau, how will you coordinate with the Office of Citizenship to see that it plays a primary role in outreach to immigrants and shaping the meaning and value of citizenship?

ANSWER:

The Homeland Security Act created the Office of Citizenship within USCIS. The initiative represents a renewed federal focus on the importance of promoting civic literacy and integration for immigrants, as well as the rights and responsibilities of citizenship. I understand that the Office of Citizenship has embarked on an ambitious agenda that includes the redesign of the naturalization exam, with a focus on improving the process of civic learning, the development of educational materials and engaging communities across the United States to promote the values of good citizenship. If confirmed, I will support this important role by enhancing intra-agency support for this agenda and by actively participating in external events and activities designed to highlight the meaning and value of US citizenship.

B. Military Naturalization

In all our wars, immigrants have fought side by side and given their lives to defend America's freedoms and ideals. One out of every five recipients of the Congressional Medal of Honor, the highest honor our nation bestows on our war heroes, has been an immigrant. Their bravery is unequivocal proof that immigrants are as dedicated as any other Americans to defending our country. Congress enacted legislation that eased the path to citizenship for all immigrants who serve in our forces. Naturalization fees have been waived and naturalization ceremonies are held overseas for these brave men and women.

QUESTION:

I understand that there are some problems with the implementation of this law. I understand that it has been difficult for the bureau to conduct naturalization interviews or administer the oath in places like Iraq and Kuwait. If you are confirmed for this position, will you take a closer look at these problems and give us a commitment that naturalization for our soldiers will be a top priority for the agency?

ANSWER:

As an immigrant, a soldier and a naturalized citizen, I well understand the importance of naturalization for our soldiers. If confirmed, I will ensure that this continues to be a top priority for the agency. In the first year of the program, USCIS naturalized over 1,000 members of the military overseas. Over twenty percent of these new citizens were naturalized in either Iraq or Kuwait.

I understand that the specific challenges in Iraq and Kuwait have been security and logistics related. Per Department of Defense (DOD) instructions, USCIS has delayed planned trips to Kuwait on at least two occasions this year for security reasons. While USCIS and DOD closely coordinate naturalization interviews and administrative oath ceremonies, military operational issues are the driving factor in determining when USCIS is able to travel into Iraq and Kuwait. Security conditions, troop rotations, and mission-related operational concerns are all considerations that affect planning for USCIS travel to these countries. Currently, USCIS is planning to travel to both Iraq and Kuwait late this year. The agency already has several hundred cases prepared for this trip.

I believe that over the course of the past year, USCIS has achieved considerable success in processing military applicants outside of the United States. The agency's coordination with DOD, both generally around the world and specifically with regard to Iraq and Kuwait, has continually improved since the inception of the overseas processing. If confirmed, I will continue to look for ways in which we can further improve coordination with DOD as well as further refine our procedures in order to make certain that non-citizen members of the U.S. military are assisted in the most efficient manner possible. Indeed, I intend to ensure that USCIS maintains the naturalization of our soldiers as a top priority.

C. Budget and Resources

As you know, the office of Citizenship and Immigration Services is often faced with tight staffing and budget constraints. As leader of the office, you have to reduce the backlog of immigration applications, and keep pace with incoming ones. The bureau receives separate appropriations to deliver efficient, fair, and secure immigration services. It cannot depend on user fees alone to pay for new initiatives and mandates such as security checks, technology upgrades, and increased staff. Escalating the cost of application fees every time CIS faces unfunded mandates does a disservice to the immigrant, who already faces high fees. Staffing shortages and new mandates have also caused officers to be

pulled from adjudications in order to perform enforcement-related functions, such as with the National Security Entry and Exit System. The diversions of staff and resources result in serious delays in application processing, and lead to other confusion as well. Personnel are being shifted to areas they are not trained in and asked to carry out enforcement duties.

QUESTION:

How will you obtain the necessary funds and staff to enable your bureau to meet its mission of providing timely, quality immigration services? How will you stop future diversion of money and resources?

ANSWER:

USCIS is authorized by the Immigration and Nationality Act to collect fees that ensure recovery of the full costs of providing services for people seeking to enter, reside, or work in the United States. I believe USCIS has sufficient resources to meet its current mission requirements and eliminate the immigration benefit backlog by the end of FY 2006 while ensuring the integrity of our immigration system. USCIS has significantly reduced the backlog from 3.8 million in January 2004 to a little over a million today. Since FY 2002, USCIS has received $460 million in appropriated funding to eliminate the backlog of all immigration benefit applications by the end of FY 2006. After FY 2006, this temporary funding will no longer be necessary as USCIS will maintain backlog elimination goals while ensuring the integrity of our immigration system thereafter in an entirely fee-based environment. To ensure proper staffing levels, USCIS has developed and implemented a Staffing Allocation Plan that properly aligns resources with workload and has committed to periodic updates to ensure proper alignment.

If confirmed, I will be a strong voice within the Department of Homeland Security to seek to ensure that the separation of functions directed by the Homeland Security Act is reflected in resource allocation and that resources that should be used for service functions are utilized appropriately.

D. Backlog Reduction

As you know, INS was plagued with many problems in the delivery of the services for which CIS is now responsible. In January 2004, the total backlog of immigration benefits applications was over 3.8 million cases. The backlog in naturalization applications and permanent resident applications is in the hundreds of thousands. The delay is not only inconvenient for those applying for benefits, but it can also cause serious problems like being placed in detention. For example, some of the immigrants detained and placed in removal proceedings during the NSEERS registration program had pending benefits applications. Had the petitions been adjudicated in a timely manner, many of those persons would not have been detained and subject to deportation. CIS launched a Backlog Reduction Plan to address the issue with a goal of a six-month standard processing time for all applications by 2006.

QUESTION:

If you are confirmed to this position, do you believe the measures included in the Backlog Reduction Plan are sufficient to achieve the six-month processing turnaround goal in 2006? Will you take steps to ensure that people are not penalized by agency policies for the government's inability to process applications in a timely manner? What additional money and resources do you need to reach the sixth month processing goal?

ANSWER:

The Backlog Elimination Plan outlines the USCIS strategy for streamlining processes, leveraging information technology capabilities to increase efficiency, and ensuring that resources are properly aligned with workloads. These strategies, along with a consistent theme of backlog elimination without jeopardizing the integrity of the U.S. immigration system have yielded tremendous results. The majority of the remaining backlogs reside in applications that require the highest level of adjudicative scrutiny and time.

Building on the efforts that have been successful in reducing backlogs, USCIS will continue to redesign its business processes to ensure that applications will be processed more efficiently in FY 2007 and beyond. It is our intent to administer the provisions of U.S. immigration benefits that optimized efficiency and minimizes risks to applicants and to the United States citizenry.

I believe USCIS has sufficient resources to meet its mission requirements and eliminate the immigration benefit backlog by the end of FY 2006 while ensuring the integrity of our immigration system. That said, we cannot and will not cut corners or sacrifice national security for the sake of expediency.

E. Coordination

As you know, most immigration-related action involves both enforcement and adjudication, and coordination is essential for consistent interpretation and implementation of the law. Coordination can't be achieved merely by creating a shared database. Inconsistent policies and interpretations of the law can create serious problems and abuses. Coordination among the three bureaus is still a major management challenge.

QUESTION:

How will you ensure that your bureau is an equal partner with the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection? Secretary Chertoff proposed creating a department-wide policy directorate that would coordinate immigration policies. How will you work with

this directorate to ensure coordination in policymaking and information-sharing among the three immigration bureaus?

ANSWER:

Many immigration policy issues require collaboration between bureaus in the Department of Homeland Security in order to achieve an appropriate and timely policy outcome. Under the Immigration and Naturalization Service, both immigration enforcement and benefits programs resided within the same agency with an agency head to lead integrated policy development. Pursuant to the Homeland Security Act, immigration enforcement and benefits functions were assigned to distinct bureaus within the Department of Homeland Security (DHS). I recognize how this organizational structure makes it critically important for consultation and coordination to take place consistently within DHS on immigration policy matters. I further recognize the essential need for USCIS to work as a full partner with the Immigration and Customs Enforcement (ICE) and the Customs and Border Protection (CBP). The Department currently conducts policy meetings at least once a week where representatives of USCIS, ICE, and CBP are present, affording an opportunity to discuss issues of national importance for these offices. In addition, coordination regularly occurs through ad hoc meetings at the leadership and staff levels on issues of mutual concern. I believe that the new organizational structure within DHS will lead to greater coordination. I personally will work to build on these existing practices, to ensure that coordination and cooperation between the three immigration bureaus as standard practice. I believe this will facilitate effective policymaking and will promote the information-sharing upon which sound decision-making depends.

I also am enthusiastic about Secretary Chertoff's proposal to create a department-wide policy directorate to coordinate immigration policies. The proposed Under Secretary for Policy would serve as the principal policy advisor to the Secretary and would be empowered to promote information-sharing and policy coordination between the three immigration bureaus. New procedures naturally will need to be developed for standard practices on information-sharing and decision-making between USCIS and the Under Secretary for Policy, in conjunction with ICE and CBP. I look forward to working on these issues with the Under Secretary for Policy and my counterparts at ICE and CBP. I consider the creation of a department-wide policy directorate a valuable initiative, which will improve greatly our joint capacity to address immigration policy matters. I will make the fullest effort possible to work directly with the Under Secretary for Policy to help ensure the objectives of increased policy coordination and information-sharing are achieved.

F. O and P Visas for Artists

As you are aware, U.S. nonprofit arts organizations confront great difficulty in obtaining O and P visa petitions for foreign guest artists. Nonprofit arts organizations cannot afford the $1,000 Premium Processing fee, and therefore must rely on the regular visa petition process. The USCIS estimates that regular O and P visa petitions will receive action

between 90 to 150 days after USCIS has received the petition. Congress recognized the time-sensitive nature of the arts when writing the 1991 federal law regarding O and P visas, in which the USCIS is instructed to process O and P arts visas in 14 days. This mandate has never been implemented by USCIS. Furthermore, inconsistent policies in processing artist visa petitions result in delays, expense, and unwarranted requests for further evidence.

QUESTION:

Current USCIS practice compounds the growing risk that foreign guest artists will be unable to enter the United States in time for their engagements, causing financial burdens on nonprofit arts organizations, and potentially denying the American public the opportunity to experience international artistry due to delays and cancellations. Under your leadership, what steps will USCIS take to ensure timely processing and reliable policies, procedures, and training for handling nonprofit arts-related O and P visa petitions?

ANSWER:

It is my understanding that USCIS interprets the 14-day processing requirement to be triggered by receipt of required evidence of an advisory opinion or letter of no objection from the labor organization. USCIS makes every effort to meet that timeframe. Furthermore, USCIS considers expedited requests based upon seven specific criteria, including "nonprofit status of requesting organization in furtherance of the cultural and social interests of the United States." Many nonprofit arts organizations can take advantage of this special designation.

SUBMISSIONS FOR THE RECORD

Senator Grassley
Executive Nominations
Julie Myers, James O'Gara, Emilio Gonzalez
October 18, 2005

I want to thank you, Mr. Chairman, for holding this nomination. I have concerns about one of today's nominees, Mr. James O'Gara, Deputy Director for Supply Reduction at the Office of National Drug Control Policy.

Many of my colleagues are acutely aware of the history of ONDCP and the lack of support of this office by several Administrations. Congress, on the other hand, felt the country needed such an office to deal with the drug issue and coordinate drug policy. I shared that view then as I do now.

Congress has had to involve itself in constant care and feeding of the Drug Office from its inception. Congress' intent all along was to create an organization that could go toe to toe with other powerful bureaucracies. One of the largest obstacles to this has been the lack of qualified candidates proposed to fill senior positions within the Drug Office. The Drug Office's primary role and reason for existing is to force coordination at the senior levels of government.

In March 2002, I stated my concern about Ms. Mary Ann Solberg's qualifications to be the Deputy Director. At that time, none of the deputy nominees sent to the Senate for confirmation had any senior policy making experience in the federal government and only one had any significant federal experience and that was mostly as an analyst. We find ourselves in a similar position today. Mr. James O'Gara has been nominated for the Deputy Director for Supply Reduction. Mr. O'Gara currently is a Special Assistant to the Director and was previously a lower level coordinator in ONDCP from 1990 to 1993.

In Mr. O'Gara's current position, he advises the Director of ONDCP on intelligence, interdiction, and federal law enforcement issues. He also drafted and coordinated the National Drug Control Strategy for the last several years. During this period of time, ONDCP has completely ignored the methamphetamine epidemic that is marching across America, proposed cuts in the High Intensity Drug Trafficking Area (HIDTA) budgets, and recommended cuts to several other key counter-drug programs, as well as being plagued by a variety of significant management problems. We need a strong leader with hands-on, in the trenches, counter drug and management experience. Promoting someone who has been part of ONDCP during this time of systemic problems is not the answer.

The Office of National Drug Control Policy is supposed to coordinate federal resources used in combating the drug problem in America. Unfortunately, the ONDCP seems to have become more of an academic institution than an office that coordinates the federal government's drug efforts. It is time for new blood and fresh ideas at ONDCP. I am sure that Mr. O'Gara is a fine American, but I have serious reservations about his ability to

bring about the necessary changes that are needed at ONDCP. He has very close ties to Mr. Walters, the current Director of ONDCP, that go back many years. They co-authored articles nearly a decade ago and appear to share the same core beliefs on drug policy and management. This is hardly the person to bring about needed changes in the office.

The Deputy Director for Supply Reduction at ONDCP is not responsible for large numbers of personnel as the Deputy Secretary of Defense, Deputy Attorney General or other Cabinet Deputies. However, it is a position that reports directly to a Cabinet level official and has national and international responsibilities to reduce the supply of drugs coming in to the United States. I am concerned that Mr. O'Gara lacks the professional qualifications and vision to help lead ONDCP forward as the Deputy Director for Supply Reduction. I look forward to learning more about Mr. O'Gara and his thoughts on the position for which he has been nominated.

U.S. SENATOR PATRICK LEAHY

CONTACT: David Carle, 202-224-3693 VERMONT

Statement Of Senator Patrick Leahy
On The Nomination Of Julie L. Myers
To Be Assistant Secretary, Immigration And Customs Enforcement; And
Emilio Gonzalez To Be
Director, Bureau Of Citizenship And Immigration Services,
Department Of Homeland Security; And
James O'Gara To Be Deputy Director For Supply Reduction,
Office of National Drug Control Policy
October 18, 2005

In today's hearing we will hear from nominees to two key bureaus of the Department of Homeland Security (DHS), and from one at the Office of National Drug Control Policy. The two positions at DHS are critical to implementing and enforcing our nation's immigration and customs policies. I was pleased to work with the Chairman and Senators Kennedy and Cornyn to obtain unanimous consent that the nomination of Julie L. Myers be referred to the Judiciary Committee after consideration by the Committee on Homeland Security and Governmental Affairs. Immigration policy remains the responsibility of this committee, and we are each prepared to make use of that authority to exercise oversight of the new Department.

Immigration and Customs Enforcement

If confirmed as Assistant Secretary for the Bureau of Immigration and Customs Enforcement (ICE), Ms. Myers would lead a key law enforcement agency with more than 20,000 employees and a budget of more than $3 billion.

The Homeland Security Act of 2002 requires the person at the helm of the Bureau of Immigration and Customs Enforcement to have a minimum of 5 years professional experience in law enforcement and 5 years of management experience. The need for highly experienced leaders at our federal agencies has become all too clear in recent months. An utterly unqualified Bush Administration associate was tapped to head FEMA, with devastating consequences. We cannot afford to play politics when it comes to our nation's security. I would like to think that the President is owed some deference in his nominees to Executive Branch agencies, but his record of tapping political allies and close friends for too many key positions proves the need for Senate vigilance.

Like FEMA, the Bureau of Immigration and Customs Enforcement sits within the Department of Homeland Security, an agency with serious morale problems. A recent Office of Personnel Management survey, described in Sunday's *New York Times*, showed that only three percent of DHS employees are confident that personnel decisions in the

Department are based on merit. Fewer than 18 percent felt strongly that that they are held responsible for achieving results. America can and must do better than that. The morale of hard working employees at DHS will not be improved by the appointment of political allies who are lacking in requisite skills and management. It can only be improved by placing competent and highly experienced professionals at the head of its component bureaus.

ICE is a bureau that deserves strong leadership. Mike Garcia, the inaugural head of ICE, wrestled with many policy, jurisdiction and budget issues. He left behind a bureau that is stronger than when he arrived. Congress also worked with him to stabilize the budget situation at the bureau. But the need for strong leadership will be ongoing.

A draft report by the DHS Inspector General that was described by *the Associated Press* earlier this month highlights competition and mistrust between ICE and the Bureau of Customs and Border Protection, two DHS components that must cooperate to keep our Nation safe. Given the challenges facing anyone who takes a leadership position at ICE, the statutorily required minimum level of management experience takes on even greater importance. Ms. Myers has an impressive resume, but one that lacks significant grounding in immigration issues, and rather than exceeding the statutory five-year minimum for management experience, she is struggling to meet the bare minimum.

I understand that Secretary Chertoff supports Ms. Myers's nomination, but his support does not exempt her from meeting the statutory requirements for the position, which is far too important to confirm a nominee on a leap of faith.

I have several questions for Ms. Myers and hope that her answers will persuade me that she is qualified to serve as Assistant Secretary.

Citizenship and Immigration Services

Our security is paramount, but traditional immigration services must not be overlooked at the Department of Homeland Security. Our nation's founding principles and economic health demand that immigration be handled in a fair and orderly way. Improving the immigration system is an issue of pressing concern to this Committee; in fact, the Chairman convened a second hearing on comprehensive immigration reform this morning.

The Bureau of Citizenship and Immigration Services will play a key role in implementing policy, however this debate evolves. The Bureau has its own set of problems to overcome, but we have seen real progress in certain areas, such as in reducing backlogs.

Emilio Gonzales has had a career in the Army where he became the rank of colonel. That in itself is an impressive accomplishment but I would like to use this hearing as an opportunity to learn more about what experience Mr. Gonzales has in immigration policy and its implementation. I look forward to hearing from him.

Office of National Drug Control Policy

Similarly, our longstanding effort to combat the scourge of drugs in our country remains important despite our appropriate current focus on homeland security. I am heartened that James O'Gara comes here with years of experience working on drug policy issues, including several years advising Senator Hatch about these issues on this committee. I would note, though, that much of Mr. O'Gara's experience has come in partisan political contexts. He has been very much involved in the interdiction programs advanced by this administration and the first Bush Administration that have not met with unqualified success. At the same time, he was extremely critical of other approaches attempted by the Clinton administration. I look forward to hearing from Mr. O'Gara. I hope that he will demonstrate that he can take an aggressive law enforcement approach, which is critical to the position to which he is nominated, but that he will also be open to working with both parties and incorporating all strategies that have proven effective in this area.

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Written Statement by Senator Pat Roberts
Confirmation Hearing of Julie Myers
Senate Committee on the Judiciary
October 18, 2005

Mr. Chairman, I am honored to submit a statement on behalf of a fellow Kansan whom the President has nominated to be the Assistant Secretary of Homeland Security for the Bureau of Immigration and Customs Enforcement.

I believe Julie Myers' previous Administration positions strongly underscore her experience during difficult times in our nation's history.

Julie served as the Assistant Secretary for Export Enforcement at the Department of Commerce. As Assistant Secretary, she developed and coordinated the department's efforts to prevent and sanction violations of U.S. dual-use export control laws and the antiboycott provision of the Export Administration Act. She managed special agents throughout the country and oversaw the international attache program.

Julie served as the Chief of Staff of the Criminal Division for Assistant Attorney General Michael Chertoff at the Department of Justice and as the Deputy Assistant Secretary for Money Laundering and Financial Crimes at the Department of Treasury. There she fought against financiers of terrorism and implemented a national strategy to combat money laundering.

Julie also served as an Assistant U.S. Attorney in the Eastern District of New York, where she prosecuted financial criminals, and as a deputy to Independent Counsel Kenneth Starr.

Julie's work in the field has earned her the endorsement of the Fraternal Order of Police. This organization's rank and file law enforcement membership believe Julie has what it takes to lead this agency. The president, the Secretary of Homeland Security, law enforcement professionals, and many of our colleges and I believe in her abilities to carry out this position.

Mr. Chairman, I am certain that Julie, armed with her knowledge and passion for our judicial system, will enforce our immigration and custom laws and policies with a firm and fair hand.

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Statement by Congresswoman Ileana Ros-Lehtinen
Senate Judiciary Committee Confirmation Hearing for Dr. Emilio T. Gonzalez
Tuesday, October 18. 2005, 2:30pm

I am joined here today by my colleague from Florida, Senator Mel Martinez, to support a constituent of my Congressional district and a dear friend, Dr. Emilio Gonzalez, in his nomination to the position of Director of the Bureau of U.S. Citizenship and Immigration Services at the Department of Homeland Security.

Throughout his professional career, Dr. Gonzalez has remained committed to protecting and defending our national security. He completed a distinguished military career with the rank of Colonel, spanning nearly three decades, in the U.S. Army and is considered one of the most accomplished Foreign Area Officers in the Department of Defense. Dr. Gonzalez also served as Director of Western Hemisphere Affairs at the National Security Council, during President George W. Bush's first administration. In this capacity, he served as a key National Security and Foreign Policy adviser to President Bush and to then National Security Adviser, Condoleezza Rice. Clearly, Dr. Gonzalez's experience is beyond that of the average nominee.

His predecessor, current Spanish Ambassador Eduardo Aguirre made significant and measurable progress at USCIS towards eliminating the immigration benefit application backlog, improving customer service, and enhancing national security. I am certain that Dr. Gonzalez will not only continue in Ambassador Aguirre's tradition of excellence, but that he will propel the Department of Homeland Security to new heights, by bringing his expertise in foreign affairs, knowledge of international security policy issues, and unwavering professionalism to the position of director of the Bureau of U.S. Citizenship and Immigration Services.

President Bush has repeatedly demonstrated his commitment to nominating outstanding members of the Hispanic community to federal posts, and he continues to do so by recommending an individual who is so devoted to protecting our precious homeland. It is, therefore, my honor to join President Bush and Senator Martinez in offering my utmost support for Dr. Emilio Gonzalez—a gentleman, a scholar, and a true patriot.

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