H.R. 2829, THE OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2005

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

ON

H.R. 2829

TO AUTHORIZE THE OFFICE OF NATIONAL DRUG CONTROL POLICY ACT

JUNE 15, 2005

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H.R. 2829, THE OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2005

WEDNESDAY, JUNE 15, 2005

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

The subcommittee met, pursuant to notice, at 3 p.m., in room 2247, Rayburn House Office Building, Hon. Mark Souder (chairman of the subcommittee) presiding.

Present: Representatives Souder, Mica, Gutknecht, Cummings, Norton, and Watson.

Staff present: Nicholas Coleman, professional staff member and counsel; Michelle Gress, counsel; David Thomasson, congressional fellow; Malia Holst, clerk; Tony Haywood, minority counsel; and Jean Gosa, minority assistant clerk.

Mr. SOUDER. The subcommittee will come to order.

Good afternoon, and thank you all for coming. We should be able to get through our hearing now without any more votes. Thank you for your patience, Director Walters, and all the others who are testifying today. Today's hearing assesses and addresses H.R. 2829, the Office of the National Drug Control Policy Reauthorization Act of 2005, which I introduced along with Chairman Davis of the full committee.

Two years ago, Chairman Davis and I introduced the Office of National Drug Control Policy Reauthorization Act of 2003, which the committee adopted and the House passed unanimously. Regrettably, the Senate did not act on its version of the bill, meaning that reauthorization had to wait until the 109th Congress.

This time around, we have kept many of the reforms first introduced in the 2003 bill. However, we have made some significant changes to the earlier act, as a result of two main considerations.

First, we have attempted, to the greatest extent possible consistent with our subcommittee's basic policies, to harmonize the House and the Senate bills from the last Congress. While we do not expect that the two chambers will pass identical bills, I do hope that we can pave the way for initial passage and a successful conference by reaching at least the broad outlines of a compromise. I look forward to working with our Senate colleagues in that endeavor.

Second, our subcommittee's hearings and other oversight activities since 2003 indicate that further reforms are necessary for

ONDCP to fully achieve the goals that Congress intended for it in 1988. ONDCP's reports to Congress on the progress of drug control policies, its interactions with other agencies, and its management of its own programs all need to be improved. This bill attempts to strengthen, not weaken, the office and its programs.

At the outset, it is important to understand that ONDCP is a very unique institution within the Federal Government. Although it is situated within the Executive Office of the President, it is not simply a political arm of the White House. If that were all that Congress wanted from ONDCP, there would have been no reason to establish the office by statute.

What Congress wanted instead was an office that would not only assist the President, but would also be responsible to Congress to account for the Federal Government's progress in drug policy. That is why Congress created the drug budget certification process, for example, as well as other oversight tools.

From the beginning, then, the Director has had to serve two masters—the President and the Congress. That is not an easy task, and that dual responsibility must be kept in mind when reviewing our bill and the administration's response to it. Neither this nor any administration is ever going to be entirely happy with how Congress shapes the office, since what Members think of as oversight is typically seen as interference by an administration. That is normal in a government with checks and balances.

Having said that, I would like to address several key sections of the bill that have been singled out for criticism by the administration. First, the administration opposes the bill's mandate that the annual drug budget report prepared by ONDCP for the Congress include all Federal drug control activities proposed by the President. Since 2002, the administration has tried, to the greatest extent possible, to limit the activities included in that budget to those that have a separate line item account and are exclusively dedicated to drug control.

I understand the motivation behind the administration's shift, and I know that the office was trying to make the budget easier to read and simpler to manage. However, in practice this policy was never consistently implemented. Many activities were included, such as interdiction by the Coast Guard and legacy Customs Service, that were not exclusively dedicated to drug control.

Moreover, the new budget guidelines left out many activities that the average citizen would think of as drug control, such as the cost of prosecuting and incarcerating drug traffickers in Federal prisons. This led many critics, including our full committee Ranking Member Henry Waxman, to charge that by excluding these items the new budget artificially inflated the proportion of the drug control budget going to treatment and prevention, as opposed to enforcement.

I believe that, if we are going to err on one side or the other, we should err on the side of inclusiveness. The primary purpose of the drug budget required by Congress is to inform Congress and the public about how much the administration is proposing to spend on drug control. The bill does not call on the office to include activities with only tangential connection to drug policy, but it does require that all drug control activities defined in the act be included. We

need a drug budget that attempts to be complete, rather than a budget that is open to the charge, however unfair it may be, of political manipulation.

Second, ONDCP apparently is not going to fight too hard for its earlier proposal to remove the High Intensity Drug Trafficking Areas [HIDTA], program to the Department of Justice. However, it is criticizing the provision in the bill that would require the administration to submit a separate budget request for each individual HIDTA.

If ONDCP actually had the discretion to shift resources among the HIDTAs, this criticism would have greater force. As it is, however, every appropriations bill since the late 1990's has required level funding for each individual HIDTA, meaning that ONDCP has no real discretion over 90 percent of the program budget.

The 2003 House bill tried to remedy this problem by requiring ONDCP to allocate resources through a ranking system, based on relative importance to the national drug threat. It quickly became clear, however, that the Senate would not agree to that system, and it was opposed by many of the HIDTAs and their supporters in Congress. This time around, we have adopted the Senate proposal to require individual HIDTA budget requests. Is this the best possible solution? No. But I believe it is the only politically possible way to break this appropriations logjam.

Finally, I would like to address a concern raised by both ONDCP and the Partnership for a Drug-Free America about the Media Campaign. Specifically, the administration and the Partnership have opposed a provision in the bill that would require at least 82 percent of the campaign's Federal dollars to be spent on the purchases of time and space for anti-drug advertising, if the campaign's budget falls below $125 million. If the budget is above $125 million, this floor would only be 77 percent.

Last time around, ONDCP did not have much of a problem with this provision because the campaign's budget was $145 million and the Senate was proposing an 80 percent minimum floor, regardless of the budget size. Now, however, the program's budget has fallen to $120 million, meaning that the 82 percent floor would apply. ONDCP argues that this would force the campaign to abandon its efforts to do Internet advertising and other, less traditional media activities.

Anyone who has followed my career knows that I have fought to strengthen the campaign and get it sufficient funding. If the dollars were there, I would have no problem seeing some of them spent on new media. But we included the 82 percent minimum for a reason. The original intent and the primary purpose of the campaign is to get anti-drug ads on the air. When the budget is shrinking and the advertising costs are going up, diversifying into other areas, however great their future potential, just is not feasible.

Furthermore, I would have more sympathy if the administration had actually requested more than $120 million for the campaign this year. If ONDCP wants the campaign to do more, it should start by fighting for more dollars. At some point, shrinking budgets are going to make this campaign totally ineffective. That day will only be hastened if the campaign tries to take on more responsibilities than its budget will allow.

Although the bill we are considering today was technically sponsored by Chairman Davis and me, it is also the product of the work of many interested parties who we consulted in drafting legislation. It includes the Dawson Family Community Protection Act proposed by the distinguished ranking member of this subcommittee, Mr. Cummings. It includes a number of changes to current law requested by Director Walters and the administration. And it incorporates suggestions and ideas from other committees and Members of Congress and key outside groups including the Community Anti-Drug Coalitions of America, drug treatment providers, the Partnership for Drug Free America, the Ad Council, and members of Federal, State, local, and tribal law enforcement participating in the HIDTA and CTAC programs, including the DEA.

I thought it was important, however, for the subcommittee to hear from the primary organizations that would be affected by the bill, and for that reason I asked Chairman Davis for the opportunity to hold this hearing before tomorrow's markup. I very much appreciate the willingness of our three witnesses to join us today to discuss the bill.

We welcome Director John Walters of ONDCP; Director Tom Carr of the Washington-Baltimore HIDTA, testifying on behalf of the National HIDTA Directors Association; and Mr. Steve Pasierb of the Partnership for Drug-Free America. We thank everyone for joining us, and look forward to your testimony.

I would now like to yield to Ranking Member Mr. Cummings.

[The prepared statement of Hon. Mark E. Souder and the text of H.R. 2829 follow:]

Opening Statement
Chairman Mark Souder

"Office of National Drug Control Policy Reauthorization Act of 2005"

Subcommittee on Criminal Justice, Drug Policy, and Human Resources
Committee on Government Reform

June 15, 2005

Good afternoon, and thank you all for coming. Today's hearing addresses H.R. 2829, the Office of National Drug Control Policy Reauthorization Act of 2005, which I introduced along with Chairman Davis of the Full Committee. Two years ago, Chairman Davis and I introduced the Office of National Drug Control Policy Reauthorization Act of 2003, which the Committee adopted and the House passed. Regrettably, the Senate did not act on its version of the bill, meaning that reauthorization had to await the 109th Congress.

This time around, we have kept many of the reforms first introduced in the 2003 bill. However, we have made some significant changes to the earlier Act, as a result of two main considerations.

First, we have attempted, to the greatest extent possible consistent with our Subcommittee's basic policies, to harmonize the House and Senate bills from the last Congress. While I do not expect that the two chambers will pass identical bills, I do hope that we can pave the way for initial passage and a successful conference by reaching at least the broad outlines of a compromise. I look forward to working with our Senate colleagues in that endeavor.

Second, our Subcommittee's hearings and other oversight activities since 2003 indicate that further reforms are necessary for ONDCP to fully achieve the goals that Congress intended for it in 1988. ONDCP's reports to Congress on the progress of drug control policies, its interactions with other agencies, and its management of its own programs all need to be improved. This bill attempts to strengthen, not weaken, the Office and its programs.

At the outset, it is important to understand that ONDCP is a very unique institution within the federal government. Although it is situated within the Executive Office of the President, it is not simply a political arm of the White House. If that were all that Congress wanted from ONDCP, there would have been no reason to establish the Office by statute. What Congress wanted instead was an Office that would not only assist the President, but would also be responsible *to Congress* to account for the federal government's progress in drug policy. That is why Congress created the drug budget certification process, for example, as well as other oversight tools.

From the beginning, then, the Director has had to serve two masters – the President and the Congress. That is not an easy task, and that dual responsibility must be kept in mind when reviewing our bill and the Administration's response to it. Neither this nor any Administration is ever going to be entirely happy with how Congress shapes the Office, since what Members think of as "oversight" is typically seen as "interference" by an Administration. That is normal in a government with checks and balances.

Having said that, I would like to address several key sections of the bill that have been singled out for criticism by the Administration. First, the Administration opposes the bill's mandate that the annual drug budget report, prepared by ONDCP for the Congress, include all federal drug control activities proposed by the President. Since 2002, the Administration has tried (to the greatest extent possible) to limit the activities included in that budget to those that have a separate "line item" account and are exclusively dedicated to drug control.

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Moreover, the new budget guidelines left out many activities that the average citizen would think of as "drug control" – such as the cost of prosecuting and incarcerating drug traffickers in federal prisons. This led many critics, including our full Committee Ranking Member Henry Waxman, to charge that by excluding these items, the new budget artificially inflated the proportion of the "drug control budget" going to treatment and prevention, as opposed to enforcement.

I believe that, if we are going to err on one side or the other, we should err on the side of inclusiveness. The primary purpose of the drug budget required by Congress is to inform Congress and the public about how much the Administration is proposing to spend on drug control. The bill does not call on the Office to include activities with only a tangential connection to drug policy, but it does require that all "drug control" activities defined in the Act be included. We need a drug budget that attempts to be complete, rather than a budget that is open to the charge – however unfair it may be – of political manipulation.

Second, ONDCP apparently is not going to fight too hard for its earlier proposal to move the High Intensity Drug Trafficking Areas (HIDTA) program to the Department of Justice. However, it is criticizing the provision in the bill that would require the Administration to submit a separate budget request for each individual HIDTA. If ONDCP actually had the discretion to shift resources among the HIDTAs, this criticism would have greater force. As it is, however, every appropriations bill since the late 1990's has required "level funding" for each individual HIDTA, meaning that ONDCP has no real discretion over 90% of the program budget.

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I

109TH CONGRESS
1ST SESSION

H. R. 2829

To reauthorize the Office of National Drug Control Policy Act.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2005

Mr. SOUDER (for himself and Mr. TOM DAVIS of Virginia) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committees on the Judiciary, Energy and Commerce, and Select Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To reauthorize the Office of National Drug Control Policy Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Office of National Drug Control Policy Reauthorization Act of 2005".

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

Sec. 1. Short title; table of contents; references.
Sec. 2. Repeal of termination provision.
Sec. 3. Amendments to definitions.
Sec. 4. Amendments relating to establishment of Office of National Drug Control Policy and designation of officers.
Sec. 5. Amendments relating to appointment and duties of Director and Deputy Director.
Sec. 6. Amendments relating to coordination with other agencies.
Sec. 7. Development, submission, implementation, and assessment of National Drug Control Strategy.
Sec. 8. High Intensity Drug Trafficking Areas Program.
Sec. 9. Funding for certain High Intensity Drug Trafficking Areas.
Sec. 10. Amendments relating to Counter-Drug Technology Assessment Center.
Sec. 11. National youth antidrug media campaign.
Sec. 12. Drug interdiction.
Sec. 13. Authorization of appropriations.
Sec. 14. Technical amendments and repeal.

1 (c) AMENDMENT OF OFFICE OF NATIONAL DRUG
2 CONTROL POLICY REAUTHORIZATION ACT OF 1998.—Ex-
3 cept as otherwise expressly provided, whenever in this Act
4 an amendment or repeal is expressed in terms of an
5 amendment to, or repeal of, a section or other provision,
6 the reference shall be considered to be made to a section
7 or other provision of the Office of National Drug Control
8 Policy Reauthorization Act of 1998 (Public Law 105–277;
9 21 U.S.C. 1701 et seq.).

10 **SEC. 2. REPEAL OF TERMINATION PROVISION.**

11 Section 715 (21 U.S.C. 1712) is repealed, and the
12 law shall read as if such section was never in effect.

13 **SEC. 3. AMENDMENTS TO DEFINITIONS.**

14 (a) AMENDMENTS TO DEFINITIONS.—Section 702
15 (21 U.S.C. 1701) is amended—
16 (1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting ", including the testing of employees;"; and

(C) by adding at the end the following:

"(H) interventions for drug abuse and dependence; and

"(I) international drug control coordination and cooperation with respect to activities described in this paragraph.";

(2) in paragraph (6), by adding before the period at the end: ", including any activities involving supply reduction, demand reduction, or State and local affairs";

(3) in paragraph (7)—

(A) by striking "Agency" and inserting "agency";

(B) by striking "National Foreign Intelligence Program," and inserting "National Intelligence Program,"; and

(C) by inserting a comma before "or Tactical";

(4) in paragraph (9), by striking "implicates" and inserting "indicates";

1 (5) in paragraph (10)—

2 (A) by adding "National Drug Control
3 Program agencies and" after "among" in sub-
4 paragraph (B);

5 (B) by striking "and" at the end of sub-
6 paragraph (B);

7 (C) by striking the period at the end of
8 subparagraph (C) and inserting a semicolon;
9 and

10 (D) by adding at the end the following:

11 "(D) domestic drug law enforcement, in-
12 cluding law enforcement directed at drug users;
13 and

14 "(E) coordination and enhancement of
15 Federal, State, and local law enforcement initia-
16 tives to gather, analyze, and disseminate infor-
17 mation and intelligence relating to drug control
18 among domestic law enforcement agencies.";

19 (6) in paragraph (11)—

20 (A) by inserting before the semicolon in
21 subparagraph (A) the following: ", including—

22 "(i) law enforcement outside the
23 United States; and

24 "(ii) source country programs, includ-
25 ing economic development programs pri-

1 marily intended to reduce the production
2 or trafficking of illicit drugs";
3 (B) by inserting striking subparagraph (B)
4 and inserting the following:
5 "(B) facilitating and enhancing the shar-
6 ing of foreign and domestic information and in-
7 telligence relating to drug production and traf-
8 ficking among National Drug Control Program
9 agencies, and between those agencies and for-
10 eign law enforcement agencies; and";
11 (C) by striking "; and" at the end of sub-
12 paragraph (C) and inserting a period; and
13 (D) by striking subparagraph (D); and
14 (7) by adding at the end the following:
15 "(12) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—Except where otherwise provided, the term
17 'appropriate congressional committees' means the
18 Committee on the Judiciary, the Committee on Ap-
19 propriations, and the Caucus on International Nar-
20 cotics Control of the Senate and the Committee on
21 Government Reform, the Committee on the Judici-
22 ary, and the Committee on Appropriations of the
23 House of Representatives.
24 "(13) LAW ENFORCEMENT.—The term 'law en-
25 forcement' or 'drug law enforcement' means all ef-

1 forts by a Federal, State, or local government agen-
2 cy to enforce the drug laws of the United States or
3 any State, including investigation, arrest, prosecu-
4 tion, and incarceration or other punishments or pen-
5 alties.".

6 (b) CONFORMING AMENDMENTS.—Section 703(b)(3)
7 (21 U.S.C. 1702(b)(3)) is amended—

8 (1) in subparagraph (A), by striking "(G)" and
9 inserting "(I)"; and

10 (2) in subparagraph (C)—

11 (A) by striking "(C)" and inserting "(E)";

12 (B) by striking "and subparagraph (D) of
13 section 702(11)"; and

14 (C) by adding at the end the following: ",
15 and sections 707 and 708 of this Act".

16 **SEC. 4. AMENDMENTS RELATING TO ESTABLISHMENT OF**
17 **OFFICE OF NATIONAL DRUG CONTROL POL-**
18 **ICY AND DESIGNATION OF OFFICERS.**

19 (a) RESPONSIBILITIES.—Paragraph (4) of section
20 703(a) (21 U.S.C. 1702(a)) is amended to read as follows:

21 "(4) evaluate the effectiveness of the national
22 drug control policy and the National Drug Control
23 Program agencies' programs, by developing and ap-
24 plying specific goals and performance measure-
25 ments.".

1 (b) RANK OF DIRECTOR.—Section 703(b) (21 U.S.C.
2 1702(b)) is amended in paragraph (1) by adding before
3 the period the following: ", who shall hold the same rank
4 and status as the head of an executive department listed
5 in section 101 of title 5, United States Code".
6 (c) DEPUTY DIRECTORS.—Section 703(b) (21 U.S.C.
7 1702(b)) is amended in paragraph (3)—
8 (1) by striking "Office—" and inserting "Office
9 the following additional Deputy Directors—"; and
10 (2) in subparagraph (B), by striking "who
11 shall" and inserting the following: "who shall have
12 substantial experience and expertise in drug interdic-
13 tion operations and other supply reduction activities,
14 and who shall serve as the United States Interdic-
15 tion Coordinator and".

16 **SEC. 5. AMENDMENTS RELATING TO APPOINTMENT AND**
17 **DUTIES OF DIRECTOR AND DEPUTY DIREC-**
18 **TOR.**

19 (a) DESIGNATION OF OTHER OFFICERS.—Section
20 704(a)(3) (21 U.S.C. 1703(a)(3)) is amended—
21 (1) by striking "permanent employee" and in-
22 serting "officer or employee"; and
23 (2) by striking "serve as the Director" and in-
24 serting "serve as the acting Director".

1 (b) RESPONSIBILITIES OF DIRECTOR.—Section
2 704(b) (21 U.S.C. 1703(b)) is amended—
3 (1) in paragraph (4), by striking "Federal de-
4 partments and agencies engaged in drug enforce-
5 ment," and inserting "National Drug Control Pro-
6 gram agencies,";
7 (2) in paragraph (7), by inserting after "Presi-
8 dent" the following: "and the appropriate congres-
9 sional committees";
10 (3) in paragraph (13), by striking "(beginning
11 in 1999)";
12 (4) in paragraph (14)(A)—
13 (A) by striking "Appropriations" and all
14 that follows through "Senate" and inserting
15 "appropriate congressional committees"; and
16 (B) by striking "and" after the semicolon;
17 (5) in paragraph (15), by striking subpara-
18 graph (C) and inserting the following:
19 "(C) supporting the substance abuse infor-
20 mation clearinghouse administered by the Ad-
21 ministrator of the Substance Abuse and Mental
22 Health Services Administration and established
23 in section 501(d)(16) of the Public Health
24 Service Act by—

1 "(i) encouraging all National Drug
2 Control Program agencies to provide all
3 appropriate and relevant information; and
4 "(ii) supporting the dissemination of
5 information to all interested entities;"; and
6 (6) by inserting at the end the following:
7 "(16) shall coordinate with the private sector to
8 promote private research and development of medi-
9 cations to treat addiction;
10 "(17) shall seek the support and commitment of
11 State and local officials in the formulation and im-
12 plementation of the National Drug Control Strategy;
13 "(18) shall monitor and evaluate the allocation
14 of resources among Federal law enforcement agen-
15 cies in response to significant local and regional
16 drug trafficking and production threats; and
17 "(19) shall submit an annual report to Con-
18 gress detailing how the Office of National Drug
19 Control Policy has consulted with and assisted State
20 and local governments with respect to the formula-
21 tion and implementation of the National Drug Con-
22 trol Strategy and other relevant issues.".
23 (c) SUBMISSION OF DRUG CONTROL BUDGET RE-
24 QUESTS.—Section 704(c)(1) is amended by adding at the
25 end the following:

1 "(C) CONTENT OF DRUG CONTROL BUDG-
2 ET REQUESTS.—A drug control budget request
3 submitted by a department, agency, or program
4 under this paragraph shall include all requests
5 for funds for any drug control activity under-
6 taken by that department, agency, or program,
7 including demand reduction, supply reduction,
8 and State and local affairs, including any drug
9 law enforcement activities. If an activity has
10 both drug control and nondrug control purposes
11 or applications, the department, agency, or pro-
12 gram shall estimate by a documented calcula-
13 tion the total funds requested for that activity
14 that would be used for drug control, and shall
15 set forth in its request the basis and method for
16 making the estimate.".

17 (d) NATIONAL DRUG CONTROL BUDGET PRO-
18 POSAL.—Section 704(c)(2) is amended in subparagraph
19 (A) by inserting before the semicolon: "and to inform Con-
20 gress and the public about the total amount proposed to
21 be spent on all supply reduction, demand reduction, State
22 and local affairs, including any drug law enforcement, and
23 other drug control activities by the Federal Government,
24 which shall conform to the content requirements set forth
25 in subparagraph (C) of paragraph (1) of this subsection".

1 (e) REVIEW AND CERTIFICATION OF NATIONAL
2 DRUG CONTROL PROGRAM BUDGET.—Section 704(c)(3)
3 (21 U.S.C. 1703(c)(3)) is amended—
4 (1) by redesignating subparagraphs (C) and
5 (D) as subparagraphs (D) and (E), respectively;
6 (2) by inserting after subparagraph (B) the fol-
7 lowing new subparagraph:
8 "(C) SPECIFIC REQUESTS.—The Director
9 shall not confirm the adequacy of any budget
10 request that—
11 "(i) requests funding for Federal law
12 enforcement activities that do not ade-
13 quately compensate for transfers of drug
14 enforcement resources and personnel to
15 law enforcement and investigation activi-
16 ties not related to drug enforcement as de-
17 termined by the Director;
18 "(ii) requests funding for law enforce-
19 ment activities on the borders of the
20 United States that do not adequately di-
21 rect resources to drug interdiction and en-
22 forcement as determined by the Director;
23 "(iii) requests funding for drug treat-
24 ment activities that do not provide ade-

1 quate result and accountability measures
2 as determined by the Director;
3 "(iv) requests funding for any activi-
4 ties of the Safe and Drug Free Schools
5 Program that do not include a clear anti-
6 drug message or purpose intended to re-
7 duce drug use;
8 "(v) requests funding to enforce sec-
9 tion 484(r)(1) of the Higher Education
10 Act of 1965 (20 U.S.C. 1091(r)(1)) with
11 respect to convictions for drug-related of-
12 fenses not occurring during a period of en-
13 rollment for which the student was receiv-
14 ing any Federal grant, loan, or work as-
15 sistance;
16 "(vi) requests funding for drug treat-
17 ment activities that do not adequately sup-
18 port and enhance Federal drug treatment
19 programs and capacity, as determined by
20 the Director;
21 "(vii) requests funding for fiscal year
22 2007 for activities of the Department of
23 Education, unless it is accompanied by a
24 report setting forth a plan for providing
25 expedited consideration of student loan ap-

1 plications for all individuals who submitted
2 an application for any Federal grant, loan,
3 or work assistance that was rejected or de-
4 nied pursuant to 484(r)(1) of the Higher
5 Education Act of 1965 (20 U.S.C.
6 1091(r)(1)) by reason of a conviction for a
7 drug-related offense not occurring during a
8 period of enrollment for which the indi-
9 vidual was receiving any Federal grant,
10 loan, or work assistance;
11 "(viii) requests funding for the oper-
12 ations and management of the Department
13 of Homeland Security that does not in-
14 clude a specific request for funds for the
15 Office of Counternarcotics Enforcement to
16 carry out its responsibilities under section
17 878 of the Homeland Security Act of 2002
18 (6 U.S.C. 458).";
19 (3) in subparagraph (D)(iii), as so redesig-
20 nated, by inserting "and the appropriate congres-
21 sional committees" after "House of Representa-
22 tives"; and
23 (4) in subparagraph (E)(ii)(bb), as so redesig-
24 nated, by inserting "and the appropriate congres-

1 sional committees" after "House of Representa-
2 tives".
3 (f) REPROGRAMMING AND TRANSFER REQUESTS.—
4 Section 704(c)(4)(A) (21 U.S.C. 1703(c)(4)(A)) is amend-
5 ed by striking "$5,000,000" and inserting "$1,000,000".
6 (g) POWERS OF DIRECTOR.—Section 704(d) (21
7 U.S.C. 1703(d)) is amended—
8 (1) in paragraph (8)(D), by striking "have been
9 authorized by Congress;" and inserting "authorized
10 by law;";
11 (2) in paragraph (9)—
12 (A) by inserting "notwithstanding any
13 other provision of law," after "(9)"; and
14 (B) by striking "Strategy; and" and insert-
15 ing "Strategy and notify the appropriate con-
16 gressional committees of any fund control no-
17 tice issued;";
18 (3) in paragraph (10), by striking "(22 U.S.C.
19 2291j)." and inserting "(22 U.S.C. 2291j) and sec-
20 tion 706 of the Foreign Relations Authorization Act,
21 Fiscal Year 2003 (22 U.S.C. 2291j–1); and"; and
22 (4) by adding at the end the following new
23 paragraph:
24 "(11) not later than August 1 of each year,
25 submit to the President a report, and transmit cop-

1 ies of the report to the Secretary of State and the
2 appropriate congressional committees, that—
3 "(A) provides the Director's assessment of
4 which countries are major drug transit coun-
5 tries or major illicit drug producing countries as
6 defined in section 481(e) of the Foreign Assist-
7 ance Act of 1961 (22 U.S.C. 2291(e));
8 "(B) provides the Director's assessment of
9 whether each country identified under subpara-
10 graph (A) has cooperated fully with the United
11 States or has taken adequate steps on its own
12 to achieve full compliance with the goals and
13 objectives established by the United Nations
14 Convention Against Illicit Traffic in Narcotic
15 Drugs and Psychotropic Substances and other-
16 wise has assisted in reducing the supply of il-
17 licit drugs to the United States; and
18 "(C) provides the Director's assessment of
19 whether application of procedures set forth in
20 section 490 of the Foreign Assistance Act of
21 1961 (22 U.S.C. 2291j), as provided in section
22 706 of the Foreign Relations Authorization Act,
23 Fiscal Year 2003 (22 U.S.C. 2291j–1), is war-
24 ranted with respect to countries the Director
25 assesses have not cooperated fully.".

1 (g) FUND CONTROL NOTICES.—Section 704(f) (21
2 U.S.C. 1703(f)) is amended by adding at the end the fol-
3 lowing:
4 "(4) CONGRESSIONAL NOTICE.—A copy of each
5 fund control notice shall be transmitted to the ap-
6 propriate congressional committees.
7 "(5) RESTRICTIONS.—The Director shall not
8 issue a fund control notice to direct that all or part
9 of an amount appropriated to the National Drug
10 Control Program agency account be obligated, modi-
11 fied, or altered in any manner contrary, in whole or
12 in part, to a specific appropriation or statute.".
13 (h) TECHNICAL AMENDMENTS.—Section 704 (21
14 U.S.C. 1703) is amended—
15 (1) in subsection (g)—
16 (A) by striking "National Foreign Intel-
17 ligence Program" and inserting "National Intel-
18 ligence Program"; and
19 (B) by inserting a comma before "and
20 Tactical"; and
21 (2) in subsection (h), by striking "Director of
22 Central Intelligence" and inserting "Director of Na-
23 tional Intelligence or the Director of the Central In-
24 telligence Agency".

1 (i) REQUIREMENT FOR SOUTH AMERICAN HEROIN
2 STRATEGY.—
3 (1) IN GENERAL.—Not later than 90 days after
4 the date of the enactment of this Act, the Director
5 of National Drug Control Policy shall submit to the
6 Congress a comprehensive strategy that addresses
7 the increased threat from South American heroin,
8 and in particular Colombian heroin and the emerg-
9 ing threat from opium poppy grown in Peru.
10 (2) CONTENTS.—The strategy shall include—
11 (A) opium eradication efforts to eliminate
12 the problem at the source to prevent heroin
13 from entering the stream of commerce;
14 (B) interdiction and precursor chemical
15 controls;
16 (C) demand reduction and treatment;
17 (D) alternative development programs, in-
18 cluding direct assistance to regional govern-
19 ments to demobilize and provide alternative
20 livelihoods to former members of insurgent or
21 other groups engaged in heroin, coca, or other
22 illicit drug production or trafficking;
23 (E) provisions that ensure the maintenance
24 at current levels of efforts to eradicate coca in
25 Colombia; and

1 (F) assessment of the level of additional
2 funding and resources necessary to simulta-
3 neously address the threat from South Amer-
4 ican heroin and the threat from Colombian and
5 Peruvian coca.
6 (3) TREATMENT OF CLASSIFIED OR LAW EN-
7 FORCEMENT SENSITIVE INFORMATION.—Any con-
8 tent of the strategy that involves information classi-
9 fied under criteria established by an Executive order,
10 or whose public disclosure, as determined by the Di-
11 rector or the head of any relevant Federal agency,
12 would be detrimental to the law enforcement or na-
13 tional security activities of any Federal, foreign, or
14 international agency, shall be presented to Congress
15 separately from the rest of the strategy.
16 (j) REQUIREMENT FOR AFGHAN HEROIN STRAT-
17 EGY.—
18 (1) IN GENERAL.—Not later than 90 days after
19 the date of the enactment of this Act, the Director
20 of the Office of National Drug Control Policy shall
21 submit to the Congress a comprehensive strategy
22 that addresses the increased threat from Afghan
23 heroin.
24 (2) CONTENTS.—The strategy shall include—

1 (A) opium crop eradication efforts to elimi-
2 nate the problem at the source to prevent her-
3 oin from entering the stream of commerce;
4 (B) destruction or other direct elimination
5 of stockpiles of heroin and raw opium, and her-
6 oin production and storage facilities;
7 (C) interdiction and precursor chemical
8 controls;
9 (D) demand reduction and treatment;
10 (E) alternative development programs;
11 (F) measures to improve cooperation and
12 coordination between Federal Government
13 agencies, and between such agencies, agencies
14 of foreign governments, and international orga-
15 nizations with responsibility for the prevention
16 of heroin production in, or trafficking out of,
17 Afghanistan; and
18 (G) an assessment of the level of additional
19 funding and resources necessary significantly to
20 reduce the production and trafficking of heroin.
21 (3) TREATMENT OF CLASSIFIED OR LAW EN-
22 FORCEMENT SENSITIVE INFORMATION.—Any con-
23 tent of the strategy that involves information classi-
24 fied under criteria established by an Executive order,
25 or whose public disclosure, as determined by the Di-

1 rector or the head of any relevant Federal agency,
2 would be detrimental to the law enforcement or na-
3 tional security activities of any Federal, foreign, or
4 international agency, shall be presented to Congress
5 separately from the rest of the strategy.
6 (k) REQUIREMENT FOR GENERAL COUNTERDRUG
7 INTELLIGENCE PLAN.—
8 (1) IN GENERAL.—Not later than 120 days
9 after the date of enactment of this Act, and not
10 later than every two years thereafter, the Director of
11 the Office of National Drug Control Policy, in con-
12 sultation with the Director of National Intelligence
13 and the members of the Counterdrug Intelligence
14 Coordinating Group, shall submit to the appropriate
15 congressional committees, a general counterdrug in-
16 telligence plan to improve coordination, and elimi-
17 nate unnecessary duplication, among the
18 counterdrug intelligence centers and information
19 sharing systems, and counterdrug activities of the
20 Federal Government, including the centers, systems,
21 and activities of the following departments and agen-
22 cies:
23 (A) The Department of Defense, including
24 the Defense Intelligence Agency, and the joint
25 interagency task forces.

1 (B) The Department of the Treasury, in-
2 cluding the Financial Crimes Enforcement Net-
3 work (FinCEN).
4 (C) The Central Intelligence Agency.
5 (D) The National Security Agency.
6 (E) The Department of Homeland Secu-
7 rity, including the United States Coast Guard,
8 the bureau of Customs and Border Protection,
9 and the bureau of Immigration and Customs
10 Enforcement.
11 (F) The Department of Justice, including
12 the National Drug Intelligence Center (NDIC);
13 the Drug Enforcement Administration, includ-
14 ing the El Paso Intelligence Center (EPIC) and
15 the Special Operations Division; the Federal
16 Bureau of Investigation; the Organized Crime
17 Drug Enforcement Task Force; and the Re-
18 gional Information Sharing System.
19 (G) The Office of National Drug Control
20 Policy, including the High Intensity Drug Traf-
21 ficking Areas Program, and the Counterdrug
22 Intelligence Executive Secretariat.
23 (2) PURPOSE.—The purpose of the plan under
24 paragraph (1) is to maximize the effectiveness of the
25 centers and activities referred to in that paragraph

1 in achieving the objectives of the National Drug
2 Control Strategy promulgated under 21 U.S.C.
3 1705. In order to maximize such effectiveness, the
4 plan shall—
5 (A) articulate clear and specific mission
6 statements (including purpose and scope of ac-
7 tivity) for each counterdrug intelligence center,
8 system, and activity, including the manner in
9 which responsibility for counterdrug intelligence
10 activities will be allocated among the
11 counterdrug intelligence centers and systems;
12 (B) specify each government agency
13 (whether Federal, State, or local) that partici-
14 pates in each such center, system, and activity,
15 including a description of the extent and nature
16 of that participation;
17 (C) specify the relationship between such
18 centers, systems, and activities;
19 (D) specify the means by which proper
20 oversight of such centers, systems, and activi-
21 ties will be assured;
22 (E) specify the means by which
23 counterdrug intelligence and information will be
24 forwarded effectively to all levels of officials re-

1 sponsible for United States counterdrug policy;
2 and
3 (F) specify mechanisms to ensure that
4 State and local law enforcement agencies are
5 apprised of counterdrug intelligence and infor-
6 mation acquired by Federal law enforcement
7 agencies in a manner which—
8 (i) facilitates effective counterdrug ac-
9 tivities by State and local law enforcement
10 agencies; and
11 (ii) provides such State and local law
12 enforcement agencies with the information
13 relating to the safety of officials involved
14 in their counterdrug activities.
15 (3) DEFINITIONS.—As used in this sub-
16 section—
17 (A) the term "center" refers to any center,
18 office, task force, or other coordinating organi-
19 zation engaged in counterdrug intelligence or
20 information analyzing or sharing activities;
21 (B) the term "system" refers to any data-
22 base or other electronic system used for
23 counterdrug intelligence or information ana-
24 lyzing or sharing activities; and

1 (C) the term "appropriate congressional
2 committees" means the following:
3 (i) The Committee on Appropriations,
4 the Committee on Foreign Relations, the
5 Committee on the Judiciary, the Com-
6 mittee on Homeland Security and Govern-
7 mental Affairs, the Caucus on Inter-
8 national Narcotics Control, and the Select
9 Committee on Intelligence of the Senate.
10 (ii) The Committee on Appropriations,
11 the Committee on International Relations,
12 the Committee on the Judiciary, the Com-
13 mittee on Government Reform, the Com-
14 mittee on Homeland Security, and the Per-
15 manent Select Committee on Intelligence
16 of the House of Representatives.
17 (4) LIMITATION.—The general counterdrug in-
18 telligence plan shall not—
19 (A) change existing agency authorities or
20 the laws governing interagency relationships,
21 but may include recommendations about
22 changes to such authorities or laws; or
23 (B) include any information about specific
24 methods of obtaining, or sources of, intelligence
25 or information, or any information about spe-

1 cific individuals, cases, investigations, or oper-
2 ations.
3 (5) CLASSIFIED OR LAW ENFORCEMENT SEN-
4 SITIVE INFORMATION.—Any content of the general
5 counterdrug intelligence plan that involves informa-
6 tion classified under criteria established by an Exec-
7 utive order, or whose public disclosure, as deter-
8 mined by the Director of the Office of National
9 Drug Control Policy, the Director of National Intel-
10 ligence, or the head of any Federal Government
11 agency whose activities are described in the plan,
12 would be detrimental to the law enforcement or na-
13 tional security activities of any Federal, State, or
14 local agency, shall be presented to Congress sepa-
15 rately from the rest of the report.
16 (l) REQUIREMENT FOR SOUTHWEST BORDER COUN-
17 TERNARCOTICS STRATEGY.—
18 (1) IN GENERAL.—Not later than 120 days
19 after the date of enactment of this Act, and every
20 two years thereafter, the Director of National Drug
21 Control Policy shall submit to the Congress a South-
22 west Border Counternarcotics Strategy.
23 (2) PURPOSES.—The Southwest Border Coun-
24 ternarcotics Strategy shall—

1 (A) set forth the Government's strategy for
2 preventing the illegal trafficking of drugs across
3 the international border between the United
4 States and Mexico, including through ports of
5 entry and between ports of entry on that bor-
6 der;
7 (B) state the specific roles and responsibil-
8 ities of the relevant National Drug Control Pro-
9 gram agencies (as defined in section 702 of the
10 Office of National Drug Control Policy Reau-
11 thorization Act of 1998 (21 U.S.C. 1701)) for
12 implementing that strategy; and
13 (C) identify the specific resources required
14 to enable the relevant National Drug Control
15 Program agencies to implement that strategy.
16 (3) CONSULTATION WITH OTHER AGENCIES.—
17 The Director shall issue the Southwest Border
18 Counternarcotics Strategy in consultation with the
19 heads of the relevant National Drug Control Pro-
20 gram agencies.
21 (4) LIMITATION.—The Southwest Border Coun-
22 ternarcotics Strategy shall not change existing agen-
23 cy authorities or the laws governing interagency re-
24 lationships, but may include recommendations about
25 changes to such authorities or laws.

1 (5) REPORT TO CONGRESS.—The Director shall
2 provide a copy of the Southwest Border Counter-
3 narcotics Strategy to the appropriate congressional
4 committees (as defined in section 702 of the Office
5 of National Drug Control Policy Reauthorization Act
6 of 1998 (21 U.S.C. 1701)), and to the Committee
7 on Armed Services and the Committee on Homeland
8 Security of the House of Representatives, and the
9 Committee on Homeland Security and Governmental
10 Affairs and the Committee on Armed Services of the
11 Senate.
12 (6) TREATMENT OF CLASSIFIED OR LAW EN-
13 FORCEMENT SENSITIVE INFORMATION.—Any con-
14 tent of the Southwest Border Counternarcotics
15 Strategy that involves information classified under
16 criteria established by an Executive order, or whose
17 public disclosure, as determined by the Director or
18 the head of any relevant National Drug Control Pro-
19 gram agency, would be detrimental to the law en-
20 forcement or national security activities of any Fed-
21 eral, State, or local agency, shall be presented to
22 Congress separately from the rest of the strategy.
23 **SEC. 6. AMENDMENTS RELATING TO COORDINATION WITH**
24 **OTHER AGENCIES.**
25 Section 705 (21 U.S.C. 1704) is amended—

1 (1) in subsection (a)(1)(A), by striking
2 "abuse";
3 (2) in subsection (a)(2), by striking "Director
4 of Central Intelligence" each time it appears and in-
5 serting "Director of National Intelligence and the
6 Director of the Central Intelligence Agency";
7 (3) by amending paragraph (3) of subsection
8 (a) to read as follows:
9 "(3) REQUIRED REPORTS.—
10 "(A) SECRETARIES OF THE INTERIOR AND
11 AGRICULTURE.—The Secretaries of Agriculture
12 and Interior shall, by July 1 of each year, joint-
13 ly submit to the Director, the appropriate con-
14 gressional committees, the Committee on Agri-
15 culture and the Committee on Resources of the
16 House of Representatives, and the Committee
17 on Agriculture and the Committee on Energy
18 and Natural Resources of the Senate, an as-
19 sessment of the quantity of illegal drug cultiva-
20 tion and manufacturing in the United States on
21 lands owned or under the jurisdiction of the
22 Federal Government for the preceding year.
23 "(B) ATTORNEY GENERAL.—The Attorney
24 General shall, by July 1 of each year, submit to
25 the Director and the appropriate congressional

1 committees information for the preceding year
2 regarding the number and type of—
3 "(i) arrests for drug violations;
4 "(ii) prosecutions for drug violations
5 by United States Attorneys; and
6 "(iii) seizures of drugs by each com-
7 ponent of the Department of Justice seiz-
8 ing drugs, as well as statistical information
9 on the geographic areas of such seizures.
10 "(C) SECRETARY OF HOMELAND SECU-
11 RITY.—The Secretary of Homeland Security
12 shall, by July 1 of each year, submit to the Di-
13 rector, the appropriate congressional commit-
14 tees, and the Committee on Homeland Security
15 of the House of Representatives, and the Com-
16 mittee on Homeland Security and Govern-
17 mental Affairs of the Senate, information for
18 the preceding year regarding—
19 "(i) the number and type of seizures
20 of drugs by each component of the Depart-
21 ment of Homeland Security seizing drugs,
22 as well as statistical information on the ge-
23 ographic areas of such seizures; and
24 "(ii) the number of air and maritime
25 patrol hours undertaken by each compo-

1 nent of that Department primarily dedi-
2 cated to drug supply reduction missions.
3 "(D) SECRETARY OF DEFENSE.—The Sec-
4 retary of Defense shall, by July 1 of each year,
5 submit to the Director, the appropriate congres-
6 sional committees, the Committee on Armed
7 Services of the House of Representatives, and
8 the Committee on Armed Services of the Sen-
9 ate, information for the preceding year regard-
10 ing the number of air and maritime patrol
11 hours primarily dedicated to drug supply reduc-
12 tion missions undertaken by each component of
13 the Department of Defense.";
14 (4) in subsection (b)(2)(B), by striking "Pro-
15 gram." and inserting "Strategy."; and
16 (5) in subsection (c), by striking "in" and in-
17 serting "on".

18 **SEC. 7. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**
19 **AND ASSESSMENT OF NATIONAL DRUG CON-**
20 **TROL STRATEGY.**

21 Section 706 (21 U.S.C. 1705) is amended to read as
22 follows:

1 **"SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**
2 **AND ASSESSMENT OF NATIONAL DRUG CON-**
3 **TROL STRATEGY.**

4 "(a) TIMING, CONTENTS, AND PROCESS FOR DEVEL-
5 OPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL
6 STRATEGY.—

7 "(1) IN GENERAL.—Not later than February 1
8 of each year, the President shall submit to Congress
9 a National Drug Control Strategy, which shall set
10 forth a comprehensive plan for reducing illicit drug
11 use and the consequences of illicit drug use in the
12 United States by reducing the demand for illegal
13 drugs, limiting the availability of illegal drugs, and
14 conducting law enforcement activities with respect to
15 illegal drugs.

16 "(2) CONTENTS.—

17 "(A) IN GENERAL.—The National Drug
18 Control Strategy submitted under paragraph
19 (1) shall include the following:

20 "(i) Comprehensive, research-based,
21 long-range, and quantifiable goals for re-
22 ducing illicit drug use and the con-
23 sequences of illicit drug use in the United
24 States.

25 "(ii) Annual quantifiable objectives for
26 demand reduction, supply reduction, and

1 law enforcement activities, specific targets
2 to accomplish long-range quantifiable re-
3 duction in illicit drug use as determined by
4 the Director, and specific measurements to
5 evaluate progress toward the targets and
6 strategic goals.
7 "(iii) A strategy to reduce the avail-
8 ability and purity of illegal drugs and the
9 level of drug-related crime in the United
10 States.
11 "(iv) An assessment of Federal effec-
12 tiveness in achieving the National Drug
13 Control Strategy for the previous year, in-
14 cluding a specific evaluation of whether the
15 objectives and targets for reducing illicit
16 drug use for the previous year were met
17 and reasons for the success or failure of
18 the previous year's Strategy.
19 "(v) Notification of any program or
20 budget priorities that the Director expects
21 to significantly change from the current
22 Strategy over the next five years.
23 "(vi) A review of international, State,
24 and local drug control activities to ensure
25 that the United States pursues well-coordi-

1 nated and effective drug control at all lev-
2 els of government.
3 "(vii) A review of demand reduction
4 activities by private sector entities and
5 community-based organizations, including
6 faith-based organizations, to determine
7 their effectiveness and the extent of co-
8 operation, coordination, and mutual sup-
9 port between such entities and organiza-
10 tions and Federal, State, and local govern-
11 ment agencies.
12 "(viii) An assessment of current illicit
13 drug use (including inhalants and steroids)
14 and availability, impact of illicit drug use,
15 and treatment availability, which assess-
16 ment shall include—
17 "(I) estimates of drug prevalence
18 and frequency of use as measured by
19 national, State, and local surveys of il-
20 licit drug use and by other special
21 studies of nondependent and depend-
22 ent illicit drug use;
23 "(II) illicit drug use in the work-
24 place and the productivity lost by such
25 use; and

1 "(III) illicit drug use by
2 arrestees, probationers, and parolees.
3 "(ix) An assessment of the reduction
4 of illicit drug availability, as measured
5 by—
6 "(I) the quantities of cocaine,
7 heroin, marijuana, methamphetamine,
8 ecstasy, and other drugs available for
9 consumption in the United States;
10 "(II) the amount of marijuana,
11 cocaine, heroin, methamphetamine, ec-
12 stasy, and precursor chemicals and
13 other drugs entering the United
14 States;
15 "(III) the number of illicit drug
16 manufacturing laboratories seized and
17 destroyed and the number of hectares
18 of marijuana, poppy, and coca cul-
19 tivated and destroyed domestically
20 and in other countries;
21 "(IV) the number of metric tons
22 of marijuana, heroin, cocaine, and
23 methamphetamine seized and other
24 drugs; and

1 "(V) changes in the price and
2 purity of heroin, methamphetamine,
3 and cocaine, changes in the price of
4 ecstasy, and changes in
5 tetrahydrocannabinol level of mari-
6 juana and other drugs.
7 "(x) An assessment of the reduction
8 of the consequences of illicit drug use and
9 availability, which shall include—
10 "(I) the burden illicit drug users
11 place on hospital emergency depart-
12 ments in the United States, such as
13 the quantity of illicit drug-related
14 services provided;
15 "(II) the annual national health
16 care cost of illicit drug use; and
17 "(III) the extent of illicit drug-
18 related crime and criminal activity.
19 "(xi) A determination of the status of
20 drug treatment in the United States, by
21 assessing—
22 "(I) public and private treatment
23 utilization; and

1 "(II) the number of illicit drug
2 users the Director estimates meet di-
3 agnostic criteria for treatment.
4 "(xii) A review of the research agenda
5 of the Counterdrug Technology Assessment
6 Center to reduce the availability and abuse
7 of drugs.
8 "(xiii) A summary of the efforts made
9 to coordinate with private sector entities to
10 conduct private research and development
11 of medications to treat addiction by—
12 "(I) screening chemicals for po-
13 tential therapeutic value;
14 "(II) developing promising com-
15 pounds;
16 "(III) conducting clinical trials;
17 "(IV) seeking Food and Drug
18 Administration approval for drugs to
19 treat addiction;
20 "(V) marketing the drug for the
21 treatment of addiction;
22 "(VI) urging physicians to use
23 the drug in the treatment of addic-
24 tion; and

1 "(VII) encouraging insurance
2 companies to reimburse the cost of
3 the drug for the treatment of addic-
4 tion.
5 "(xiv) Such additional statistical data
6 and information as the Director considers
7 appropriate to demonstrate and assess
8 trends relating to illicit drug use, the ef-
9 fects and consequences of illicit drug use,
10 supply reduction, demand reduction, drug-
11 related law enforcement, and the imple-
12 mentation of the National Drug Control
13 Strategy.
14 "(xv) A supplement reviewing the ac-
15 tivities of each individual National Drug
16 Control Program agency during the pre-
17 vious year with respect to the National
18 Drug Control Strategy and the Director's
19 assessment of the progress of each Na-
20 tional Drug Control Program agency in
21 meeting its responsibilities under the Na-
22 tional Drug Control Strategy.
23 "(B) CLASSIFIED INFORMATION.—Any
24 contents of the National Drug Control Strategy
25 that involve information properly classified

1 under criteria established by an Executive order
2 shall be presented to Congress separately from
3 the rest of the National Drug Control Strategy.
4 "(C) SELECTION OF DATA AND INFORMA-
5 TION.—In selecting data and information for
6 inclusion under subparagraph (A), the Director
7 shall ensure—
8 "(i) the inclusion of data and informa-
9 tion that will permit analysis of current
10 trends against previously compiled data
11 and information where the Director be-
12 lieves such analysis enhances long-term as-
13 sessment of the National Drug Control
14 Strategy; and
15 "(ii) the inclusion of data and infor-
16 mation to permit a standardized and uni-
17 form assessment of the effectiveness of
18 drug treatment programs in the United
19 States.
20 "(3) PROCESS FOR DEVELOPMENT AND SUB-
21 MISSION.—
22 "(A) CONSULTATION.—In developing and
23 effectively implementing the National Drug
24 Control Strategy, the Director—
25 "(i) shall consult with—

1 "(I) the heads of the National
2 Drug Control Program agencies;
3 "(II) Congress;
4 "(III) State and local officials;
5 "(IV) private citizens and organi-
6 zations, including community- and
7 faith-based organizations, with experi-
8 ence and expertise in demand reduc-
9 tion;
10 "(V) private citizens and organi-
11 zations with experience and expertise
12 in supply reduction;
13 "(VI) private citizens and organi-
14 zations with experience and expertise
15 in law enforcement; and
16 "(VII) appropriate representa-
17 tives of foreign governments;
18 "(ii) with the concurrence of the At-
19 torney General, may require the El Paso
20 Intelligence Center to undertake specific
21 tasks or projects to implement the Na-
22 tional Drug Control Strategy;
23 "(iii) with the concurrence of the Di-
24 rector of National Intelligence and the At-
25 torney General, may request that the Na-

1 tional Drug Intelligence Center undertake
2 specific tasks or projects to implement the
3 National Drug Control Strategy; and
4 "(iv) may make recommendations to
5 the Secretary of Health and Human Serv-
6 ices on research that supports or advances
7 the National Drug Control Strategy.
8 "(B) COMMITMENT TO SUPPORT STRAT-
9 EGY.—In satisfying the requirements of sub-
10 paragraph (A)(i), the Director shall ensure, to
11 the maximum extent possible, that State and
12 local officials and relevant private organizations
13 commit to support and take steps to achieve the
14 goals and objectives of the National Drug Con-
15 trol Strategy.
16 "(C) RECOMMENDATIONS.—Recommenda-
17 tions under subparagraph (A)(iv) may include
18 recommendations of research to be performed
19 at the National Institutes of Health, including
20 the National Institute on Drug Abuse, or any
21 other appropriate agency within the Depart-
22 ment of Health and Human Services.
23 "(D) INCLUSION IN STRATEGY.—The Na-
24 tional Drug Control Strategy under this sub-

1 section shall include a list of each entity con-
2 sulted under subparagraph (A)(i).
3 "(4) SUBMISSION OF REVISED STRATEGY.—The
4 President may submit to Congress a revised Na-
5 tional Drug Control Strategy that meets the require-
6 ments of this section—
7 "(A) at any time, upon a determination by
8 the President, in consultation with the Director,
9 that the National Drug Control Strategy in ef-
10 fect is not sufficiently effective; or
11 "(B) if a new President or Director takes
12 office.
13 "(b) PERFORMANCE MEASUREMENT SYSTEM.—Not
14 later than February 1 of each year, the Director shall sub-
15 mit to Congress, as part of the National Drug Control
16 Strategy, a description of a national drug control perform-
17 ance measurement system that—
18 "(1) develops 2-year and 5-year performance
19 measures and targets for each National Drug Con-
20 trol Strategy goal and objective established for re-
21 ducing drug use, drug availability, and the con-
22 sequences of drug use;
23 "(2) describes the sources of information and
24 data that will be used for each performance measure

1 incorporated into the performance measurement sys-
2 tem;
3 "(3) identifies major programs and activities of
4 the National Drug Control Program agencies that
5 support the goals and annual objectives of the Na-
6 tional Drug Control Strategy;
7 "(4) evaluates the contribution of demand re-
8 duction and supply reduction activities implemented
9 by each National Drug Control Program agency in
10 support of the National Drug Control Strategy;
11 "(5) monitors consistency of drug-related goals
12 and objectives among the National Drug Control
13 Program agencies and ensures that each agency's
14 goals, objectives, and budgets support and are fully
15 consistent with the National Drug Control Strategy;
16 and
17 "(6) coordinates the development and imple-
18 mentation of national drug control data collection
19 and reporting systems to support policy formulation
20 and performance measurement, including an assess-
21 ment of—
22 "(A) the quality of current drug use meas-
23 urement instruments and techniques to measure
24 supply reduction and demand reduction activi-
25 ties;

"(B) the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the illicit drug user population, and groups that are at risk for illicit drug use; and

"(C) the adequacy of the coverage of existing national treatment outcome monitoring systems to measure the effectiveness of drug abuse treatment in reducing illicit drug use and criminal behavior during and after the completion of substance abuse treatment; and

"(7) identifies the actions the Director shall take to correct any inadequacies, deficiencies, or limitations identified in the assessment described in paragraph (6).

"(c) MODIFICATIONS.—A description of any modifications made during the preceding year to the national drug performance measurement system described in subsection (b) shall be included in each report submitted under subsection (a).".

SEC. 8. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

Section 707 (21 U.S.C. 1706) is amended to read as follows:

1 **"SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS**
2 **PROGRAM.**

3 "(a) ESTABLISHMENT.—

4 "(1) IN GENERAL.—There is established in the
5 Office a program to be known as the High Intensity
6 Drug Trafficking Areas Program (in this section re-
7 ferred to as the 'Program').

8 "(2) PURPOSE.—The purpose of the Program
9 is to reduce drug trafficking and drug production in
10 the United States by—

11 "(A) facilitating cooperation among Fed-
12 eral, State, and local law enforcement agencies
13 to share information and implement coordinated
14 enforcement activities;

15 "(B) enhancing intelligence sharing among
16 Federal, State, and local law enforcement agen-
17 cies;

18 "(C) providing reliable intelligence to law
19 enforcement agencies needed to design effective
20 enforcement strategies and operations; and

21 "(D) supporting coordinated law enforce-
22 ment strategies which maximize use of available
23 resources to reduce the supply of illegal drugs
24 in designated areas and in the United States as
25 a whole.

1 "(b) DESIGNATION.—The Director, upon consulta-
2 tion with the Attorney General, the Secretary of the
3 Treasury, the Secretary of Homeland Security, heads of
4 the National Drug Control Program agencies, and the
5 Governor of each applicable State, may designate any
6 specified area of the United States as a high intensity
7 drug trafficking area. After making such a designation
8 and in order to provide Federal assistance to the area so
9 designated, the Director may—
10 "(1) obligate such sums as are appropriated for
11 the Program;
12 "(2) direct the temporary reassignment of Fed-
13 eral personnel to such area, subject to the approval
14 of the head of the department or agency that em-
15 ploys such personnel;
16 "(3) take any other action authorized under
17 section 704 to provide increased Federal assistance
18 to those areas; and
19 "(4) coordinate activities under this section
20 (specifically administrative, recordkeeping, and funds
21 management activities) with State and local officials.
22 "(c) PETITIONS FOR DESIGNATION.—The Director
23 shall establish regulations under which a coalition of inter-
24 ested law enforcement agencies from an area may petition
25 for designation as a high intensity drug trafficking area.

1 Such regulations shall provide for a regular review by the
2 Director of the petition, including a recommendation re-
3 garding the merit of the petition to the Director by a panel
4 of qualified, independent experts.

5 "(d) FACTORS FOR CONSIDERATION.—In considering
6 whether to designate an area under this section as a high
7 intensity drug trafficking area, the Director shall consider,
8 in addition to such other criteria as the Director considers
9 to be appropriate, the extent to which—

10 "(1) the area is a significant center of illegal
11 drug production, manufacturing, importation, or dis-
12 tribution;

13 "(2) State and local law enforcement agencies
14 have committed resources to respond to the drug
15 trafficking problem in the area, thereby indicating a
16 determination to respond aggressively to the prob-
17 lem;

18 "(3) drug-related activities in the area are hav-
19 ing a significant harmful impact in the area, and in
20 other areas of the country; and

21 "(4) a significant increase in allocation of Fed-
22 eral resources is necessary to respond adequately to
23 drug-related activities in the area.

24 "(e) ORGANIZATION OF HIGH INTENSITY DRUG
25 TRAFFICKING AREAS.—

1 "(1) EXECUTIVE BOARD AND OFFICERS.—To
2 be eligible for funds appropriated under this section,
3 each high intensity drug trafficking area shall be
4 governed by an Executive Board. The Executive
5 Board shall designate a president, vice president,
6 and any other officers to the Executive Board that
7 it determines are necessary.
8 "(2) RESPONSIBILITIES.—The Executive Board
9 of a high intensity drug trafficking area shall be re-
10 sponsible for—
11 "(A) providing direction and oversight in
12 establishing and achieving the goals of the high
13 intensity drug trafficking area;
14 "(B) managing the funds of the high in-
15 tensity drug trafficking area;
16 "(C) reviewing and approving all funding
17 proposals consistent with the overall objective of
18 the high intensity drug trafficking area; and
19 "(D) reviewing and approving all reports
20 to the Director on the activities of the high in-
21 tensity drug trafficking area.
22 "(3) BOARD REPRESENTATION.—None of the
23 funds appropriated under this section may be ex-
24 pended for any high intensity drug trafficking area,
25 or for a partnership or region of a high intensity

1 drug trafficking area, if that area's, region's or part-
2 nership's Executive Board is not comprised of equal
3 voting representation between representatives of par-
4 ticipating Federal law enforcement or prosecution
5 agencies and representatives of participating State
6 and local law enforcement or prosecution agencies.
7 Nothing in this paragraph precludes an Executive
8 Board from including additional, nonvoting members
9 representing Federal, State, or local agencies.
10 "(4) NO AGENCY RELATIONSHIP.—The eligi-
11 bility requirements of this section are intended to
12 ensure the responsible use of Federal funds. Nothing
13 in this section is intended to create an agency rela-
14 tionship between individual high intensity drug traf-
15 ficking areas and the Federal Government.
16 "(f) USE OF FUNDS.—The Director shall ensure that
17 no Federal funds appropriated for the Program are ex-
18 pended for the establishment or expansion of drug treat-
19 ment or drug use prevention programs.
20 "(g) COUNTERTERRORISM ACTIVITIES.—
21 "(1) ASSISTANCE AUTHORIZED.—The Director
22 may authorize use of resources available for the Pro-
23 gram to assist Federal, State, and local law enforce-
24 ment agencies in investigations and activities related
25 to terrorism and prevention of terrorism, especially

1 but not exclusively with respect to such investiga-
2 tions and activities that are also related to drug
3 trafficking.
4 "(2) LIMITATION.—The Director shall ensure—
5 "(A) that assistance provided under para-
6 graph (1) remains incidental to the purpose of
7 the Program to reduce drug availability and
8 carry out drug-related law enforcement activi-
9 ties; and
10 "(B) that significant resources of the Pro-
11 gram are not redirected to activities exclusively
12 related to terrorism, except on a temporary
13 basis under extraordinary circumstances, as de-
14 termined by the Director.
15 "(h) ROLE OF DRUG ENFORCEMENT ADMINISTRA-
16 TION.—The Director, in consultation with the Attorney
17 General, shall ensure that a representative of the Drug
18 Enforcement Administration is included in the Intelligence
19 Support Center for each high intensity drug trafficking
20 area.
21 "(i) ANNUAL HIDTA PROGRAM BUDGET SUBMIS-
22 SIONS.—As part of the documentation that supports the
23 President's annual budget request for the Office, the Di-
24 rector shall submit to Congress a budget justification that
25 includes the following:

1 "(1) The amount requested for each high inten-
2 sity drug trafficking area with supporting narrative
3 descriptions and rationale for each request.
4 "(2) A detailed justification for each funding
5 request that explains the reasons for the requested
6 funding level, how such funding level was determined
7 based on a current assessment of the drug traf-
8 ficking threat in each high intensity drug trafficking
9 area, how such funding will ensure that the goals
10 and objectives of each such area will be achieved,
11 and how such funding supports the National Drug
12 Control Strategy.
13 "(j) EMERGING THREAT RESPONSE FUND.—
14 "(1) IN GENERAL.—The Director may expend
15 up to 10 percent of the amounts appropriated under
16 this section on a discretionary basis, to respond to
17 any emerging drug trafficking threat in an existing
18 high intensity drug trafficking area, or to establish
19 a new high intensity drug trafficking area or expand
20 an existing high intensity drug trafficking area, in
21 accordance with the criteria established under para-
22 graph (2).
23 "(2) CONSIDERATION OF IMPACT.—In allo-
24 cating funds under this subsection, the Director
25 shall consider—

1 "(A) the impact of activities funded on re-
2 ducing overall drug traffic in the United States,
3 or minimizing the probability that an emerging
4 drug trafficking threat will spread to other
5 areas of the United States; and
6 "(B) such other criteria as the Director
7 considers appropriate.
8 "(k) EVALUATION.—
9 "(1) INITIAL REPORT.—Not later than 90 days
10 after the date of the enactment of this subsection,
11 the Director shall, after consulting with the Execu-
12 tive Boards of each designated high intensity drug
13 trafficking area, submit a report to Congress that
14 describes, for each designated high intensity drug
15 trafficking area—
16 "(A) the specific purposes for the high in-
17 tensity drug trafficking area;
18 "(B) the specific long-term and short-term
19 goals and objectives for the high intensity drug
20 trafficking area;
21 "(C) the measurements that will be used to
22 evaluate the performance of the high intensity
23 drug trafficking area in achieving the long-term
24 and short-term goals; and

1 "(D) the reporting requirements needed to
2 evaluate the performance of the high intensity
3 drug trafficking area in achieving the long-term
4 and short-term goals.
5 "(2) EVALUATION OF HIDTA PROGRAM AS PART
6 OF NATIONAL DRUG CONTROL STRATEGY.—For each
7 designated high intensity drug trafficking area, the
8 Director shall submit, as part of the annual National
9 Drug Control Strategy report, a report that—
10 "(A) describes—
11 "(i) the specific purposes for the high
12 intensity drug trafficking area; and
13 "(ii) the specific long-term and short-
14 term goals and objectives for the high in-
15 tensity drug trafficking area; and
16 "(B) includes an evaluation of the per-
17 formance of the high intensity drug trafficking
18 area in accomplishing the specific long-term
19 and short-term goals and objectives identified
20 under paragraph (1)(B).
21 "(l) ASSESSMENT OF DRUG ENFORCEMENT TASK
22 FORCES IN HIGH INTENSITY DRUG TRAFFICKING
23 AREAS.—Not later than 180 days after the date of enact-
24 ment of this subsection, and as part of each subsequent

1 annual National Drug Control Strategy report, the Direc-
2 tor shall submit to Congress a report—
3 "(1) assessing the number and operation of all
4 federally funded drug enforcement task forces within
5 each high intensity drug trafficking area; and
6 "(2) describing—
7 "(A) each Federal, State, and local drug
8 enforcement task force operating in the high in-
9 tensity drug trafficking area;
10 "(B) how such task forces coordinate with
11 each other, with any high intensity drug traf-
12 ficking area task force, and with investigations
13 receiving funds from the Organized Crime and
14 Drug Enforcement Task Force;
15 "(C) what steps, if any, each such task
16 force takes to share information regarding drug
17 trafficking and drug production with other fed-
18 erally funded drug enforcement task forces in
19 the high intensity drug trafficking area;
20 "(D) the role of the high intensity drug
21 trafficking area in coordinating the sharing of
22 such information among task forces;
23 "(E) the nature and extent of cooperation
24 by each Federal, State, and local participant in
25 ensuring that such information is shared among

1 law enforcement agencies and with the high in-
2 tensity drug trafficking area;
3 "(F) the nature and extent to which infor-
4 mation sharing and enforcement activities are
5 coordinated with joint terrorism task forces in
6 the high intensity drug trafficking area; and
7 "(G) any recommendations for measures
8 needed to ensure that task force resources are
9 utilized efficiently and effectively to reduce the
10 availability of illegal drugs in the high intensity
11 drug trafficking areas.
12 "(m) ASSESSMENT OF INTELLIGENCE SHARING IN
13 HIGH INTENSITY DRUG TRAFFICKING AREAS—PRO-
14 GRAM.—Not later than 180 days after the date of the en-
15 actment of this subsection, and as part of each subsequent
16 annual National Drug Control Strategy report, the Direc-
17 tor shall submit to Congress a report—
18 "(1) evaluating existing and planned intel-
19 ligence systems supported by each high intensity
20 drug trafficking area, or utilized by task forces re-
21 ceiving any funding under the Program, including
22 the extent to which such systems ensure access and
23 availability of intelligence to Federal, State, and
24 local law enforcement agencies within the high inten-
25 sity drug trafficking area and outside of it;

"(2) the extent to which Federal, State, and local law enforcement agencies participating in each high intensity drug trafficking area are sharing intelligence information to assess current drug trafficking threats and design appropriate enforcement strategies; and

"(3) the measures needed to improve effective sharing of information and intelligence regarding drug trafficking and drug production among Federal, State, and local law enforcement participating in a high intensity drug trafficking area, and between such agencies and similar agencies outside the high intensity drug trafficking area.

"(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this section—

"(1) $280,000,000 for fiscal year 2006;

"(2) $290,000,000 for each of fiscal years 2007 and 2008; and

"(3) $300,000,000 for each of fiscal years 2009 and 2010.".

SEC. 9. FUNDING FOR CERTAIN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) SHORT TITLE.—This section may be cited as the "Dawson Family Community Protection Act".

1 (b) FINDINGS.—Congress finds the following:

2 (1) In the early morning hours of October 16,
3 2002, the home of Carnell and Angela Dawson was
4 firebombed in apparent retaliation for Mrs.
5 Dawson's notification of police about persistent drug
6 distribution activity in their East Baltimore City
7 neighborhood.

8 (2) The arson claimed the lives of Mr. and Mrs.
9 Dawson and their 5 young children, aged 9 to 14.

10 (3) The horrific murder of the Dawson family
11 is a stark example of domestic narco-terrorism.

12 (4) In all phases of counter-narcotics law en-
13 forcement—from prevention to investigation to pros-
14 ecution to reentry—the voluntary cooperation of or-
15 dinary citizens is a critical component.

16 (5) Voluntary cooperation is difficult for law en-
17 forcement officials to obtain when citizens feel that
18 cooperation carries the risk of violent retaliation by
19 illegal drug trafficking organizations and their affili-
20 ates.

21 (6) Public confidence that law enforcement is
22 doing all it can to make communities safe is a pre-
23 requisite for voluntary cooperation among people
24 who may be subject to intimidation or reprisal (or
25 both).

1 (7) Witness protection programs are insufficient
2 on their own to provide security because many indi-
3 viduals and families who strive every day to make
4 distressed neighborhoods livable for their children,
5 other relatives, and neighbors will resist or refuse of-
6 fers of relocation by local, State, and Federal pros-
7 ecutorial agencies and because, moreover, the contin-
8 ued presence of strong individuals and families is
9 critical to preserving and strengthening the social
10 fabric in such communities.
11 (8) Where (as in certain sections of Baltimore
12 City) interstate trafficking of illegal drugs has severe
13 ancillary local consequences within areas designated
14 as high intensity drug trafficking areas, it is impor-
15 tant that supplementary High Intensity Drug Traf-
16 ficking Areas Program funds be committed to sup-
17 port initiatives aimed at making the affected com-
18 munities safe for the residents of those communities
19 and encouraging their cooperation with local, State,
20 and Federal law enforcement efforts to combat ille-
21 gal drug trafficking.
22 (c) FUNDING FOR CERTAIN HIGH INTENSITY DRUG
23 TRAFFICKING AREAS.—Section 707 (21 U.S.C. 1706), as
24 amended by section 8, is further amended by adding at
25 the end the following new subsection:

1 "(o) SPECIFIC PURPOSES.—

2 "(1) IN GENERAL.—The Director shall ensure
3 that, of the amounts appropriated for a fiscal year
4 for the Program, at least $5,000,000 is used in high
5 intensity drug trafficking areas with severe neigh-
6 borhood safety and illegal drug distribution prob-
7 lems.

8 "(2) REQUIRED USES.—The funds used under
9 paragraph (1) shall be used—

10 "(A) to ensure the safety of neighborhoods
11 and the protection of communities, including
12 the prevention of the intimidation of potential
13 witnesses of illegal drug distribution and related
14 activities; and

15 "(B) to combat illegal drug trafficking
16 through such methods as the Director considers
17 appropriate, such as establishing or operating
18 (or both) a toll-free telephone hotline for use by
19 the public to provide information about illegal
20 drug-related activities.".

21 **SEC. 10. AMENDMENTS RELATING TO COUNTER-DRUG**
22 **TECHNOLOGY ASSESSMENT CENTER.**

23 (a) CHIEF SCIENTIST.—Section 708(b) (21 U.S.C.
24 1707(b)) is amended—

1 (1) in the heading by striking "DIRECTOR OF
2 TECHNOLOGY.—" and inserting "CHIEF SCI-
3 ENTIST.—"; and
4 (2) by striking "Director of Technology," and
5 inserting "Chief Scientist,".
6 (b) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—
7 Section 708(c) (21 U.S.C. 1707(c)) is amended to read
8 as follows:
9 "(c) ADDITIONAL RESPONSIBILITIES OF THE DIREC-
10 TOR OF NATIONAL DRUG CONTROL POLICY.—
11 "(1) IN GENERAL.—The Director, acting
12 through the Chief Scientist shall—
13 "(A) identify and define the short-, me-
14 dium-, and long-term scientific and techno-
15 logical needs of Federal, State, and local law
16 enforcement agencies relating to drug enforce-
17 ment, including—
18 "(i) advanced surveillance, tracking,
19 and radar imaging;
20 "(ii) electronic support measures;
21 "(iii) communications;
22 "(iv) data fusion, advanced computer
23 systems, and artificial intelligence; and

1 "(v) chemical, biological, radiological
2 (including neutron, electron, and graviton),
3 and other means of detection;
4 "(B) identify demand reduction (including
5 drug prevention) basic and applied research
6 needs and initiatives, in consultation with af-
7 fected National Drug Control Program agen-
8 cies, including—
9 "(i) improving treatment through
10 neuroscientific advances;
11 "(ii) improving the transfer of bio-
12 medical research to the clinical setting; and
13 "(iii) in consultation with the Na-
14 tional Institute on Drug Abuse and the
15 Substance Abuse and Mental Health Serv-
16 ices Administration, and through inter-
17 agency agreements or grants, examining
18 addiction and rehabilitation research and
19 the application of technology to expanding
20 the effectiveness or availability of drug
21 treatment;
22 "(C) make a priority ranking of such needs
23 identified in subparagraphs (A) and (B) accord-
24 ing to fiscal and technological feasibility, as

1 part of a National Counterdrug Research and
2 Development Program;
3 "(D) oversee and coordinate counterdrug
4 technology initiatives with related activities of
5 other Federal civilian and military departments;
6 "(E) provide support to the development
7 and implementation of the national drug control
8 performance measurement system established
9 under subsection (b) of section 706;
10 "(F) with the advice and counsel of experts
11 from State and local law enforcement agencies,
12 oversee and coordinate a technology transfer
13 program for the transfer of technology to State
14 and local law enforcement agencies; and
15 "(G) pursuant to the authority of the Di-
16 rector of National Drug Control Policy under
17 section 704, submit requests to Congress for
18 the reprogramming or transfer of funds appro-
19 priated for counterdrug technology research and
20 development.
21 "(2) PRIORITIES IN TRANSFERRING TECH-
22 NOLOGY.—
23 "(A) IN GENERAL.—The Chief Scientist
24 shall give priority, in transferring technology

1 under paragraph (1)(F), based on the following
2 criteria:
3 "(i) the need of potential recipients
4 for such technology;
5 "(ii) the effectiveness of the tech-
6 nology to enhance current counterdrug ac-
7 tivities of potential recipients; and
8 "(iii) the ability and willingness of po-
9 tential recipients to evaluate transferred
10 technology.
11 "(B) INTERDICTION AND BORDER DRUG
12 LAW ENFORCEMENT TECHNOLOGIES.—The
13 Chief Scientist shall give priority, in transfer-
14 ring technologies most likely to assist in drug
15 interdiction and border drug law enforcement,
16 to State, local, and tribal law enforcement agen-
17 cies in southwest border areas and northern
18 border areas with significant traffic in illicit
19 drugs.
20 "(3) LIMITATION ON AUTHORITY.—The author-
21 ity granted to the Director under this subsection
22 shall not extend to the direct management of indi-
23 vidual projects or other operational activities.
24 "(4) REPORT.—On or before July 1 of each
25 year, the Director shall submit a report to the ap-

1 propriate congressional committees that addresses
2 the following:
3 "(A) The number of requests received dur-
4 ing the previous 12 months, including the iden-
5 tity of each requesting agency and the type of
6 technology requested.
7 "(B) The number of requests fulfilled dur-
8 ing the previous 12 months, including the iden-
9 tity of each recipient agency and the type of
10 technology transferred.
11 "(C) A summary of the criteria used in
12 making the determination on what requests
13 were funded and what requests were not fund-
14 ed, except that such summary shall not include
15 specific information on any individual requests.
16 "(D) A general assessment of the future
17 needs of the program, based on expected
18 changes in threats, expected technologies, and
19 likely need from potential recipients.
20 "(E) An assessment of the effectiveness of
21 the technologies transferred, based in part on
22 the evaluations provided by the recipients, with
23 a recommendation whether the technology
24 should continue to be offered through the pro-
25 gram.".

1 (c) ASSISTANCE FROM SECRETARY OF HOMELAND
2 SECURITY.—Section 708(d) (21 U.S.C. 1707(d)) is
3 amended by inserting ", the Secretary of Homeland Secu-
4 rity," after "The Secretary of Defense".

5 **SEC. 11. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.**

6 (a) IN GENERAL.—Section 709 (21 U.S.C. 1708) is
7 amended to read as follows:

8 **"SEC. 709. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.**

9 "(a) IN GENERAL.—The Director shall conduct a na-
10 tional youth anti-drug media campaign (referred to in this
11 subtitle as the 'national media campaign') in accordance
12 with this section for the purposes of—

13 "(1) preventing drug abuse among young peo-
14 ple in the United States;

15 "(2) increasing awareness of adults of the im-
16 pact of drug abuse on young people; and

17 "(3) encouraging parents and other interested
18 adults to discuss with young people the dangers of
19 illegal drug use.

20 "(b) USE OF FUNDS.—

21 "(1) IN GENERAL.—Amounts made available to
22 carry out this section for the national media cam-
23 paign may only be used for the following:

1 "(A) The purchase of media time and
2 space, including the strategic planning for, and
3 accounting of, such purchases.
4 "(B) Creative and talent costs, consistent
5 with paragraph (2)(A).
6 "(C) Advertising production costs.
7 "(D) Testing and evaluation of advertising.
8 "(E) Evaluation of the effectiveness of the
9 national media campaign.
10 "(F) The negotiated fees for the winning
11 bidder on requests for proposals issued either
12 by the Office or its designee to enter into con-
13 tracts to carry out activities authorized by this
14 section.
15 "(G) Partnerships with professional and
16 civic groups, community-based organizations,
17 including faith-based organizations, and govern-
18 ment organizations related to the national
19 media campaign.
20 "(H) Entertainment industry outreach,
21 interactive outreach, media projects and activi-
22 ties, public information, news media outreach,
23 and corporate sponsorship and participation.
24 "(I) Operational and management ex-
25 penses.

1 "(2) SPECIFIC REQUIREMENTS.—

2 "(A) CREATIVE SERVICES.—

3 "(i) In using amounts for creative and
4 talent costs under paragraph (1)(B), the
5 Director shall use creative services donated
6 at no cost to the Government (including
7 creative services provided by the Partner-
8 ship for a Drug-Free America) wherever
9 feasible and may only procure creative
10 services for advertising—

11 "(I) responding to high-priority
12 or emergent campaign needs that can-
13 not timely be obtained at no cost; or

14 "(II) intended to reach a minor-
15 ity, ethnic, or other special audience
16 that cannot reasonably be obtained at
17 no cost; or

18 "(III) the Director determines
19 that the Partnership for a Drug-Free
20 America is unable to provide, pursu-
21 ant to subsection (d)(2)(B).

22 "(ii) No more than $1,500,000 may
23 be expended under this section each fiscal
24 year on creative services, except that the
25 Director may expend up to $2,000,000 in

1 a fiscal year on creative services to meet
2 urgent needs of the national media cam-
3 paign with advance approval from the
4 Committee on Appropriations of the House
5 of Representatives and of the Senate upon
6 a showing of the circumstances causing
7 such urgent needs of the national media
8 campaign.
9 "(B) TESTING AND EVALUATION OF AD-
10 VERTISING.—In using amounts for testing and
11 evaluation of advertising under paragraph
12 (1)(D), the Director shall test all advertise-
13 ments prior to use in the national media cam-
14 paign to ensure that the advertisements are ef-
15 fective and meet industry-accepted standards.
16 The Director may waive this requirement for
17 advertisements using no more than 10 percent
18 of the purchase of advertising time purchased
19 under this section in a fiscal year and no more
20 than 10 percent of the advertising space pur-
21 chased under this section in a fiscal year, if the
22 advertisements respond to emergent and time-
23 sensitive campaign needs or the advertisements
24 will not be widely utilized in the national media
25 campaign.

1 "(C) EVALUATION OF EFFECTIVENESS OF
2 MEDIA CAMPAIGN.—In using amounts for the
3 evaluation of the effectiveness of the national
4 media campaign under paragraph (1)(E), the
5 Director shall—
6 "(i) designate an independent entity
7 to evaluate annually the effectiveness of
8 the national media campaign based on
9 data from—
10 "(I) the Monitoring the Future
11 Study published by the Department of
12 Health and Human Services;
13 "(II) the Attitude Tracking
14 Study published by the Partnership
15 for a Drug Free America;
16 "(III) the National Household
17 Survey on Drug Abuse; and
18 "(IV) other relevant studies or
19 publications, as determined by the Di-
20 rector, including tracking and evalua-
21 tion data collected according to mar-
22 keting and advertising industry stand-
23 ards; and
24 "(ii) ensure that the effectiveness of
25 the national media campaign is evaluated

in a manner that enables consideration of whether the national media campaign has contributed to reduction of illicit drug use among youth and such other measures of evaluation as the Director determines are appropriate.

"(3) PURCHASE OF ADVERTISING TIME AND SPACE.—For each fiscal year, not less than 77 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the national media campaign, subject to the following exceptions:

"(A) In any fiscal year for which less than $125,000,000 is appropriated for the national media campaign, not less than 82 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the national media campaign.

"(B) In any fiscal year for which more than $195,000,000 is appropriated under this section, not less than 72 percent shall be used for advertising production costs and the purchase of advertising time and space for the national media campaign.

1 "(c) ADVERTISING.—In carrying out this section, the
2 Director shall ensure that sufficient funds are allocated
3 to meet the stated goals of the national media campaign.
4 "(d) DIVISION OF RESPONSIBILITIES AND FUNC-
5 TIONS UNDER THE PROGRAM.—
6 "(1) IN GENERAL.—The Director, in consulta-
7 tion with the Partnership for a Drug-Free America,
8 shall determine the overall purposes and strategy of
9 the national media campaign.
10 "(2) RESPONSIBILITIES.—
11 "(A) DIRECTOR.—The Director shall be
12 responsible for implementing a focused national
13 media campaign to meet the purposes set forth
14 in subsection (a), and shall approve—
15 "(i) the strategy of the national media
16 campaign;
17 "(ii) all advertising and promotional
18 material used in the national media cam-
19 paign; and
20 "(iii) the plan for the purchase of ad-
21 vertising time and space for the national
22 media campaign.
23 "(B) THE PARTNERSHIP FOR A DRUG-
24 FREE AMERICA.—The Director shall request

1 that the Partnership for a Drug-Free Amer-
2 ica—
3 "(i) develop and recommend strategies
4 to achieve the goals of the national media
5 campaign, including addressing national
6 and local drug threats in specific regions
7 or States, such as methamphetamine and
8 ecstasy;
9 "(ii) create all advertising to be used
10 in the national media campaign, except ad-
11 vertisements that are—
12 "(I) provided by other nonprofit
13 entities pursuant to subsection (f);
14 "(II) intended to respond to
15 high-priority or emergent campaign
16 needs that cannot timely be obtained
17 at no cost (not including production
18 costs and talent reuse payments), pro-
19 vided that any such advertising mate-
20 rial is reviewed by the Partnership for
21 a Drug-Free America;
22 "(III) intended to reach a minor-
23 ity, ethnic, or other special audience
24 that cannot be obtained at no cost
25 (not including production costs and

1 talent reuse payments), provided that
2 any such advertising material is re-
3 viewed by the Partnership for a Drug-
4 Free America; or
5 "(IV) any other advertisements
6 that the Director determines that the
7 Partnership for a Drug-Free America
8 is unable to provide.
9 "(C) MEDIA BUYING CONTRACTOR.—The
10 Director shall enter into a contract with a
11 media buying contractor to plan and purchase
12 advertising time and space for the national
13 media campaign. The media buying contractor
14 shall not provide any other service or material,
15 or conduct any other function or activity which
16 the Director determines should be provided by
17 the Partnership for a Drug-Free America.
18 "(e) PROHIBITIONS.—None of the amounts made
19 available under subsection (b) may be obligated or ex-
20 pended for any of the following:
21 "(1) To supplant current antidrug community-
22 based coalitions.
23 "(2) To supplant pro bono public service time
24 donated by national and local broadcasting networks
25 for other public service campaigns.

1 "(3) For partisan political purposes, or express
2 advocacy in support of or to defeat any clearly iden-
3 tified candidate, clearly identified ballot initiative, or
4 clearly identified legislative or regulatory proposal.
5 "(4) To fund advertising that features any
6 elected officials, persons seeking elected office, cabi-
7 net level officials, or other Federal officials employed
8 pursuant to section 213 of Schedule C of title 5,
9 Code of Federal Regulations.
10 "(5) To fund advertising that does not contain
11 a primary message intended to reduce or prevent il-
12 licit drug use.
13 "(6) To fund advertising containing a primary
14 message intended to promote support for the media
15 campaign or private sector contributions to the
16 media campaign.
17 "(f) MATCHING REQUIREMENT.—
18 "(1) IN GENERAL.—Amounts made available
19 under subsection (b) for media time and space shall
20 be matched by an equal amount of non-Federal
21 funds for the national media campaign, or be
22 matched with in-kind contributions of the same
23 value.
24 "(2) NO-COST MATCH ADVERTISING DIRECT RE-
25 LATIONSHIP REQUIREMENT.—The Director shall en-

1 sure that at least 70 percent of no-cost match adver-
2 tising provided directly relates to substance abuse
3 prevention consistent with the specific purposes of
4 the national media campaign, except that in any fis-
5 cal year in which less than $125,000,000 is appro-
6 priated to the national media campaign, the Director
7 shall ensure that at least 85 percent of no-cost
8 match advertising directly relates to substance abuse
9 prevention consistent with the specific purposes of
10 the national media campaign.

11 "(3) NO-COST MATCH ADVERTISING NOT DI-
12 RECTLY RELATED.—The Director shall ensure that
13 no-cost match advertising that does not directly re-
14 late to substance abuse prevention consistent with
15 the purposes of the national media campaign in-
16 cludes a clear antidrug message. Such message is
17 not required to be the primary message of the match
18 advertising.

19 "(4) SPONSORSHIP IDENTIFICATION.—Any ad-
20 vertising material donated to the national media
21 campaign at no cost shall not be subject to the spon-
22 sorship identification provisions in section 317 of the
23 Communications Act of 1934 (47 U.S.C. 317).

24 "(g) FINANCIAL AND PERFORMANCE ACCOUNT-
25 ABILITY.—The Director shall cause to be performed—

1 "(1) audits and reviews of costs of the national
2 media campaign pursuant to section 304C of the
3 Federal Property and Administrative Services Act of
4 1949 (41 U.S.C. 254d); and
5 "(2) an audit to determine whether the costs of
6 the national media campaign are allowable under
7 section 306 of such Act (41 U.S.C. 256).
8 "(h) REPORT TO CONGRESS.—The Director shall
9 submit on an annual basis a report to Congress that de-
10 scribes—
11 "(1) the strategy of the national media cam-
12 paign and whether specific objectives of the media
13 campaign were accomplished;
14 "(2) steps taken to ensure that the national
15 media campaign operates in an effective and effi-
16 cient manner consistent with the overall strategy
17 and focus of the national media campaign;
18 "(3) plans to purchase advertising time and
19 space;
20 "(4) policies and practices implemented to en-
21 sure that Federal funds are used responsibly to pur-
22 chase advertising time and space and eliminate the
23 potential for waste, fraud, and abuse; and

1 "(5) all contracts entered into with a corpora-
2 tion, partnership, or individual working on behalf of
3 the national media campaign.
4 "(i) LOCAL TARGET REQUIREMENT.—The Director
5 shall, to the maximum extent feasible, use amounts made
6 available under this section for media that focuses on, or
7 includes specific information on, prevention or treatment
8 resources for consumers within specific local areas.
9 "(j) PREVENTION OF MARIJUANA USE.—
10 "(1) FINDINGS.—The Congress finds the fol-
11 lowing:
12 "(A) 60 percent of adolescent admissions
13 for drug treatment are based on marijuana use.
14 "(B) Potency levels of contemporary mari-
15 juana, particularly hydroponically grown mari-
16 juana, are significantly higher than in the past,
17 rising from under 1 percent of THC in the mid-
18 1970s to as high as 30 percent today.
19 "(C) Contemporary research has dem-
20 onstrated that youths smoking marijuana early
21 in life may be up to five times more likely to
22 use hard drugs.
23 "(D) Contemporary research has dem-
24 onstrated clear detrimental effects in adolescent

1 educational achievement resulting from mari-
2 juana use.
3 "(E) Contemporary research has dem-
4 onstrated clear detrimental effects in adolescent
5 brain development resulting from marijuana
6 use.
7 "(F) An estimated 9,000,000 Americans a
8 year drive while under the influence of illegal
9 drugs, including marijuana.
10 "(G) Marijuana smoke contains 50 to 70
11 percent more of certain cancer causing chemi-
12 cals than tobacco smoke.
13 "(H) Teens who use marijuana are up to
14 four times more likely to have a teen pregnancy
15 than teens who have not.
16 "(I) Federal law enforcement agencies
17 have identified clear links suggesting that trade
18 in hydroponic marijuana facilitates trade by
19 criminal organizations in hard drugs, including
20 heroin.
21 "(J) Federal law enforcement agencies
22 have identified possible links between trade in
23 cannabis products and financing for terrorist
24 organizations.

1 "(2) EMPHASIS ON PREVENTION OF YOUTH
2 MARIJUANA USE.—In conducting advertising and ac-
3 tivities otherwise authorized under this section, the
4 Director may emphasize prevention of youth mari-
5 juana use.
6 "(k) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to the Office to carry out
8 this section, $195,000,000 for each of fiscal years 2006
9 and 2007 and $210,000,000 for each of fiscal years 2008
10 through 2010.".
11 (b) REPEAL OF SUPERSEDED PROVISIONS.—The
12 Drug-Free Media Campaign Act of 1998 (21 U.S.C. 1801
13 et seq.) is repealed.
14 **SEC. 12. DRUG INTERDICTION.**
15 (a) IN GENERAL.—Section 711 (21 U.S.C. 1710) is
16 amended to read as follows:
17 "(a) UNITED STATES INTERDICTION COORDI-
18 NATOR.—
19 "(1) IN GENERAL.—The Deputy Director for
20 Supply Reduction in the Office shall serve as the
21 United States Interdiction Coordinator, and shall
22 perform the duties of that position described in
23 paragraph (2) and such other duties as may be de-
24 termined by the Director with respect to coordina-

1 tion of efforts to interdict illicit drugs from the
2 United States.
3 "(2) RESPONSIBILITIES.—The United States
4 Interdiction Coordinator shall be responsible to the
5 Director for
6 "(A) coordinating the interdiction activities
7 of the National Drug Control Program agencies
8 to ensure consistency with the National Drug
9 Control Strategy;
10 "(B) developing and issuing, on or before
11 March 1 of each year and in accordance with
12 paragraph (3), a National Interdiction Com-
13 mand and Control Plan to ensure the coordina-
14 tion and consistency described in subparagraph
15 (A);
16 "(C) assessing the sufficiency of assets
17 committed to illicit drug interdiction by the rel-
18 evant National Drug Control Program agencies;
19 and
20 "(D) advising the Director on the efforts
21 of each National Drug Control Program agency
22 to implement the National Interdiction Com-
23 mand and Control Plan.
24 "(3) NATIONAL INTERDICTION COMMAND AND
25 CONTROL PLAN.—

1 "(A) PURPOSES.—The National Interdic-
2 tion Command and Control Plan shall
3 "(i) set forth the Government's strat-
4 egy for drug interdiction;
5 "(ii) state the specific roles and re-
6 sponsibilities of the relevant National Drug
7 Control Program agencies for imple-
8 menting that strategy; and
9 "(iii) identify the specific resources re-
10 quired to enable the relevant National
11 Drug Control Program agencies to imple-
12 ment that strategy.
13 "(B) CONSULTATION WITH OTHER AGEN-
14 CIES.—The United States Interdiction Coordi-
15 nator shall issue the National Interdiction Com-
16 mand and Control Plan in consultation with the
17 other members of the Interdiction Committee
18 described in subsection (b).
19 "(C) LIMITATION.—The National Interdic-
20 tion Command and Control Plan shall not
21 change existing agency authorities or the laws
22 governing interagency relationships, but may in-
23 clude recommendations about changes to such
24 authorities or laws.

1 "(D) REPORT TO CONGRESS.—On or be-
2 fore March 1 of each year, the United States
3 Interdiction Coordinator shall provide a report
4 to the appropriate congressional committees, to
5 the Committee on Armed Services and the
6 Committee on Homeland Security of the House
7 of Representatives, and to the Committee on
8 Homeland Security and Governmental Affairs
9 and the Committee on Armed Services of the
10 Senate, which shall include
11 "(i) a copy of that year's National
12 Interdiction Command and Control Plan;
13 "(ii) information for the previous 10
14 years regarding the number and type of
15 seizures of drugs by each National Drug
16 Control Program agency conducting drug
17 interdiction activities, as well as statistical
18 information on the geographic areas of
19 such seizures; and
20 "(iii) information for the previous 10
21 years regarding the number of air and
22 maritime patrol hours undertaken by each
23 National Drug Control Program agency
24 conducting drug interdiction activities, as
25 well as statistical information on the geo-

1 graphic areas in which such patrol hours
2 took place.
3 "(E) TREATMENT OF CLASSIFIED OR LAW
4 ENFORCEMENT SENSITIVE INFORMATION.—Any
5 content of the report described in subparagraph
6 (D) that involves information classified under
7 criteria established by an Executive order, or
8 the public disclosure of which, as determined by
9 the United States Interdiction Coordinator or
10 the head of any relevant National Drug Control
11 Program agency, would be detrimental to the
12 law enforcement or national security activities
13 of any Federal, State, or local agency, shall be
14 presented to Congress separately from the rest
15 of the plan.
16 "(b) INTERDICTION COMMITTEE.—
17 "(1) IN GENERAL.—The Interdiction Com-
18 mittee shall meet to—
19 "(A) discuss and resolve issues related to
20 the coordination, oversight and integration of
21 international, border, and domestic drug inter-
22 diction efforts in support of the National Drug
23 Control Strategy;
24 "(B) review the annual National Interdic-
25 tion Command and Control Plan, and provide

1 advice to the Director and the United States
2 Interdiction Coordinator concerning that plan;
3 and
4 "(C) provide such other advice to the Di-
5 rector concerning drug interdiction strategy and
6 policies as the committee determines is appro-
7 priate.
8 "(2) MEMBERSHIP.—The membership of the
9 Interdiction Committee shall consist of—
10 "(A) the Commissioner of the bureau of
11 Customs and Border Protection at the Depart-
12 ment of Homeland Security;
13 "(B) the Assistant Secretary of the bureau
14 of Immigration and Customs Enforcement at
15 the Department of Homeland Security;
16 "(C) the Commandant of the United
17 States Coast Guard;
18 "(D) the Director of the Office of Counter-
19 narcotics Enforcement at the Department of
20 Homeland Security;
21 "(E) the Administrator of the Drug En-
22 forcement Administration;
23 "(F) the Assistant Secretary of State for
24 International Narcotics and Law Enforcement
25 Affairs;

1 "(G) the Assistant Secretary of Defense
2 for Special Operations and Low Intensity Con-
3 flict;
4 "(H) the Deputy Director for Supply Re-
5 duction of the Office of National Drug Control
6 Policy, acting in his role as the United States
7 Interdiction Coordinator;
8 "(I) the director of the Crime and Nar-
9 cotics Center of the Central Intelligence Agen-
10 cy; and
11 "(J) such additional persons as may be de-
12 termined by the Director.
13 "(3) CHAIRMAN.—The Director shall designate
14 one of the members of the Interdiction Committee to
15 serve as chairman.
16 "(4) MEETINGS.—The members of the Interdic-
17 tion Committee shall meet, in person and not
18 through any delegate or representative, at least once
19 per calendar year, prior to March 1. At the call of
20 either the Director or the current chairman, the
21 Interdiction Committee may hold additional meet-
22 ings, which shall be attended by the members either
23 in person, or through such delegates or representa-
24 tives as they may choose.

1 "(5) REPORT.—After each meeting, the chair-
2 man of the Interdiction Committee shall submit a
3 report to the Director and to the congressional com-
4 mittees listed in subsection (a)(3)(D) describing the
5 meeting and its results. Any content of such a report
6 that involves information classified under criteria es-
7 tablished by an Executive order, or whose public dis-
8 closure, as determined by the Director, the chair-
9 man, or any member, would be detrimental to the
10 law enforcement or national security activities of any
11 Federal, State, or local agency, shall be presented to
12 Congress separately from the rest of the report.".
13 (b) CONFORMING AMENDMENT TO HOMELAND SE-
14 CURITY ACT OF 2002.—Section 878 of the Homeland Se-
15 curity Act of 2002 (6 U.S.C. 458) is amended—
16 (1) in subsection (c), by striking "Except as
17 provided in subsection (d), the" and inserting
18 "The"; and
19 (2) by striking subsection (d) and redesignating
20 subsections (e), (f), and (g) as subsections (d), (e),
21 and (f), respectively.
22 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**
23 Section 714 (21 U.S.C. 1711) is amended—

1 (1) by striking "title," and inserting "title, ex-
2 cept activities for which amounts are otherwise spe-
3 cifically authorized by this title,"; and
4 (2) by striking "1999 through 2003" and in-
5 serting "2006 through 2010".

6 **SEC. 14. TECHNICAL AMENDMENTS AND REPEAL.**

7 (a) AMENDMENT TO PUBLIC HEALTH SERVICE ACT
8 TO REPLACE OBSOLETE REFERENCES.—Section 464P(c)
9 of the Public Health Service Act (42 U.S.C. 285o–4(c))
10 is amended—
11 (1) in paragraph (1), by striking "under section
12 1002 of the Anti-Drug Abuse Act of 1988 (21
13 U.S.C. 1501)" and inserting "under section 703 of
14 the Office of National Drug Control Policy Reau-
15 thorization Act of 1998 (21 U.S.C. 1702)"; and
16 (2) in paragraph (2), by striking "under section
17 1005 of the Anti-Drug Abuse Act of 1988 (21
18 U.S.C. 1504)" and inserting "under section 706 of
19 the Office of National Drug Control Policy Reau-
20 thorization Act of 1998 (21 U.S.C. 1705)".
21 (b) REPEAL OF SPECIAL FORFEITURE FUND.—Sec-
22 tion 6073 of the Asset Forfeiture Amendments Act of
23 1988 (21 U.S.C. 1509) is repealed.

Mr. CUMMINGS. Thank you very much, Mr. Chairman. I want to thank you for holding this important hearing today with regard to H.R. 2829, legislation to reauthorize the Office of National Drug Control Policy.

During the 108th Congress, the Government Reform Committee reported on a bipartisan basis and the House passed H.R. 2086. Like H.R. 2086, the bill before us would reauthorize the Office of National Drug Control Policy and three key programs administered by ONDCP—the High-Intensity Drug Trafficking Areas program, the Counterdrug Technology Assessment Center, and the National Youth Anti-Drug Media Campaign. ONDCP, HIDTA, CTAC, and the Media Campaign all play an important part in America's overall anti-drug policy coordinated by the ONDCP and they deserve to be reauthorized. Because the Senate did not pass similar legislation during the 108th Congress, we are starting all over anew.

Let me say from the outset that I believe that H.R. 2829 is a stronger bill than its predecessor. This is a bill that will strengthen ONDCP, its component programs, and our overall anti-drug effort by providing increased interagency communication and cooperation, enhanced program and contractor accountability, and continuous evaluation of anti-drug programs and initiatives to let the administration, Congress, and the American people know, in objective terms, what approaches are working and what needs to be improved or rethought.

The bill is bipartisan in spirit to the extent that it preserves key compromises reached last Congress through negotiations between the committee's majority and minority on H.R. 2086. Most notably, this bill would disallow the use of any funding for the Media Campaign for partisan political purposes, or to affect the outcome of electoral or regulatory decisions.

H.R. 2829 also carries forward key bipartisan provisions in H.R. 2086 that I strongly supported, including the Dawson Family Community Protection Act. This legislation, which I reintroduced with Chairman Souder earlier this year, would annually provide at least $5 million in HIDTA funds to support neighborhood safety and community cooperation with police in areas severely affected by violent drug trafficking activity. I sincerely appreciate the chairman's inclusion of the Dawson provisions in H.R. 2086 last Congress and in the current bill.

The Dawson provisions underscore the importance of the HIDTA program, which provides vital Federal funding to support uniquely flexible and effective collaboration between Federal, State, and local agencies. H.R. 2829 includes provisions to preserve and strengthen the HIDTA program in its current form and in its current location within ONDCP.

This is in stark contrast to the administration's proposal, set forth in the President's fiscal year 2006 budget request, which would gut funding for the HIDTA program and move HIDTA to the Department of Justice under the Organized Crime and Drug Enforcement Task Force. H.R. 2829 rejects this abandonment of HIDTA while providing for increased cooperation with OCDETF and enhancement of HIDTA's performance measurement system. The bill provides HIDTAs the flexibility to address emergent drug threats within and outside current HIDTA boundaries and to sup-

port counter-terrorism activities, as the Director of ONDCP deems appropriate.

H.R. 2829 also carries forward provisions from H.R. 2086 to ensure that programs to expand access to drug treatment are adequately supported in the Federal drug control budget, and to halt enforcement of the drug-free student loan provision against persons convicted of drug crimes prior to applying for Federal educational assistance.

The bill requires ONDCP to develop comprehensive strategies to address the severe threats posed by South American heroin, Afghan heroin, the drug smuggling across the Southwest border, in addition to calling for a comprehensive strategy for sharing and coordinating counterdrug intelligence.

H.R. 2829 authorizes CTAC's technology transfer program, which provides valuable support to State and local enforcement programs. The bill also provides for increased coordination of interdiction assets and efforts through its definition of the duties and activities of the U.S. interdiction coordinator and interdiction committee.

With regard to the Media Campaign, the bill authorizes increased funding in line with the program's original authorization, recognizes pro bono advertising as the program's central component, provides for greater contractor accountability, requires testing and evaluation of ads before they appear on the air, and requires an independent evaluation of the campaign's impact on preventing and reducing illicit drug use by our youth.

Mr. Chairman, illegal drugs continue to exact an enormous toll on American society in the form of lives lost, families destroyed, communities decimated, and human promise wasted, not to mention the immense costs to our health care system and lost economic productivity and potential. I see this heartbreaking scenario play out every day in my own neighborhood and in the surrounding communities in Baltimore City and Howard County that I represent. Nationwide, according to ONDCP, approximately 26,000 lives were lost to drugs just last year. This is simply intolerable and our Nation's drug strategy must aim to reduce this number sharply. I believe that H.R. 2829, if enacted, will move us in the right direction.

We are joined today by the Director of the National Drug Control Policy, the Honorable John Walters; the president and CEO of the Partnership for a Drug-Free America, Mr. Steve Pasierb; and Mr. Thomas Carr, director of the Washington-Baltimore HIDTA program, who appears on behalf of the National HIDTA Directors Association. I welcome their views on the merits of this legislation and how it will affect their organizations' contributions to the national anti-drug effort.

Finally, I want to commend you, Mr. Chairman, for your leadership in crafting the legislation before us. I also want to thank the witnesses for their unrelenting efforts to reduce the harm that drugs inflict on our society every day, and for their willingness to appear before our subcommittee today.

And with that, I yield back.

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

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

Hearing on H.R. 2829, Office of National Drug Control reauthorization Act of 2005

June 15, 2005

Mr. Chairman,

Thank you for holding this important hearing to examine H.R. 2829, legislation to reauthorize the Office of National Drug Control Policy.

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policy, coordinated by ONDCP, and they deserve to be reauthorized. Because the Senate did not pass similar legislation during the 108th Congress, we are starting all over anew.

Let me say from the outset that I believe that H.R. 2829 is a stronger bill than its predecessor. This is a bill that will strengthen ONDCP, its component programs, and our overall anti-drug effort by providing for increased interagency communication and cooperation, enhanced program and contractor accountability, and continuous evaluation of anti-drug programs and initiatives to let the Administration, Congress, and the American people know, in objective terms, what approaches are working and what needs to be improved or rethought.

The bill is bipartisan in spirit to the extent that it preserves key compromises reached last Congress through negotiations between the Committee's majority and minority on H.R. 2086. Most notably, this bill would disallow the use of any funding for the Media Campaign for

partisan political purposes or to affect the outcome of electoral or regulatory decisions.

H.R. 2829 also carries forward key bipartisan provisions in H.R. 2086 that I strongly supported, including the Dawson Family Community Protection Act. This legislation, which I reintroduced with Chairman Souder earlier this year, would annually provide at least $5 million in HIDTA funds to support neighborhood safety and community cooperation with police, in areas severely affected by violent drug trafficking activity. I sincerely appreciate the Chairman's inclusion of the Dawson provisions in H.R. 2086 last Congress and in the current bill.

The Dawson provisions underscore the importance of the HIDTA program, which provides vital federal funding to support uniquely flexible and effective collaboration between federal, state and local agencies. H.R. 2829 includes provisions to preserve and strengthen the HIDTA program in its current form and in its current location within ONDCP.

This is in stark contrast to the Administration's proposal, set forth in the President's FY 2006 budget request, which would gut funding for the HIDTA program and move HIDTA to the Department of Justice under the Organized Crime and Drug Enforcement Task Force. H.R. 2829 rejects this abandonment of HIDTA while providing for increased cooperation with OCDETF (Oh-suh-Def) and enhancement of HIDTA's Performance Measurement System. The bill provides HIDTAs the flexibility to address emergent drug threats within and outside current HIDTA boundaries and to support counter-terrorism activities, as the Director of ONDCP deems appropriate.

H.R. 2829 also carries forward provisions from H.R. 2086 to ensure that programs to expand access to drug treatment are adequately supported in the federal drug control budget and to halt enforcement of the drug free student loan provision against persons convicted of drug crimes prior to applying for federal educational assistance.

The bill requires ONDCP to develop comprehensive strategies to address the severe threats posed by South American heroin, Afghan heroin, and drug smuggling across the Southwest Border, in addition to calling for a comprehensive strategy for sharing and coordinating counterdrug intelligence.

H.R. 2829 authorizes CTAC's Technology Transfer Program, which provides valuable support to state and local enforcement programs. The bill also provides for increased coordination of interdiction assets and efforts through its definition of the duties and activities of the United States Interdiction Coordinator and the Interdiction Committee.

With regard to the Media Campaign, the bill authorizes increased funding in line with the program's original authorization, recognizes pro bono advertising as the program's central component, provides for greater contractor accountability, requires testing and evaluation of ads before they appear on the air, and requires an independent evaluation of the campaign's

impact on preventing and reducing illicit drug use by youth.

Mr. Chairman, illegal drugs continue to exact an enormous toll on American society in the form of lives lost, families destroyed, communities decimated, and human promise wasted -- not to mention the immense costs to our health care system and lost economic productivity and potential. I see this heartbreaking scenario play out everyday in my own neighborhood and in the surrounding communities in Baltimore City and Howard County that I represent. Nationwide, according to ONDCP, approximately 26,000 lives were lost to drugs last year. This is simply intolerable and our nation's drug strategy must aim to reduce this number sharply. I believe that H.R. 2829, if enacted, will move us in the right direction.

We are joined today by the Director of National Drug Control Policy, the Honorable John Walters; the President and CEO of the Partnership for a Drug Free America, Mr. Steve

Pasierb; and Mr. Thomas Carr, Director of the Washington-Baltimore HIDTA program who appears on behalf of the National HIDTA Directors Association.

I welcome their views on the merits of this legislation and how it will affect their organizations' contributions to the national anti-drug effort.

In closing, I want to commend you, Mr. Chairman, for your leadership in crafting the legislation before us. I also want to thank the witnesses for their unrelenting efforts to reduce the harm that drugs inflict on our society everyday and for their willingness to appear before the Subcommittee today.

I look forward to the testimony and yield back the balance of my time.

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Mr. SOUDER. Thank you. Ms. Watson, do you have any opening statement?

Ms. WATSON. Thank you also, Mr. Chairman, for holding this most important hearing on a bill that has major short and long-term implications on our Nation's communities. The reauthorization of the Office of National Drug Control Policy is part of a many step process that this Congress must take in helping eliminate drugs on our streets.

As we all know, the drug problem in the United States is of major concern to everyone. Areas surrounding my congressional district and many jurisdictions throughout the State of California are considered as High Intensity Drug Trafficking Areas. Drugs are the root cause of a significant amount of criminal activity nationwide and positive efforts to eliminate the drug trafficking and use should be at the forefront of all of our agendas.

The Office of National Drug Control Policy with its immediate supervision of the National Youth Media Anti-Drug Campaign, the Counterdrug Technology Assessment Center, and the Drug-Free Communities program is an essential part of combating the drug problem in this Nation. These efforts are essential in improving community safety and cooperation in areas severely affected by violent drug trafficking activities.

Thanks to the witnesses and their willingness to come and testify in order for all of us to understand the dire need for an Executive Office of National Drug Control Policy. This subcommittee, I am sure, will do everything in its power to help reauthorize this most important entity to fight the rampant drug problem in these United States. I want you to please continue in your diligent efforts in fighting the war on drugs and removing this poison from our communities.

Thank you, and I yield back, Mr. Chairman.

[The prepared statement of Hon. Diane E. Watson follows:]

Opening Statement
Congresswoman Diane E. Watson
Government Reform Committee
Subcommittee on Criminal Justice, Drug Policy & Human Resources
Hearing: H.R. 2829, Office of National Drug Policy Reauthorization Act of 2005

Mr. Chairman, thank you for holding this most important hearing on a bill that has major short and long term implications on our nation's communities. The reauthorization of the Office of National Drug Policy is a part of many steps this Congress must take in helping eliminate drugs on our streets.

As we all know, the drug problem in the United States is of major concern to everyone. Areas surrounding my Congressional district and many jurisdictions throughout the state of California are considered as High Intensity Drug Trafficking Areas. Drugs are the root cause to a significant amount of criminal activity nationwide and positive efforts to eliminate drug trafficking and use should be at the forefront of our agendas.

The Office of National Drug Policy with its immediate supervision of the National Youth Media Anti-Drug

Campaign, the Counterdrug Technology Assessment Center, and the Drug Free Communities Program is an essential part of combating the drug problem in this nation. These efforts are essential in improving community safety and cooperation in areas severely affected by violent drug trafficking activity.

Thank you for your willingness to come testify in order for all of us to understand the dire need for an Executive Office of National Drug Policy. This subcommittee will do everything in its power to help reauthorize this most important entity to fight the rampant drug problem in the United States. Please continue in your diligent efforts in fighting the war on drugs and removing this poison from our communities.

I yield back.

Mr. SOUDER. Thank you very much.

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

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

Our first panel is composed of the Honorable John Walters, Director of the Office of National Drug Control Policy. As you know, our standard procedure is to ask our witnesses to be sworn in. So if you will rise and raise your right hand.

[Witness sworn.]

Mr. SOUDER. Let the record show that Director Walters responded in the affirmative.

I now yield to you to raise your comments, concerns, suggestions on the legislation.

STATEMENT OF JOHN WALTERS, DIRECTOR, OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. WALTERS. Thank you, Mr. Chairman, thank you Ranking Member Cummings, thank you Congresswoman Watson. I would ask that my written statement be entered in the record here, and I will just summarize a few points and comment on the issues, some of which have already been touched on.

I appreciate this opportunity to discuss the progress we have made together. I do understand my job as helping to organize for the President the executive branch effort, but also to help with the Congress in carrying out the enactment of laws and the appropriation of money. I served a long time ago in an administration where Dick Darman was OMB Director, and he used to say "Policy without budget is just talk." And my general view is that is true.

So it is important that we both have law and that we have the resources to carry out the purpose of law if we are going to get to where we want to be. Together, we have gotten enormous progress in many sectors I believe of this effort—17 percent decline in teenage drug use since 2001; 600,000 fewer teenagers nationwide using illegal drugs in 2004 than in 2001.

We have to go further and we are trying to build on that effort through expanding not only prevention programs, of which the Media Campaign is an important part, but also, as you know, requests for improvements and expansions of the treatment system of the United States, the expansion of drug courts, the expansion of efforts to intervene in the health system through screening and brief interventions, the effort to expand programs that involve drug testing, random testing, for the purposes not of punishment, but of helping to intervene and protect young people from use.

My written statement discusses a variety of provisions in the reauthorization draft that we have concerns about. We think that the current authorities of the office have operated not only to help meet threat, but making a fundamental difference with Congress and with other agencies, not only the executive branch, but other na-

tions, and now is not the time for change to those things that are working. Obviously, we want to go further. Obviously, we are not saying everything is perfect. But there are some provisions in the reauthorization bill which, as you know, we have concerns would take us backward.

I know the national drug control budget is a concern for this committee and has been, I have testified here before and heard that. We believe that OMB's budget review and certification process is a critical instrument in focusing resources toward critical initiatives and supporting the policies as established by this Nation.

Since ONDCP was last authorized, there has been a significant change to the drug budget process and what we believe has enhanced our ability to have truth in budgeting, to managing things that are really manageable and really make a difference, and to make sure that we are not diverted in that effort by efforts to say that resources that appear in the budget that may be connected to the drug problem are vital, direct, and central to making a difference in the drug problem when they are not.

This proposal that we made to change the budget was initially communicated to the Congress in February 2002 Strategy Documents. We did not do this secretly. It was fully implemented for the fiscal year 2004 budget request of the President that was presented at the beginning of 2003.

Prior to this change, the drug control budget consisted of close to 50 budget accounts totaling $19 billion. The revised presentation provides a greater degree of accountability and allows I believe both the executive branch and the Congress to see what is really being spent and what the real tradeoffs are.

We are concerned with Section 5 of the reauthorization bill because it would have the overall effect of returning ONDCP to the budget scorekeeping methodology of the past. It is not, and we do not want, and I know you do not want, for us not to count things that are really there. That is not our goal. And I know we may have a reasonable person's disagreement over this. But we want to count things that are really there, and we want not to be making presentations about expenditures that are not really manageable and directed and accountable at reducing the drug problem.

I think when I last testified I mentioned that for this budget cycle alone—as you know, the Veterans Administration Hospital system is a major provider of treatment because of the extent of that system and the people that they reach. For this year, they had determined that they could reasonably add a number of health care costs related to individuals that come in for substance abuse problems.

Given the magnitude of that system, that would have added half a billion dollars to what we could have scored as treatment money being spent by the Federal Government on anti-drug efforts in the area of substance abuse. We elected not to do that because it was not really treatment funds, it was treating other health costs.

Are they real, should they be treated? Of course they should be. But we are trying to represent what we are really spending on treatment, not all the other ancillary health benefits.

Now if we are going to be consistent in this and we are going to include that half a billion dollars, of course there would be—I can-

not even estimate at this point—massive sums in other Government health care expenditures that we could develop formulas to reasonably score as a portion of what we are spending on drug control. The reason for not doing that is not to not present the cost, as you know, we provide a report that estimates the real cost of the drug problem. The reason for that is to make sure that you can see and we can see what is really being spent on drug treatment.

We have asked for another $50 million to the $2 billion we are spending in the block grant. I am not sure we are going to get that. But that is real treatment money and let us argue over that and how well the treatment system is working. If we inflate that number because of the categorization of costs rather than expenditures, we are going to end up with a misleading debate, less accountability, and I believe less ability to manage resources.

Let me just touch on one other issue, because I know we are pressed for time. We are concerned about Section 11 and the 82 percent requirement for the youth anti-drug Media Campaign purchasing on advertising time and space when the appropriation drops below $125 million. I know members of this committee have been making efforts with us over the last several years to increase and maintain the Media Campaign.

Despite those efforts and our best efforts meeting with appropriators, and many of you have joined me in that effort, the campaign has taken consistent reductions from the President's request. Congress has not met the President's request year after year after year and we have had a ratcheting down of the resources for this campaign.

We have now asked for level funding because in the tight budget climate I think it was reasonable for us and my colleagues to say why not first get what we request before we start seeking more money that we are not going to get and create an expectation that is unreasonable. That is a fair assessment, I believe.

The problem with the 82 percent as we see it from running the program is it is not that we are using the additional money to go after what may be important media subsequently. Today, more children, the teenagers we are trying to target, spend time on the Internet. If you want to get their time, attention, their brains focused on this issue, you have to go to where they are. They are less on television, they are less on radio, they are more on the Internet. That is why businesses are doing exactly what we are trying to do here. That is why the best minds in the business have increased the percentage here.

But that is not the only issue. The issue is not simply—and I will take a little bit of issue with you, Mr. Chairman—to put ads on the air, and I know you mean this. It is to put effective ads on the air. It is to put ads that work. That is why the provisions about testing and evaluation are so important. And we have used those provisions to put more powerful ads on the air. That is why the campaign is working better and helping to contribute to the reductions we have not seen in a decade.

What we want to do is make sure there is enough money, even as the program drops, to continue that testing and to put fresh advertisements on the air, because this is still a big program, and to make sure that the content is there with the resources to prepare

it. Otherwise, we are buying time for stuff that is stale, that does not work.

And third, as you know, we believe very strongly that part of the effectiveness of this campaign has been to see that one size does not fit all. That we have targeted advertising that we have had to spend additional money to get for Africa-American youth and parents, for Hispanic-American youth and parents, for Native American youth and parents, and for Asian-American youth and parents. These are populations that have to be, we believe, targeted specifically because one size does not fit all here and we have to have sensitive and direct and effective advertising and advertising buying.

All of that costs money that is outside of time and space requirements. I am warning, legitimately, so that we do this with open eyes, if you impose this limit at the current spending level of the campaign, we will have to gut that kind of advertisement. That is the probable result because we will not have sufficient funds to maintain the regular one-size-fits-all advertising and to buy the special ethnic targeting that we are using. We believe that is a critically important part because we know that many of those communities have been disproportionately affected and continue to be by the drug problem.

Last, I will just mention there are other portions of the reauthorization that we believe inappropriately constrain the President in the delegated authorities he has in a number of areas, not only in budget presentation, in the certification process that is now lodged under the President's delegation through the Secretary of State and I participate, as does the National Security Adviser in the final recommendation to the President. In addition, there are some others that we can talk about but that we have conveyed in some detail to the staff about those constraints.

This is not about we think this is meddling. We think that the problem here is in order to effectively use the tools of the executive branch within the limits of the law, we need to have some ability to present these fairly. You will decide what the budget is going to be, you do every year. You will decide what ultimately happens with the acceptance and support of policy through the budget and legal process.

What we are asking is to allow us to organize the executive branch so that we can present the best information to you, to work with you, and to bring the executive and legislative together effectively so that we can reduce that 26,000 people that die every year from drugs further as the years go ahead. I know that is also a goal that you share with us. And I look forward to working with you as this process continues.

[The prepared statement of Mr. Walters follows:]

Statement by John P. Walters
Director, Office of National Drug Control Policy

Before the House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy, and Human Resources
Chairman Mark E. Souder, 109th Congress

"Reauthorization of the Office of National Drug Control Policy"
June 15, 2005

Chairman Souder, Ranking Member Cummings, and distinguished Members of the Subcommittee: Thank you for inviting me to testify on H.R. 2829, the Office of National Drug Control Policy Reauthorization Act of 2005. I appreciate the opportunity to discuss the progress the Administration has made with the support of Congress in reducing drug use. Together, we have reduced youth drug use by 17 percent since 2001.[1]

The Office of National Drug Control Policy (ONDCP) was established by the Anti-Drug Abuse Act of 1988. The principal purpose of ONDCP is to establish policies, priorities, and objectives for the Nation's drug control program. The goals of the program are to reduce illicit drug use, manufacturing and trafficking, drug-related crime and violence, and drug-related health consequences. To achieve these goals, the Director of ONDCP is charged with producing the National Drug Control Strategy. The Strategy directs the Nation's anti-drug efforts and establishes a program, a budget, and guidelines for cooperation among Federal, State, and local entities.

By law, the Director of ONDCP also evaluates, coordinates, and oversees both the international and domestic anti-drug efforts of executive branch agencies and ensures that such efforts sustain and complement State and local anti-drug activities. The Director advises the President regarding changes in the organization, management, budgeting, and personnel of Federal Agencies that could affect the Nation's anti-drug efforts; and regarding Federal agency compliance with their obligations under the Strategy.

The authority under which ONDCP currently operates not only meets the drug threat, but is making a fundamental difference in combating the illicit drug market.

National Drug Control Strategy

In 2002, President Bush set ambitious goals to reduce teen drug use by 10 percent in two years, and by 25 percent in five years. The Administration has exceeded the two-year goal, with an 11 percent reduction, and over the past three years there has been an historic 17 percent decrease in teenage drug use. Pursuing a strategy focusing on prevention and treatment, as well as law enforcement and international programs, there are now 600,000 fewer teens using drugs than there were in 2001. This is real progress, and the 2005 Strategy builds on this dramatic success.

[1] Monitoring the Future (2004)

We have achieved the important goal of getting drug use by our young people moving downward. We now must secure the equally important objective of sustaining, accelerating, and broadening that downward movement. Maintaining our momentum will require a sustained focus on all aspects of drug control, as well as a balanced strategy for approaching the problem. With its three priorities and clarity of purpose, the Strategy offers both.

I. Stopping Use Before It Starts: Education and Community Action

Progress in the fight against drugs is to be found in our schools, our neighborhoods, and our workplaces. Attitudes against drug use continue to harden. The number of children using drugs continues to fall. Citizens all across the country are uniting in community coalitions to battle vigorously against drug use and drug dealing in their neighborhoods. Though youth drug use is continuing to decline, the number of drug users overall is still far too high, and young people remain susceptible to the lure of drugs. This is our continuing challenge that the Strategy addresses through a combination of innovative programs aimed at our youth and their parents, who consistently are the most influential force in the lives of their children.

II. Healing America's Drug Users: Getting Treatment Resources Where They Are Needed

As risky behavior goes, drug use ranks among the worst. While it is difficult to draw precise inferences from the data available, the likelihood that an adult who uses drugs at least on a monthly basis (a so-called "current" user) will go on to need drug treatment is approximately one in four—high enough to constitute a substantial risk, which draws millions of people to self-destruction, but low enough that many individuals are able to deny the obvious risks or convince themselves that they can "manage" their drug using behavior.

To assist those who would benefit from drug treatment, the Strategy focuses on innovative Department of Health and Human Services grants such as Access to Recovery, as well as interventions through the criminal justice system. In addition to these avenues, the Strategy supports approaches in a variety of settings to encourage drug users to seek the treatment they need. These include hospital emergency rooms, where doctors are now screening individuals for evidence of drug dependence and referring them to treatment as needed. They also include nonprofit organizations serving the needs of formerly addicted prisoners reentering society. These groups support their clients' first tentative steps in freedom, steering them away from established patterns of crime and drug use and into recovery after what for too many has been a life of addiction.

III. Disrupting the Market: Attacking the Economic Basis of the Drug Trade

The strategy of the U.S. Government is to disrupt the market for illegal drugs—to do so in a way that both reduces the profitability of the drug trade and increases the costs of drugs to consumers. In other words, we seek to inflict on this business what every licit business fears—escalating costs, diminishing profits, and unreliable suppliers.

To effectively disrupt major drug markets, it is important that U.S. law enforcement and our allies approach this problem strategically, as a market. Many drug trafficking organizations are complex, far-flung international businesses, often compared to multinational corporations. Still other successful international trafficking organizations function as *networks*, with business functions accomplished by loosely aligned associations of independent producers, shippers, distributors, processors, marketers, financiers, and wholesalers. Such networked organizations pose special challenges to law enforcement and interdiction forces, since by the very nature of a network, the system is resistant to the disruption or dismantling of individual elements. As the Strategy demonstrates, networked organizations are not immune from severe disruption and dismantlement. The way to severely damage a networked organization is repeatedly to damage or destroy most of the elements in one horizontal layer of the network—especially a layer requiring critical contacts or skills—at a rate higher than the organization's ability to replace them.

The Strategy describes how the United States Government, in concert with international allies, is seeking to target networks by attacking entire business sectors, such as the transporter sector. The Strategy lays out several examples, including destroying the economic basis of the cocaine production business in South America by fumigating the coca crop; seizing enormous and unsustainable amounts of cocaine from transporters; and selectively targeting major organization heads for law enforcement action and, ultimately, extradition and prosecution in the United States.

Concerns with the Office of National Drug Control Policy Reauthorization Act of 2005

I. Development and Oversight of the National Drug Control Budget

ONDCP formulates the National Drug Control Budget through the authorities provided by Congress. ONDCP authority to assist in coordinating the President's drug control programs includes the important ability to review agency budgets. This is a two-tiered process, consisting of a summer review of bureau-level submissions and a fall review and certification of agency submissions. For each of these stages of review, budgets are judged based on funding guidance I am required by law to provide to the Cabinet in the spring. My evaluation of these proposals is also closely tied to demonstrated results from these drug programs. ONDCP's budget review and certification process is an instrument in focusing resources toward critical initiatives that support the Strategy. Section 5(e) of the reauthorization bill would overly restrict my discretion in this process by prohibiting me from certifying a budget request that does not meet specific criteria established by the bill.

Since ONDCP was last authorized, there has been one very significant change to the drug budget process that has significantly enhanced ONDCP's ability to provide effective oversight of drug control programs—a restructured presentation and accounting of the drug budget. This proposal was initially communicated to Congress in the February 2002 Strategy documents. It was fully implemented in the fiscal year 2004 Budget of the President, transmitted to the Congress the following year.

Prior to this change in the budget, the drug control program consisted of close to 50 budget accounts totaling $19 billion. Independent analyses of these budgets commissioned by ONDCP[2], as well as required reviews by department Inspectors General[3] identified significant weaknesses in these budget presentations. Many of these issues were associated with the drug budget methodologies used by agencies to estimate drug spending. Drug budget methodologies were imprecise and often had only a weak association with core drug control missions. The revised budget presentation provides a greater degree of accountability for federal drug control programs.

The basic shortcoming associated with the old drug budget was that much of the funding displayed did not represent real dollars in the President's Budget. Drug budget calculations were not transparent to the public, Executive Department officials, or Congress. The drug budget generally did not represent funds that could be readily found in individual agency budget documents or accounting systems. Since the drug budget was a collection of estimates based on percentages of many accounts, it was wholly an artificial construction.

To correct this fundamental deficiency, the revised drug budget was restructured to display, to the extent possible, actual funds found in the President's Budget. If possible, all drug control funding would be directly appropriated by Congress into separately identified accounts reflected throughout the Federal Budget. Even though the revised budget still includes funding for some agencies (i.e., Homeland Security and Veterans Affairs) that is based on complex methodologies and calculations, the proportions of those budgets that actually goes to drug-related activities are substantial and measurable, whereas in the accounts that we no longer score, the drug-related activities are ancillary to the central mission of the agencies and difficult to identify or score due to their small scale. In whole, the new budget structure is a vast improvement over the old accounting system.

Section 5(c) of the reauthorization bill would have the overall effect of returning ONDCP to the drug budget scorekeeping methodology of the past. We oppose these changes for the reasons discussed above.

II. National Youth Anti-Drug Media Campaign

The National Youth Anti-Drug Media Campaign (NYADMC) leads our efforts to reduce youth drug use. The NYADMC is an integrated effort that combines advertising with public communications outreach. It has developed a series of advertisements that change youth attitudes of drug use and coach parents in monitoring teen behavior and promoting early intervention against signs of early drug use. The President's fiscal year 2006 budget proposes $120 million for the NYADMC.

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[2] Patrick Murphy, Lynn E. Davis, Timothy Liston, David Thaler, and Kathi Webb, *Improving Anti-Drug Budgeting* (Santa Monica, CA: RAND, 2000).

[3] Office of National Drug Control Policy (ONDCP), *FY 1999 Accounting of Drug Control Funds* (Washington, DC: ONDCP, 2000). ONDCP, *FY 2000 Accounting of Drug Control Funds* (Washington, DC: ONDCP, 2001). These documents included reports from department Inspectors General regarding agency drug budget presentations. Both the FY 1999 and FY 2000 Accounting Reports were transmitted by ONDCP to the Congress, pursuant to 21 U.S.C. § 1704(d).

We are convinced that the NYADMC has been a major contributor to our success. Exposure to anti-drug advertising has had an impact on improving youth anti-drug attitudes and beliefs since 2002. Among all three grades surveyed by the Monitoring the Future (MTF) study supported by the National Institute on Drug Abuse in the Department of Health and Human Services (DHHS) over the course of the NYADMC, such ads have made youth to a "great extent" or "very great extent" less favorable toward drugs and less likely to use them in the future. Further, more than half of the increase in most of these outcomes among all three grades has occurred in the past three years. This is particularly striking among 10th graders, our primary target audience. With these results, the NYADMC will continue as our primary drug prevention program, and I look forward to additional progress in the future.

However, Section 11(b)(3) of the reauthorization bill is problematic in continuing the success of the NYADMC. ONDCP needs to be able to determine from time to time what level of expenditures for advertising will achieve the optimal reach and frequency to meet the goals of the Media Campaign without the imposition of a minimum amount for advertising. Especially troublesome is the requirement that not less than 82 percent of the amounts appropriated under this section be used for advertising time and space in years when the appropriation is less than $125 million. Under this requirement, the NYADMC would be required to spend substantially more on time and space than originally envisioned and justified. This requirement would have the effect of limiting production of an adequate number of ads for the Campaign's two key target audiences – youth and parents. The end result would be fewer quality ads available which would then be worn out sooner, thus boring or possibly even alienating our audiences, especially the highly-sensitive teen audience.

Additionally, the requirement to spend 82 percent of the NYADMC budget on advertising time and space would compromise the Campaign's ability to reach ethnic populations, including African American, Hispanic, Asian-American and American Indian. Many of the special outreach efforts to ethnic groups through the news media, the Internet (in language), and by involving key Campaign partners would no longer be possible, thus shrinking our ability to deliver culturally relevant, effective messaging to these important groups.

Finally, a requirement to spend 82 percent of the total NYADMC budget on advertising time and space would compromise the Campaign's ability to create, maintain, and update websites. Without quality content and new, fresh looks and ideas, the usage rates will decrease and we will not reach nearly as many audience members. Indeed, internet users would likely see the banner ads, but they will be repetitive, worn out, and possibly scientifically out of date. Examples of websites this would impact include www.theantidrug.com (for parents) and www.freevibe.com (for teenagers).

III. United States Interdiction Coordinator

The United States Interdiction Coordinator (USIC) was established by Executive Order 12880 (1993) with the responsibility to ensure that assets dedicated by Federal drug program agencies for interdiction are sufficient and that their use is properly integrated and optimized. Additionally, the USIC is to ensure that interdiction efforts and priorities are consistent with overall U.S. international counternarcotics policy. The authority and responsibility of the USIC

was interpreted and codified by Congress in the Homeland Security Act of 2002. The authority and responsibility of the USIC was then altered in the National Intelligence Reform Act of 2004. The Office of National Drug Control Policy Reauthorization Act of 2005 seeks to change the authority and responsibility of the USIC once again.

Unfortunately, some of the proposed changes in Section 12 of the reauthorization bill are contrary to the authority and responsibility of the USIC. The USIC, under the direction of the Director of National Drug Control Policy, is responsible for:

(1) ensuring 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, and supporting national policy directives,

(2) assessing 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,

(3) reporting unresolved issues to the Director for resolution among principals,

(4) reporting as the Director, National Drug Control Policy may direct concerning the adequacy, integration and utilization of interdiction assets; improvements in interdiction command, control, communications and intelligence systems; and other matters that may bear on the accomplishment of interdiction objectives; and

(5) such other duties as determined by the Director, National Drug Control Policy.

The USIC is an advisor to the Director of National Drug Control Policy and prescribing the role of the USIC in Section 12 of the reauthorization bill is unnecessarily limiting.

Conclusion

The Office of National Drug Control Policy Reauthorization Act of 2005 is a step towards reducing drug use in America. Although I have concerns with provisions in the bill, they are primarily due to the bill being prescriptive rather than opting for flexibility in a time where rapid change to meet the threats of today can make a fundamental difference in the way the illicit drug market operates. Additionally, there are portions of the bill that usurp Executive Branch privilege, including Section 4(b) which determines the rank of the Director, Section 4(c)(2) which would limit the President's ability to nominate the most qualified person to be Deputy Director for Supply Reduction, Section 4(g)(4) which requires a parallel drug country certification process using a different standard than the President is required to apply in the existing process, and Section 8(i) which stipulates how the President's budget is to be submitted with regard to the High Intensity Drug Trafficking Program which is not within ONDCP in the President's fiscal year 2006 budget submission. The Administration strongly opposes any provisions in the bill that limit the Executive Branch's or the President's prerogatives.

In a time when our prevention efforts have been more effective than they have ever been, in a time when we are closing the treatment gap in America, and in a time when we are significantly reducing the supply of drugs while shutting down the trafficking organizations, we need to follow-through. Last year, approximately 26,000 Americans died due to drugs—we save them by continuing on the path that has realized a 17 percent reduction in youth drug use.

Mr. SOUDER. Thank you. I will see if Mr. Mica wants to get into a discussion on the certification. He was the original author of that language as a staffer for Senator Hawkins, and I helped when I was with Senator Coates. And part of the problem with the Secretary of State is that she, in this case, has other considerations in addition to drug trafficking. We are strong supporters of that provision and I believe it is necessary for your office to give that recommendation, and we are concerned that it has not been as aggressively enforced as it should be.

But I wanted to start with a question. I was not at the meeting and I just want to clarify this because I was very upset. You suggested at a meeting that the President might issue a signing statement that would disavow some provisions of this law. Are you saying that the President when he signs a bill into law can choose to ignore or refuse to comply with elements of the law?

Mr. WALTERS. We always comply with the law. The reason for this is to be fair with everybody so that nobody thinks that we were not candid, and I think we have had a reputation of working with your office. We may disagree. You have gotten on the phone, yelled at me, and we have had spirited discussions. We do that because we care.

I have never had a conversation with any member of this committee, never had a conversation with any Member of Congress, House or Senate, where what they have told me is the problem with the policy or what we are trying to do is it is getting in the way of something else they want to do. The problem is how do we get there faster. I understand that and that is what we are trying to secure here.

But there are larger issues, and what we alerted the staff to, and I personally alerted people to, is there are going to be larger issues that may be of concern to the White House that would impinge on Presidential prerogatives that we think may need to be more closely defended. So there are also areas of interpretation.

One example is the language about the status of the Director of the Office of National Drug Control Policy. I understand from some of these meetings that you and maybe other members of the committee believe that the language does not direct the President to put certain people in the cabinet, which is not a statutory arrangement. There are people who have, and others may have as we look at this as this proceeds, another opinion, in which case they will be responding and we will be responding as an administration to those provisions.

So, there are times where the ambiguity or the understanding of a bill at the time of signing on the part of the President is explained. And we may face such an issue if some of these provisions continue. I am not trying to be cute here. I am trying to say, in candor, I am trying to tell everybody where our position is insofar as we have been able to examine the provisions.

Mr. SOUDER. Quite frankly, it is an impeachable offense not to enforce the law.

Mr. WALTERS. We are not talking about that.

Mr. SOUDER. And the suggestion that you believe that provisions in this law—for example, it does not say anything about the cabinet. If the President wants to add, which is not a provision state-

ment, it would just be a comment, that he believes this law does not bind him to keep you in the cabinet, it is true, it does not say anything about the cabinet. What it says is that you have to be at a rank and status the same as a cabinet member, which does not mean you are in the cabinet, but you are of rank and status. And to deny that would be to not follow the law.

And any clarification that suggests that your rank and status would be different, that your salary would be different would be a violation of law. And we cannot stand here and tell kids that they have to follow drug laws and then have the President of the United States say, oh, I get to interpret the law this way to try to get around it, that I am going to try to avoid very explicit provisions. My question is, what other provisions would you suggest that he would try to get around? We cannot prescribe the cabinet, the cabinet is a personal preference, but we can say rank and status.

Mr. WALTERS. I do not want to start an argument about something I just think there does not need to be an argument about. Presidents for some period of time, Democrats and Republicans, when they sign a certain piece of legislation where there may be some cause for confusion have issued signing statements to clarify what the President understands to be the meaning of the bill so that there is no misunderstanding. Nobody has ever been impeached for that. Nobody has ever suggested it is an impeachable offense.

It is a matter of making clear so that if there is any ambiguity, Congress could of course pass another law with a different view and present it to the President for signing or not. All I am saying is these touch on prerogatives that are very carefully watched by the executive branch because, as the Congress respects its power, the President respects his power. That is what the separation of power is about.

Mr. SOUDER. But you are not suggesting that the 82 percent provision would fall in that category?

Mr. WALTERS. No, sir. I do not think anyone would ever come close to suggesting anything like that. No, sir.

Mr. SOUDER. OK. I am just trying to identify what would be a provision that would be something—mainly, the cabinet question?

Mr. WALTERS. I think some of the issues—again, I do not want to, I think maybe the best way to do this, I do not want to speculate on that. We will try to keep you informed so that we are not accused of blind-siding you. But I also have to tell you that, as you know, I think sometimes the levels of ambiguity are a source of friction. So I think actually it is important for us to be clear about where we stand.

Mr. SOUDER. Well we could try to clarify it in the bill if you would tell us what—I mean, if we included report language that suggested that we are not questioning the authority of the President to create his own cabinet, that would certainly clear that up.

Mr. WALTERS. I think there are other measures in there that touch on the manner in which the President presents his budget that may be issues of concern by OMB. Again, I am not issuing a signing statement. I am not issuing a veto threat. I am not issuing a Presidential position before he has had that position. I am trying to do what I thought you wanted us to do, and that is work with

the committee and the staff to explain issues that may be problems so that you know where we are and do not get surprised down the line.

And if we get in a position where there is conflict, obviously we make more progress when we have consensus. I am merely stating, and I do not think it should be a surprise to anybody, that some of the provisions—well, again, I am in the President's cabinet. I have the rank that I believe the reauthorization law would add in the current law. I do not think anyone has suggested, at least I have not seen it lately, that we do not have appropriate execution of the law as it stands here regarding the Director of the Office and the carrying out of the office's duties.

So I do not think this is a problem that has manifested itself. I understand that you have concerns about the period subsequent to this President and maybe this Director, as you probably should. But I am just saying that the more we enter into some of these areas, the more there could be potential serious administration issues that are not over drug policy but are over the separation of powers.

Mr. SOUDER. I also wanted to ask one more question on the national ad campaign. Nobody disagrees that there has been more diversity in media. But were you suggesting that—and you have had substantial reductions in the national TV time because the costs are rising while the program has been flat—that any major campaign in America has been reducing their national TV at the rate we have been reducing this campaign?

Mr. WALTERS. Well, actually, I will go back and look at the numbers, but off the top of my head, I do not believe we are actually reducing it. In fact, through a lot of hard work, I recognize this could be another case where no good deed goes unpunished, but through a lot of hard work we have more efficiently run the campaign. We have taken back more of the match. We are maintaining the reach and frequency with young people even on a lesser budget.

Now I realize that weakens our argument to say, well, we would like to have the budget maintained or we would like to have the budget increased. But the fact of the matter is, yes, I think it is very difficult, as we have tried to warn each year, as you have tried to help us warn appropriators each year, that you cannot continue to take out roughly $20 million out of the program every year and take it somewhere else and continue to have the kind of weight we have.

We are at the point, and I think that is why we are so concerned about the 82 percent is, is what we need to maintain is the ability to have power, to have contact with the target audience wherever they are in the media, we have to go where they are, and that is changing, and we have to be able to produce an array of ads that reach the groups that are needed to be effected here. What we are worried about, we want to put as much contact on the air, there is not a disagreement on that, we are just saying that this kind of limitation is likely to throw out the baby with the bath water.

Mr. SOUDER. You are, in effect, wandering into incredibly explosive territory. I just want to say this for the record, that while there has been more efficiencies if you count the donated time, which, quite frankly, was there, it has just been organized dif-

ferently, that I am not going to argue that effective ads are not important, and I am a big believer in market research, but the truth is that, as has been noted in the media, I have defended your office and the office of ONDCP as we have had multiple questions about the ad agency, as we are now having questions about the research agency. And that, in fact, much of this was donated prior to when we started to get in and have these services contracted and the argument that it would be more effective.

Now we have run into problems in both categories. We have seen actual real time, in terms of real dollar time that we can buy, reduced. And you have warned, and others have warned this committee and other committees that there is a point where we reach a tipping point where we cast this whole campaign overboard. And that part of this 82 percent question is to say there is some minimal level here that if we do not get it up on the air, this campaign is good-bye. And that is what our attempt is to do. The Senate actually pushed it just as hard or harder. And I do not believe that this provision is going to change.

Now I would like to see more dollars so that we could be more creative. And the people who want the more creative things to add to the campaign, which would be helpful, we need to get more dollars or find other free sources in working with the national media and different localized media and Internet to try to find creative free market ways to supplement the national ad campaign.

But this was meant to reach the bulk number of buyers, to put the dollars there, and it is getting at a dangerously low level. And with the particular problems that we have been having already, which just keep getting compounded from my perspective and harder and harder to defend, it is very frustrating.

Mr. WALTERS. I just want to say one thing. I would frame it differently and I think the difference is important. When I came on board, as you know, this campaign was not working effectively. Drug use was not going down. And ultimately, as you believe and the President believes, it is not about whether we try against the drug problem. That is the minimum requirement for public service and taking public responsibility, that you are going to attempt to seriously to the best of your ability reduce the threats to the public. The issue is, are we competent at reducing those threats?

Today, with the expenditures, with the management problems that we faced, with the need to clean up some difficulties the campaign had before, and in all that, through the standing of many of you sitting at this table, we have built a better campaign that is working. We should not have this discussion in a false kind of atmosphere of this is not working and we have to get this truck that is up on blocks running again.

This truck is driving an important dimension, if not maybe the most important dimension, of declines in youth drug use. Because the same surveys that show those declines show us that kids exposed to the campaign understand the dangers of drugs and particular drugs that we have tried to target because of their particular threat more aggressively, have better understanding, that parents are now talking to their kids more, that they are monitoring their kids more, and the kids say that.

So this campaign is working in a way that it has never worked. It is successful. How do we follow through with that? I think we need to continue to do the reforms that we have put in place. That is, reach kids where they are, reach them with powerful messages, reach them with the right time and frequency. As you know, we have taken back some of the "match" here and focused it on actual parallel programming of the same kind and the same place that is segmented.

One of the problems with the power of the campaign, I will tell you from my personal experience, is when I talk to most Members of Congress and most adults and I even show them in some cases the youth ads, they are very pleasantly impressed but they never see them. Why do they never see them? Because we have such a capacity now with using the best techniques to target kids in target audiences because that audience is segmented. They do not all watch Bonanza at night together as a family.

The biggest single place where people saw the ads was the Super Bowl because of the co-viewing and the monumental size of that audience. But most of the power that we are having is we can put these ads in a very cost-effective way in the reality of young people. But that reality is not the same reality as adults.

So what we have to do is be able to kind of defend the program that is working as powerfully as it is with the knowledge that creates certain challenges, because it was much easier for everybody when they saw all the ads on the prime time media which adults were watching. The problem is it did not reach the kids and it did not have the power that we needed. We have all changed that.

And I am not saying this in any facetious way or any way of being kind of obsequious about this, it has been a slog, you know that. We have met with appropriators, you have written to your colleagues, you have talked to people, because we are in the same appropriations bill that builds highways and this program can be turned into asphalt, and has been. This program has been shifted to other kinds of priorities, including the HIDTA program you brought up.

Yes, we like law enforcement, we want to balance strategy. Law enforcement will be continuing to lock people up at young ages forever if we do not reduce demand. You all agree with that. That is what we are trying to do.

I just ask you, this is not a trivial provision, we believe this will break our ability to reach minority youth, break our ability to have the kind of consistent power, and it is not tomorrow, it is because the appropriation is at this level. Now we are all working to try to get this appropriation to stop hemorrhaging, but I think we also have to be honest.

Mr. SOUDER. I am just not buying that you can reach minority youth more through Internet than you can through targeted television.

Mr. WALTERS. We are not reaching everybody the same way.

Mr. SOUDER. That is a nice try. But I understand that we have a difference of opinion. We will continue to work through that.

Mr. Cummings.

Mr. CUMMINGS. First of all, I want to thank you again for your service. I do just want to go back to something that the chairman

just said. I realize that minority youth have dramatically increased with regard to use of the Internet, something that I follow very closely. As a matter of fact our youth in my district have probably gone about 30–35 percent in the last several years in the use of the Internet.

But that is not my question. My question is more of an overall question with regard to ads on computers. Have we done some market research with regard to whether kids actually look at these ads? I watch my 11 year old and I do not know what ads she might be looking at, but she is usually focused on whatever she is trying to get to. And while we adults may very well kind of look at the ads on the side or whatever, have we done some research on that on kids?

Mr. WALTERS. Yes.

Mr. CUMMINGS. I notice you made a big deal of it and I want to know how did you get there.

Mr. WALTERS. Yes. I think that is a very important point and I am glad you raised it, because I was not clear about this. Why is Internet advertising attractive? One, because the kids are there and if we are going to reach them we have to go where they are. If they are not in front of the television, they are in front of the computer, running ads on the television does not help you.

If they are on the computer, how do we reach them? We all use computers. There is a lot of stuff there you never pay any attention to. One of the reasons why it is extremely cost-effective to advertise in this area is because you can pick a market, you can go to pages where your audience is going to be and you can segment it to some degree much more cost-efficiently than you can when you buy a prime time television ad.

But what you have to do is you have to have ads that people will click through. We can measure click-through, and we can measure when they click through to a Web site that then has additional information how much time they spend on that Web site, how many other pages that they use. We use the commercial services that provide advertising monitoring here; it is not my office. We have a very high for the market click-through rate for this audience, and we have them spending more time on the Web sites.

Now, I want to raise that particular issue. It costs more to make those ads. The way you get them to click through, as I understand it, and we rely on experts, as you do, I know many of you when you use advertising in political campaigns, is there has to be something intriguing about that banner or about that thing on the screen.

So you have to have new things, they have to be done in a creative way that get the target audience to click on that and come through. Because we are not just choosing the particular thing that is written, we are not choosing words, we are using an interaction. We want them to interact with the computer. It can have a much more powerful effect because then they get involved and they actually read more than they would if they were watching a television program and there may or may not be an ad on.

The cost here is not tremendous but it is an important additional dimension of advertising in this medium, which, as I say, is more cost-effective, but it is more costly to kind of get the creative mate-

rial there to bring them to the information. It is not just showing them in front of a screen that it has only got one thing on it. We are initially competing and we have to have a competitive advantage.

Mr. CUMMINGS. Let me ask you, you are in a kind of difficult position here with the HIDTA situation. This stuff is political. Let us not kid ourselves. Everybody has a HIDTA. Nobody wants to give it up, including me.

Mr. SOUDER. I do not have one.

Mr. CUMMINGS. Oh, I am sorry.

Mr. SOUDER. It is going to get more difficult.

Mr. CUMMINGS. I am sorry, Mr. Chairman.

Well, I have one. You know how politics work, everybody wants to cover their own turf, and legitimately so. People have problems, some problems are more extensive in one HIDTA area than somewhere else. But the fact is, if I have a problem in my area, as far as I am concerned, and I am sure that is how most of us think, then it is a major problem because we have to deal with it, we hear from our constituents, we have to deal with all the problems that are associated with drugs.

Now, I say all that to say that the probability is that no matter what happens there are going to be HIDTAs. I am just wondering how do you then deal with that? Because I am trying to project in the future. I know the chairman asked you about issues as to things that might be in your prerogative and all that. I am not there. I am sure that does not fall with that. I am just asking how do you deal with that considering all of the effort that you all have made to kind of change that landscape, because it was major policy change, would you agree?

Mr. WALTERS. Yes. The chairman accused us of not fighting very hard, while hard enough to get him to call me up pretty mad. So I was not aware that we were backing off in some kind of trivial way. But, yes, look, we knew when we made the proposal that there was going to be some pain associated with this. We were going to receive some, others were going to feel some.

Why did we do that? Not because we do not want there to be aid to people who are suffering and need to be helped in terms of enforcement. Again, the President's budget, as you know, includes the elimination of over 100 programs. If we did not like the program and we thought it was not effective and we thought there was a better use for the money, we zeroed programs. We did not zero the HIDTA program.

We did reduce it to try to focus on State and local law enforcement, and we tried to move it into an area we thought it could be better managed with other Federal, State, and local task force operations in the Justice Department. I understand that many people think that is a bad idea and we may not get it.

I still think the merits of this are we want to focus on areas where there is not only benefit to individuals with this program that live there, but there are areas that have a broader implication. Baltimore-Washington, I do not think anybody has questions about.

Again, to show you what I actually think is the underlying commonality for all this, I was going to read what I thought—there is nothing better that sums up my view of this program than to say

the following: "It is easy to make a case for the need to send Federal assistance to the hubs of national drug traffic to disrupt the market and keep drugs from every city in America. It is much harder to make the case to take taxpayer money from Indiana and send it to another State if it is to be used mainly for local projects or is not effective."

Now, that was a very wise man, the chairman of this committee, who said that in his own testimony. I agree 100 percent with that. And the question that we face with this program is how do we get it from being simply a selective revenue-sharing program that does not have sufficient accountability into something that allows us to cutoff markets that have spread—Baltimore-Washington, New York, other areas of the country. We believe we could better integrate it by providing accountability.

Now the reason I do not have particular support for the budgeting requirement in the current draft of the reauthorization is, look, I admit that the current situation is such that we do not have accountability in the discretion of my office to direct money. That is a problem. We are trying to fix that and we would like to work with you to fix it.

I do not think this comes close to doing it. Because when you have to submit individual HIDTA budgets with the President's budget submission, they will have to be prepared 18 months, maybe closer to 2 years, but at least 18 to 12 months ahead of when they are going to be executed. That is driving your car through the rear view mirror. Nobody can predict in law enforcement where they are going to be as a result of enforcement operations of any significant magnitude 18 to 24 or 12 months from now. They need to have the ability to respond to real threats.

Again, we are not just funding the underlying infrastructure of local law enforcement with this program. We are trying to target major needs and cases that are going to have larger ramifications.

Again, it is pretty obvious to me that the Congress has a problem allowing us the discretion to choose these. I do not know whether the solution is to look at something like allowing us to, with some selectivity, choose to give money to this program on the basis of the applications brought forth by designated areas or maybe even larger designated areas for compelling cases, have them compete, and those that have multi-jurisdiction enforcement measures that are going to have larger ramifications for their particular jurisdiction or for larger jurisdictions, maybe tie some of it so it has to be more routed, maybe allow others of it to be more discretionary.

Again, here is the underlying problem I am getting at that I think is of concern for you who have HIDTAs and those of you who do not. The problem the administration is going to have is a version of what you have as authorizers and that appropriators kind of do not have as much because of the way this is playing out politically. We are going to have trouble maintaining support for the program.

So this pain is likely to continue year after year if the program one, does not demonstrate results, which we are trying to build into the program but is taking an awfully long time and is going to be still painful, and we will see whether people want to hear winners and losers when we have results; and two, that it is selective. It

is a revenue-sharing program that is not national. It is in 28 places.

And the question is why are those 28 places, given the variety of character of those places now, why are they selected. And in this competitive environment for State and local law enforcement moneys, it is very difficult to say that these are the places that ought to get that money when we do not have accountability and we do not really have a defensible way of defending where the moneys are located.

So I do not want to fight with you and other Members year after year after year, but I feel I am in a position where if we are going to carry out our responsibility, we are going to have to say we do not think this is as competitive as some other things. And so then instead of moving ahead on consensus, we are going to be fighting over the political debate about the spoils of the HIDTA program.

Mr. CUMMINGS. So, basically, if you could sum up what you just said, you are trying to figure out how do we be most effective and efficient with the funds that we have while doing the kind of work that HIDTA is doing.

Mr. WALTERS. Yes. I want to go back to Chairman Souder, of his testimony, not of the draft bill.

Mr. CUMMINGS. OK. Let me just ask you one other thing. You said something, I am always talking about efficiency and effectiveness, and one of the things that you talked about here was this whole budgeting situation. And you used just a moment ago in your direct testimony I think a thing about the Veterans' treatment.

I think we all want truth in reporting, in budgeting. If it is not there, we do not want to be told that it is there because at some point we have to deal with that, whatever the fact is. But I take it that this is just a matter of where you place the numbers in certain budgetary documents. Is that right? In other words, these things are happening, it is just that you do not want them to be categorized the way that the bill is saying it should be done. Is that it?

Mr. WALTERS. Yes. I want to be clear. The reason I brought this up and the reason I think this is more heated than it might be otherwise is that I believe this seriously weakens the power of my office. The program stuff on Media Campaign, as you know, I am concerned about. I do not believe, leave aside the executive prerogative issues which may be more separation of powers than applied to me, there is nothing in the bill that more concerns me about powering down my office's ability to do a job than this measure.

That is why I made the change in the budget in the first place. And I will tell you why. It is very easy for both appropriators in Congress and budget people in the executive branch outside my office, when you have large things connected here and the issue is going to be scrutiny, how much are we spending on treatment, how much are we spending on prevention, what is the ratio of supply reduction to demand reduction, that becomes a huge game. The issue is, are we looking at real things or are we gaming ourselves?

Once you start putting in entitlement programs and other kinds of things, as you know, many things are influenced by the cost of drugs, and if you really start putting this in there, one, you create a sense that we are spending all this money and why are we not

getting more for it, but also we end up having an apparent focus. When I was in the administration, in President Bush's father's administration, we increased actual treatment requests and spending more than any other administration at that time, whether it was 4 years or 8 years.

Every single year, as Chief of Staff, I had an enormous fight with the Secretary of HHS Louis Sullivan, not because he did not care about treatment, but because the squeeze of everything else he was forced to deal with in the health care budget meant that he had to jealously guard his resources and he did not want to put as much money into drug treatment as he did into other things, you know, WIC, and caring for people that are in need across the board. How did we get there? Because we could say that treatment number was isolated.

As this has expanded, it has become harder to do that. That is why we cut it back to programs we could really manage. Now there are several that we cannot fully count as substantive. There is the Coast Guard, as was mentioned, there is the legacy Customs agencies, there is the Veterans Administration system, and there may be one or two more that I am now forgetting.

What did we do in that case? We used the authority that the office has to both score a certain portion of money, but we also asked for spending plans that would be modelled on the Defense Department, which has a portion of its money but has a central transfer account that money comes out of so it really goes to drugs.

As you get into more accounts that have smaller and smaller amounts, or that are not manageable, we spend all of our time then arguing about things that really are not central to reducing the problem. I do not want either somebody in the public or somebody in Government to be able to game us about this.

So that when you look at the budget and you say, are you cutting prevention, we have to score what we did. We had to score the cut to the Safe and Drug-Free Schools program, you saw that up front, and I was not able to score 14 other things in the Department of Education, or 5 other things in HHS, or 6 other things in other programs in other places and say it is not really a cut to prevention because look what we found when we did rescoring.

That is what happened in the old days. I was in the Reagan administration, I was in other administrations. That is what used to happen, people found money. And they can make reasonable arguments about, well we should be scoring this and look at all these resources. But you know and I know no one is going to pull money which used to be scored from Head Start because it is not specifically categorized and put it into treatment programs in HHS because it is not real money. It is an estimate of cost, not an estimate of budget that is manageable.

And we can talk about which things ought to be in here if you want, but the fact of the matter is I believe that in order to hold people accountable you have to have programs that are managed. Otherwise, all these things are not going to show results because no one is going to be able to evaluate them.

Mr. CUMMINGS. Let me just ask you one last question. Let me just tell you where I am trying to get to. If I have a million treatment slots, what I want to know is, assuming it is the same cost

per treatment slot, hypothetically, just like last year and this year, is there an increase in treatment slots? Are you following what I am saying?

Mr. WALTERS. Yes, sure.

Mr. CUMMINGS. I am asking you what method best reflects that, and I am assuming you are going to say yours, right?

Mr. WALTERS. Partially. We cannot——

Mr. CUMMINGS. Do you understand what I am saying? I am trying to figure out, well, then, if there is some other agency that you do not have a lot to do with, they just so happen to have some money that goes for some treatment slots, I am trying to figure out how does that play. But I am more concerned about what you deal with and whether, when I look at what you deal with, there is a reduction in my treatment slots, or whether they are the same, or whether there is an increase. Do you follow me?

Mr. WALTERS. Yes. The reason I hesitated is you picked an area where we have a particular problem because of the block grant. We are trying to build accountability into treatment. You have picked something else we could have had probably more of a metric.

What we have done with, for example, and we have worked to try to change this, is we tried to create more accountability with the States to measure how many slots do we have, what slots are being used, how effective are the slots being used, how were they proportioned against the need. We are trying to get there. We are not there yet.

What we did with the Access to Recovery money, the President's request for additional treatment to be used to follow the needs of individuals, is we asked for such a monitoring program. Now, the dollars are not buying treatment services, now the dollars are being given to trackable individuals in the form of reimbursable resources that the States then have to track it. They have to tell us how many people got served, they have to tell us what the cost of those services are, and they have to tell us whether or not those services were effective, there is a quality control over the provider, and we let people choose, and we are going to provide that information.

The reason we did that is not only we wanted to have real expansion of capacity, but we want to see whether or not—I just met with people, one of the Access to Recovery grantees for the first $100 million is Idaho. I was just out there and met with people there. I think they have fantastic news. They believe they are doubling the number of treatment providers in that State as a result of the Access to Recovery program. They are bringing not only nonprofits in, they are bringing for-profits in that will now provide services on the basis of a reimbursable fee-for-service kind of arrangement we see in other things, with floors and minimums and standards here.

What they are concerned about is are we going to continue this program, because they have had an enormous expansion of those providers in that State. We have done that also with one grant of the first 15 to a Native American group in California and they are expanding the number of providers dramatically. And that is not just the direct in-treatment service providers. But we know and you know, we need a continuity. We need to get people back in the

community with housing, we need to make sure that they are transitioned to education and jobs. It allows a proportional expenditure on those things that we know make recovery durable.

I think that is what is most encouraging here, and we want to try to do that. Again, that is what we want to talk about.

Mr. CUMMINGS. Thank you, Mr. Chairman.

Mr. SOUDER. Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman, and I get to participate in this review of the reauthorization. Sometimes we go along and sort of do things almost in perpetual motion here. I did not get to do an opening statement, but I want to comment first on——

Mr. SOUDER. Do you want to do an opening statement?

Mr. MICA. No. I am going to ask some questions. It will be a combo. But Mr. Cummings, who is getting up, was talking about the HIDTAs and that they are political. I must say, with the HIDTA that I have in central Florida, I found the situation very political back in the mid-1990's. And I guess because I was in the minority at the time I did not get attention, and we had a different administration and I could not get the then Director to designate one in central Florida. We had record heroin deaths.

So I took it to Congress and I think I got central Florida included by legislative fiat. Then I got a call from the press that said John McCain had identified my HIDTA as a pork project, at which point I became totally unglued, because I had kids dying in the street.

So when I found out the rest of the story, as Paul Harvey says, I found out that when my proposal got over to the Senate they added two areas that really should not be HIDTAs on to it. And that was the reason for John's designation. I had a rather pointed call with John McCain at the time and he did clarify his position that mine was not a pork project, that it was needed, but the others had, for political reasons, latched on.

What we have done over the past 15 years is added 28 to a program that has kind of lost its purpose. I have to say first of all, I had greatly admired John Walters. I do not know where he was, but we have needed him for some time to come and say that the Emperor has no clothes, because HIDTA definitely is out of control. It does not serve its original purpose.

I am as guilty as anyone when they said that the administration is cutting HIDTAs, to sign something and we will protest or something. I signed it and then I started looking at what John had thought out and looked at. HIDTAs did not serve their purpose.

And even recently it sort of rubbed me the wrong way that some of the HIDTAs are buying equipment and setting up little bureaucracies and they are getting this set amount whether or not the problem exists or whether we had this situation 10 years ago or not. This needs to be corrected.

I think, John, their proposal to shift it may make a lot of sense, cutting down administrative costs and duplication, but it does need to return to a targeted program. And I salute you for waking up the sleeping folks here. It has to be disturbing because these folks have had their snout in the trough for some time now and they are so accustomed to feeding at the HIDTA trough that they cannot see the original purpose for this. So, first of all, I would not give up. You are not going to give up, are you?

Mr. WALTERS. No, sir.

Mr. MICA. OK. You answered my question there. Then the other issue that was raised is the 82 percent. I think this has raised a great discussion because when we started out the Media Campaign we thought of media as the traditional media, TV and radio. And here again John Walters has looked at this and said, hey, if they are not watching this stuff—and you wonder, you know, we are spending a huge amount of money on these ads. What are we doing with this money? You have to target your audience. This makes a lot of sense.

So I become concerned that we put artificial constraints. Now we may need some compromise that they develop a plan, submit it to us. I mean, you have targeted purposes you want to serve, Mr. Chairman. But I think what we need to do is look, are we reaching those audiences, and then it is not always how much we spend, but it is where and how we spend it.

Do you think, Mr. Director, that we can come up with some compromise plan or something that could be provided to satisfy the Members? The problem is you did inherit a program with a lot of problems. It was a new program that got off on some tangents and had serious problems and people have genuine concerns for the way the money is spent. Do you think it is possible we could reach something that would satisfy the committee?

Mr. WALTERS. Sure. I think some slight language changes, actually, just allowing the inclusion of the 82 percent toward services would help us have some flexibility here. What we need is some flexibility to maintain the things that I think everybody wants.

We recently sought ads, for example, that I know both of your States are concerned about, in regard to meth. We did those through an urgent, short time contract with PDFA to produce those ads. We are going to hopefully have those ready by the end of the summer. We could not do that with the current budget with this kind of provision because it would not be, under the way this is written we believe, an allowable expense with the 82 percent requirement.

So if we can add, without troubling you that we are going to bulk up the administrative costs, that we are going to maintain quality, we are going to maintain targeting, and we are going to maintain progress, we all want that. I am hoping that we can reach a consensus because I think that is when we move ahead, as I said, and I think so do you.

Mr. MICA. Again, Mr. Chairman, I have seen a lot of bureaucrats in 24 years on the Hill in different capacities, and people come up from agencies and usually repeat the same thing or propose the same thing. I have to commend the Director for coming up and taking on a tough issue like the HIDTAs. And I am as guilty as any, but I am willing to give up mine in central Florida. What purpose is it now serving to continue that flow of money to a problem that we identified years ago.

Now, I might have other problems, and I fought for Mr. Cummings who certainly has a problem. We had an intolerable situation in Baltimore. Part of that was that the local authorities would not even work with the HIDTAs. But getting the resources and then getting the right program together and then targeting it,

we might do more good for Baltimore right now in targeting maybe Puerto Rico or some other point where the stuff is entering the country and the market.

But, again, I appreciate your taking those difficult positions, and then also educating us on educating the public and those potential drug abusers. Because if we are doing the same thing or targeting the same thing and it is not working, we are making a mistake.

The final question, I will not take as long as Mr. Cummings. Is he still ranking member?

Mr. SOUDER. Yes.

Mr. MICA. Good. Very good. Very good. Because he has had a lot of experience in this area. The final thing is maybe you could tell me where we are, John, on getting international cooperation? I helped author that language tying drug cooperation and we had the fully cooperating language, which I guess we changed to demonstrably failed in cooperation. Where are we now, and is the language sufficient? Is this effective, or do we need to do a relook at that?

Mr. WALTERS. I think the language is working. And the reason I say that is we have had historic cooperation, as you know, you have been involved in some of the direct, as has the chairman, direct work with some of the foreign governments. It is not so easy in places like Colombia, but we have a unique partner and through that we have had remarkable progress.

I think the difference was in the past, because of the variety of interests, when we tried to make the criteria so narrow, I think we sometimes had other interests that are inevitably going to be in the offing here that weakened our ability to be candid, frankly, about what was happening here.

I think it is very important that we have a report every year about what these governments are doing. For many of the people in those governments, it is very important to have the truth be told. And they, frankly, trust the United States to tell the truth here, as they do in other areas.

But I think we are now able to say, both on the one hand and on the other hand, and whether they are making progress and what they are doing, and in a way that allows those governments to cooperate. There were times in the past I think, frankly, where we had trouble and we had to say to people who needed encouragement——

Mr. MICA. Are they? Mexico was on a steady increase in the corruption. Now we are seeing of course a change in the situation in Bolivia. A lot of that had gotten under control. But some of that was because of the fear of being decertified and, remember when we had that, just before decertification they were all over the ballpark trying to cooperate.

Mr. WALTERS. Yes. I think two things happened here. One is, certification is obviously an important tool. You had the reaction to it. But also the ability to describe what is actually happening. Because certification could be done, as you know, with an explanation, even under the old criteria, where you would say, well, is the glass half full or half empty, and you would make a judgment and then you would kind of explain why that judgment was true, even though I think many people like yourself, sometimes myself,

wanted to have a firmer line here. But there were a variety of ways.

Ultimately we asked ourselves, how do we move things along and have credibility, use the pressure that the government of the United States with its resources and its authority have, and also bring these countries along. I think we are doing that. There are certainly problems in Mexico. But I would point out that the Mexicans have put more major traffickers in jail. They are having trouble with managing them in that situation.

I have met with the new Attorney General just in the last week. But we also have capable forces now that are not perfect, that need to grow, that need to have roots, but are now able to go after some of these traffickers as never before. And I would say the biggest example of that, which I think is undeniable, is, unfortunately, the violence along the border.

The reason that the violence is what it is at this point is they have destabilized major organizations and those organizations are fighting each other now, they are also fighting authorities. Unfortunately, this horrible problem sometimes goes through those transition points when the violent who are stable become destabilized and turn on each other.

But the Mexican government is going to face the challenge because it has actually been moving forward of how does it move it to the stage where the violence and the power of those people decline. I do not know how much more progress President Fox can make here because of the near end of his term. But we are going to face the issue again with them of how do we move them forward.

I just visited the Southwest border and I met with DEA personnel that we have in Mexico. We are trying to work on more effectively using our resources there because we think we need to do that. But, again, it does require partnership. I think it is sometimes frustrating because these governments have had enormous problems, and continue to have enormous problems, with corruption. I do not think we have a simple way of erasing all that, as you know.

But I think we have to figure out how can we maximally make progress. How do we posture ourselves with the tools in legislation and with the actions of the government of the United States to be able to put positive forces in as strong a position as we possibly can. And it is mixed in some places.

Yes, I am worried about Bolivia. I am worried about some of the areas. But also, again, on balance, overall production in the Andes of cocaine is down dramatically, across the Andes, overall interdiction is up dramatically because of effectiveness. Heroin, which is a part of the problem here in Washington, in Baltimore, in Chicago, heroin availability from South America is down 17 percent as a result of eradication and interdiction efforts.

So, never before in history have we had as many movements on supply and demand moving in a positive direction. Our problem, as it is yours, is to follow through.

Mr. MICA. Well now that we have gotten rid of the other side, I can ask another question. Staff is still here. They are monitoring very closely.

Did I hear you say 26,000 drug over-dose deaths?

Mr. WALTERS. I think that is the estimate of total deaths.

Mr. MICA. That is continuing to rise. Because when I left the Chair it was about 19,000.

Mr. WALTERS. I will have to check on the trend line.

Mr. MICA. I think I heard you say 26,000.

Mr. WALTERS. Yes, I did say 26,000.

Mr. MICA. It sounds like it has not improved a whole lot. To some degree, it depends what you count.

Mr. WALTERS. That may be. It used to be a lot of this was a result of, say, drug-related violence. And some of that is obviously still going on. Sometimes it is a result of over-dose deaths. Again, over-dose deaths are more common when drug supply is growing.

Mr. MICA. But that drug-related violence is the people who are on drugs who die. That does not count the people who were the victims, which would probably double that number.

Mr. WALTERS. Right. We also, as the chairman indicated, it is how you count, because we also have in the case, for example, of cocaine, in some cases of heroin, we have a lot of people who have been addicts a long time and are dying as a result of the higher rates of disease and debilitation caused by the drug. So, again, all these deaths are tragic and we want to stop them, that goes without saying.

Mr. MICA. Thank you. Mr. Chairman, just to you, on this HIDTA thing, I really think the administration has raised some issues and I think we really need to look at this. Because it is not targeting and it is not doing what it was set up to do. We are spending the same money in some of the same areas. The accountability, to me, is lacking. And somebody has yelled "uncle." Maybe their solution is not the right way, but we have to find a way.

Mr. SOUDER. Well, I disagree with your fundamental point. I think that you can argue whether the National Ad Campaign or the HIDTAs or local law enforcement has improved the numbers. We have made progress. I think we have leveraged our dollars more effectively than we have historically.

Interestingly, one of the challenges in the quote that I was given was correct that the Director did, but what he did not comment was that in my area I do not have a HIDTA, I have a drug task force funded by Burn grants that the administration proposes to zero out, other people have meth Hot Spots programs that the administration proposes to zero out, other people have it funded in other categories.

And when you looked at it holistically, what you had was a piecing together of some places had HIDTAs, some places had drug task forces, some people had them funded through COPS, through Burn grants, or Bureau of Justice Assistance, Chairman Rogers had his funded through a whole other type of program that he was able to fund down in Kentucky, and pretty much most regions of the country now have different cooperative things that we tried to push 10 years ago to get State, local, and Federal so they did not arrest each other, so they did information sharing.

It was embarrassing, quite frankly, to hear the testimony of the Department of Justice, as well as others, say what their alternative was to the existing HIDTA program. They do not have it. They have not researched it. They had not talked to anybody. The na-

tional narcotics officer said not a single person that they had identified in the whole Nation had been contacted about the change. It looked to me like an attempt to nationalize.

Now we had discussions about where the best place to put it is in the budget and how to do that. But interestingly, I think Director Walters ought to get a medal from the HIDTAs in the United States. He has done more to advance the HIDTA program in the past 30 days than any other individual in the United States. Now, that is not what his goal was.

But in fact, we were looking at trying to figure out how to tinker with it, how to make changes with it, how to challenge it, how to concentrate on the Southwest border more, how to address the meth question, how to give flexibility to the Director's office at least in the 10 to 15 percent. But by going wholesale after it, what has happened now is we have more Members of Congress who actually met their HIDTA directors, who visited their HIDTAs, who the sheriffs came into their offices.

This program is now more solidified in Congress than it has ever been. The chances of us changing the program are less than they have ever been. Our ability to modify it in legislation is less than it has ever been. We are going to have more people requesting HIDTAs than we have ever had.

So I think Director Walters, I do not think it was his intention, but he gets the Gold Star for promoting the HIDTA. And if this was a back door way to increase the HIDTA funding in your agency, to increase the influence, which I do not think was the original——

Mr. WALTERS. Mr. Chairman, you are getting mean here. We have had spirited discussions but you have never been mean before. [Laughter.]

Mr. MICA. Again, I have no problem with funding HIDTA. I think HIDTA was well intended. Knowing all that, it is our responsibility to see that the money be properly directed. I do not know exactly how we do that, how we formulate it. Maybe it does not belong in Justice, maybe it belongs right where it is.

But we still have a problem with directing the funds as they should be. And maybe someone needs to also look at the COPs and all the other programs. And part of what the administration said is we have all of these other programs, too, with huge administrative costs which detract from putting the money in the programs.

Mr. SOUDER. But the funny thing is, as we got into this battle, to use a cowboy expression, it is all hat and no cowboy when you look at many of the Federal programs. The Federal programs that are overtly in Washington have more overhead. We have the most leveraged program in HIDTA. We have like 10 percent of the dollars invested in HIDTA, whereas if we run it out of OCDETF, we have like a 90 percent overhead versus what gets to the grass roots.

And when I came here, one of my goals was to have a mix of Federal, State, and local, to have partnerships to try to do the cooperation. Now, does that mean that there are no inefficiencies that we——

Mr. MICA. But they are the same partnerships that we have had for 28 years. Maybe it is time to look at those, at least in the

HIDTA. In some areas we do not have them. I am telling you how mine started. Mr. Cummings spoke to the politics of it. Is that right? And just to continue, and we are getting the same earmark or amount just about every year. That is not right and it is our job to change it.

And I did say I never looked at this until he raised the issue and the administration raised the issue. I signed off on another letter like I always do and go on my merry way thinking everything is hunky-dory. But that is not the way it is, and we can see that.

So we have to do a better job with the limited resources. Keep the administrative costs down. Same thing with the Media Campaign, it does not make sense to spend all that money on TV if the kids are not watching it on TV. Just out of curiosity, have I ever heard an ad on NPR?

Mr. WALTERS. You might see parents' ads there. There are some radio ads.

Mr. SOUDER. But you were one of the long time critics and had concerns about the way some of the national ad campaigns were being run. But we are in actual TV dollars, I think we could find quotes, we are below the minimum we said we would need to sustain the campaign, unless we can get this 120 up. Now they have leveraged it.

Mr. MICA. Again, the fundamental question raised here, does it make sense to be spending as much as we have in the past if we are not getting the results.

Mr. SOUDER. As you know, because both you and I were critics of the last administration when they tried to diversify it from the TV and they argued that they were going to proliferate it into all these little type of programs, we led efforts to keep that from occurring because, in fact, what the Director said here today, was that you need adequate research, you need to make the ads effective.

The more places you put ads, the more studies you are having to do, the more you are spreading your bureaucratic dollars into analyzing effectiveness, media buys, production because you are trying to do it in 100 different places that you have to go bang for the buck. I am just saying this as a factual statement, that we are more likely, if we have a proliferation of locations where the ads run, to go back to using a total private sector development and placement rather than a paid one.

I supported having the Director have the flexibility to do paid advertising, you being able to have an advertising agency outside the traditional donated services, going to paying for research as opposed to getting voluntary research, because I felt that gave additional flexibilities.

But as the dollars in effect become frozen, even if you stay at $120 million, the ads are going to go up 15 percent this year. So it is a 15 percent real dollar reduction. And what happens in the course of that is the more things you try to do, the more percentage of overhead goes up and the percentage that you are putting in each of those media things go down.

I am not arguing that alternative media should not be the case. It may be that we have to pull off television other than the Partnership-donated ads and go to all alternative media because we do not have enough national TV at some point. But it does proliferate

all of the elements' overhead when you start to try to figure out whether an Internet ad, whether the people who then hit your targeted Internet location and went to your home page, were trying to see what it was, maybe we reach the curious.

But there is a whole other level of study that has to occur. Where at least with the TV ads, you have a very direct hit, it is a measurable type of thing, we can see it is having movement. And to the degree we take the dollars out of something that has measurably been moving the attitudes, it becomes tougher.

It is not that it is not changing. But I dare say that the average campaign running for Congress and trying to reach people and do the segments are not taking our TV dollars and going beyond the threshold of the number of people we need to reach to move it to Internet. If we are going to move to Internet, we add it to our TV dollars because we know we cannot get elected without the basic television.

Mr. WALTERS. Well, again, you are thinking of this in terms of audiences to get elected.

Mr. SOUDER. I am thinking of segments. I said segments.

Mr. MICA. I used to be in the communications business. I sold cell phones when they were as big as a brick. And who would have thought you would have wireless and all of that in a little gadget like this some 10 or 12 years later. When I thought of a Media Campaign and proposed legislation, I had it fully funded by the public service obligation, actually donated time from television. And at that time, we did not have the cable proliferation that we have now. I never envisioned public money. That was the Clinton administration. The compromise was this 50–50 solution.

I would like to go back and get even more public service time, because the public does own the airwaves, we did control them, and they have wormed their way out. They used to put a few ads on between like midnight and maybe 6 a.m., but they were never on other times. And each time they have diminished their requirement through a little effective lobbying or scamming out. But we do control TV, and, as I understand it, the Federal Communications Commission is still in business. But they do not participate as we intended.

But the markets do change and the target audiences that we are trying to reach do change. I think we need to have some of that flexibility, not be stuck in another era. So, I yield back the balance of my time. Thank you.

Mr. SOUDER. Dr. Walters, do you want to have any closing comments?

Mr. WALTERS. No. Again, we want to make this work, as you want to make this work. We have to be able to target the audience and we have to be able to do that in a way that is cost-effective. I think, as you know, if you look at the overhead costs or the production costs with this campaign vis-a-vis other public service campaigns, it compares very favorably. We will continue to try to make optimal use of those resources.

Again, I will live and die, as I think the program will, on does it produce declines in drug use by young people. If it does not, then it is not enough. It is not the only thing that is going to do that. But if drug use is not going down, I think we are going to be look-

ing at all these programs and saying, you know, why are we making this expenditure, or why are we running it this way.

All I am asking is at a time when we have drug use going down, in a time we have it going down at a rate that we have not had in a decade, all those same surveys show that exposure to the campaign is a significant contributing factor to the knowledge, information, and motivation of young people who are reducing their attractiveness to drugs. I want to be able to follow through with it. And I am just asking you to please consider modifying with a word or two here our ability to do this under the provisions of the reauthorization act.

I cannot help but say, for just a moment, to say thank you to Mr. Mica. He is the first Member of Congress I have talked to who has a HIDTA who is willing to be quite that frank. The chairman has always been frank on this, but there always was, as he said, I am not somebody who has grabbed my authority to make myself a HIDTA. I appreciate your willingness to reform.

Believe me, I certainly understand how hard the reform is. But, again, as with some of you, I have done this because I think it is necessary for us to be honest about what is going to move the ball ahead. We may disagree, we may not win some of these, there may be times, but ultimately, if we are going to make the drug problem smaller, we have to do things that are effective.

And if we dance around them, if we are afraid of politics or afraid of people being rough with us, or we cannot take phone calls where we are candid to each other, we should not be doing this, we are not worthy of the public trust that we have maintained. And for those people who have a problem with that and go around us, I have told them if you want to stab me in the back you are going to have to use old holes because it has been done before and it is not going to make a difference. We are going to continue to use the authority that we have to tell the truth.

And I want to thank both of you who have been stalwarts in this, and I think by your comments today show that you have done that again. So we look forward to working with you. We hope we can work out these differences because we want a stronger office, you want a stronger office, and I want to move as much on consensus as we can.

Mr. SOUDER. OK. Thank you for coming today.

Our second panel, if you could come forward, is Mr. Tom Carr, Director of the Washington-Baltimore HIDTA, on behalf of the National HIDTA Directors' Association; and Mr. Stephen Pasierb, president and CEO of the Partnership for a Drug-Free America.

If you would remain standing, we will administer the oath.

[Witnesses sworn.]

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

Mr. Carr, if you could go ahead with your testimony. As we noted at the beginning, your full written testimony will be in the record. So feel free to do a summary and make whatever comments you want.

STATEMENTS OF TOM CARR, DIRECTOR, WASHINGTON-BALTIMORE HIDTA, ON BEHALF OF THE NATIONAL HIDTA DIRECTORS' ASSOCIATION; AND STEPHEN J. PASIERB, PRESIDENT AND CEO, PARTNERSHIP FOR A DRUG-FREE AMERICA

STATEMENT OF TOM CARR

Mr. CARR. Thank you, Chairman Souder. It is an honor for me to appear before you today to discuss the reauthorization of the Office of National Drug Control Policy and the High Intensity Drug Trafficking Area program.

ONDCP and the HIDTA program are a vital part of our Nation's efforts to address the numerous threats that illegal drugs and drug trafficking pose to the safety and well-being of our communities and citizens. My colleagues and I at the National HIDTA Directors' Association are impressed with the ONDCP reauthorization legislation that you have recently introduced in the House of Representatives and believe it is an important step forward for both ONDCP and the HIDTA program.

Collectively, my fellow directors and I represent over 1,000 years of law enforcement experience, many of which are in the drug enforcement field, and we feel ultimately that the provisions that are being provided in this bill will buildupon ONDCP, the HIDTA program, and help our great Nation.

The proposed ONDCP reauthorization bill contains numerous amendments and additions to the current authorizing language that should benefit both programs. Improving coordination of drug law enforcement activities among Federal, State, and local agencies has proven to be one of the HIDTA program's most valuable tools for enhancing the effectiveness and efficiency of drug enforcement efforts. This bill promotes enhanced interagency coordination. We are certainly happy to see that.

Developing and sharing accurate, timely information and intelligence on drug trafficking and drug-related crime activities is essential to the continued success of drug law enforcement efforts. The HIDTA program has emerged as a national leader in the field of drug information and intelligence, operating over more than 50 regional law enforcement intelligence centers and promoting a wide variety of initiatives aimed at expanding information sharing.

Performance measurement, and I wish Mr. Mica had stayed around, performance measurement and data collection are two areas in which the HIDTA program has excelled in the past 2 years. The directors of the Nation's 28 HIDTA regions are actively engaged in efforts to enhance the program's performance management process. During my testimony before this committee on March 10, I provided the committee with an overview of the performance management process that we developed and implemented in 2004, and next week, as you know, we are going to release the results of that showing the I think fantastic outcomes that many of our HIDTAs and the HIDTA program as a whole have achieved.

Finally, this bill will implement some worthwhile changes internal to the HIDTA program itself. In many cases, the bill's language clarifies and expands existing program elements, such as the HIDTA designation process and the performance management

process. The bill also authorizes HIDTA regions to support counterterrorism efforts and witness protection programs.

The requirement for ONDCP to issue an annual report to Congress on consultative activities surrounding the preparation of the National Drug Control Strategy is a welcome addition that is obviously designed to promote collaborative efforts among ONDCP and State and local agencies and organizations. This is entirely appropriate in light of the fact that State and local governments and community organizations are generally the first to identify emerging drug trends and bear much of the responsibility for addressing the consequences of drug use and drug trafficking.

The GCIP provisions included in this bill will be of great benefit to law enforcement. My fellow directors and I welcome the efforts to address these issues through the GCIP and look forward to playing an active role in its development.

The Southwest Border Counternarcotics Strategy proposed in the bill is another outstanding idea. The increasing volume of illegal drugs, violent gangs, illegal immigrants crossing into the United States from Mexico requires this increased border law enforcement effort. HIDTA directors strongly support this provision and want the committee to know that they are eager to volunteer their time and talent to participate in shaping this strategy from its inception.

One of the most significant obstacles for HIDTA regions is the limited amount of reliable and timely data available on many key aspects of drug use and trafficking. The HIDTA directors encourage you to consider insert language authorizing the Director to promulgate a standard data reporting format that will simplify the data collection process and the analysis process.

The bill's provisions regarding performance measurement are especially welcome. The requirement that ONDCP regularly evaluate the usefulness and effectiveness of its own performance measurement systems and techniques will prove helpful in promoting the development of better tools for measuring program results and relevant drug-related trends.

Let me turn for a second just to the HIDTA program itself. The statement of purpose of the HIDTA program incorporated within this bill we feel is excellent. It accurately captures the program's current purpose and does a fine job of recognizing the very needed changes that have taken place within the HIDTA program since its establishment in 1988.

The new requirements for regulations governing the HIDTA designation process mandating a review of designation requests by a panel of independent experts are a welcome change from the loosely organized designation process that has been used by current and past administrations. Perhaps if we had this earlier we would not be in sort of the mess we are in today, one might say. Further, the HIDTA directors are pleased to see that drug distribution activities and the harmful impacts of illegal drugs will be added to the list of factors to be considered in the designation decision.

The provisions authorizing counterterrorism assistance will be a useful addition to the HIDTA program. Many regions already sharing information with counterterrorism task forces provide support for their cases on a routine basis. This provision will officially recognize and codify these efforts.

Our association is encouraged by the bill's language to cause the Director and the Attorney General to work together to ensure DEA's participation in HIDTA's intelligence support centers. DEA plays a major role in most HIDTAs but its role could be even greater if it provided personnel and data bases to augment the work of these centers.

The requirement for an assessment of intelligence sharing efforts is another wise addition to the bill, given the number of intelligence sharing systems and programs that have multiplied over the years.

Witness intimidation has become a very prominent issue in many of our Nation's communities, especially those suffering from increases in gang-related violence, as in Washington, DC, northern Virginia, and Baltimore. As the Director of the Washington-Baltimore HIDTA, I want to personally commend you, Chairman Souder and Ranking Member Cummings, for your undivided attention to this issue and your sincere commitment to addressing it through the Dawson Family Community Protection Act. This act will enhance protection for our most troubled communities and, in addition, fund efforts to promote witness protection.

The HIDTA Directors' Association wholeheartedly supports this proposed reauthorization bill. The bill recognizes the need for improved coordination for drug enforcement, drug intelligence activities, and proposes numerous constructive responses to address these needs. The bill's performance measurement and data collection provisions will reinforce the HIDTA program's recent advances in performance measurement by providing reliable and timely data. It also proposes worthwhile changes and additions to enhance the operation of the HIDTA program that will continue to build on its considerable successes and help to adapt to the ever-changing nature of the illegal drug trade.

We firmly believe this bill represents a major step forward in the evolution of ONDCP and the HIDTA program. Thank you for allowing me this opportunity to share our views with this committee.

[The prepared statement of Mr. Carr follows:]

NATIONAL HIDTA DIRECTORS' ASSOCIATION

Reauthorization of the Office of National Drug Control Policy

Statement by Thomas H. Carr
Treasurer, National HIDTA Directors' Association
Director, Washington/Baltimore HIDTA

Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources

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June 15, 2005

Chairman Souder, Ranking Member Cummings, and distinguished members of the Committee: It is an honor to appear before you today to discuss the reauthorization of the Office of National Drug Control Policy (ONDCP) and the High Intensity Drug Trafficking Area (HIDTA) Program. ONDCP and the HIDTA Program are a vital part of our Nation's efforts to address the numerous threats that illegal drugs and drug trafficking pose to the safety and well being of our communities and citizens. My colleagues and I at the National HIDTA Directors' Association (NHDA) are impressed with the ONDCP reauthorization legislation recently introduced in the House of Representatives and believe it is an important step forward for both ONDCP and the HIDTA Program.

I come to you with over 34 years of law enforcement experience, including 20 years in drug law enforcement, ranging from investigating drug crimes to leading the Maryland State Police Bureau of Drug Enforcement and 11 years as the director of the Washington/ Baltimore (W/B) HIDTA. My colleagues in the NHDA and I collectively represent more than 1,000 years of law enforcement experience. I appreciate the opportunity to share the NHDA's views on the provisions of the reauthorization Bill that affect the HIDTA Program and our great Nation.

I. Introduction

The proposed ONDCP reauthorization Bill contains numerous amendments and additions to the current authorizing language that should benefit both ONDCP and the National HIDTA Program. The NHDA's members are impressed with the insight and understanding demonstrated by the members of Congress who took part in drafting this Bill. It consistently emphasizes the most important lessons we have learned from drug control efforts over the past several decades and, when enacted, will implement numerous improvements to ONDCP and the HIDTA Program.

Improving the coordination of drug law enforcement activities among Federal, State and local agencies has proven to be one of the HIDTA Program's most valuable tools for enhancing the effectiveness of drug enforcement efforts. While overcoming barriers to true cooperation among drug enforcement agencies is often challenging, it is almost always justified by the enhanced operational effectiveness and expanded capabilities that it promotes. This reauthorization Bill will promote enhanced interagency coordination in a number of key areas. Through the requirement for the development of a Southwest Border Counternarcotics Strategy, coordination of drug enforcement operations on the Southwest border will receive the additional attention needed to bring about better results. The Bill also provides for enhanced coordination of international and domestic interdiction efforts through The Interdiction Committee (TIC).

Developing and sharing accurate, timely information and intelligence on drug trafficking and drug-related criminal activities is essential to the continued success of drug law enforcement efforts. The HIDTA Program has emerged as a national leader in the field of drug information and intelligence, operating a network of more than 50 regional law enforcement intelligence centers and promoting a wide variety of initiatives aimed at expanding information sharing. This reauthorization Bill will help law enforcement improve coordination of drug intelligence efforts through the General Counterdrug Intelligence Plan (GCIP) and require the HIDTA Program to conduct a program-wide assessment of its intelligence sharing efforts with an eye toward improving coordination and eliminating barriers to information and intelligence sharing. My colleagues and I applaud both of these initiatives and look forward to taking part in each of them.

Performance measurement and data collection are two areas in which the HIDTA Program has excelled in the past two years. The directors of the Nation's 28 HIDTA regions are actively engaged in efforts to enhance the HIDTA Program's performance measurement system; during my testimony before this Committee on March 10, I provided an overview of the Performance Management Process that we developed and implemented in 2004. The reauthorization Bill's focus on mandating comprehensive and effective performance measurement and reporting is commendable. The NHDA is pleased to see that this Bill incorporates numerous provisions aimed at improving data collection on drug use and drug trafficking, all of which are vital to performance measurement and, in the end, informed decision making.

Finally, this reauthorization Bill will implement some worthwhile changes in the HIDTA Program. In many cases, the Bill's language clarifies and expands existing program elements, such as the HIDTA designation process or the HIDTA Program's performance management system. The Bill also authorizes the HIDTA regions to support counterterrorism efforts and witness protection programs if their Executive Boards determine that such support is an effective means of advancing their regions' goals. Taken together, these changes will empower the HIDTA Program to operate more efficiently, better monitor its performance and build on its extraordinary record of success.

II. Provisions Impacting the HIDTA Program

The requirement for ONDCP to issue an annual report to Congress on consultation activities surrounding the preparation of the National Drug Control Strategy is a welcome addition that is obviously designed to promote collaboration among ONDCP and State and local agencies and organizations. This is entirely appropriate in light of the fact that State and local governments and community organizations are generally the first to identify emerging drug trends and bear much of the responsibility for addressing the consequences of drug use and trafficking.

The GCIP provisions included in this Bill will be of great benefit to law enforcement. The inadequate coordination of drug intelligence efforts and the fragmentation among the centers responsible for producing and disseminating this intelligence are certainly not new problems, but they have become especially troublesome in today's environment where intelligence sharing is seen as a top priority. My fellow HIDTA directors and I welcome efforts to address these issues through the GCIP and look forward to playing an active role in its development.

The Southwest Border Counternarcotics Strategy proposed in the reauthorization Bill is another excellent idea whose time has definitely come. The increasing volume of illegal drugs being transported from Mexico, the migration of violent gangs such as Mara Salvatrucha (MS-13) from Latin America into the United States and the Nation's continuing struggle with illegal immigration all point to the need for improved law enforcement coordination along the Southwest border. The Southwest Border HIDTA currently plays a prominent role in existing efforts to improve border law enforcement and all HIDTA regions will benefit from improved drug interdiction and intelligence gathering at the border. The NHDA strongly supports this provision and wants you to know that directors from the appropriate HIDTA regions are eager to volunteer their time and talent to participate directly in the shaping of this strategy from its inception.

One of the most significant obstacles facing the HIDTA regions and the HIDTA Program in developing improved threat assessments and performance measures is the limited amount of reliable and timely data that are available on many key aspects of drug use, trafficking and drug-related criminal activity. The data collection provisions integrated into this reauthorization Bill represent an important step forward in addressing this matter. To improve this process, the NHDA encourages you to consider inserting language authorizing the Director to promulgate a standard data reporting format that will simplify the data collection and analysis process.

One area in which the data collection provisions mentioned above may cause some difficulty concerns the term "drug-related crime." Due to the lack of a standardized definition of this term, there is no systematic collection of data on drug-related crime at the Federal, State or local levels. This issue will likely require considerable study before an agreement can be reached on how to define drug-related crime and how best to collect this data. Perhaps ONDCP should be charged with leading an interagency effort to address this matter.

This reauthorization Bill's provisions regarding performance measurement are especially welcome. HIDTA directors played a central role in creating the HIDTA Program's current Performance Management Process and are strongly in favor of efforts to improve and strengthen this process. The requirement that ONDCP regularly evaluate the usefulness and effectiveness of its performance measurement systems and techniques will prove helpful in promoting the development of better tools for measuring program results and relevant drug-related trends.

III. Provisions for the HIDTA Program

The statement of purpose for the HIDTA Program incorporated into this Bill is excellent. It accurately captures the Program's current purpose and does a fine job of recognizing the changes that have taken place within the HIDTA Program since its establishment in 1988.

The new requirements for regulations governing the HIDTA designation process that mandate review of designation requests by a panel of independent experts are a welcome change from the loosely organized designation process that has been used by current and past administrations. Further, the NHDA is pleased to see that drug distribution activities and the harmful impacts of illegal drugs will be added to the list of factors to be considered in a designation decision.

The provisions authorizing counterterrorism assistance will be a useful addition to the HIDTA Program. Many HIDTA regions already share information with counterterrorism task forces and provide support for their cases on a routine basis. This provision will officially recognize and codify these efforts, offering yet another valuable channel for information sharing.

The NHDA supports the language requiring the Director, in consultation with the Attorney General, to ensure DEA participation in HIDTAs' Intelligence Support Centers. This will enhance the HIDTA Program's overall intelligence efforts, as many of these centers will benefit immeasurably from increased interaction with the DEA and access to DEA databases.

The requirement for an assessment of intelligence sharing efforts within the HIDTA Program is another excellent addition to this Bill. As the Program has grown over the years, the number of intelligence sharing systems and programs operating within it multiplied quickly. A systematic review of these systems and operations will significantly advance the HIDTA Program's ability to identify the barriers to information sharing and fashion workable solutions to remove them.

The evaluation requirements for the HIDTA Program outlined in this Bill are an important step toward developing an accurate, up-to-date assessment of the Program's overall performance. All of the HIDTA regions are actively engaged in a rigorous

evaluation process and are prepared to report on their overall performance and outcomes. The HIDTA Program evaluation and reporting requirements will reinforce and strengthen these efforts.

Witness intimidation has become a very prominent issue in many of our Nation's communities, especially those that are suffering from increases in gang-related violence. As the Director of the W/B HIDTA, I commend Chairman Souder and Ranking Member Cummings for their personal attention to this issue and their sincere commitment to addressing it through the Dawson Family Community Protection Act. This Act will enhance protection for our most troubled communities and, in addition, fund efforts to promote witness protection. Witness protection programs not only benefit witnesses and their families and enhance prosecutors' chances of gaining convictions, but also bolster the general public's confidence in the criminal justice system. The measures proposed, such as temporary assistance to threatened witnesses and anti-crime hotlines, and the funds authorized will go a long way toward helping State and local agencies address witness intimidation in their communities.

IV. Conclusions

The membership of the NHDA, which is comprised of each regional HIDTA Program's director and many deputy directors, wholeheartedly supports the proposed reauthorization Bill. In its present form, this Bill recognizes the need for improved coordination for drug enforcement and drug intelligence activities and proposes numerous constructive responses to address these needs. The Bill's performance measurement and data collection provisions will reinforce the HIDTA Program's recent advances in performance measurement and provide reliable and timely data to support threat assessment and performance measurement efforts. It also proposes worthwhile changes and additions to the operation of the HIDTA Program that will contribute to efforts to build on its considerable successes and adapt to the changing nature of the illegal drug trade.

The NHDA strongly supports this legislation and firmly believes that it represents a major step forward in the evolution of ONDCP and the HIDTA Program. Thank you for allowing me this opportunity to share our views with this Committee.

Mr. SOUDER. Thank you, Mr. Carr.
Mr. Pasierb, you are recognized.

STATEMENT OF STEPHEN J. PASIERB

Mr. PASIERB. Thank you, Mr. Chairman. Thank you for inviting me. And before I get into my testimony, I really want to thank the subcommittee, and especially you, Mr. Chairman and, via staff, Ranking Member Cummings, for your incredible leadership on this issue. It has been an honor to work with you over the past several years.

The Partnership, as you know, is a coalition of volunteers from throughout the communications industry known for research-based education campaigns that have proven to be effective both in changing attitudes and in changing behaviors, reducing illicit drug use. The Partnership serves as the primary creative partner to ONDCP on the National Youth Anti-Drug Media Campaign. Congress authorized the campaign knowing very clearly that the private sector, working through the Partnership, had agreed to contribute its time, talent, and expertise in really the truest sense of a public-private partnership. The contributions to date have exceeded $125 million. And as a nonprofit organization, we have also invested millions of our donors' dollars in servicing the Media Campaign.

My testimony will focus on the campaign's effectiveness in reducing the demand for illicit drugs and the country's ongoing need for such a pervasive demand reduction program. This media-based education program is a crucial component of America's drug strategy. Since the campaign started, the leading national studies that track teen drug use have all noted substantial declines.

Allow me to offer evidence on the effectiveness of the campaign drawn from the 2004 Partnership Attitude Tracking Study. This is the 17th wave of a national study on attitudes and drug use among 7th through 12th graders in public, private, and parochial schools. And there are really three key points.

First, significantly fewer teens are using marijuana today than when compared with 1998, the year the Media Campaign launched. And marijuana risk attitudes among teens have improved significantly over the same time. As you know, the Media Campaign is focused heavily on preventing use of marijuana, as this comprises the majority of youth drug use.

The data continues also to report strong correlations between heavy exposure to the Media Campaign's advertising and lower drug use and stronger anti-drug attitudes among teens. In 2003, Roper ASW reported that teens exposed frequently to the ads are far more likely to have stronger anti-drug attitudes and are up to 38 percent less likely to use drugs.

Finally, the third point, the number of teenagers reported learning a lot about the risks of drugs via television commercials has increased steadily since the launch of the Media Campaign. In fact, for the first time, teens are now more likely to cite TV commercials as a key source of anti-drug information than any other source. And Mr. Souder, the last time we were together we lamented together the fact that families are no longer in first place, and that is something we have absolutely got to change.

The 2004 Monitoring the Future Survey from NIDA also showed that over the last 3 years alone there has been a 17 percent decrease in teen drug use. That translates into 600,000 fewer teens than in 2001. It is also important to note that the Media Campaign was the single largest prevention effort in the marketplace during that time. Monitoring the Future specifically credits the Media Campaign with those trends.

Mr. Chairman, you are not going to find a more efficient, more effective way to educate teenagers about the dangers of illicit drugs. We know anti-drug advertising, when grounded in research and sound strategy, when executed creatively, and tested for maximum impact, and delivered in appropriate and sustained levels of media, does indeed work.

Also, the ONDCP Media Campaign perfectly complements the ongoing public service campaigns of the Partnership. Together, we cover the waterfront of issues, from marijuana to ecstasy, to methamphetamine, and other illicit drugs. The Partnership is also moving to take on emerging threats like prescription drug abuse and steroids in the media time that is donated to us, as well as redoubling our existing efforts on methamphetamine.

We want to thank you for the thoughtfulness that was put into crafting H.R. 2829. For the Media Campaign, this bill emphasizes accountability, it clarifies our roles and responsibilities, and it correctly identifies the Director of ONDCP as the single person responsible for the major decisions about the strategic direction of the campaign. The language offers flexibility to the campaign coordinators, while ensuring focus.

We are most appreciative that the legislation reaffirms private sector participation, through the Partnership, as this remains a central item and also was what the original authorizers set forth for the campaign. Also, we want to thank you for reaffirming the dollar-for-dollar media match that further makes this program among the most efficient anywhere in government.

One area where we also express concern is in the requirement that 82 percent of the appropriated funds be exclusively allocated for the purchase of advertising time at the $120 million appropriation level. We understand and appreciate the committee's intent to emphasize the very real importance of message delivery, yet down at $120 million we believe that level of spending requirement will also constrain the campaign.

In particular, limiting the ability to thoroughly test all the new ads for all media, mainstream and niche; providing the production for sufficient ads necessary for us to keep the campaign fresh; and limiting the ability to create special campaigns for traditional media that serve minority and ethnic populations, as well as the aforementioned need to be on the Internet with compelling banner advertising and other content.

Given the campaign's current funding level of $120 million, we would suggest rather the broader definition of appropriate expenditures under an 82 percent ceiling, a redefinition if you will, that would include all advertising services required to ensure volume and effectiveness of messages and content placed into the Media Campaign's time and space. That is the only concern.

Again, we support this legislation, and thank you and the committee for advancing the reauthorization bill. The Media Campaign is exceptionally efficient, costing less than $6 per year, per teen to implement. Our Nation could spend Federal resources in countless ways to educate teens about the dangers in drugs. We will, however, find a more efficient and effective way to do so than through the power of mass media.

Demand reduction is a critical element in a balanced effort to address the drug problem. The National Youth Anti-Drug Media Campaign has proven its value in the same trusted national research studies that have guided the drug field over the past three decades. It helps stem the inflow of young lives into drug use. Fewer drug users is of benefit not only to the health of our Nation, but also to all of those working in law enforcement and in drug treatment.

The process of changing social attitudes and behavior is ongoing. It requires relentless persistence because right behind the current generation of kids is another one that is going to need to learn about the risks of drugs all over again. We, as a country, have a responsibility to offer these kids a solid education about the dangers of drugs before they take the path of learning about it on their own.

The Media Campaign is an imperative voice consistently educating teens and their parents. It is a reliable voice, one that parents and children have grown to trust. You have our full support as this bill moves forward. Thank you.

[The prepared statement of Mr. Pasierb follows:]

Testimony of Stephen J. Pasierb, President and CEO
The Partnership for a Drug-Free America®

Hearing on the Reauthorization of the Office of National Drug Control Policy
House Subcommittee on Criminal Justice, Drug Policy & Human Resources

The Honorable Mark E. Souder, Chairman
The Honorable Elijah Cummings, Ranking Member

United States House of Representatives, June 15, 2005

Mr. Chairman, Ranking Member Cummings, members of the subcommittee, thank you for inviting me to testify today on the reauthorization of the Office of National Drug Control Policy. I am Steve Pasierb, president and CEO of the Partnership for a Drug-Free America.®

Before I offer my testimony today, I want to take this opportunity to thank the subcommittee – and especially you, Mr. Chairman and you, Mr. Cummings – for your leadership on the drug issue. Year after year you remain steadfast in your dedication to help the country contend with the issue of substance abuse. I have no doubt that your leadership and perseverance have contributed to the progress we have made in the last seven years in reducing the number of teenagers who use illicit drugs. All of us who work in prevention, law enforcement and treatment are exceptionally grateful for the work of this subcommittee, and especially to both of you, for your unwavering commitment to this critical issue.

Overview

My testimony today will focus on the National Youth Anti-Drug Media Campaign (NYADMC, or "the Campaign") as a component of the over-all reauthorization of the Office of National Drug Control Policy; on the Campaign's effectiveness of reducing demand for illicit drugs; and the country's ongoing need for such a program. The Partnership fully supports reauthorization of the NYADMC.

Nearly eight years ago, after careful analysis and deliberation, Congress created this innovative program to take advantage of the enormous influence of mass media in a new,

comprehensive effort designed to reduce demand for illicit drugs among children. The Campaign was designed to combine the expertise of the private sector and advertising industry with the resources of the federal government to guarantee that America's teenagers and parents would receive consistent messages about the dangers and the lure of illicit drugs.

The Media Campaign allocates the majority of its funding to the purchase of advertising time and space. Included in the Campaign's mandate is the requirement that media companies which are paid to run campaign ads are required to donate an equal amount of advertising time or space to the NYADMC. This unprecedented public/private marketing effort – the largest ever undertaken in the United States – leverages outstanding value for U.S. taxpayers.

This media-based education effort is a crucial component of America's demand reduction strategy for illicit drugs. Since the Media Campaign started producing anti-drug advertising, leading national studies that track teen drug use in America have all noted substantial declines in use. The 2004 Monitoring the Future Survey showed that over the past three years alone there has been a 17 percent decrease in teenage drug use. That translates into 600,000 fewer teens using drugs than there were in 2001. It is important to note that the National Youth Anti Drug Media Campaign was the single largest drug prevention effort in the marketplace during this time. What's more, research indicates that teenagers who see or hear anti-drug ads at least once a day have stronger anti-drug attitudes than their peers.

We know anti-drug advertising – when grounded in research, when executed creatively for target audiences, when tested for maximum impact and when delivered at appropriate levels of media exposure – can and does work. A growing body of independent research documents this fact, as do in-market case studies from around the country. The Media Campaign can influence decision-making among teenagers, and it can contribute to driving drug use downward.

The Partnership stands ready to deliver the core creative needs for the Campaign with an absolute dedication to producing the highest quality work. Our entire organization and leadership remain committed to working with Director Walters and the Office of National Drug Control Policy for the good of this country's youth.

The Partnership for a Drug-Free America

The Partnership is a non-profit coalition of volunteers from the communications industry. Using a national drug-education advertising campaign and other forms of media communication, the Partnership exists to reduce illicit drug use in America.

The organization began in 1986 with seed money provided by the American Association of Advertising Agencies. The Partnership, which receives major funding from the Robert Wood Johnson Foundation and support from more than 200 corporations and companies, is strictly non-partisan and accepts no funding from manufacturers of alcohol and/or

tobacco products. All actors in the Partnership's ads appear pro bono through the generosity of the Screen Actors Guild and the American Federation of Television and Radio Artists.

National research suggests that the Partnership's national advertising campaign – the largest public service campaign in the history of advertising – has played a contributing role in reducing overall drug use in America. Independent studies and expert interpretation of drug trends support its contributions. *The New York Times* has described the Partnership as "one of the most effective drug-education groups in the United States."

In addition to its work on the national level, the Partnership's State/City Alliance Program supports the organization's mission at the local level. Working with state and city governments and locally-based drug prevention organizations, the Partnership provides – at no cost – the guidance, on-site technical assistance and creative materials necessary to shape anti-substance abuse media campaigns tailored to the needs and activities of any given state or city.

The Partnership also participates in the National Youth Anti-Drug Media Campaign, coordinated by ONDCP. At the core of this multi-faceted initiative is a paid advertising program, featuring messages created by the Partnership.

Today, the Partnership is run by a professional staff of 50. Partnership campaigns have received every major award in the advertising and marketing industries for creative excellence and effectiveness, including the American Marketing Association's highest honor for marketing effectiveness.

The Partnership's Role in the Media Campaign

Since 1998, the Partnership has served as the primary creative partner to ONDCP on the Media Campaign. As you will recall, Congress authorized the Media Campaign knowing that the private sector, working through the Partnership, agreed to contribute its expertise in advertising and marketing to this first-of-its-kind effort. I am pleased to report that the private sector has met this commitment with great enthusiasm. To date, the private sector, through the Partnership, has contributed approximately $125 million in advertising campaigns and services to the Media Campaign. And the good news is that commitment remains strong. Advertising agencies, through the Partnership, are lined up and ready to produce effective communications campaigns for this effort.

As the primary creative partner on the Media Campaign, the Partnership provides:

- Access to a wide variety of talent in the advertising industry, via our network of volunteer advertising agencies: Agencies working for the Partnership that create campaigns for the Media Campaign donate all creative services. This includes the billable time and talent of account managers, planning and creative teams, producers, broadcast managers, print and sound producers and many others. The Partnership's roots in the advertising industry, and the Partnership's reputation for

creative excellence, are driving forces behind the breadth and depth of pro bono support we have been able to generate for the Media Campaign.

- Critical input from senior creative directors who comprise the Partnership's Creative Review Committee: This committee, comprised of leading creative directors in the advertising industry, reviews and approves all Partnership advertising. The committee ensures that advertising produced for the Partnership is on strategy and is consistently the best work the industry has to offer. Having this caliber of creative talent available to critique our work is unique in our industry, and something simply not afforded to commercial clients.

- Waivers from talent unions: The Screen Actors Guild (SAG) and the American Federation of Television and Radio Artists (AFTRA) have been long-time supporters of the Partnership and its mission. As such, these talent unions offer the Partnership an exclusive waiver on fees due to its members who appear in our advertising. Two types of fees – "talent" and "reuse" fees are waived. Because the Partnership is a primary partner in the NYADMC, these savings are passed along to the Media Campaign.

- Organization-wide support services: The Partnership's Creative Development Group is dedicated to fulfilling the creative needs of the Media Campaign. The group works with ONDCP staff, ONDCP's contractors and Partnership advertising agencies to coordinate workflow. Additionally, the Partnership's Research Group supports ONDCP staff on various projects that support the NYADMC. The requirements of servicing the NYADMC touch virtually every corner of the Partnership's staff in New York. To date, the Partnership has invested millions of dollars in the Media Campaign, all from private donations to the Partnership, to service the campaign.

The Partnership is also relied upon for strategic insights on the Media Campaign, based on our understanding of adolescent attitudes toward drug use, and our almost 20 years of experience in crafting effective anti-drug messages aimed at teens and their parents. The Partnership conducts one of the largest, on-going studies on drug-related attitudes in the country. The Partnership Attitude Tracking Study, in place since 1986, offers unique insights into the challenge of communicating effectively with teenagers about illicit drugs. With almost two decades experience running national advertising campaigns on drugs, the Partnership is able to share the organization's knowledge and experience with ONDCP and its contractors to benefit the Media Campaign.

Campaign Effectiveness

The case for reauthorizing the National Youth Anti-Drug Media Campaign is rather straightforward: anti-drug advertising works. This is documented in independent research, as well as in our own national tracking study, now in its 17th year.

A study published in the August 2002 *American Journal of Public Health* found anti-drug advertising is associated with a reduced probability of marijuana and cocaine/crack use among adolescents. A team including researchers from Yale University, New York University, the London Business School and Baruch College evaluated the effectiveness of drug-education messages from the Partnership for a Drug-Free America from 1987 through 1990. The researchers said that by 1990, "after three years of Partnership ads, approximately 9.25 percent fewer adolescents were using marijuana." The team also noted the decrease came at a time when anti-drug ads had increasing levels of media financial support - and thus were seen more often. "Given the results," the researchers said, "this increase appears to have been a worthwhile investment."

Previously, the February 2001 issue of the *American Journal of Public Health* reported television advertising contributed to a significant decline in marijuana use among teenagers. Research funded by the National Institute on Drug Abuse (NIDA) chronicled the impact of anti-drug TV ads on teens described as "sensation seekers" – adolescents attracted to risky activity and behavior. Conducted by Dr. Philip Palmgreen and a team of researchers at the University of Kentucky, the study tracked the impact of ad campaigns in select counties in Kentucky. The study showed a 26.7 decline in marijuana use among sensation-seeking teens exposed to anti-drug ads over a two-year period. Most ads used in the study were created by the Partnership for the Media Campaign.

National tracking data also support the effectiveness of anti-drug ads. Dr. Lloyd Johnston, lead researcher for the University of Michigan's Monitoring the Future study, said MTF research showed that:

> ***"Over the past two years, there has been an increase in the proportion of students seeing marijuana use as dangerous; this change in beliefs may well explain some of the recent gradual decline in use. Quite possibly, the Media Campaign aimed at marijuana use, that has been undertaken by the White House Office of Drug Control Policy in collaboration with the Partnership for a Drug-Free America, has been having its intended effect. I am not aware of any other social influence process that could explain these changes in how young people view marijuana."***

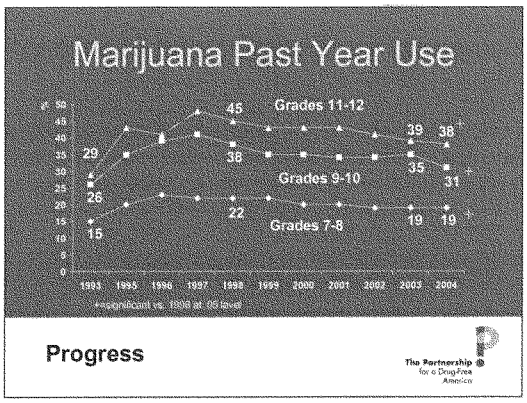
Johnston also remarked of the Partnership's early efforts to combat inhalant abuse: "The use of inhalants began to turn downward in 1996, following the launching of an ad campaign by the Partnership for a Drug-Free America, and has been gradually and steadily declining since then."

Dr. Johnston has also said the survey consistently finds a very high degree of recalled exposure to Partnership ads, that the ads have high credibility with the audience and that they have high-judged impact on the behavior of that audience.

The effectiveness of anti-drug advertising is also underscored in findings from the Partnership Attitude Tracking Study: Year after year, tracking data show that teenagers who are exposed to anti-drug advertising frequently have stronger anti-drug attitudes and are considerably less likely to use drugs than teens who see and hear these messages infrequently.

Allow me to offer evidence of the effectiveness of the Media Campaign, in the following points. The data cited below are drawn from the 2004 Partnership Attitude Tracking Study (PATS). Last year, we sampled over 7,300 teenagers, in grades 7 through 12, across the country; we also over-sampled for African- and Hispanic-Americans to ensure accurate representations of these constituents. Our findings in PATS track consistently with those of the Monitoring the Future study, conducted by the University of Michigan's Institute for Social Research under grants from the National Institute on Drug Abuse.

- Significantly fewer teenagers are using marijuana today when compared to 1998, the year the Media Campaign launched. Reductions are evident in all measured categories of prevalence – lifetime, past year and past month use. As you surely know, the Media Campaign focuses heavily on preventing adolescent use of marijuana – the most widely abused of all illicit substances.

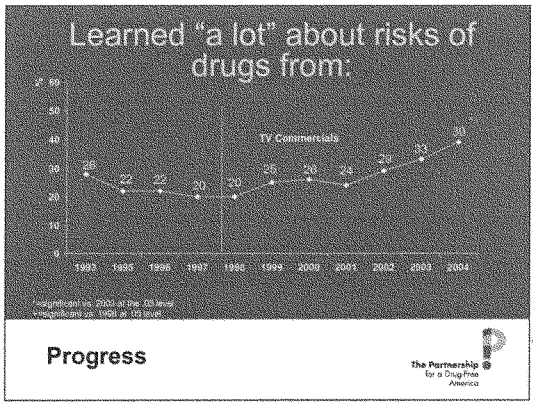


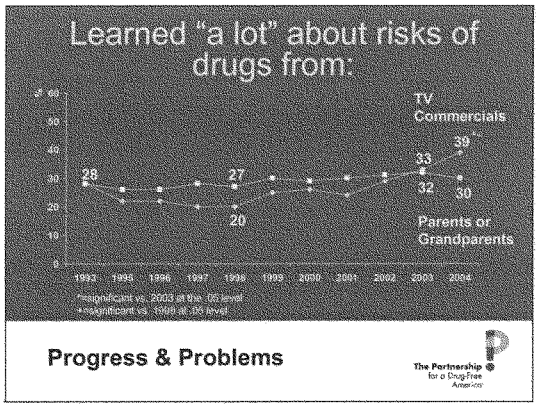
- Marijuana-related attitudes among teenagers have improved significantly over the same time. In the past year, teen perception that marijuana use carries 'great risk' of getting in trouble with the law and dropping out of school increased significantly. Looking at risks by category, or type of risk, relational risks such as upsetting their parents, losing their friends or not being able to get a girlfriend or boyfriend are all significantly greater than in 1998.

- Teens are less likely to report that their close friends use marijuana. This is important because teens whose friends use drugs are more likely to use drugs themselves.

- In 2004 there was a significant increase in reports that anti-drug commercials encouraged teens to talk to someone else about the risks of drugs. Overall, teens are more likely to rate anti-drug messages as efficacious – i.e. that the ads made them more aware of the risks, gave them new information, made them less likely to use – than they were in 1998.

- The number of teenagers reporting learning a lot about the risks of drugs from television commercials has increased steadily since the launch of the Media Campaign in 1998. This demonstrates the importance of the Media Campaign's buying power and ability to deliver these research-based messages to large portions of our target audiences consistently over time. In fact, the data report this year for the first time that teens are more likely to cite television commercials as a key source for anti-drug information than any other source – including, unfortunately, their parents.





Partnership Support for H.R. 2829 to Reauthorize the NYADMC

We want you, Mr. Chairman, Ranking Member Cummings and distinguished members of the subcommittee, to know that we support this legislation and remain committed to servicing the media campaign and reducing drug use in this country.

First and foremost, thank you for all the hard work put into crafting H.R. 2829, especially those provisions that address reauthorization of the Media Campaign. This is a superb bill, one that emphasizes accountability, clarifies roles and responsibilities of campaign participants, and correctly identifies the Director of ONDCP as the single person responsible for major decisions about the strategic direction of the Media Campaign. The language offers flexibility to Campaign coordinators, while ensuring the Campaign remains focused and accountable for its outcomes. This bill reflects the valuable experience the campaign has gained over the past several years, and builds on those experiences to offer clear direction for the future. We are most appreciative that the legislation reaffirms that private sector participation, through the Partnership, remains central to the Campaign, as the original authorizers set forth when they designed and approved this important program.

One area where we wish to express concern is the requirement that 82 percent of appropriated funds be allocated exclusively for the purchase of advertising time and space at the $120 million appropriation level. We understand the committee's intent to emphasize the importance of message delivery, yet some spending requirements potentially constrain the campaign. In particular: limiting the campaign's ability to thoroughly test all new ads; providing for the production of sufficient ads necessary to keep the campaign fresh and prevent wear-out; limiting the ability to create special campaigns serving the needs of minority and ethnic populations; and, developing web content and banner advertising for the Internet. Given the campaign's current funding level of $120 million, we would suggest a broader definition of expenditures under the 82% ceiling that would include all advertising services required to ensure these vital campaign components are not compromised. These elements are essential to the effectiveness of the messages and content placed into the Media Campaign's time and space. Net, the 82 percent requirement at the $120 million appropriation level will constrain our ability to insure the Campaign has a sufficient number of ads produced, tested and available to run.

We support this legislation and thank you and the committee staff for your hard work and dedication.

Conclusion

Mr. Chairman, we consider the National Youth Anti-Drug Media Campaign an essential component of the country's efforts to reduce demand for illegal drugs.

We will not find a more efficient way to educate teenagers about the dangers of drugs than through the power, influence and reach of mass media. The Media Campaign is

exceptionally efficient, costing approximately $6 per year, per teen to execute. We could spend federal resources in countless ways to educate teenagers about the dangers of drugs, and many of these are surely worthy and effective methods. We will not, however, find a more efficient and effective way to do so than through mass media.

The process of changing social attitudes and behavior is often a slow, measured one. It requires patience and persistence because right behind the current generation of kids is another who will need to learn about the risks of marijuana and Ecstasy, methamphetamine and heroin, cocaine and crack, and whatever new drugs come our way. We, as a country, have a responsibility to offer these kids a solid education about drugs before they learn about these substances on their own.

The Media Campaign is an important voice consistently educating teens and their parents about the truth about drugs. It's a meaningful voice and a reliable voice, one that parents and children have grown to trust. We cannot risk silencing this Campaign at such a critical time.

Mr. SOUDER. Thank you. I would like to ask a couple of questions on the 82 percent so I understand this better. In your testimony you said it limits the providing for the production of sufficient ads necessary to keep the campaign fresh. Is that not donated?

Mr. PASIERB. A lot of it is, but the production costs, if we need to go out and rent a crane or something like that, a lot of that is reimbursed. The creative strategy, the creative ideas, all of the work that goes into bringing the ad ideas forward, are all donated. But when the Office of National Drug Control Policy goes out and says we want to produce this one or that one, a majority of the out-of-pocket costs are picked up, the hard costs that people would have to incur. But the time, the talent, the energy, the marketing wisdom are all donated and continue to be donated.

Mr. SOUDER. What are the hard costs on Internet?

Mr. PASIERB. A lot of those advertisements that are done are done through some of the ONDCP contractors because they require computer programming, Internet-competent people. And in the Internet space there is not a lot of volunteerism.

Mr. SOUDER. That is what I was going to ask. How come? Why should the ad agencies be willing to contribute for television and not for other?

Mr. PASIERB. We have seen, interestingly enough, that the traditional advertising world, the advertising agency world continues to make a big commitment to do the print, to do the television, to do the radio. That same sense of community and volunteerism, if you will, does not necessarily exist in the Internet space. And ONDCP, we think rightfully so, has gone out and got the best and brightest talent by having to pay for it.

Mr. SOUDER. Why is that same support not there in the people with the hard equipment? Why should the people donate creatively but not donate equipment?

Mr. PASIERB. Well, because the people who—they are rental companies. If I say to you I will do everything I need to do to throw you a wedding, but then I have to go out and rent the chairs and rent the tent and rent the glasses, now you have made me pay $20,000 for your wedding.

Mr. SOUDER. What I mean is, why should we expect an advertising agency to donate their time, but the people who are leasing the sound equipment not to donate?

Mr. PASIERB. There is a huge level of volunteerism within that, but there are also a lot of hard costs. The average television commercial in America costs well over $300,000 to make, and ONDCP is spending far, far less than that to do the production of each one. So they have done, in our view, a superb job of getting as much volunteerism as humanly possible. But the nature of literally producing a miniature movie and doing dozens of them every year means that not everything can be donated.

Mr. SOUDER. How much in, say, a Pepsi ad or a typical ad would be hard costs versus soft costs?

Mr. PASIERB. An average Pepsi campaign may have million dollar productions in it, which also the agency had many hundreds of thousands of dollars that they charged for it as well. We eliminate the hundreds of thousands of dollars, we would never do a million dollar production, and we get a level of volunteerism that Pepsi

could never realize, and the ability to choose a different advertising agency for each one.

Mr. SOUDER. And it is good to know that there are hard cost contributions. Maybe we can get that information. But in reality, a creative person donating their time is their hard cost.

Mr. PASIERB. Yes, it is. It is their brain, their most valuable asset.

Mr. SOUDER. It is how many hours a day they can work and how much creative energy they have, and for an advertising creative person or a sound producer who is donating his time, in your testimony you said sound producers are donating their time, that is their money. I was in retailing. My hard costs might be if I have to buy a dresser to sell and I have to rent a truck.

But that is because I deal in hard products. But somebody who deals in soft markets has this distinction of people who have soft things, oh, they are just donating their time, that is different than somebody else donating hard goods. I do not see the distinction. Money is money to the different groups.

The question is how much, and I do not know the answer, how much we have leveraged that. But if we are going to get squeezed here, ultimately the point when you ask the taxpayers to participate should be to have as much of that as possible go over the air. Now if we say over the air should be multiple things other than television, then that is another decision. But it should be in purchase time and the goal was to have the minimal be in the actual production.

Mr. PASIERB. I am sure our colleagues at ONDCP can pull those numbers together. And I know for a fact there is still an extraordinary level of volunteerism.

Mr. SOUDER. Would you not agree that the more things you try to do the higher percentage your overhead becomes?

Mr. PASIERB. My feeling is that we go after a very elusive target—the American teenager—who on his couch is probably talking on his cell phone, has a laptop computer in his lap, and is flipping through the television channels. We need to capture that child's attention any way we can.

Clearly, television has given us the biggest lift and it really is still the majority piece of this campaign, as proven by the research. But there are a lot of kids who we cannot reach that way and the Internet is something that has gone from being kind of a sucker's bet maybe 5, 6 years ago to being a mainstream medium for teens. We would really have to gauge our ability to be effective to continue to drive the trends if we used one medium versus another.

Mr. SOUDER. Let me ask another question with that. The Director implied that in other words, what about the marketing research firms and the test firms? Are they donating their time like the producers and the creative talent are donating?

Mr. PASIERB. No, they are not. They are contracted through ONDCP for their services.

Mr. SOUDER. Why are they contracted and not leveraged like the creative people?

Mr. PASIERB. To tell you the truth, I am not sure other than that is an industry which none of us have really any sway over the people who can put together a group of teenagers in Tacoma, WA, that

we can then go talk to for an hour. That has never been an industry for us, the Ad Council, anywhere in the public service lexicon that has necessarily volunteered those kind of services.

Mr. SOUDER. When the Partnership was started, what started the concept of donated time out of the Partnership, and why did the creative industry respond differently than the market research industry and the test industry?

Mr. PASIERB. To tell the truth, I am not sure. But clearly, when the Partnership was started the media community came together and said we will provide the time, the advertising community came together and said we will provide the content, and the majority of the Partnership's budget was spent on things like research and testing that they could not obtain for free.

In the early days, what really made the Partnership struggle was finding hundreds of thousands of dollars to pay a research firm to be able to prove that the good works were indeed effective. And that is in my view just kind of like grass being green, that is kind of the way the world has been. Maybe it is not right, but that is the way it has been.

Mr. SOUDER. In the Media Campaign, I did not know this answer and I cannot recall it here, but it sets up my next question, that often there is 15 percent that goes to the account for placement of large contracts, 10, or 7½, or 5, or whatever. Is that completely waived in the case of the National Media Campaign, or is that still there?

Mr. PASIERB. I believe so. I believe the contracts that ONDCP has with their advertising contractor are for services. And that advertising contractor also has to deliver to ONDCP that 100 percent match, or more than 100 percent, which the new contractor is doing. So that arrangement, that ability just to take 15 percent off the top does not exist.

Mr. SOUDER. So there is no other way for the agencies that are donating their creative time to recoup any costs?

Mr. PASIERB. No. No. And the government has a very hard system for the costs that they can recoup. If they go and park in a parking garage, for example, at the shoot, they cannot get paid for that. It has to be for the core pieces of the campaign.

Mr. SOUDER. Well, there is an incredible inequity here. Basically, if we are willing to pay for it, nobody is going to donate their services. If we are willing to pay for the market research, if we are willing to pay for hard equipment, the question is why is one group being treated differently than another and should we be leveraging that harder. Because the goal here is to minimize overhead costs and maximize placement costs. That is the bottom line.

Mr. PASIERB. Yes. In our pro bono campaigns, we have the luxury of saying we are going to have to wait a couple of months until somebody volunteers to do that; we are ready, we have all the pieces in place, but until somebody volunteers a studio we are stuck. The National Youth Anti-Drug Media Campaign cannot work on that kind of paradigm because they have bought the hole in the American Idol that they need to fill tomorrow night.

Mr. SOUDER. Yes. That is a fair point.

Mr. Carr, do you have any—I was kind of taken aback by some of Mr. Mica's comments. You went through most of your prepared

testimony, but I wonder if you had anything to add to that. You said that the study was coming on the data. But the second thing is, in the broader question, which I think is a legitimate question that Mr. Cummings was raising too, is the net impact of what has happened in this debate in Congress is that HIDTAs are more solidified, at least for short term, and there is probably going to be, with the reduction in Burn grant and COPS and other programs, more pressure for more HIDTAs rather than less.

The initial direction of the HIDTA program was to be High Intensity Drug Trafficking Areas. That has clearly evolved over time as more Members have more regional concerns, whether it is meth in their area which may or may not be tying to the High Density Trafficking Areas but more regional. How do you see the HIDTAs, and do you see this eventually more or less absorbing the drug task forces in the different regions?

How do we work this in with various Justice Department programs that are out there in meth, that are out there in other programs that are being independently created? How can we integrate this better given the fact that you are placed under ONDCP to focus predominantly on narcotics but we have this proliferation of drug task forces and other things around the country that may or may not be integrated?

Mr. CARR. Well, that is a good question. I think the stars have aligned. There were a lot of things going on that for one reason or another fortuitously came together at this point in time. Perhaps what the Director did, as you pointed out, may at some point in time earn him five stars. I do not know if we are ready to give it to him right away.

However, for 2 years we worked on and developed a performance measurement process. It is an honest process because it does what it is supposed to do. It shows what the individual HIDTAs do, what they do not do, whether they are efficient, whether they are effective. We have good, solid outcome measures. It collectively shows what the program itself as a whole is able to accomplish.

Now we have 1 year's worth of data. Is that sufficient data to make long range projections on? Not at this point. But we are in the process of gathering data for the second year. I do not think we are far out from doing that. The point is, the system works well.

If the Burn grant program goes away in terms of drug task forces, we are the only game in town. So what that means is that others that heretofore may not have been as willing to collaborate with HIDTA-funded task forces will now, in order to keep functioning, I think be more in a position where they are by necessity, for survival, going to turn to the HIDTA task forces and seek ways in which they can leverage HIDTA dollars or HIDTA resources. Because as you correctly pointed out, much of what we do is take a few HIDTA dollars and leverage millions of dollars to accomplish what we want to accomplish.

We have over 50 HIDTA intelligence centers. They are sharing information. And I would say they are functioning on an above average level but they can be much better. This bill, through the GCIP plan that you mention in here, through the Southwest Border Strategy, through the inventory, I mean, common sense inventory of task forces, whether they be Federal or merely State and

local task forces, will enable us I think to get a better handle on what these centers should do, what they do do, and then come up with a better intelligence-sharing plan. So again, I think the stars are aligning, which will enable us to accomplish all the things that heretofore we have had, just like the intelligence community, had some obstacles blocking our ability to collect, share, and manipulate information.

Mr. SOUDER. Clearly, we have an incredible disconnect right now between Congress and the administration on how to focus on meth. The administration has no national meth strategy, I think it is fair to say that. In fact, they are not even sure what their own agencies are doing in meth because of freelancing at the local level because of local demand right now. We have these meth Hot Spots programs being funded.

How do you think the HIDTAs are working inside this? Do different ones have meth subgroups? I know I have met a few like that. How do you suggest, if we come up with a kind of meth strategy, how should HIDTA fit into the meth strategy?

Mr. CARR. Well, I can show you some pretty remarkable data that we just put together as a result of our performance measurement, because performance measurement is not only used to show whether someone is efficient or effective, it is also strategic. We used the national meth and clandestine lab striations to identify the sizes of labs, from zero to 2 ounces all the way up to the top level which is the super lab.

If you read the National Meth Strategy, they talked about super labs activity in the United States decreasing, diminishing, and suggesting that meth super lab activity is being conducted outside the United States. What they failed to take notice of, and our data clearly shows, is that while super meth labs did, in fact, decrease, the lab level just below that increased significantly.

We have mapped this and we mapped it in relation to HIDTA seizures. We can show that, for example, the Appalachia HIDTA has become inundated with zero to 2 ounce labs, the Midwest HIDTA, up and through your area, Mr. Chairman, has now become a hot bed of the lab level just below the super lab.

So I am not so sure that meth production has decreased. What I see are signs that the size of the labs may have decreased but the number of labs has increased. So I think we have a lot of data to contribute to the development of a strategy, and I think we have data that can show where some of the focus ought to take place within the confines of the continental United States.

Mr. SOUDER. Thank you. I thank both of you for participating and continuing to work with our staff and us as we move this bill tomorrow and as we most likely head to the floor and conferences, which will be the longer term strategy.

Mr. CARR. Thank you very much, sir.

Mr. PASIERB. Thank you.

Mr. SOUDER. With that, the subcommittee stands adjourned.

[Whereupon, at 5:10 p.m., the subcommittee was adjourned.]

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