Union Calendar No. 107

109TH CONGRESS *1st Session*	HOUSE OF REPRESENTATIVES	REPORT 109–172

THE NATIONAL DRUG CONTROL STRATEGY FOR 2005 AND THE NATIONAL DRUG CONTROL BUDGET FOR FISCAL YEAR 2006

FIRST REPORT

BY THE

COMMITTEE ON GOVERNMENT REFORM

together with

MINORITY VIEWS

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JULY 18, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: By direction of the Committee on Government Reform, I submit herewith the committee's first report to the 109th Congress. The committee's report is based on a study conducted by its Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

TOM DAVIS,
Chairman.

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JULY 18, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. TOM DAVIS, from the Committee on Government Reform submitted the following

FIRST REPORT

together with

MINORITY VIEWS

On June 16, 2005, the Committee on Government Reform approved and adopted a report entitled, "The National Drug Control Strategy for 2005 and the National Drug Control Budget for Fiscal Year 2006." The chairman was directed to transmit a copy to the Speaker of the House.

INTRODUCTION

Drug abuse is our Nation's No. 1 public health problem, taking a terrible toll on our families and communities. According to the Centers for Disease Control, every year about 20,000 American lives are lost as a direct consequence of illegal drug use. Countless more are destroyed by the indirect but inevitable consequences of this scourge. The Office of National Drug Control Policy [ONDCP] estimates that the annual economic cost of drug abuse to the United States—in lost productivity, health care costs, and wasted lives—is now well over the $150 billion mark.[1]

The Government Reform Committee and its Subcommittee on Criminal Justice, Drug Policy, and Human Resources are responsible for oversight of all aspects of the Federal Government's drug

[1] DEA Fiscal Year 2005 President's Budget Request, Budget Summary p. 1.

control policy—whether related to drug use prevention, drug addiction treatment, drug enforcement, or international supply reduction. In addition, the committee and subcommittee are responsible for all legislation relating to ONDCP and its programs. No other committee or subcommittee of the Congress is tasked with this holistic view of the drug abuse problem and its solutions.

This report seeks to help Congress and the American public gain a better understanding of the Federal Government's drug control policies, as set forth in the annual National Drug Control Strategy Report and the National Drug Control Program Budget. These documents, both issued by ONDCP in February 2005, describe the strategy chosen by the President to reduce drug abuse, and the resources requested to carry out that strategy.

These policy choices have major implications for our communities. They will help determine, for example, how much effort the U.S. Government will dedicate to reducing the opium poppy trade controlled by narco-terrorists in Afghanistan; how much money our local schools will receive to fund anti-drug education programs for our children; what organizations will be able to help people break free of drug addiction; and how much training and equipment our State and local police will receive to investigate and clean up methamphetamine labs.

I. Background: The National Drug Control Strategy Report and the National Drug Control Program Budget

The Office of National Drug Control Policy [ONDCP], created by Congress in 1988, is tasked with the following responsibilities:[2]

(1) [D]evelop national drug control policy;

(2) coordinate and oversee the implementation of that national drug control policy;

(3) assess and certify the adequacy of national drug control programs and the budget for those programs; and

(4) evaluate the effectiveness of the national drug control programs.

The Director of ONDCP is tasked with ensuring that those directives are carried out. He also serves as the President's principal advisor and spokesman with respect to all aspects of drug control policy—treatment, drug use prevention, law enforcement, interdiction, and international programs.

Among the most important responsibilities of ONDCP is to formulate the 5-year National Drug Control Strategy for the Federal Government, designed to reduce illegal drug use, drug-related crime, and illegal drug availability by specific, quantifiable amounts.[3] ONDCP is required to submit an annual report not later than February of each year (the "Strategy Report"), updating Congress and the American public on the administration's progress toward reaching the Strategy's goals. ONDCP is also required to submit an annual National Drug Control Program budget (the "Drug Control Budget") proposal, which details the administration's budget proposals for Federal agencies and programs that have responsibilities under the Strategy.

[2] 21 U.S.C. 1702.
[3] 21 U.S.C. 1705.

A. THE ADMINISTRATION'S NATIONAL DRUG CONTROL STRATEGY

This administration has achieved significant success in the national effort to reduce drug abuse. When President Bush took office in 2001, drug use, particularly by young people, had risen significantly since 1993 after steep declines in the 1980's and early 1990's. Faced with this increase in drug abuse, the administration reexamined Federal policies and set forth a new National Drug Control Strategy in February 2002. The new Strategy set very ambitious goals—most notably a decrease of illegal drug use by young people of 10 percent in 2 years.

Since the President's Strategy was issued, drug use by young people has steadily decreased, dropping by 11 percent over the first 2 years, and 17 percent over 3 years.[4] These successes are the result of a balanced Strategy, in which treatment, prevention, enforcement, and international supply reduction complement each other, rather than competing with one another.[5]

The administration is to be commended for its successes. There is, however, room for improvement, as there are some programs in need of greater direction and attention from the administration. The successes, and the opportunities for improvement, are outlined below.

1. Prevention

Prevention—"stopping use before it starts,"[6] in the words of this year's Strategy Report is a vital component of any effective drug control strategy. In many respects, it is the most important component, since it is the demand for drugs that attracts the supply. Prevention aimed at reducing drug use by young people is, in turn, the most important kind of demand reduction.

The major policy decision made by the Bush administration in the area of prevention was the revitalization of the National Youth Anti-Drug Media Campaign (the "Media Campaign"), administered by ONDCP. In the late 1990's, the Media Campaign had suffered from a lack of direction as well as contractor difficulties (due to accounting irregularities by Ogilvie & Mather, the advertising firm responsible for the Media Campaign). Questions were raised as to whether the Media Campaign should be continued at all.

ONDCP Director John Walters made the Media Campaign a major priority for the administration. First, ONDCP took steps to resolve the accounting irregularities, eventually replacing Ogilvie & Mather. Second, the Media Campaign sought to maximize its impact by running a series of advertisements intended to educate young people and parents about specific problems—including the dangers of ecstasy (MDMA), the link between the drug trade and terrorism, the importance of parental guidance, and the risks of marijuana use.

The results—in increased accountability, increased awareness among young people of the dangers of drug use, and decreased

[4] The committee is concerned about the validity of the data referenced by ONDCP. The National Academy of Sciences report entitled, "Informing America's Policy on Illegal Drugs," National Academy Press, 2001, raises several issues about the validity of the data and therefore may understate the extent of drug use among teenagers.

[5] Fiscal Year 2005 National Drug Control Strategy [NDCS], p. 1.

[6] Fiscal Year 2005 NDCS p. 15.

youth drug abuse—speak for themselves. Although not all of the program's advertisements are equally successful, this is true of any advertising campaign. Overall, the Media Campaign has been established as a major component of effective drug control policy.

The administration has also taken a leadership role in promoting drug testing in the schools. Drug testing shows great promise in preventing young people from using narcotics; it is also a tool for identifying which students will need treatment and other special help to get them off drugs and achieve their true potential.

There are, however, additional prevention programs that could use the same kind of reform and revitalization from the administration. For example, the Safe and Drug-Free Schools grant program, administered by the U.S. Department of Education, has great potential as a vehicle for bringing effective anti-drug education to millions of young people in our schools. The program, however, has suffered from a lack of accountability (due to statutory limits on data collection), as well as a lack of focus on drug abuse education. The administration has not attempted to reform this program, and indeed has now simply proposed to eliminate it (see discussion of the 2006 National Drug Control Budget below).

Similarly, other prevention programs—such as the Drug-Free Communities Program, which provides grants to new "coalitions" in local communities to assist them in their anti-drug education efforts—would benefit from additional accountability measures. With prevention programs now accounting for only 13 percent of the administration's 2006 Drug Control Budget, it is more important than ever for ONDCP to focus attention on this vital area of drug policy.[7]

2. Treatment

Drug addiction treatment is another key component of demand reduction. Most Americans do not use illegal drugs, but those who do create suffering not merely for themselves but for their families and neighbors. They represent the "hard core" of the market for illegal drugs. As a Nation, we have a strong moral and practical interest in providing effective treatment to reduce the number of drug users.

Drug treatment programs have, however, historically suffered from two main problems: a lack of sufficient resources, and a lack of consistent, quantifiable measures of effectiveness. Treatment can be very expensive, and it can also be very difficult to determine whether the dollars spent have actually succeeded in long-term reductions in drug use. As a result, policymakers have often hesitated to commit significant funds to these programs.

The administration has attempted to remedy both of these problems through its Access to Recovery [ATR] initiative. This initiative, first announced by the President in 2002, provides new funds to the States for drug treatment programs. These funds are expended, however, through an innovative voucher system, in which an addicted person seeks out and chooses the treatment provider that is best for him. The ATR initiative has expanded the range of

[7] Fiscal Year 2005 NDCS, p. 5.

eligible providers to include faith-based as well as secular organizations.[8]

To remain eligible to receive these "voucherized" funds, however, an organization must demonstrate results. The administration has been developing a comprehensive set of performance measures for treatment programs, with the ultimate goal of applying them to all such programs funded by the Federal Government. When completed, this will be a significant step toward full accountability and measurability for treatment programs.

The administration is to be commended for its leadership in improving the quantity and quality of drug treatment services. The committee hopes that the ATR model will be applied to other treatment initiatives—such as those designed to help drug addicted prisoners.

3. Enforcement

Neither prevention nor treatment programs will be effective unless drug enforcement is also effective. Enforcement of our drug laws provides the ultimate deterrent to drug trafficking and drug use (both supply and demand), and the incentive to get off and stay off drugs. Tough, effective enforcement increases the cost of drug trafficking, and sends a clear message to young people and others at risk that illegal drug use is dangerous and wrong, and will not be tolerated.

The administration has rightly emphasized the importance of uniformly enforcing our Nation's drug laws, even when that has been unpopular in some areas of the country. The administration's stand against attempts to legalize illegal drugs—under the guise of misleading phrases such as so-called "medical" marijuana—is entirely proper. Drug dealers do not recognize State or local boundaries; neither should drug enforcement.

The administration has also worked to improve the effectiveness of law enforcement by targeting its investigative resources at major drug trafficking organizations. For example, Operation Mountain Express, a major investigation that involved several U.S. Federal agencies as well as Canadian authorities, recently disrupted the smuggling of methamphetamine precursor chemicals across the Northern border. This kind of operation is a crucial part of our efforts to decrease the supply of illegal drugs.

The administration, however, could make greater improvements in the sharing of drug enforcement intelligence. Although the administration recently has taken steps in this direction through initiatives like the new "drug intelligence fusion center" at the Organized Crime Drug Enforcement Task Force [OCDETF], that center has still not reached agreement with non-Justice Department agencies like the bureau of Immigration and Customs Enforcement [ICE] at the Department of Homeland Security. The administration should work to resolve any disputes about intelligence sharing, investigative authority, and interagency cooperation. We cannot afford to allow drug traffickers to slip through the cracks while Federal agencies engage in "turf battles."

[8] Fiscal Year 2005 NDCS, p. 26.

Similarly, the administration needs to improve the relationship between Federal, State, and local law enforcement agencies. State and local agencies make over 95 percent of the arrests of drug violators.[9] Besides fighting on the "front lines" in the struggle against drug trafficking, these agencies gather a wealth of information and intelligence that would be of great value to Federal agencies. The administration's efforts to foster this kind of interagency cooperation and information sharing, however, have been severely undermined by recent budget proposals recommending deep cuts in funds for Federal-State-local task forces and other joint law enforcement activities.

4. Interdiction

It is crucial that the Federal Government employ the most effective interdiction policies possible. The vast majority of the illegal drugs entering the United States are produced in foreign countries—cocaine and heroin in Colombia; marijuana, methamphetamine, and heroin in Mexico; high-potency marijuana in Canada; and ecstasy in the Netherlands and Belgium.[10] Those drugs have to be smuggled into the United States to do harm.

The principle coordinating agency for detection and monitoring of U.S. drug interdiction efforts in the maritime transit zones is the Department of Defense's Joint Interagency Task Force South [JIATF-South]. Through multiple intelligence sources JIATF-South has projected the anticipated flow of cocaine being smuggled into the United States from the Andean Ridge nations. The drug flow rates are consistent with the notion that over 80 percent of the cocaine flow into the United States transits through Mexico.[11]

The flow chart depicted below reflects a wide disparity of flow estimates. The JIATF-S flow estimates are based on a cocaine demand model and do not reflect actual intelligence driven events or seized cocaine in the source and transit zones. The Consolidated Cocaine Data Base [CCDB], on the other hand, establishes a base for cocaine flow by reporting confirmed and substantiated cocaine seizures and disruptions. Given the disparity of flow models, the actual production rates in the source zone will also have widely varying estimates, possibly minimizing their validity. The committee has grave concerns that the wide disparity in flow rate estimates could invalidate eradication, production, interdiction, and usage estimates.

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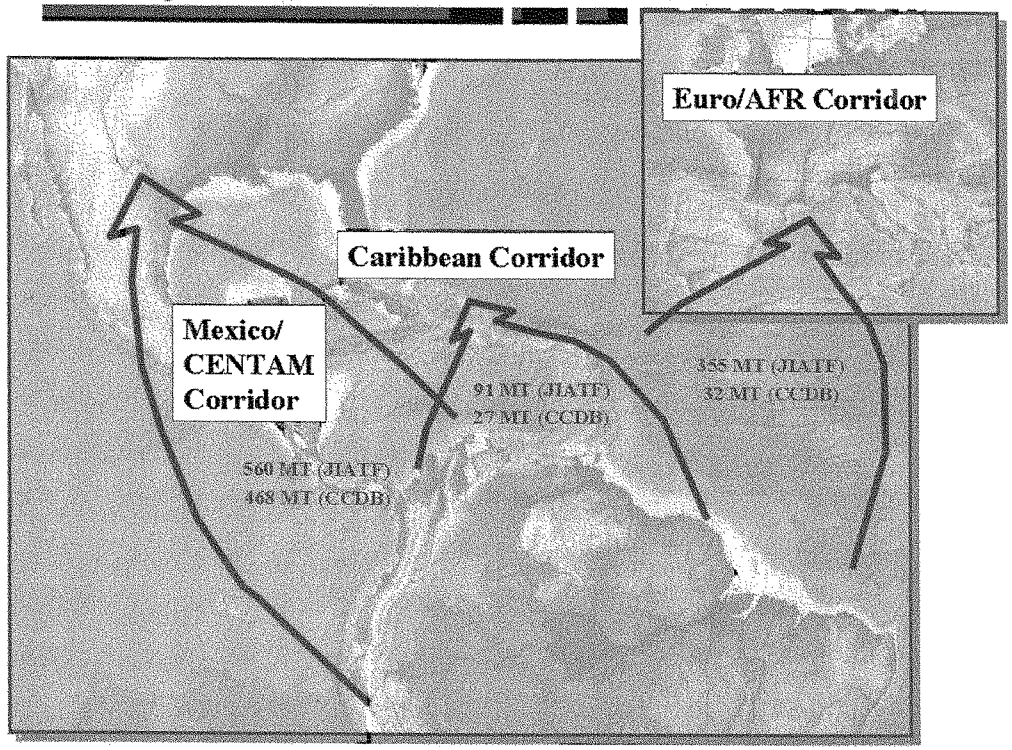
[9] *Crime in the United States, 2002.* Uniform Crime Report, Federal Bureau of Investigation, U.S. Department of Justice.

[10] National Drug Threat Assessment 2005 Executive Summary, National Drug Intelligence Center.

[11] The JIATF South projected cocaine flow rates from South America (as shown) differ greatly from ONDCP projections. For 2004, ONDCP estimated a combined total of 640 metric tons of cocaine was produced in Colombia, Peru and Bolivia. Narcotics Digest Weekly, Vol. 4, No. 18, May 3, 2005.

What we expect to see

Projection of Cocaine Flows for 2005 in Metric Tons



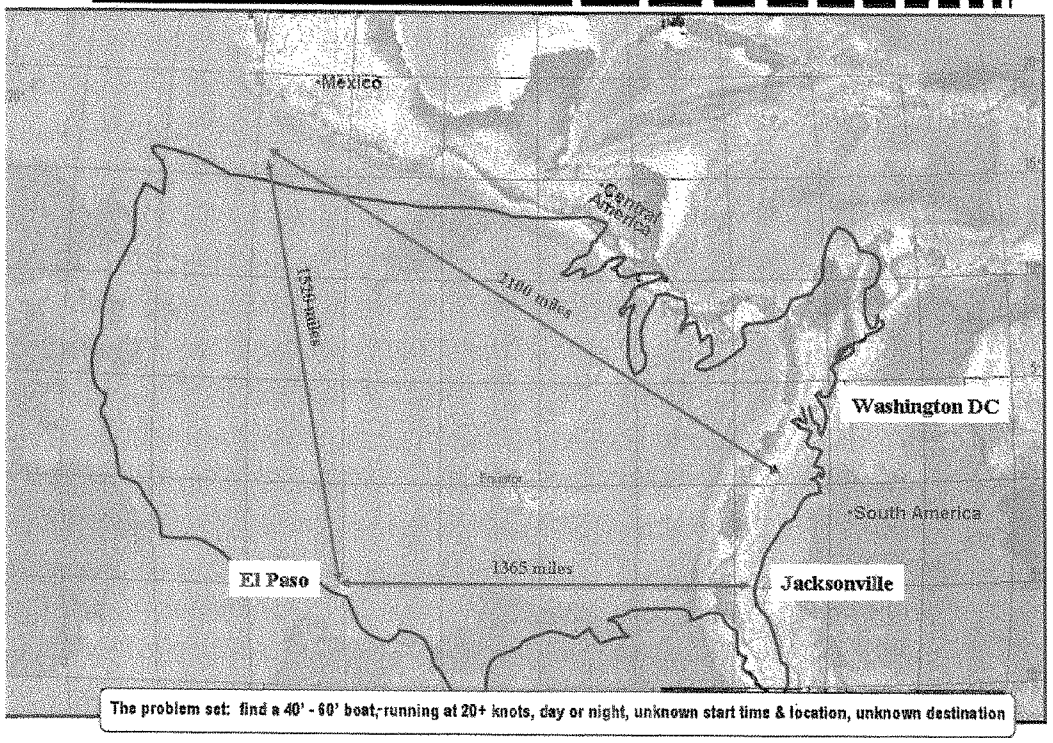
Nearly all of our interdiction personnel—including port-of-entry inspectors, investigative agents, patrol officers, aviators, and ship operators—are located within the Department of Homeland Security [DHS], in the Coast Guard, Border Patrol, and legacy Customs Service (the latter agency currently being divided between the bureaus of Customs and Border Protection [CBP] and Immigration and Customs Enforcement [ICE]). Additional interdiction personnel and assets are also located in the Department of Defense, which, although it does not have actual arrest authority, provides crucial logistical support to DHS.

The Tyranny of Distance

A major challenge to U.S. interdiction efforts has been the vast distances associated with the high seas maritime transit zones in which drug smugglers operate, as depicted in the graphic of the Eastern Pacific maritime transit zone. U.S. Naval and Coast Guard vessels cruise at 10–15 knots (11–17 MPH) for fuel economy purposes, and are capable of speeds up to approximately 30 knots (34 MPH). With those rates of travel it is easy to visualize the daunting task associated with drug interdiction efforts in the Eastern Pacific.

The Tyranny of Distance

Size of Eastern Pacific vs. Size of Continental U.S.



The problem set: find a 40' - 60' boat, running at 20+ knots, day or night, unknown start time & location, unknown destination

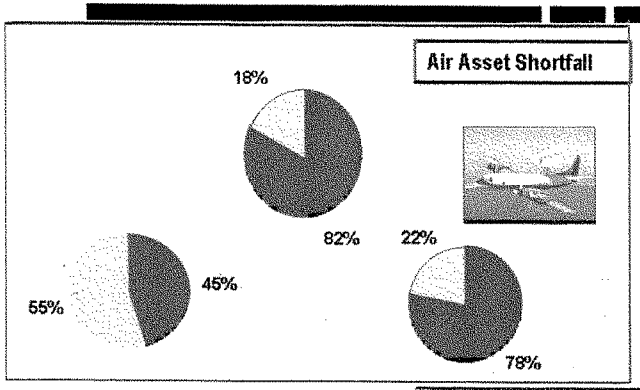
The Detection and Monitoring Challenge

Increasing the challenge of interdicting drugs in the high seas transit zones is the shortage of interdiction assets (ships, planes, and helicopters) allocated to this critical mission. In January 2005 the Director of JIATF-South told subcommittee staff members that he now has more actionable intelligence than he has interdiction assets ready to respond to smuggling events. This is a recent development that is the result of the very successful Operation Panama Express, an interagency intelligence-driven program managed by the Departments of Justice and Homeland Security.

Due to impressive intelligence cueing, JIATF-South now has improved insight into where, when and how many tons of cocaine will be smuggled through the transit zones. However, as shown in the following graphic, they do not possess the necessary assets to respond to the smuggling threats. Essentially the suspected targets from credible intelligence cueing far exceed our operational capability to respond to them.

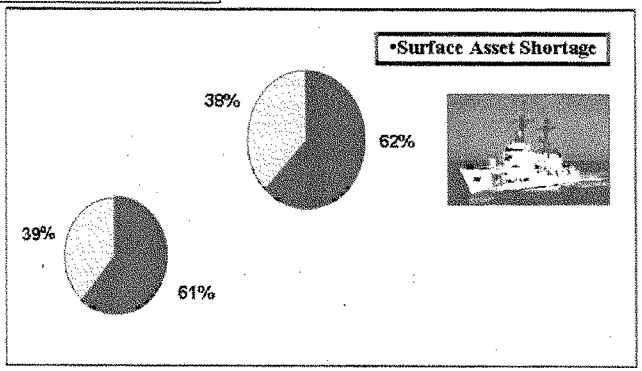
The Detection &Monitoring (D&M) Challenge

Requirements vs Shortfalls



Actual Assets
Aggregate Shortfall

Note: Total asset requirements Asset totals are based on the Interagency Planning and Asset Management Group's (IPAMG), (2004 – 2008) assessment of perceived asset requirements to achieve a JIATF South goal of an overall 50% interdiction rate - i.e. if the entire circle were fully resourced (all gray), JIATF South should have enough resources to intercept 50% of all illicit trafficking events.



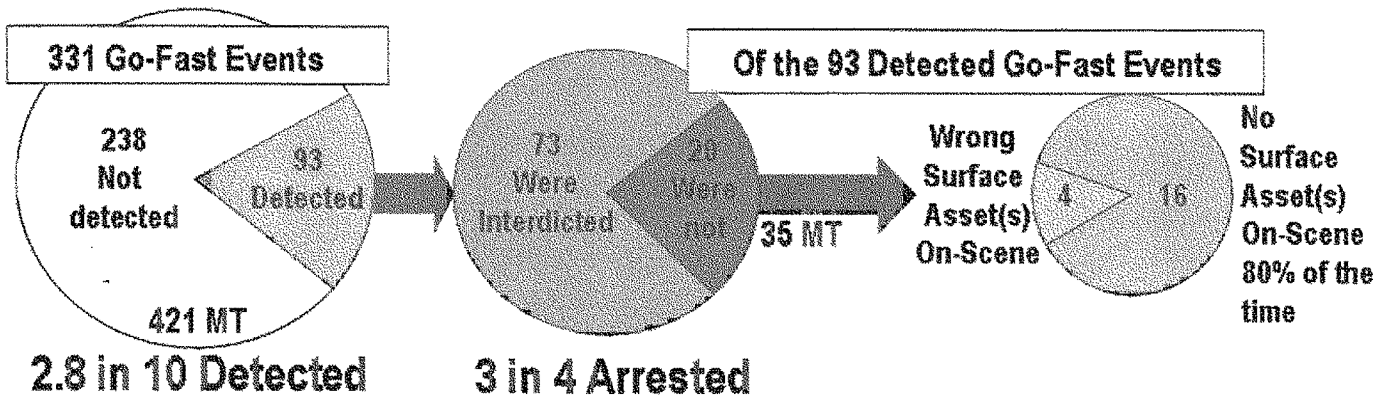
JIATF-South has developed an analysis comparing interdiction requirements to response shortfalls, and the results are shown above. These shortages were calculated after combining the assets of Departments of Homeland Security, Defense and our Allied nations. These identified shortages have resulted in many missed interdiction opportunities in the maritime transit zones, and therefore had a tangible impact on drug interdiction efforts.

Missed Opportunities

As shown in the figure below, although JIATF-South has a 75 percent chance of successfully interdicting a detected high speed (Go-Fast) smuggling vessel, JIATF-South's chances of detecting the Go-Fast smuggling event was less than 30 percent largely due to the lack of appropriate aircraft responding to cued intelligence. Additionally, for the Go-Fast smugglers that were not interdicted, 80 percent escaped because there were no surface assets on-scene to respond, and 20 percent escaped because the surface asset did not possess armed helicopter support and/or the necessary speed to catch a Go-Fast vessel.

Missed Opportunities

January 1 2004 – December 31 2004



The lack of assets is having a tangible impact on the mission. Currently JIATF South has more actionable intelligence than assets capable of responding to the smuggling threats. For 2004, 331 known go fast events were detected through classified and unclassified means. 93 of the 331 known events were detected via airborne and surface (vessel) radars. 73 of the 93 were interdicted and of the 20 not interdicted, 16 were not detected because of a lack of surface assets. The remaining 4 non-interdicted vessels were not interdicted because the surface assets did not possess armed helicopter support and or speed required for a go fast event.

It is clear from the identified asset shortages and missed opportunities that although progress has been made in improving interdiction rates, the interdiction effort still faces great challenges. The committee is gravely concerned with the identified shortages of assets in the transit zones to stop the flow of cocaine, and strongly recommends additional interdiction assets be committed to address these shortfalls.

Given the identified shortfalls in MPA there is a great disparity between the cost effectiveness and the detection capabilities of the aircraft currently performing these missions. As an example, the U.S. Air Force E–3 AWACS and the CBP P–3 Dome vary greatly both in cost per flight hour, required personnel, and search effectiveness. Often the E–3's deploy with 2 AWACS aircraft and a tanker for aerial refueling. The cost per flight hour on the E–3 and the KC–135 tanker are double the cost per flight hour of the P–3 Dome. When 2 E–3's deploy to Manta Ecuador, they have 87 personnel that crew the aircraft, provide maintenance and man security details. The KC–135 tanker adds an additional 10 crewmembers for a total of 97 people. In comparison, the P–3 deploys with 8–10 crewmembers per aircraft and no more than 3 maintenance personnel for a total of no more than 23.

The AWACS, designed for high speed fighter intercepts, is capable of detecting large vessels but has a hard time detecting 30–40 go fast low radar profile type vessels. The P–3 Dome, on the other hand, can detect both large and small vessels.

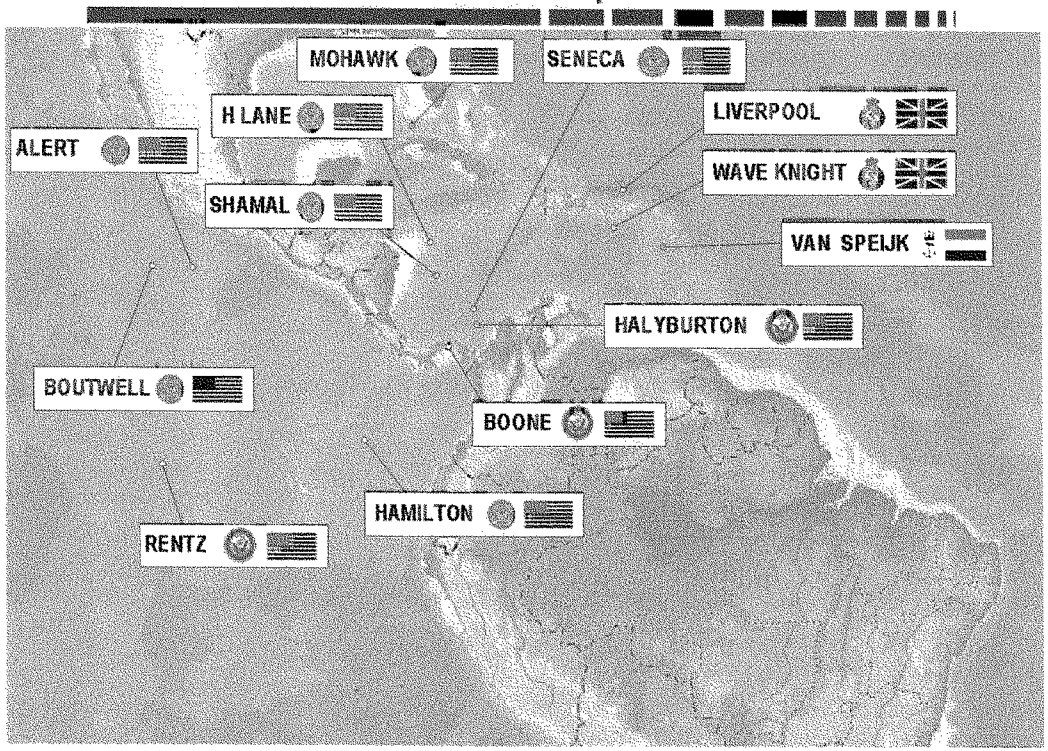
On Any Given Day

As shown in the following figure, on any given day there are, on average, 13 ships dedicated to drug interdiction in the high seas maritime transit zones. These ships include assets from the U.S. Navy, U.S. Coast Guard, British Navy and Dutch Navy. In the Eastern Pacific transit area, which is larger than the continental United States, there are, on average, four ships dedicated to the drug interdiction mission.

This analogy is certainly alarming; four ships to patrol an area larger than the continental United States, trying to stop smugglers that will risk everything to evade U.S. law enforcement efforts.

On Any Given Day

US and Allied Ships: 13

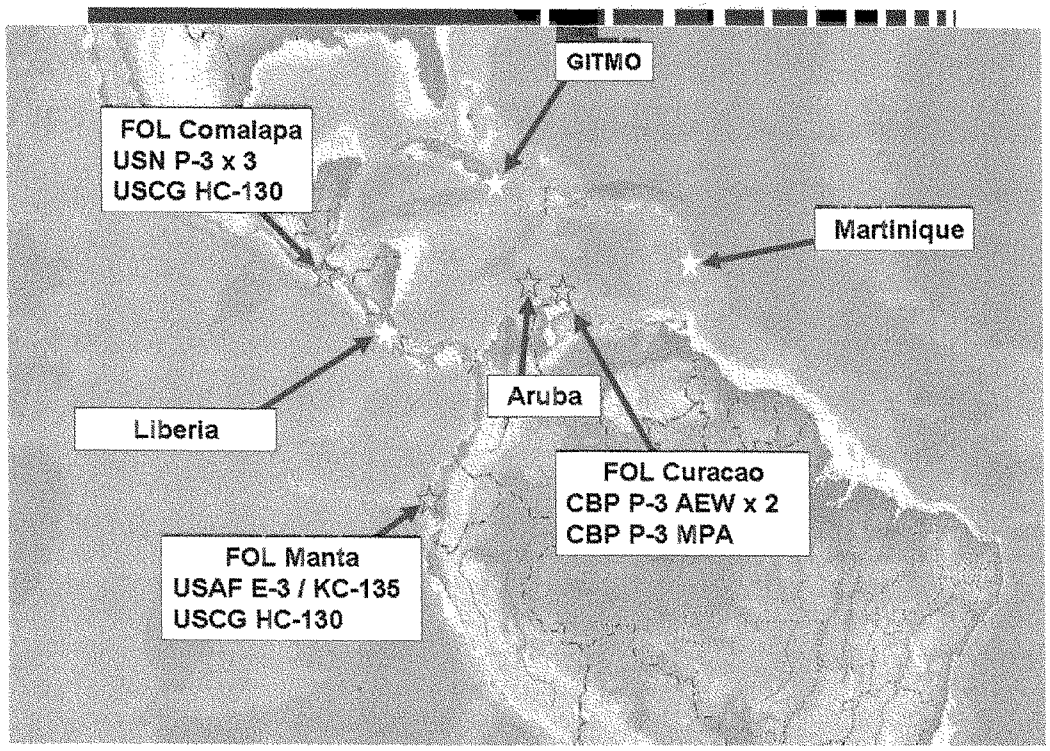


As critical as not having enough ships in the transit zones may appear, the current shortage of maritime patrol aircraft is probably a more critical concern. As shown in the figure below, on average, there are six aircraft sorties (missions) dedicated to drug interdiction in the transit zones. These aircraft are provided by the U.S. Navy, U.S. Coast Guard, Customs and Border Protection's Air and Marine Program, U.S. Air Force and Allied (British and Dutch) nations.

On Any Given Day

US and Allied Aircraft - 6 Sorties - Many Operational Locations

Locations of Air Bases for Maritime Patrol Aircraft



The Forward Operating Locations [FOLs] play a key role in the U.S.'s counterdrug efforts. These staging areas allow aircraft to launch from sites outside of the United States to conduct air and marine interdiction patrols in the Source and Transit Zones. Having FOL's close to the areas of interest is a critical element for mission success. The large distances in the Eastern Pacific and Caribbean regions require lengthy flights to get to the target area, and require lengthy patrol and tracking times to monitor illegal narcotics movements.

Forward Operating Locations [FOL's]:

- Manta, Ecuador—Location for marine enforcement operations in the Eastern Pacific and for air interdiction flights in Colombia. The FOL is utilized by DOD and DHS assets.
- Curacao—The location allows DOD and DHS aircraft to conduct marine patrols in the Caribbean and air interdiction missions in northern Colombia.
- Comalapa, El Salvador—Used primarily by the U.S. Navy and U.S. Coast Guard to conduct marine patrol operations in the Eastern Pacific and the Caribbean.

Additional Locations:

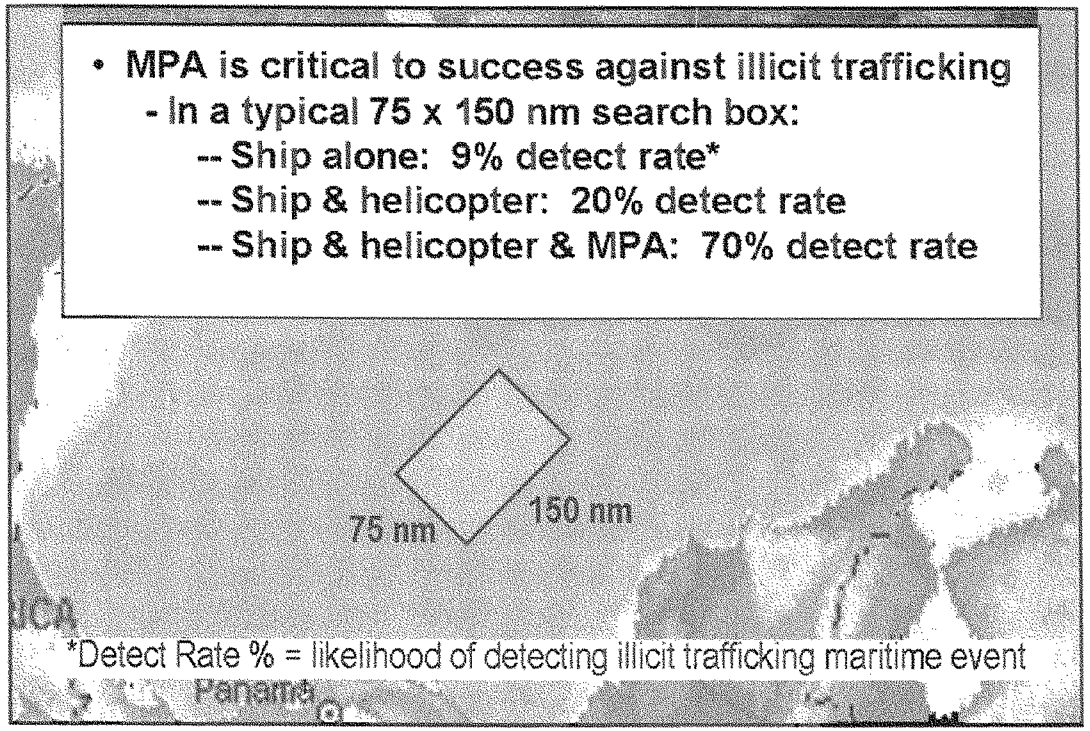
- Liberia, Costa Rica—Utilized by DHS aircraft to support marine patrol operations in the Eastern Pacific and the Caribbean.
- Aruba—Primarily used by DHS (Coast Guard) for marine patrols in the Caribbean. DOD use of the location is restricted.
- Guantanamo Bay, Cuba (GITMO)—Useful for DOD and DHS aircraft to conduct marine patrol operations in the Caribbean.
- Martinique—Primary location for French twin engine marine patrol aircraft who conduct marine patrol operations in the eastern Caribbean.

The shortfall in maritime patrol aircraft [MPA] is especially noteworthy after comparing detection rates of ships operating in the transit zones, both with and without helicopters and MPA support.

The committee feels very strongly that the proper assets be used for drug interdiction efforts, so that we are using the right tool for the right job, and not wasting taxpayer's money gambling with a 9 percent chance of success.

The Importance of Maritime Patrol Aircraft (MPA)

- MPA is critical to success against illicit trafficking
  - In a typical 75 x 150 nm search box:
    - -- Ship alone: 9% detect rate*
    - -- Ship & helicopter: 20% detect rate
    - -- Ship & helicopter & MPA: 70% detect rate



*Detect Rate % = likelihood of detecting illicit trafficking maritime event

The Bush administration has, regrettably, been unable to reverse a nearly decade-long trend of declining DOD personnel and assets dedicated to drug interdiction. Although this trend predates the current administration, it has been exacerbated by the new demands placed on DHS and the Defense Department after the terrorist attacks of September 11, 2001. Across the board, the United States has fewer aircraft, patrol boats or other ships, radars, and personnel actively involved in drug interdiction operations.

The administration justifiably has highlighted recent large seizures of drugs off the coast of Colombia. These seizures are a product of improved interdiction operations using new tools such as the Coast Guard armed "HITRON" helicopter, and more importantly, the dramatic improvements in intelligence about drug trafficking operations. The administration has acknowledged this, and has argued that improved intelligence makes greater operational capability unnecessary.

Relying on such intelligence to justify reductions in interdiction assets, however, is not a wise strategy. First, Federal officials have informed committee staff that while we have greater intelligence than ever before, we do not have the assets to respond to that intelligence. In other words, our Federal interdiction agencies know about many large shipments of drugs to the United States that they can do nothing about. It does little good to place Americans and foreign nationals at risk to obtain intelligence that cannot be acted upon.

Second, we cannot assume that the present flow of intelligence will continue forever. Sources of intelligence can disappear or diminish, and there can be substantial delays in replacing them. Given that our interdiction assets have decreased, once our intelligence sources diminish illegal drug flows to the United States will almost certainly rise.

5. International Supply Reduction

Drug enforcement is targeted at drugs that have already entered the United States, while drug interdiction aims at the attempted transport of drugs into the country. Our international supply reduction efforts are intended to stop the production and export of illegal drugs in the source countries themselves.

The greatest supply of illegal drugs comes from countries that, willingly or unwillingly, have become safe havens for drug traffickers. Our international efforts have focused, first, on assisting the host nations' enforcement efforts against trafficking organizations, and second, on providing alternative livelihoods for those who might be tempted to engage in illegal drug production.

The administration's record has been mixed. The United States has achieved significant successes in Colombia through assistance to President Uribe. Assistance to the Colombian National Police and the Colombian military has helped the government retake land used by narco-terrorists, while aerial spraying has helped destroy coca crops before they are even harvested. ONDCP believes that cocaine production in Colombia has dropped, and that production has not risen in neighboring countries.

There is a risk, however, that the United States may help Colombia win the war against the narco-terrorists, but then lose the

peace. A dispute between the U.S. Department of State and the U.S. Department of Justice about whether assistance to former narco-terrorist combatants who have surrendered and agreed to lay down their arms in return for the opportunity to live productive lives (referred to as the "demobilized") would, for technical reasons, be deemed illegal assistance to terrorists. Failure to assist Colombia's efforts to turn former narco-terrorist armies into peaceful workers and farmers would be a tragic mistake, and hopefully the administration will take steps to resolve this dispute.

Following two recent CODELs to Colombia, Members have emphasized the importance of resolving this issue with both State and DOJ. Appropriations (CJS) Subcommittee Chairman Frank Wolf has also voiced concern, and threatened to withhold fiscal year 2006 funding to DOJ if progress is not made.

In stark contrast to our successes in Colombia, however, our anti-drug policies in Afghanistan have thus far failed. Opium and heroin production have skyrocketed since the United States and its allies ousted the Taliban government. The Defense Department, which has taken the lead on counternarcotics efforts, has essentially refused to engage in or allow significant operations against heroin traffickers, while the Afghan government has thus far refused to permit any aerial eradication of the opium crop. Our efforts, and those of our allies, have thus far focused only on training of Afghan law enforcement officers and customs agents, whose efforts have not yet produced significant results.

Even the alternative development programs, organized by the U.S. Agency for International Development [USAID] have been ineffectual, as areas served by USAID that previously did not grow opium have since become poppy-producing provinces. It is imperative that the administration reevaluate its policies and adopt a new, more effective strategy for preventing the collapse of Afghanistan into a narco-terrorist state.

B. NATIONAL DRUG CONTROL BUDGET

1. The President's Request

The committee generally supports the President's fiscal year 2006 request for the overall National Drug Control Budget of $12.4 billion, an increase of approximately $300 million over the fiscal year 2005 enacted amount of $12.1 billion. The committee notes, however, that the administration's request is approximately $200 million less than last year's request ($12.6 billion). While budget cuts are inevitable in the current period of fiscal restraints, the committee has concerns about a potential loss of focus or commitment in the area of drug control. Drug abuse is directly responsible for the deaths of over 20,000 Americans each year, and imposes massive social costs.[12] Congress and the administration cannot afford to neglect this critical problem.

2. The President's Drug Budget and the Strategy

The committee has continuing concerns about how the administration has compiled the National Drug Control Budget. As in years past, the administration has included items which, on closer

[12] http://www.whitehousedrugpolicy.gov/publications/factsht/drugdata/index.html.

review, may not be entirely related to drug control, while leaving out significant items—such as the cost of incarcerating drug offenders in Federal prisons—which are directly related to drug control. This has two major impacts. First, the drug budget (as currently presented) fails to do what a "drug budget" ought to do—provide a full accounting of what the Federal Government actually spends on drug control. Second, it may artificially limit the legal responsibility of the Director of ONDCP to review and certify all programs of the President's budget request relating to drug control.

The administration should develop a more comprehensive and coherent "drug control budget" that reflects the true level of Federal spending on drug control—not simply the funds that are administratively easiest to track.

The committee has deep concerns about the policies underlying the administration's drug budget proposals. The sweeping changes proposed by the administration appear to reflect two basic strategic choices: first, a de-emphasis on drug use prevention; and second, a de-emphasis on assistance to state and local agencies.

The first choice indicates that the administration has doubts about the efficacy of drug use prevention programs. Of the Federal Government's three major drug use prevention programs, namely the Safe and Drug-Free Schools state grant program at the Department of Education, and the National Youth Anti-Drug Media Campaign and the Drug-Free Communities program at the Office of National Drug Control Policy, the largest (the Schools program) is being targeted for complete elimination, while the remaining two would be level-funded (which, when inflation is taken into account, amounts to a decrease in total resources for the programs). As a result, prevention now accounts for only 13 percent of the total drug control budget (even as formulated by the administration).

The committee shares the administration's concerns about how effective our prevention programs have been in reducing drug use. However, the appropriate response is to reform the existing programs by making them more accountable, or to propose new and better programs. The administration's deep cuts, unaccompanied by any new proposals, suggest a significant abandonment of even the concept of prevention. That would be a serious mistake. Unless the Nation is able to reduce drug use demand, there will always be a market for illegal drugs.

The second administration choice—to scale back Federal support for State and local anti-drug efforts—is equally troubling. The administration is proposing the total elimination of the Edward Byrne Memorial Justice Assistance Grants to the States for law enforcement support, the reduction (by more than half) of the High Intensity Drug Trafficking Areas [HIDTA] program and the transfer of its remaining funds to the control of the U.S. Department of Justice, a sharp reduction in the Counterdrug Technology Assessment Center's Technology Transfer Program, and (as noted above) the elimination of the Safe and Drug-Free Schools State grant program.

The message sent by these proposals is that Federal funds previously used to support State and local drug enforcement or prevention efforts will now be spent exclusively on federally-controlled programs. The committee agrees that Federal dollars should pur-

sue Federal and not purely local concerns; certainly the drug budget should not be diverted to "pork barrel" programs with little or no connection to the Nation's goals. This committee has criticized such diversion in the past and will work to correct it in the future.

But it does not follow that all Federal assistance to State and local agencies lacks national impact. As noted above, State and local law enforcement personnel are fighting on the "front lines" in the struggle to stop drug trafficking. They make over 95 percent of drug-related arrests.[13] Local schools are the venue through which we can educate young people on the dangers of drug abuse. State and local prisons house most of the Nation's drug offenders, including the low-level offenders whose most significant problem may be drug addiction and not greed.

Federal assistance to State and local agencies can have a major positive impact, by involving them in the national goals of enforcement, treatment, and prevention. Although some of these agencies may have reduced their own counterdrug financing and made up the difference with Federal funds, or otherwise failed to tie the funds to national goals, the solution is to propose reforms to the programs, rather than simply eliminating or reducing them over time.

3. Diversion of Counterdrug Resources to Non-counterdrug Purposes

The committee is also concerned that much of the purported increase in the official drug budget over the last appropriated level is the result of increases in the proposed budgets of multi-mission agencies at the Department of Homeland Security [DHS]—namely the U.S. Coast Guard, and the bureaus of Immigration and Customs Enforcement [ICE] and Customs and Border Protection [CBP]. The overall budget requests for these entities increased substantially (an increase of $390 million for the Coast Guard, $196 million for CBP, and nearly $454 million for ICE). Based on past estimates of the proportion of their resources each of these agencies expended on drug control, the administration is projecting an increase in drug control operations of $127.8 million at the Coast Guard, nearly $83 million at CBP, and $96 million at ICE, for a total of approximately $305 million.

That $305 million, however, is only a projection based on past levels of drug enforcement level of effort at DHS. It assumes that these agencies will be both willing and able to continue devoting the same proportion of their resources to drug control—including the same proportion of new resources. As the committee has learned, however, particularly in the post-September 11th era, these agencies have been frequently, and unpredictably, forced to pull back assets deployed for drug control for counterterrorism purposes. For example, each "Orange Alert" issued by the Department has resulted in a substantial redeployment of Coast Guard ships and aircraft to the ports from drug interdiction missions. The projected $305 million "increase" in DHS counterdrug operations is thus based on assumptions that may not prove accurate over the course of the next fiscal year.

[13] *Crime in the United States, 2002.* Uniform Crime Report, Federal Bureau of Investigation, U.S. Department of Justice.

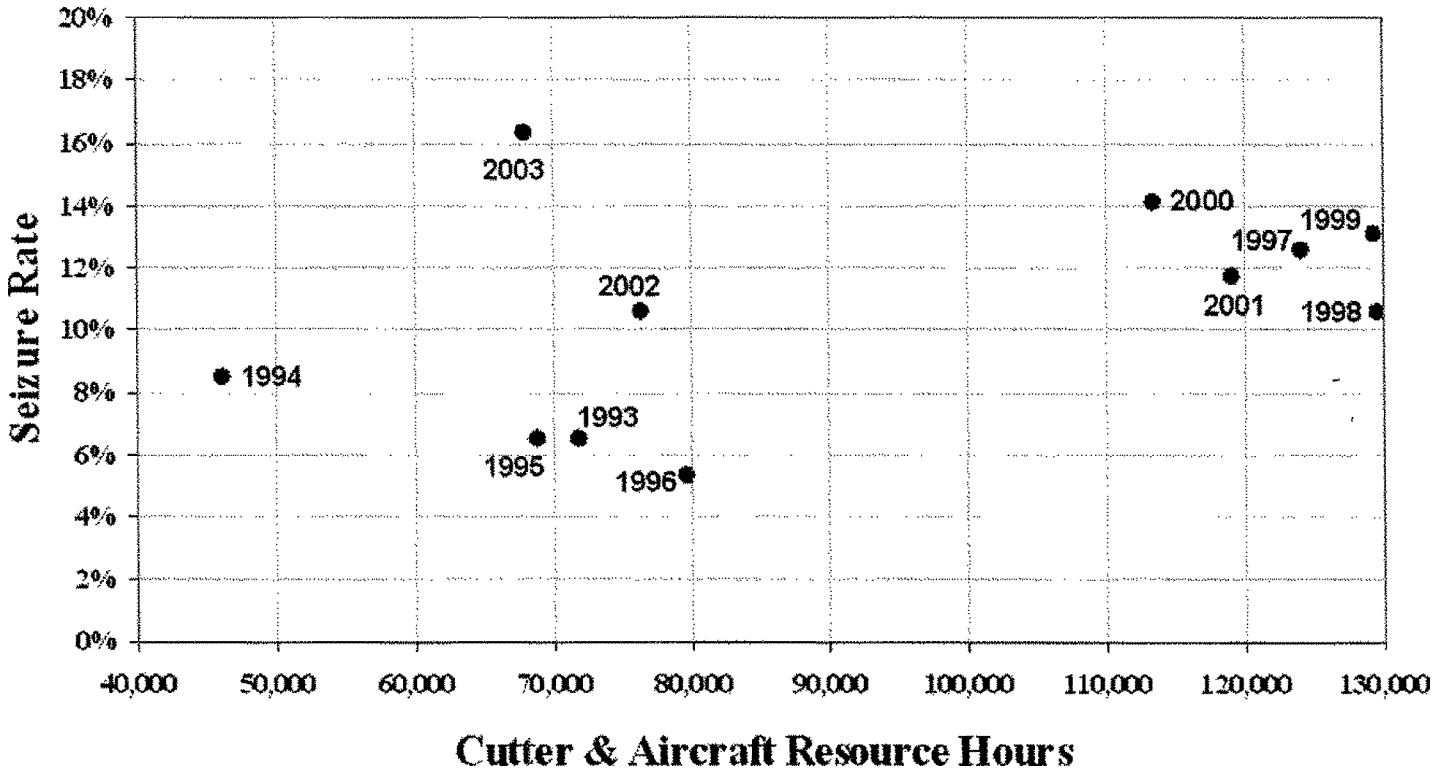
The following graphs show the somewhat inconsistent contributions to patrol efforts in the Transit Zone. In 2001 and for portions of 2002, both Customs and Border Protection and the U.S. Coast Guard were heavily involved in Operation Liberty Shield, an operation that responded to the September 11th disaster. In 2003, the CBP aircraft began conducting air interdiction missions in Colombia after a full investigation into the shooting down of an American missionary airplane in Peru. The shift of mission priorities resulted in reduced flight hours in the transit zone.

Similarly, both agencies struggle to operate old equipment that is constantly being modified to meet the current requirements of the post-September 11th environment. These major repairs, modifications, and upgrades take air and marine assets out of operational status for extended periods of time.

In order for the President's National Drug Strategy Budget to be effective, it must factor in both seen and unforeseen post-September 11th operational requirements. The agencies must also submit to Congress the personnel and equipment requirements to meet the variable demands of the Department of Homeland Security.

Customs and Border Protection Marine Patrol Aircraft Hours

	Total
CY 2001	571
CY 2002	1454
CY 2003	578
CY 2004	2115


Seizure Rate
20%
18%
16%
14%
12%
10%
8%
6%
4%
2%
0%
40,000
50,000
60,000
70,000
80,000
90,000
100,000
110,000
120,000
130,000
Cutter & Aircraft Resource Hours
2003
2000
1999
1997
2001
1998
2002
1994
1993
1995
1996

Even the increase in the budgets of ostensibly single-mission counterdrug programs may not actually be devoted to drug control. For example, the administration's proposed budget for the Organized Crime Drug Enforcement Task Force [OCDETF] program includes $53 million in new funds for the Federal Bureau of Investigation [FBI], to hire new agents who will supposedly work on drug cases. The committee welcomes the proposed return of the FBI to drug enforcement operations; however, past experience indicates that it will be difficult to ensure that the FBI maintains its commitment to drug investigations. After the September 11, 2001 attacks, the FBI redirected virtually all of its drug investigation agents to counterterrorism investigations. The committee questions whether OCDETF can effectively control the activities of these newly funded agents and prevent their diversion to non-narcotics operations.

The committee is not proposing that all of the increases in drug enforcement and interdiction should be given to single-mission agencies such as DEA. The committee strongly believes that DHS and other multi-mission agencies can and must remain actively involved in drug enforcement. However, the administration must take steps to ensure that these agencies remain focused on their counterdrug responsibilities, even during a period when public and political attention are often fixed on other threats. The failure of the administration to propose any funding for the new Office of Counternarcotics Enforcement at DHS suggests that those steps may not be forthcoming.

II. Strategic and Budgetary Analysis of Federal Drug Control Programs and Agencies

This section of the committee's report analyzes the individual drug control programs and agencies—grouped by their Federal department. With respect to each program, Congress needs to ask two questions: first, is the program following the most effective strategy to meet our national goals, and second, would the President's budget request be sufficient to allow effective performance.

A. OFFICE OF NATIONAL DRUG CONTROL POLICY [ONDCP]

The committee generally supports the administration's request for $24,224,000 for operations at ONDCP. That is, however, below the appropriated level of $26.2 million for fiscal year 2005, and below the administration's own request for $27.6 million last year. The committee is aware that in a time of shrinking budgets, many agencies must share the burden of budget cuts.

ONDCP, however, is the President's principal advisor with respect to drug control policy development and program oversight, and shoulders the responsibility to guide the Nation's efforts to both reduce the use, manufacturing, and trafficking of illicit drugs, and to reduce the associated crime, violence, and health consequences of illegal drug use. Further reductions in its budget will hinder ONDCP's ability to provide effective policy coordination and oversight of the Federal Government's efforts to reduce drug abuse—a result that this committee will strenuously oppose.

The committee is also concerned that ONDCP has not been exercising the kind of active leadership, oversight, and coordination of executive branch drug control efforts envisioned by Congress in 1988. For example, the increasing pressure on agencies such as the FBI, the Coast Guard, the Border Patrol, and the legacy Customs Service to abandon or reduce drug enforcement in favor of homeland security and counterterrorism missions requires a strong and effective response from ONDCP. That response has not yet been nearly strong or effective enough.

Similarly, ONDCP must take more assertive action to respond to the reduced commitment of the Department of Defense to counterdrug efforts. The Defense Department has dedicated fewer assets to interdiction in the "transit zones" of the Caribbean and eastern Pacific Ocean, has scaled back National Guard assistance to State and local law enforcement, and—most significantly—has failed to take effective action against the rapid growth of heroin production in Afghanistan. While the committee recognizes that ONDCP must frequently defer to the Defense Department on questions affecting the military, ONDCP should also be assertive in ensuring that the national priority of reducing trafficking drug abuse is not forgotten, even by our government's largest and most respected institutions.

Other agency decisions that undermine national drug policies, including the refusal of the Food and Drug Administration [FDA] to enforce health and safety regulations against purveyors of illegal, unapproved drugs like so-called "medical" marijuana, also call for stronger leadership from ONDCP. The committee hopes that the Office will increase its efforts to forge a strong, unified approach to the drug problem within the administration.

The Office administers several programs related to drug enforcement and prevention. The committee's views on each are set forth below:

1. High Intensity Drug Trafficking Areas [HIDTA] Program

The committee is very concerned about the future of the High Intensity Drug Trafficking Areas [HIDTA] program. When it was created in 1990, the program was intended to reduce the Nation's overall supply of illegal drugs by bringing together Federal, State, and local law enforcement agencies in the most significant regions (each referred to as a "HIDTA") where drugs were produced, smuggled, or distributed. As the program's budget has grown—from only $25 million at its inception to $228 million in fiscal year 2005—the number of designated regions has grown as well. From the initial 5 HIDTAs in 1990, the program has expanded to 28 HIDTAs, and pressure is building in Congress to create even more of them.

The program's expansion has raised questions about what the true purpose of the HIDTAs really is, and whether the current program structure fulfills the mission Congress set out for it. Those questions are not easy to answer. Some HIDTAs are located in areas (such as the Southwest Border HIDTA) that clearly serve as major smuggling corridors, while others are located in areas more realistically characterized as high drug consumption zones (rather than production or transshipment zones), or as areas with highly localized drug production and trafficking. Even within the HIDTAs,

some funded initiatives are targeted at major drug trafficking organizations, while others are aimed at local manifestations of the drug trade (like open drug markets in the streets).

The HIDTA program is, in practice, a blend of the "national" and "regional/local" purposes—both in terms of which areas have been designated as HIDTAs, and which initiatives have been funded within each HIDTA. Even the most nationally significant HIDTAs (like the Southwest Border HIDTA) fund some local drug enforcement activities, while even those with the least apparent national impact fund some initiatives aimed at major drug trafficking organizations.

The fact that HIDTAs fund some initiatives of greater significance to the local community, and some more important to Federal law enforcement, is not in itself a problem. In fact, the HIDTA program would not be able to carry out its primary function—to bring Federal, State, and local drug enforcement agencies together for cooperative efforts—if no allowance for State and local priorities were permitted. Neither is the fact that some HIDTAs have greater "national" significance than others is itself a weakness; there will always be differences in importance and focus from region to region.

What has been a problem, however, is the program's current inability to base its allocation of funds to the individual HIDTAs on any criteria at all—national, regional, or local. Congress itself bears much of the blame for this. For many years, appropriations bills have forbidden ONDCP from funding any HIDTA at below its previous year's level—effectively locking in $201 million of its budget. ONDCP has had true discretion over less than 10 percent of the program's funds.

The administration, for its part, has done nothing to solve this problem. Each appropriations bill has given ONDCP the option to request a reallocation of HIDTA funds by presenting a plan to the Appropriations Committees in the House and Senate. ONDCP, however, has thus far declined to do so.

As a result, the HIDTA program currently guarantees funds to the designated HIDTAs, with little or no regard for efficiency, impact, or national priorities. ONDCP cannot (and has not even tried to) redirect the program's funds in response to the ever-changing drug trafficking threat.

In response to these difficulties, the administration has proposed drastically cutting the program's budget from fiscal year 2005's enacted level of $228,350,000 to $100,000,000. Even more significantly, the administration has requested that the remaining $100 million be funded through the Organized Crime Drug Enforcement Task Force [OCDETF], a Department of Justice program.

If enacted, this proposal would effectively terminate the current HIDTA program. The committee believes that this would be a severe blow to Federal, State, and local cooperation, and to drug enforcement in general. For this reason, the committee strongly opposes both the budget cut and the move of the program into OCDETF.

Keeping HIDTA at its Current Funding Level

The budget cut proposed by the administration—56 percent of last year's enacted level—would shut down most of the task forces,

intelligence centers, and "deconfliction" activities funded by the program. Either most of the 28 individual HIDTAs would have to be eliminated, or all of them would have to accept very deep cuts. (Notably, at their current funding levels the original five HIDTAs alone—the Southwest Border, Los Angeles, Houston, New York/New Jersey, and South Florida—would take up nearly all of the $100 million proposed by the administration).

The administration has been unable to provide any information to Congress about how it would implement this 56 percent cut. Representatives of ONDCP and OCDETF were asked at a recent hearing before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources to specify which HIDTAs would be reduced or eliminated to permit the $128 million budget cut.[14] They declined to name even one HIDTA that would or should be reduced or eliminated, nor did they provide any information even about how they would make such determinations. As of yet, they claim to have no firm plan about how to reduce the program—instead, they insist that Congress simply grant them the authority in advance to make the cuts.

The administration's lack of a plan is disturbing, given the potentially severe impact these cuts will have on drug enforcement. Seven representatives of State and local law enforcement agencies from around the country who work with the HIDTA program testified about that impact before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources on March 10, 2005.[15] They testified that the vital task forces, intelligence and investigation "deconfliction" centers, and other interagency activities funded by HIDTA would be eliminated if the program ceased operations in their areas.

For example, Sheriff Jack Merritt of Greene County, MO testified that the anti-methamphetamine task force that brings together Federal, State, and local law enforcement in his community would be shut down without the HIDTA program.[16] Baltimore Police Commissioner Leonard Hamm told us that his anti-heroin and anti-drug gang task forces would also be ended without HIDTA assistance.[17]

Eliminating or eviscerating the individual HIDTAs would be a far greater financial loss to Federal drug enforcement efforts than simply the $128 million reduction in the budget. State and local agencies make very significant contributions of their own agents, employees, office space, and equipment to HIDTA task forces—

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[14] Mar. 10, 2005 Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources hearing entitled, "Fiscal Year 2006 Drug Control Budget and the Byrne Grant, HIDTA, and Other Law Enforcement Programs: Are We Jeopardizing Federal, State and Local Cooperation?"

[15] Ron Brooks, president, National Narcotics Officer's Associations Coalition, Tom Carr, Director, Washington-Baltimore HIDTA, Tom Donahue, Director, Chicago HIDTA, Chief Jack Harris, Phoenix Police Department and vice-chair, Southwest Border HIDTA, Leonard Hamm, acting Baltimore police commissioner, Mark Henry, president, Illinois Drug Enforcement Officer's Association, and Sheriff Jack L. Merritt, Greene County, MO.

[16] Sheriff Jack Merritt testimony on Mar. 10, 2005 at Subcommittee on Criminal Justice, Drug Policy, and Human Resources hearing entitled, "Fiscal Year 2006 Drug Control Budget and the Byrne Grant, HIDTA and Other Law Enforcement Programs: Are We Jeopardizing Federal, State and Local Cooperation?"

[17] Commissioner Leonard Hamm testimony on Mar. 10, 2005 at Subcommittee on Criminal Justice, Drug Policy, and Human Resources hearing entitled, "Fiscal Year 2006 Drug Control Budget and the Byrne Grant, HIDTA and Other Law Enforcement Programs: Are We Jeopardizing Federal, State and Local Cooperation?"

most of which are not reimbursed with Federal dollars and which dwarf, in their dollar value, the Federal budget components of the individual HIDTAs. The committee believes we risk losing those contributions if the Federal Government ends the balanced control of HIDTA operations. For example, Phoenix Police Chief Jack Harris told the subcommittee that he would have to pull his officers out of the HIDTA-assisted Federal, State, and local drug task force in his city if the administration's budget request becomes law.[18]

Keeping HIDTA in ONDCP

The proposed transfer to OCDETF is contrary to existing law, and to sound drug enforcement policy. It would potentially be even more disruptive to the HIDTA program than the simple budget cuts.

First, transferring this program across departments is contrary to every authorization the Congress has passed for HIDTA. The original legislation creating HIDTA, each of the two reauthorizations acts (in 1993 and 1998), and the most recent reauthorization bill passed by the House (H.R. 2086, passed in 2003), specifically placed the program in ONDCP. At no time has the House or the Senate passed legislation moving the program into the Department of Justice. Moreover, attempting to move the program through an appropriations bill would almost certainly conflict with any reauthorization legislation agreed to by the House and Senate during this Congress.

Even apart from the legal question, the move of HIDTA into OCDETF is highly problematic. At the Subcommittee on Criminal Justice, Drug Policy, and Human Resource's March 10, 2005 hearing on this issue, not one of the State and local officials who actively work with the HIDTA program supported moving the program into OCDETF. They each pointed out that OCDETF is a very different program, primarily designed to bring existing State and local cases into Federal court by providing funding through the U.S. attorneys.

HIDTA, by contrast, seeks to bring together Federal, State, and local law enforcement agencies in cooperative operations, intelligence sharing, and investigations. Each HIDTA has an executive board made up of equal representatives of Federal agencies on the one hand, and State and local agencies on the other. The boards then decide how to allocate their HIDTAs' budgets among various task forces and other operations.

This equal voice for State and local agencies has generated an unprecedented level of cooperation on the part of all participants. It is very unlikely that State and local agencies will be willing to make significant contributions of their personnel and resources to HIDTA task forces if they believe they will not have an equal say in their deployment.

Notably, the administration's representatives who testified at the March 10, 2005 hearing declined to inform the subcommittee about how HIDTA would be managed under OCDETF and how decisions

[18] Police Chief Jack Harris testimony on Mar. 10, 2005 at Subcommittee on Criminal Justice, Drug Policy, and Human Resources hearing entitled, "Fiscal Year 2006 Drug Control Budget and the Byrne Grant, HIDTA and Other Law Enforcement Programs: Are We Jeopardizing Federal, State and Local Cooperation?"

would be made at the local HIDTA. The Director of OCDETF, Catherine O'Neil, simply stated that her program would "study" the HIDTA program if granted control by Congress, and make changes at a later date.[19]

This approach gets things exactly backwards, by demanding the authority to change the program before deciding what changes to make, or even whether change is necessary. The committee agrees that some reforms of the HIDTA program may be needed; however, the appropriate response is for the administration first to study the program, and then to make recommendations for changes in management and funding for individual HIDTAs to Congress. After Congress has reviewed the administration's recommendations, it can then decide whether to include them in reauthorizing legislation. Once this occurs, an appropriations request for a revised program would be in order.

The Administration's Arguments

Two final arguments made by the administration to justify these drastic cuts and changes to the HIDTA program need to be addressed. First, the administration relies on the HIDTA's Program Assessment Rating Tool [PART] review—which claimed that HIDTA had failed to demonstrate results—for its argument that the program must be overhauled. However, ONDCP apparently failed to provide sufficient information about the HIDTA program's results to the Office of Management and Budget [OMB], and also failed to establish specific performance measures in time for the review. Had OMB been given the complete annual reports of the individual HIDTAs, which detail the many investigations, arrests, seizures, and other actions undertaken by the program, and had OMB waited until the performance measures had been fully implemented, it is difficult to see how the HIDTA program could have been graded significantly worse than the Drug Enforcement Administration, the Coast Guard, or any other drug enforcement agency.

Finally, the administration argues that the program should be transferred to OCDETF to consolidate drug enforcement programs within the Department of Justice. There are two problems with this argument. First, even within the Federal Government, drug enforcement cannot be "consolidated" within the Justice Department. Most Federal drug interdiction personnel are employed by agencies at the Department of Homeland Security, namely the Coast Guard, Customs and Border Protection [CBP], and Immigration and Customs Enforcement [ICE], each of which participate in individual HIDTAs. ICE and the Internal Revenue Service [IRS], which also participates in HIDTAs, also engage in significant drug enforcement and money laundering investigations.

Second, although the Justice Department certainly plays a vital role in drug enforcement—both through the investigative work done by DEA and the Federal Bureau of Investigation [FBI], and through prosecutions in Federal court by the U.S. Attorneys' of-

[19] Catherine M. O'Neil testimony on Mar. 10, 2005 at Subcommittee on Criminal Justice, Drug Policy, and Human Resources hearing entitled, "Fiscal Year 2006 Drug Control Budget and the Byrne Grant, HIDTA and Other Law Enforcement Programs: Are We Jeopardizing Federal, State and Local Cooperation?"

fices—that Department does not have an exclusive focus on drug control. Instead, drug enforcement is but one of many disparate missions that the Justice Department must balance, and the committee is concerned that counterdrug money would later be absorbed by non-counterdrug programs at the Justice Department.

ONDCP, by contrast, is exclusively dedicated to drug control. It is not forced to divert resources or attention to other matters. Thus, an anti-drug trafficking program like HIDTA, which brings together both Justice Department and non-Justice Department Federal drug control agencies, as well as State and local drug control agencies, is much better located within ONDCP.

2. National Youth Anti-Drug Media Campaign

The Media Campaign is an integrated effort that combines paid and donated advertising with public communications outreach. The program is clearly having a positive impact, as marijuana and other drug use by young people has fallen significantly since 2001.[20] ONDCP's decision to focus on marijuana use has paid dividends, and the committee is hopeful that even more progress will be made in the future.

The committee has concerns about the administration's request for only $120 million for the Media Campaign, a significant decrease from the $145 million requested for fiscal year 2005. Although this current request matches the amount actually appropriated by Congress last year, that in itself was a sharp decrease from the $135 million appropriated in fiscal year 2004. A truly national advertising program requires sufficient funding to be effective—the purchased advertisements must be of high quality and must reach their intended audience. The committee is deeply concerned that these reductions will jeopardize the program's effectiveness.

Moreover, the committee believes that the PART review findings for the Campaign—"results not demonstrated"—are simply not based in fact.[21] Although the direct impact of advertising on its target audience is always difficult to measure, the ultimate "performance measure" for an advertising campaign is whether the target audience responded as hoped. In this case, it is clear that it has: young people are reporting decreased use of marijuana. While many factors may have contributed to this decline, it is hard not to give at least some credit to the marijuana-focused advertisements purchased by the Campaign. The committee believes that this program is showing clear results, and should be fully funded.

3. Drug-Free Communities [DFC] Program

The committee generally supports the administration's request for $80 million for the Drug-Free Communities [DFC] Program, which assists local community anti-drug coalitions to prevent substance abuse among young people. This is the same level of funding requested by the administration and appropriated by Congress in fiscal year 2005. The committee is concerned, however, that if the

[20] Testimony of Stephen Pasierb on Apr. 26, 2005 at Subcommittee on Criminal Justice, Drug Policy, and Human Resources hearing entitled, "Drug Prevention Programs and the Fiscal Year 2006 Drug Control Budget: Is the Federal Government Neglecting Illegal Drug Use Prevention?"

[21] NDCS Fiscal Year 2006 Budget Summary, p. 97.

program's budget does not expand, many new coalitions may not be able to start their work—particularly in the poorest communities where the need for drug use prevention is greatest.

One significant issue facing the program is performance measurement. In its last PART review, DFC received an "adequate" rating—higher than many similar prevention programs.[22] As is the case with other programs, however, the targets established for DFC—"enhancing the capabilities of community anti-drug coalitions," "enhancing prevention activities," and "increase[ing] citizen participation"—have more to do with the processes of the program than with its intended result, namely reducing drug use. Although DFC should not be singled out for criticism on this point, ONDCP and other agencies involved in drug use prevention need to start defining success less in terms of whether the program is simply functioning as planned, and more in terms of whether its functions are achieving a quantifiable end result.

On April 26, 2005, in testimony before the subcommittee, General Arthur Dean, chairman and CEO of the Community Anti-Drug Coalitions of America [CADCA], highlighted successes achieved by the DFC Program. In communities where DFC grantees operate, drug use has sharply decreased in comparison to communities in which there is not an anti-drug presence. For example, in the period of 1993 to 2000, Cincinnati, OH achieved a 41 percent decrease in marijuana use among 7th to 12th graders, while communities in this region without the presence of an anti-drug coalition experienced a 33 percent increase.[23]

According to General Dean, DFC has been foundational to our Nation's demand reduction strategy because it empowers local communities to use their ideas and ingenuity to solve their own drug problems.

4. Counterdrug Technology Assessment Center [CTAC]

The committee has concerns about the administration's request for only $30 million for the CTAC program, a sharp decrease from the $40 million requested for fiscal year 2005, and a 30 percent decrease from the $42 million appropriated by Congress. The CTAC program funds research into drug abuse and addiction, and through the Technology Transfer Program supplies new counterdrug technologies to State and local law enforcement. The proposed decreases would cut the research program nearly in half—from $18 million to $10 million—while reducing the Technology Transfer Program by $4 million, from $24 million to $20 million.

The program is certainly in need of greater direction and oversight. ONDCP has not taken sufficient steps to ensure that the Technology Transfer Program supports national goals in reducing overall drug trafficking and improving interagency communication and cooperation. For example, ONDCP needs to make sure that any communications or information sharing equipment or systems

[22] NDCS Fiscal Year 2006 Budget Summary, p. 96.

[23] General Arthur T. Dean U.S. Army, retired, testimony on Apr. 26, 2005 at Subcommittee on Criminal Justice, Drug Policy, and Human Resources hearing entitled, "Drug Prevention Programs and the Fiscal Year 2006 Drug Control Budget: Is the Federal Government Neglecting Illegal Drug Use Prevention?"

funded by CTAC do not simply benefit the agency receiving the transfer. Rather, such systems or equipment should only be provided if they also link the recipient agency with other Federal, State, and local agencies and result in increased information sharing.

These reforms should be undertaken first; only if the program fails to produce results should it be subjected to these severe cuts. The committee intends to continue its review of the CTAC program and its future as it continues its work on the reauthorization of ONDCP and its programs.

5. Counterdrug Intelligence Executive Secretariat (CDX)

The committee has concerns about the administration's proposal to eliminate all funding for the Counterdrug Intelligence Executive Secretariat (CDX). This program, which was appropriated $2 million for fiscal year 2005, has certainly suffered from a lack of direction. It was intended to help ONDCP coordinate the drug intelligence policies and activities of multiple Federal law enforcement agencies, most notably through the creation of a General Counterdrug Intelligence Plan [GCIP]. The need for that coordination is as great today as it ever was, meaning that the mission of CDX is far from fulfilled.

It may well be that the functions of CDX would be better carried out by another agency, such as the Drug Enforcement Administration through its El Paso Intelligence Center [EPIC]. The administration, however, should set forth its specific plans for improving drug intelligence sharing—preferably through a new GCIP (which is in great need of updating in the post-September 11th era). The committee intends to revisit this issue as it continues its work on the reauthorization of ONDCP.

6. National Drug Court Institute

The committee supports the administration's request for $1,000,000 for the National Drug Court Institute, which matches last year's request and would be an increase from the appropriated level of $750,000 for fiscal year 2005. With the increasing popularity of drug court programs around the country, it is more important than ever that ONDCP review these programs and determine their rate of success.

The committee feels that better guidance could help improve and promote these programs nationwide. A vigorous, mandatory system of drug testing should be applied in every drug court case, to ensure that program participants are staying off of drugs. Convicts should be sentenced to drug abstinence, not just drug treatment. Unless participants are given incentives to overcome their drug abuse, it is unlikely that they will avoid future crimes.

7. National Alliance for Model State Drug Laws

The committee opposes the administration's proposal to eliminate all funding for the National Alliance for Model State Drug Laws, which was funded at $1 million in fiscal year 2005. The Alliance serves an important function by reviewing the drug laws in the various States, and proposing model State laws in response to new drug threats or challenges. For example, the Alliance recently held

a major conference on methamphetamine enforcement, bringing together drug enforcement officials from numerous States to discuss new solutions to the serious problem of meth abuse and trafficking.

Most drug enforcement, treatment, and prevention is provided at the State and local level. The Federal Government has a strong interest in effective State drug policies, and the Alliance helps to promote such policies.

8. U.S. Anti-Doping Agency and Membership Dues to World Anti-Doping Agency

The committee supports the administration's request for $7,400,000 for the U.S. Anti-Doping Agency, an increase of nearly $6 million over the administration's fiscal year 2005 request (and only $100,000 less than the appropriated level for fiscal year 2005). Similarly, the committee generally supports the administration's request for $2,900,000 for our Nation's membership dues in the World Anti-Doping Agency, which would double the fiscal year 2005 appropriated amount of $1,450,000, and nearly triple the amount requested by the administration last year ($1 million). Through the U.S. Anti-Doping Agency and its international counterpart, the United States seeks to stop the use of illegal performance-enhancing drugs by American and international athletes in Olympic sports, through education, drug testing programs, and similar initiatives.

The committee remains very committed to investigating steroid abuse in professional sports. The committee held hearings on March 17, 2005, April 27, 2005, May 19, 2005 and June 15, 2005 to examine steroid abuse in professional sports and steroid use by young women, and will continue to provide oversight regarding this issue in order to establish and promote adequate drug prevention and testing programs.

9. National Drug Control Program Performance Measures

The committee supports the administration's request for $2 million for the further development of performance measures for Federal drug control programs, identical to last year's budget request, and double the $1 million actually appropriated for fiscal year 2005. ONDCP is tasked by statute with developing comprehensive performance measures that will allow Congress and the public to weigh the impact of each drug control program, and to improve performance.

The problem of measuring effectiveness in drug control programs—whether enforcement, treatment, or prevention—is a difficult one. It has never been more necessary, however, than now, when tremendous pressure is being placed on every aspect of the Federal budget, particularly drug control programs. Without adequate performance measures, it will be impossible to demonstrate the real, tangible results of the billions of dollars being spent on enforcement, treatment, and prevention. The committee hopes that ONDCP will make solid progress in developing and implementing these performance measures.

B. DEPARTMENT OF HOMELAND SECURITY

The committee supports the President's request for an additional $305 million for counterdrug activities at the Department of Homeland Security [DHS]. That support, however, is conditioned on the expectation that such funds will actually be used for counterdrug purposes. As discussed above, most of these funds are not actually designated for counterdrug purposes; they are merely estimates of how much time and how many resources the three main interdiction agencies at DHS—Coast Guard, Immigration and Customs Enforcement [ICE], and Customs and Border Protection [CBP]—will spend on counterdrug activities.

To ensure that those estimates turn into reality, DHS must fulfill its responsibilities to the counterdrug mission. That will require not only commitment by the leadership of DHS, but also diligent oversight by ONDCP.

1. Department of Homeland Security [DHS]—Office of Counternarcotics Enforcement [OCNE]

When Congress created DHS in 2002, it combined some of the most important anti-drug trafficking agencies in the Federal Government. To assist DHS in meeting its vital counterdrug responsibilities, Congress originally created the Counternarcotics Officer [CNO] position. Unfortunately, the original law did not clearly define how the CNO was to fulfill those duties, nor did it give the CNO adequate status or resources to fulfill them. In order to correct these problems, Congress passed legislation in 2004 that replaced the CNO with a new Office of Counternarcotics Enforcement, headed by a Director nominated by the President and confirmed by the Senate.[24] The legislation authorized up to $6 million of the Department's management funds for a dedicated budget for the new Office.

The committee is concerned that, despite this clear statement of congressional intent, the President's overall budget, the Drug Strategy Report, and the Drug Budget summary make no mention of the Office of Counternarcotics Enforcement. In fact, the only time the administration has taken note of the new Office is in the DHS Fiscal Year 2006 Funding Report to Congress for Counternarcotics Activities, where it states that "approximately" $1,860,000 will be allocated to the Office—without identifying the source of those funds. This raises the question of whether the administration intends to hire sufficient staff for the Office, and whether the new Director will have any independence or authority to carry out his statutory responsibilities or must continue to rely on staffing resources from the Office of the Chief of Staff and detailees.

The committee recommends that Congress specifically designate a line item in DHS appropriations legislation, setting aside $6 million from the Department's managerial funding for the Office.

2. Border and Transportation Security [BTS]

Although the Drug Budget Summary makes no specific mention of counterdrug funds for the Border and Transportation Security

[24] S. 2845, National Security Intelligence Reform Act of 2004, Subtitle D, Section 7407

[BTS] Directorate at DHS, DHS' own report requests $289,000 for two additional positions at BTS to respond to counternarcotic reports and queries. The committee believes that these positions would be better located at the Office of Counternarcotics Enforcement, which is specifically tasked with drug interdiction policy analysis.

3. Immigration and Customs Enforcement [ICE]

The committee generally supports the President's request for ICE, which is estimated to include $453 million for drug control operations. This would be an increase of nearly $100 million over the $357 million appropriated for fiscal year 2005. This increase, however, needs to be actually utilized to fulfill drug control responsibilities.

The committee supports the President's request, detailed in the Drug Budget Summary, to directly appropriate $43.7 million for salary and expenses of ICE agents that were formerly appropriated through the Department of Justice's Organized Crime Drug Enforcement Task Force [OCDETF] budget.[25] The committee supports the separate line item to resolve continuing problems with funding non-Justice Department agencies through OCDETF. However, the committee believes that this and other proposed increases in salary and expense (a total proposed $116 million) should be used, to the greatest extent possible, to maintain and enhance drug enforcement and money laundering operations at ICE.

Although not mentioned in the National Drug Strategy, the committee is concerned about ICE's annual budgetary shortfalls. This has led to serious operational difficulties in drug enforcement and other critical areas. For example, due to insufficient travel funding, ICE has been unable to travel abroad in certain cases to enforce the provisions of the PROTECT Act that make it a crime for any person to enter the United States, or for any citizen to travel abroad, for the purpose of sex tourism involving children.

In response to these difficulties, the committee believes that Congress and the administration should carefully consider new solutions to the problems at ICE and DHS. For example, the Heritage Foundation and CSIS recently issued a report, "DHS 2.0: Rethinking the Department of Homeland Security,"[26] that recommends a merger of the investigative and border security elements of ICE and CBP. Such a merger could enhance border security by implementing proven administrative, logistical, and budget programs currently implemented in CBP and lacking at ICE. The merger could also reinvigorate the border partnerships formerly held by Customs Inspectors and Investigators.

The ICE Office of Investigations received an "adequate" rating in the administration's Performance Assessment Rating Tool [PART] process.[27] ICE Office of Investigations had 43.8 percent of their cases result in an enforcement consequence (arrest, indictment, conviction, seizure, fine or penalty). The committee hopes that ICE

[25] NDCS Fiscal Year 2006 Budget Summary p. 45.
[26] http://www.heritage.org/Research/HomelandDefense/sr02.cfm.
[27] NDCS Fiscal Year 2006 Budget Summary, p. 48.

will continue to make progress in its performance measurement system.

4. Customs and Border Protection [CBP]

The Bureau of Customs and Border Protection [CBP] combines the port of entry inspectors of the legacy Customs Service and the Immigration and Naturalization Service, as well as the Department of Agriculture's port of entry inspectors; the U.S. Border Patrol; and the Air and Marine Operations [AMO] division of legacy Customs. The Customs inspectors, AMO aviators and boat operators, and Border Patrol agents are crucial to our drug interdiction and enforcement efforts.

The Strategy Report draws attention to the 2,512 CBP Officers that are specifically identified with drug enforcement. The committee applauds the combining of the former CBP enforcement, canine, and analytical units into a single unit called the Anti-Terrorism Contraband Enforcement Team [A–TCET].

America Shield Initiative

The committee supports CBP's America Shield Initiative that utilizes an Integrated Surveillance Intelligence System [ISIS]. However, the committee notes that the $240 million spent on border sensor equipment over a 5-year period beginning in Fiscal Year 1997 did little to minimize intrusions along the southwest and northern borders. The committee supports the expenditure of $51.1 million for America Shield Initiative, but recommends that newer technologies be employed to detect cross border movement. The committee recommends sensors capable of hyper-spectral and synthetic aperture imagery with electronic linking capabilities to law enforcement command/control facilities and law enforcement officers along the border through fixed and portable data receivers.

Office of Air and Marine Operations

The committee applauds the efforts by the Department to consolidate aviation and marine assets by merging the Border Patrol's air and marine program with AMO. This merger will help to consolidate the operation, training, maintenance, and procurement of these high-value/low density law enforcement assets.

There are, however, questions about how the new, merged program will balance competing missions such as drug interdiction and illegal immigration enforcement. The Drug Budget Summary indicates that in the Border Patrol 15 percent of total agent time nationwide is related to drug interdiction activities, while in AMO, 90 percent of the resources support drug-related activities. The committee will continue to monitor the progress of the ongoing transition making sure that there will not be a reduction in Department's counterdrug interdiction and apprehension capabilities.

For the last 4 years CBP's Air and Marine Operations has supported numerous operations in multiple foreign locations. The following table reflects the JIATF South portion of the total agency foreign obligations. When viewing these flight hours, one must understand that the source and transit zone hours as reported by JIATF-South represent time flown in the prescribed area. The Department of Homeland Security credits flying time to that period

where the aircraft begins its patrolling with its detection systems operating.

Also in 2001 CBP assets were heavily involved in the Liberty Shield efforts following the September 11th disaster. In 2001–2003 the United States was prohibited from conducting drug interdiction operations due to the Peruvian shootdown of an American missionary aircraft in 2001. When President Bush signed National Security Presidential Directive 25, in 2003, the United States resumed support to Colombian aerial drug interdiction efforts.

The fluctuations in CBP MPA hours are a function of:

1. Lack of aircraft availability due to major structural modifications.
2. Lack of funding for P–3 flying hours.
3. The 2002 shift from source zone to transit zone operations due to Colombian flight restrictions.
4. Starting in 2004 additional money for MPA came through the U.S. Interdiction Coordinator.

Customs and Border Protection International Flight Hours

	Source Zone	MPA Transit Zone	Mexico	Bahamas
CY 2001	529	571	1532	1272
CY 2002	58	1454	1932	1412
CY 2003	1061	578	2279	1202
CY 2004	1672	2115	2428	985

The committee would like to see the Department take further steps to enhance efficiency within the Unmanned Aerial Vehicle [UAV] program. The committee favors a UAV that accommodates multiple sensors that would meet the needs of all of our Federal border security agencies.

The President's budget recommends that CBP's Air and Marine Operations program receive $292,780,000 for Operations, Maintenance, and Procurement [O&M] and $136,060,000 for salaries and expenses [S&E]. The committee supports the O&M increase of $35 million but questions whether the S&E increase of only $4.6 million will be sufficient to cover the shortfalls at the Air and Marine Operations Center [AMOC] in Riverside, the additional requirements for personnel on the northern border, and the National Capitol Region which guards the airspace over Washington, DC.

Currently, AMOC, the agency's primary tracking and monitoring facility, is only 60 percent staffed.[28] With the manning shortfalls, AMOC managers must selectively choose what radar feeds to monitor, leaving the Nation vulnerable in the sectors that AMOC cannot watch.

More personnel are also needed at AMO's northern border facilities. If these new personnel are not funded, AMO will have to shift staff from its southern tier locations. Likewise, the National Capitol Region has operated with temporary personnel and assets since its inception at great cost to the overall AMO program.

The committee has grave concerns about the aging air and marine fleet found within the Department. We recommend that the

[28] Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources Feb. 23, 2005 staff visit to Air and Marine Operations Center [AMOC], Riverside, CA.

Department closely evaluate the current agency modernization proposals and submit recommendations to Congress that will maintain air and marine capabilities that combat terrorism and illegal drug movement in the source, transit, and arrival zones, provide law enforcement support, and perform airspace security missions.

U.S. Border Patrol

There are over 11,000 Border Patrol agents that are assigned the mission of detecting and apprehending any illegal entrants between the ports-of-entry along the United States land borders. These illegal entries include alien and drug smugglers, potential terrorists, wanted criminals, and persons seeking to avoid inspection at the designated ports of entry.

The committee also has deep concerns about the commitment of all sectors of the Border Patrol to the drug interdiction mission. In many sectors, the Border Patrol appears to be far more focused on illegal migrant interdiction than stopping drug traffickers. Moreover, the Border Patrol's willingness to cooperate with other law enforcement agencies on drug investigations and operations leaves room for improvement. Stopping illegal immigration is certainly a vital mission of the Border Patrol. If, however, the Border Patrol is going to be the primary agency responsible for protecting our Nation's land borders, it must take a more active role not only in conducting its own drug interdiction operations, but in supporting the border-related drug investigations of other agencies as well.

Shadow Wolves Customs Patrol Officers

The committee has grave concerns about the status of the last remaining unit of Customs Patrol Officers patrolling the border, the "Shadow Wolves" unit that works on the 76-mile stretch of the Mexico-Arizona border contained in the Tohono O'odham sovereign Indian Nation. The Shadow Wolves are all Native Americans, who combine traditional tracking methods and modern technology to find, follow, and arrest drug traffickers. The Shadow Wolves have historically been one of our Nation's most effective drug enforcement units, seizing over 100,000 pounds of narcotics annually, with only 21 agents.

The Shadow Wolves were a part of the U.S. Customs Service until March 2003, when DHS assigned them to CBP, which in turn placed them under the control of the Border Patrol. Border Patrol management has not been successful, as the missions, priorities, and methods of the two groups are simply too different. Only 16 of the 21 Shadow Wolves agents in uniform in 2003 are still active, and there is a serious risk that the rest will retire or move to other employers if the problems are not addressed. The Border Patrol itself has reportedly asked that the unit be transferred to another agency.

The committee agrees that the Shadow Wolves should be moved to another agency within DHS. Two possible new "homes" for the unit are the Office of Air and Marine Operations [AMO] at CBP, and the Office of Investigations at ICE. Both of these units worked very successfully with the Shadow Wolves prior to 2003 (when they were all part of the Customs Service). The committee may pursue

legislation to address this problem if DHS is unwilling or unable to act on its own.

CBP Financial Management

The Office of Management and Budget directed the legacy Customs Service and other agencies to make certain remaining fiscal year 2002 funds available to the Department for startup costs and administrative activities. The committee notes that $30 million was taken away from the Office of Air and Marine Operations [AMO] forcing a cut in flight hours and aircraft procurement. The committee would like to see these funds reinstated for their originally intended purposes.

The overall CBP drug control program has not been reviewed under the administration's Program Assessment Rating Tool [PART] process. However, the Office of Border Patrol, found within CBP, received a "Results not Demonstrated" rating from the PART process due to a lack of suitable outcome measures for the agency. The committee recommends that CBP take quick action to develop an effective performance management tool.

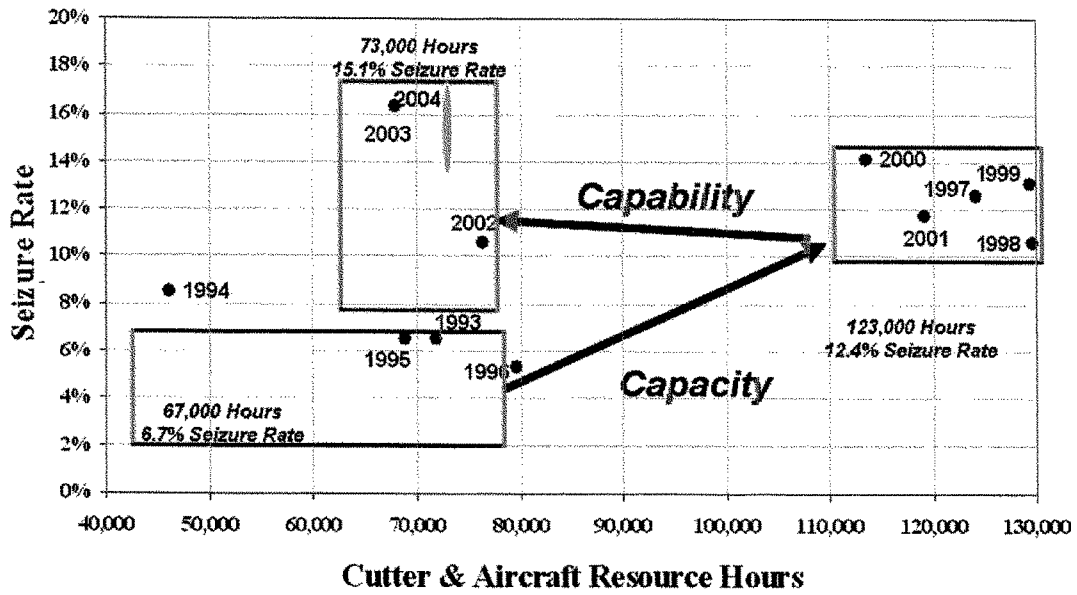
5. United States Coast Guard

The President's budget proposal includes a record $6.9 billion in for the U.S. Coast Guard, of which $973 million is estimated to be used for drug control. Like other DHS agencies, the Coast Guard does not have a specific appropriation for drug interdiction activities. The committee conditionally supports this year's proposal which is an 11.4 percent increase from the $6.3 billion provided last year.

The Coast Guard has struggled to re-balance its resources to sustainable levels since the terrorist attacks of September 11, 2001 (see attached diagram).[29] In fiscal year 2001, ONDCP's Budget Summary reported 8,094 full time employees [FTE] and 15.9 percent of the Coast Guard's budget were devoted to drug interdiction. In the Fiscal Year 2006 National Drug Control Budget Summary, the Coast Guard had 5,837 FTE and 11.9 percent of their budget committed to drug interdiction missions.

[29] Government Reform Subcommittee on Criminal Justice Drug Policy and Human Resources Staff budget summary briefing with U.S. Coast Guard officials on Dec. 17, 2004.

Effort & Results Relationship



Homeland Security

United States Coast Guard

This downward trend of resources supporting the counterdrug mission is due to new post-September 11th operational requirements, and the Coast Guard's aging inventory of legacy cutters and aircraft. The committee is gravely concerned about the Coast Guard's fleet modernization project. The project has received considerable bipartisan congressional criticism for the extended timeline and cost of the project, and for focusing too much on maintaining the existing fleet in lieu of adding new vessels. The committee feels that any delays in the fleet modernization project will directly impact the Coast Guard's ability to interdict drugs in the maritime transit zones.

The Coast Guard seized a record 240,519 pounds of cocaine in the transit zones in fiscal year 2004, worth approximately $7.3 billion. These outstanding results were partly due to a combination of the Coast Guard utilizing new tools such as armed "HITRON" helicopters, over-the-horizon small boats and specialized law enforcement detachments. More importantly, the record setting year was a result of increasing and improved inter-department and interagency cooperation, as well as greater and more accurate and timely intelligence developed through Operation Panama Express. The Director of the Joint Interagency Task Force South has recently told the committee that there is currently more actionable intelligence available than there are surface and air assets available to respond. The national drug interdiction community needs more surface and air assets to respond to this growing supply of invaluable intelligence.

The Coast Guard, although hampered by its aging legacy assets, has attempted to rise to the task. As the following JIATF-South statistics show, the Coast Guard is now dedicating more maritime patrol aircraft [MPA] hours to drug interdiction missions.

U.S. Coast Guard International Flight Hours

	TOTAL (hours)
CY 2001	1096
CY 2002	1073
CY 2003	1653
CY 2004	2899

It is the committee's strong recommendation that the Coast Guard continue to keep drug interdiction a top priority, regardless of the status of its recapitalization program. The committee strongly believes that on any given day, the United States needs more than three Coast Guard cutters in the Eastern Pacific transit zone, and four in the Caribbean transit zone. It is vitally important to the National Drug Control Strategy and our National Security that more Coast Guard ships and aircraft are now needed for drug interdiction to support the law enforcement intelligence available in the Caribbean and Eastern Pacific transit zones.

The committee is also concerned with the Coast Guard's measures of performance, specifically regarding the drug interdiction program.[30] While the program is generally well-managed, it reportedly faces challenges in strategic planning and performance. The

[30] NDCS Fiscal Year 2006 Budget Summary, p. 56.

committee recommends the Coast Guard develop useful long-term performance measures and efficiency measures to improve future performance. Additionally, the committee is concerned that deficiencies in Coast Guard financial controls, as determined by DHS's Fiscal Year 2004 Performance Accountability Report, are damaging the Coast Guard's ability to perform its counterdrug mission.

C. DEPARTMENT OF JUSTICE

The Department of Justice is home to some of the most important drug control agencies and programs in the Federal Government. As our Nation's primary law enforcement agency, its efforts are crucial to the struggle to reduce drug trafficking and abuse. Moreover, the grant programs it administers—which assist State and local agencies with everything from investigations to drug treatment for prisoners—are vital to Federal, State, and local coordination and cooperation on drug policy.

1. Assistance to State and Local Law Enforcement

Methamphetamine-Related Assistance

The committee has concerns about the proposed reduction in funds (administered by the Department of Justice's Community Oriented Policing Services [COPS] office) dedicated to law enforcement activities against methamphetamine trafficking. Methamphetamine abuse has ravaged communities across the United States, and put severe strains on State and local enforcement agencies forced to find clandestine drug labs, clean up the environmental damage they create, and arrest the drug trafficking rings that operate them. To assist these overburdened agencies, Congress approved $54,050,000 in fiscal year 2004 and $52,556,000 in fiscal year 2005 for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots."

The current proposal requests only $20 million for fiscal year 2006 (identical to last year's request for $20 million), a cut of more than 60 percent from appropriated funds for 2005. This would greatly reduce the ability of State and local law enforcement agencies to help their Federal partners in reducing methamphetamine abuse, particularly given the proposed overall reduction in State and local law enforcement assistance grants.

It should be noted, however, that Congress itself needs to take steps to ensure that Federal assistance is targeted to the most affected areas of the country. Excessive "earmarking" of these funds undermines their efficiency. Although many States and communities suffer from methamphetamine trafficking and abuse, Federal dollars are limited and must be directed to the areas where they will make the most difference from a national point of view. The committee urges Congress and the administration to work together in finding ways to address this issue.

The committee also questions why this program—which is clearly drug control-related—has not been included in the administration's Drug Budget Summary in recent years. Omitting it leaves an incomplete picture of what the Federal Government spends annually

on drug control, and diminishes the level of oversight that might otherwise be expected from ONDCP.

Prescription Drug Monitoring Program

The committee also has concerns about the proposed reduction in funding for a prescription drug monitoring program. In fiscal year 2005, Congress approved $10 million for this program, despite the administration's refusal to request any funds for it. This year, the administration has agreed to request some funds for the program, but only $5 million—half of fiscal year 2005's appropriated level.

Prescription drug abuse is a serious and growing problem throughout the United States, as illustrated by the recent wave of OxyContin and other oxycodone-related overdoses. One major difficulty facing Federal, State and local law enforcement agencies in dealing with this threat is the lack of sufficient information about how these drugs are being diverted from their proper medical uses to illegal trafficking and abuse.[31] The Federal Government needs to continue work on the establishment of a monitoring system that would track supplies of prescription drugs and give law enforcement officials more information about illegal diversion.

Edward Byrne Memorial Justice Assistance Grant

The committee opposes the administration's proposal to terminate the Edward Byrne Memorial Justice Assistance Grant program. Congress already complied with the administration's request to consolidate previously separate grant programs into the single Byrne Grants program (Congress appropriated $634 million for these grants for fiscal year 2005). The administration now proposes to eliminate it entirely, and restrict Federal assistance for State and local law enforcement programs to a series of enumerated grants (most of which are previously existing programs) under a "Justice Assistance" account. In practice, this will sharply limit the amount of money available to help State and local agencies.

The administration's proposed reduction appears to reflect, in additional to fiscal constraints, a concern about excessive Federal subsidization of law enforcement at the State and local level. The Federal Treasury is not infinite, and simply cannot pay for law enforcement at all levels and in every area. Moreover, choices about how much to spend on law enforcement in a State or community are, properly, choices that should be made at the State or local level—and the responsibility of paying for those choices should also remain at that level. Excessive subsidization of State and local law enforcement by the Federal Government may lead to inefficiency and imbalance in our overall law enforcement strategy.

The committee shares those concerns, but the administration's drastic proposed cuts would create massive shortfalls in the budgets of State and local law enforcement agencies across the country. Numerous State and local officials have informed the committee members and staff that many programs—particularly drug enforcement programs—within States would have to be shut down if all Byrne Grant and similar funding were cut off.

[31] Feb. 9, 2004 Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Orlando field hearing entitled, "To Do No Harm: Strategies for Preventing Prescription Drug Abuse."

Moreover, it is not necessarily the case that Federal support for State and local efforts lacks national impact. Particularly in the area of drug enforcement, State and local participation is vital to our national success. State and local agencies make more than 95 percent of arrests of drug violators.[32] Collectively, they have far more personnel and resources than the Federal Government does. Federal support for these agencies can have a very positive national impact if it helps involve them as partners in the fight against drug trafficking and other criminal activities.

The administration should instead propose reforms, where needed, to some of the Federal Government's assistance grants. Specifically, legislation may be needed to help the Federal Government collect more data about how these grants are being used, and to make them more accountable. Such reform proposals should be accompanied by a comprehensive plan for how, and for what specific purposes, future Federal assistance to State and local law enforcement should be provided. Without such a plan, the proposed massive reductions lack a complete and coherent justification, and leave the programs vulnerable to continued earmarking and potential misallocation of funds.

Regional Information Sharing System

The committee supports the administration's request for $45,049,000 for the Regional Information Sharing System [RISS], virtually identical to the $45,000,000 appropriated for fiscal year 2005. The committee believes that RISS, which facilitates electronic, computerized sharing of intelligence and information among Federal, State, and local law enforcement agencies, is an important tool in the fight against drug trafficking and other organized crime.

The committee does question, however, why the administration has included the entire RISS budget request in the Drug Budget Summary, when the system is not exclusively intended or used for drug enforcement. It would be more accurate to estimate the percentage used for drug enforcement activities, and include only that estimated portion in the drug budget. If the entire RISS budget is included in the drug budget, then it is unclear why none of the COPS grant funds are included.

Weed and Seed Program

The committee supports the administration's request for $59,599,000 for the Weed and Seed Program, an increase from last year's request for $58,265,000, but less than the $62 million appropriated by Congress for fiscal year 2005. The Weed and Seed Program is an important initiative designed to help State and local law enforcement agencies work with members of the local community to investigate and prosecute violent criminals and drug offenders, helping to clean up our Nation's streets.

The PART review rated this program as "adequate," and the committee is further encouraged by the fact that the performance measures selected for the program included real results—the percent reduction in homicides. The committee believes, however, that

[32] *Crime in the United States, 2002.* Uniform Crime Report, Federal Bureau of Investigation, U.S. Department of Justice.

the performance measures for the program should also include the percent reduction in drug crimes or drug availability in funded areas. The program was not intended solely to reduce violent crimes but also drug crimes, and it should be reviewed on both criteria.

The committee also believes that ONDCP should (as with some other programs administered by the Department of Justice) estimate the percentage of funds dedicated to illegal drug control and include only that part in the drug budget. Including the entire program in the drug budget is inaccurate and undermines the ability of Congress to review how much of the program's resources is being dedicated to drug control.

Drug Court Program

The committee supports the administration's request for $70,060,000 for the drugs courts program, identical to last year's request for $70,060,000, and a significant increase over the $40 million actually appropriated by Congress for 2005. The drug courts program is praised by law enforcement officers, judges, and addiction specialists throughout the country, and shows a great deal of promise.

In light, however, of the PART review of the program, which found "results not demonstrated,"[33] the administration must take steps to improve the program's accountability and performance management. The committee is encouraged that, according to the latest PART review, the Department has been able to improve grantees' reporting of results. The committee also notes that, unlike many prevention programs, the drug courts program is not simply defining performance in terms of program expansion (i.e., the simple number of drug courts in existence) but in terms of actual results (i.e., the re-arrest rate of program participants). This is a positive development that will hopefully be expanded, not simply within this program but in other prevention and treatment initiatives.

However, the committee believes that the drug courts program should monitor not simply the re-arrest rate of program participants, but their drug use as well. A vigorous, mandatory system of drug testing should be applied in every drug court case, to ensure that program participants are staying off of drugs. Convicts should be sentenced to drug abstinence, not just drug treatment. Unless participants are given incentives to overcome their drug abuse, it is unlikely that they will avoid future crimes. The committee believes that the administration should take steps to ensure this kind of accountability in the drug courts program.

Residential Substance Abuse Treatment [RSAT] Program

The committee generally supports the administration's request for $44,119,000 for the RSAT program. Although this is an increase over the $25 million actually appropriated by Congress for fiscal year 2005, it is sharply lower than the $76,054,000 the administration requested last year.

[33] NDCS Fiscal Year 2006 Budget Summary, p. 80.

It is regrettable that Congress has not provided more funds for the program, which is intended to support drug treatment for prisoners in State and local prison systems. Most of our Nation's drug offenders are incarcerated in State or local prisons. Moreover, most of these prisoners are the kind of low-level offenders who would benefit most from drug treatment. (By contrast, those in the Federal prisons are typically major drug traffickers whose primary motive was most likely greed, rather than the simple need to obtain more drugs to feed addiction.) The committee is concerned that the administration's reduced request may indicate a reduced commitment to drug treatment in the prisons and jails.

The committee believes that support for the program would be increased if the administration took steps to improve performance measurement for RSAT. The program's last PART review found "results not demonstrated," and it was clear that the only performance measures identified for the program—namely the numbers of prisoners treated under the program, and the cost per prisoner—address only the size and functioning of the program, not its end result. Performance measures should be developed to determine how effective the treatment provided under the program is, not simply how much it costs or how much is provided. Greater attention needs to be paid to monitoring the actual positive results of RSAT grants.

Southwest Border Prosecutor Initiative

The committee supports the administration's request for $48,418,000 for the Southwest Border Prosecutor Initiative, which is intended to reimburse State and local prosecutors in border areas for the increase in local crime from border activities (namely, drug and people smuggling from Mexico). That is a slight increase from the $48,377,000 requested for fiscal year 2005, and a significant increase over the $30 million actually appropriated by Congress.

The committee believes, however, that (in accordance with congressional intent) the program's funds should be directed toward border-related crime—not simply general crime. Information provided by the Department to the staff of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources indicates that only a quarter (at most) of the program's funds is dedicated to drug offenses, and none to immigration offenses. That information calls the program's justification into question; moreover, it calls into question the administration's decision to include the entire program budget request in the Drug Budget Summaries of recent years, distorting the true picture of Federal counter-drug activities.

Prisoner Re-entry Initiative

The committee supports the administration's request for $15 million for a prisoner re-entry initiative, designed to assist faith- and community-based organizations in their services to prisoners preparing to reintegrate into society after incarceration. The committee has held a hearing on this issue,[34] and was provided informa-

[34] Feb. 2, 2005 Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources hearing entitled, "Confronting Recidivism: Prisoner Re-entry Programs and a Just Future for All Americans."

tion about the significant accomplishments of faith- and community-based organizations in the field of prisoner re-entry services.[35] The committee believes that this proposal would be further strengthened by authorizing legislation from the Congress. Legislation of that kind, such as the "Second Chance Act" sponsored by Representatives Rob Portman and Danny Davis, would better define the program's goals and methods of implementation.

2. Bureau of Prisons

The committee supports the administration's request for $49,745,000 for the Bureau of Prisons' drug treatment programs. This would be an increase of $1.1 million over the fiscal year 2005 enacted level, and a $400,000 increase over the administration's request for last year.

The committee believes that the Bureau's efforts to reduce drug use and addiction by prisoners are commendable, and have had very positive results. The Bureau should seek actively to participate in programs that seek to replicate these results in State and local prisons and jails, where the vast majority of drug offenders are incarcerated. In addition, the Bureau should foster the drug treatment services of faith-based providers, who bring hope for a better future to the prisons.

The committee also supports the administration's overall request for $253 million for "inmate programs." This is a new line item in the administration's budget request, which more clearly separates the costs of actually confining prisoners from the costs of assisting prisoners to reintegrate into society after release. In addition to drug treatment, these reintegration programs include education and vocational training, and support for faith-based programs such as the Life Connections Program. The committee recently held a hearing (on February 3, 2005) on the issue of prisoner reentry programs, and is seeking ways to help promote them. The President's proposal is a positive step, and this committee looks forward to working with the administration to continue making progress and to replicate these initiatives at the State and local level.

The committee has concerns, however, about the failure of the administration in recent fiscal years to identify the other drug control-related costs included in the Bureau's budget request, including the cost of incarcerating drug offenders, the cost of drug testing of prisoners and employees, and the cost of screening visitors and packages for illegal drugs. These are clearly expenditures directly associated with drug control, meaning that it is simply incorrect for ONDCP to claim—as it did in this year's Drug Budget Summary—that only 1 percent of the Bureau's budget is drug related.[36]

3. National Drug Intelligence Center [NDIC]

The committee supports the administration's request for $17 million to fund the shutdown of the National Drug Intelligence Center [NDIC] and the transfer of its functions to other agencies. Although the goals of NDIC are worthy—the analysis of drug intelligence

[35] Pat Nolan testimony on Feb. 2, 2005 at Subcommittee on Criminal Justice, Drug Policy, and Human Resources hearing entitled, "Confronting Recidivism: Prisoner Re-entry Programs and a Just Future for All Americans."

[36] NDCS Fiscal Year 2006 Budget Summary, p. 57.

and the gathering of information from local law enforcement—it is not clear that the separate existence of the Center is necessary. Most of the analytical reports issued by NDIC are based entirely on intelligence provided by the DEA's El Paso Intelligence Center [EPIC], raising the question of why these analysts are not simply working directly for EPIC. Moreover, the intelligence-gathering functions of NDIC could also be located within EPIC, or within the proposed new drug fusion center within the Organized Crime Drug Enforcement Task Force [OCDETF]. At a time when intelligence analysts are needed at EPIC and other existing agencies, isolating these employees in NDIC is not an efficient use of resources.

4. Drug Enforcement Administration [DEA]

The committee supports the administration's proposal for $1,892,700,000 for the Drug Enforcement Administration, an increase of over $100 million from the $1.785 billion received by DEA for fiscal year 2005, and approximately $76 million more than the administration's proposal of last year. It should be noted, however, that the administration is actually only requesting $1.69 billion in appropriations from Congress, which will cover DEA's regular domestic and international enforcement expenses. That is only a slight (1 percent) increase from the $1.63 billion provided by Congress for that purpose in fiscal year 2005. The rest of the increase in DEA's proposed budget would come from the Diversion Control Fee Account—the fees paid by the pharmaceutical industry to DEA to finance its prescription drug diversion control activities. The administration is requesting "programmatic enhancements" to the Fee Account system to allow it to get these new resources.

The committee agrees with the administration's proposal to eliminate the DEA's Demand Reduction program. Although drug use prevention is a critical element in the National Drug Control Strategy, the committee recognizes that the DEA is a law enforcement organization, and such programs are better located elsewhere in the Federal Government.

The committee is very concerned about the growing danger from methamphetamine (meth), and recommends it be a top priority at the DEA, and in the Nation's overall drug strategy. Meth is one of the most powerful and dangerous drugs available. At present, the United States is experiencing an unprecedented rise in the use, trafficking, and manufacturing of methamphetamine.[37] The wholesale abuse of the drug itself is serious enough. But when we factor in the toxic environmental effects from unregulated chemicals used in clandestine laboratories, we see that methamphetamine is taking a terrible toll. No community is immune. Methamphetamine abuse has devastated communities across the Nation, and put unsustainable strains on the responsible State and local enforcement agencies.

The committee strongly supports the administration's request for $22 million to enhance the DEA's efforts in Afghanistan. It is critically important that DEA be fully supported in these efforts to stop heroin production and trafficking by the Department of Defense,

[37] Joseph T. Rannazzisi testimony on Nov. 18, 2004 at Subcommittee on Criminal Justice, Drug Policy, and Human Resources hearing entitled, "Law Enforcement and the Fight Against Methamphetamine."

the State Department's International Narcotics and Law Enforcement [INL] program, and the U.S. Agency for International Development. The committee is very concerned that an insufficient level of cooperation is taking place in Afghanistan among State, U.S. AID, CENTCOM and DEA programs.

The DEA has received an "adequate"[38] rating through the PART process, and has developed new goals, objectives, and strategies to support the Justice Department's goal of reducing the availability of drugs in the United States by 5 percent each year. The committee commends this effort to improve accountability and performance measures.

5. Interagency Crime and Drug Enforcement/Organized Crime Drug Enforcement Task Force [OCDETF]

The committee generally supports the President's proposed increase of budget proposal includes $661,940,000 for "Interagency and Crime Drug Enforcement," the account under which the administration places its request for funds for the Organized Crime Drug Enforcement Task Force [OCDETF]. That is an increase of over $100 million from the fiscal year 2005 enacted funding of $553.539 million, and over $80 million from the administration's request of last year ($580 million). That increase, however, is almost entirely due to the proposed transfer of the High Intensity Drug Trafficking Areas [HIDTA] program from the Office of National Drug Control Policy [ONDCP] to OCDETF—a proposal that has not been nearly adequately explained or justified by the administration.

The committee also has concerns that OCDETF has deviated from its original charter to target major narcotic trafficking and money laundering organizations. It appears that OCDETF has begun to accept drug targets that do not meet the major trafficking and money laundering threshold.

Moreover, it is not clear how valuable the assistance being provided by OCDETF is to ongoing investigations. Federal agents involved in drug investigations, interviewed by the committee staff, assert that OCDETF status merely gained them preferential treatment for their case by the local U.S. Attorney's office. While prosecution assistance is, of course, very important to drug investigations of all types, the OCDETF program should provide a broader array of services, and seek to bring together Federal, State, and local agencies to work toward shared goals.

The committee supports the administration's proposal to use $58 million to fund additional narcotics agents at the FBI, as well as prosecutors. The committee hopes, however, that OCDETF will monitor these new employees to make sure that their efforts remain focused on drug enforcement. OCDETF should not become a funding source for other agencies to conduct non-drug related activities.

The committee supports the administration's proposal to spend $14,693,000 for a new OCDETF Drug Fusion Center. The committee also supports the development of the Fusion Center computer system that will find criminal linkages by matching criminal data

[38] NDCS Fiscal Year 2006 Budget Summary, p. 66.

inputs from a multitude of Federal drug investigative cases. Information input into this computer system will also include the highly sensitive information gained from the DEA's Special Operations Division [SOD]. Once the linkages are known, the Drug Fusion Center officials will determine the linkage dissemination.

The committee is concerned, however, that the Fusion Center not become a one-way street, in which participating agencies provide information, but receive nothing in return. Such an approach may hamper the potential effectiveness of other Federal, State and local law enforcement agencies that could benefit from the linkage information.

The committee recommends that programs like OCDETF increase their efforts to improve intelligence and information sharing by drug enforcement agencies. The shortfalls in intelligence and key information sharing described in the 9/11 Commission Report are not confined to the FBI and CIA. Information sharing failures extend to the agencies entrusted with protecting our borders and interdicting illegal drugs—several of which are now combined in the Department of Homeland Security. In fact, the September 11th terrorists each had to clear Federal customs, and immigration authorities, and had brushes with local law enforcement. If everyone had all the information on these killers, they might not have been able to carry out their planned attacks. These problems can also undermine our efforts to identify and stop drug traffickers.

The committee believes that OCDETF should seek to support the efforts of Operation Panama Express South, an interagency intelligence-driven program managed by the Department's of Justice and Homeland Security, should be used as a model for future information sharing efforts. After a recent visit, the committee saw first hand the incredible effectiveness of this intelligence program. The intelligence cueing from this operation has allowed Joint Interagency Task Force South [JIATF-South] to optimize its DHS and DOD interdiction forces, resulting in the seizure of over 30 tons of cocaine in September 2004. The committee is very concerned that this successful intelligence driven program continues to operate with insufficient funding from DOD, DHS, and the Department of Justice; this program should be fully supported and enhanced. Therefore, the committee recommends that funding for Panama Express South be clearly identified with a separate line item and fully supported within the administration's budget.

The OCDETF program has not yet been reviewed by the administration's Performance Assessment Rating Tool [PART] process. The committee recommends that OCDETF take quick action to develop appropriate long-term outcome measures.

6. Department of Justice Financial Management

In fiscal year 2004, the taxpayers spent nearly $30 billion to fund the operation of the Department of Justice. According to the Government Accountability Office statement on *Major Management Challenges at the Department of Justice,* the results of the fiscal year 2004 financial statement audit indicate "serious financial management issues," particularly at one of Justice's significant components, the Office of Justice Programs [OJP]. OJP has assets of $8.4 billion (31 percent of DOJ's total assets) and net costs of $4

billion (13 percent of DOJ's total net costs). Because OJP is such a large component, it is "material" to—meaning large enough to affect—the financial statements for the entire Department.

The programs of the Department of Justice [DOJ] impact the lives of millions of Americans on a daily basis. From overseeing the Federal prison system and enforcing the Nation's laws to providing grants for State and local governments, management at DOJ affects law enforcement at every level of society. Since the terrorist attacks of September 11, 2001, Federal law enforcement continues to divert resources away from traditional crime fighting to strengthen counterterrorism capabilities, leaving a void that only State and local law enforcement are positioned to fill. To help meet this need, DOJ administers nearly $5 billion in grants annually.

In times of tightening budgets, accountability is imperative. It becomes increasingly important to account for every Federal dollar in the most effective manner possible, whether an agency is managing grants or investing in information technology. Without accurate financial information and appropriate controls, it becomes nearly impossible to manage programs effectively.

The latest financial audit revealed serious accounting problems that have impacted DOJ's ability to achieve its mission. The most serious problems occurred in the area of grants management, including the Community Oriented Policing Services [COPS] Program. In the COPS Program alone, a recent story in USA Today stated that audits by DOJ's Inspector General [OIG] alleged that $277 million was misspent, and that the OIG has requested documentation from 82 police agencies that have not explained in detail how they spent $111 million. It is clear that poor financial management has undermined confidence in the COPS Program and other grants programs. DOJ has also endured criticism for its mismanagement of a large information technology investment at another of DOJ's components, the Federal Bureau of Investigation, which spent nearly $170 million on a system that will not work as intended.

Proper accounting and management controls could prevent these problems. Recognizing the importance of sound financial management, Congress passed the Chief Financial Officers Act of 1990 to require Federal agencies to submit audited financial statements. For fiscal year 2004, DOJ's auditors were unable to express an opinion as to the reliability of the financial statements, and they rescinded the unqualified opinion rendered on the 2003 statements. The committee believes it is important to recognize the seriousness of this audit result: in the private sector, anything other than an unqualified or "clean" audit opinion is unacceptable, and any restatement of a prior year's audit is front-page news.

D. DEPARTMENT OF DEFENSE [DOD]

1. Budget

The President's National Drug Control Strategy Budget Summary includes $896 million for the Department of Defense [DOD]. However, this budget request does not reflect the total amount of money given to DOD for drug control. In particular, the Office of National Drug Control Policy [ONDCP] failed to account for, or es-

timate the amount of counterdrug money allocated in this year's war supplemental appropriation bill for fiscal year 2005. The fiscal year 2006 budget requested amount includes $400 million to accelerate training and procurement of equipment of the Afghan national police and border police and $194 million to support ongoing counter-narcotic and alternative development programs in Afghanistan.

Of the proposed $896 million DOD counterdrug budget, $153 million has been proposed to support the National Guard State Plans that support domestic law enforcement efforts. The committee supports the continued involvement of the National Guard in counterdrug operations, particularly through assistance to State and local law enforcement, assistance to Customs inspectors at the ports of entry, and the training and deployment of intelligence analysts for drug enforcement operations. The committee has questions about the utility of some National Guard assets deployed in traditional interdiction patrols, but overall welcomes the involvement of the National Guard in counterdrug operations—at least until other agencies are fully funded to "backfill" the Guard's efforts.

The committee agrees with the Strategy's assertion that terrorists may benefit from drug smuggling. However, the committee would oppose any attempt to change the existing procedures whereby DOD may, under limited circumstances, use counternarcotics funds and authorities for purposes other than assistance to drug interdiction. While a successful effort to combat drug smuggling can deny funds to terrorists, it is less clear that a successful fight against terrorists can impact the drug trade. The committee believes that DOD's current authority is sufficient, and preserves important safeguards against the unnecessary diversion of counterdrug resources to non-drug interdiction operations.

2. Domestic Programs

The President's National Drug Control Strategy states, "In light of the conflicts in Iraq and Afghanistan and the department's continuing global war against terror, DOD will limit its domestic contributions to the war on drugs to those functions that are militarily unique and benefit the department's primary missions." The committee agrees with this statement but would add that because of DOD's war fighting and homeland defense responsibilities, its ability to perform their counterdrug responsibilities in the Western Hemisphere has been severely degraded.

The committee supports the efforts of DOD to focus its counternarcotics role in areas that uniquely call for military support. However, it is doubtful whether DOD is currently capable of fulfilling its assigned role in the source and transit zones (i.e., Latin America, the Caribbean, and the Eastern Pacific Ocean). The committee believes that other agencies, most notably the enforcement agencies at the Department of Homeland Security [DHS], may be better suited to provide the necessary operational efficiency and law enforcement expertise required for effective leadership in drug interdiction missions.

DOD Source Zone Flight Hours

	U.S. Air Force			U.S. Navy		
	C130	E3	EC130	EP3	P3C	P3CDU
CY 2001	274	157	79	619	13	353
CY 2002	0	0	967	0	17	45
CY 2003	0	0	721	424	244	14
CY 2004	0	81	294	403	9	0

DOD flights within the Source Zone reflect a diminishing level of support in the region. The EC–130 and EP–3 are aircraft that intercept radio transmissions whose utilization would not be appropriate to the classification of this report. However, the lack of E–3 AWACS hours in 2001 and 2004 is indicative of a diminished commitment. The loss of P–3 and P–3 CDU (Counter Drug Update) flights has severely crippled the U.S. counterdrug efforts in the Source Zone.

DOD has, by statute, been given the lead role in the *detection* and *monitoring* aspects of drug interdiction. It accomplishes this task by providing air and marine radar coverage in areas of known drug smuggling activities. However, DOD has been unable or unwilling to fulfill this responsibility, as evidenced by the sharp reduction in maritime patrol aircraft [MPA] patrol hours in the transit zone.[39] The lack of MPA assets seriously hampers our counterdrug efforts to respond to known shipments of drugs departing Colombia into the Caribbean and Eastern Pacific regions. Credible intelligence information now far exceeds our ability to respond to these shipments.

DOD Maritime Patrol Aircraft Hours

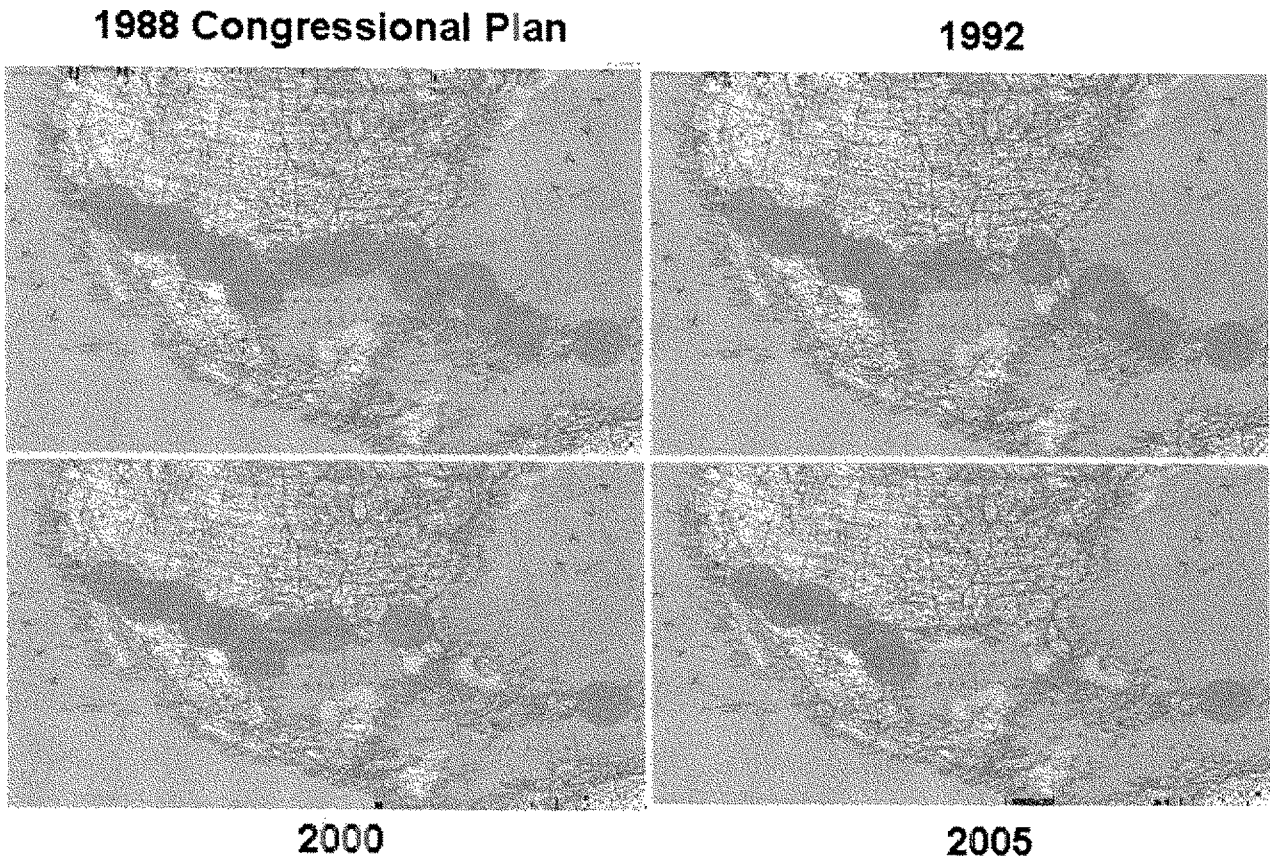
	USN	TOTAL
CY 2001		3389
CY 2002		5964
CY 2003		4634
CY 2004		1741

The Joint Interagency Task Force South has set a requirement to have one domed radar type aircraft in the Eastern Pacific and one in the Caribbean region to conduct maritime patrols. Additionally they have a need to have at least 2 flights of aircraft capable of tracking spotted suspect vessels. Only 2 domed radar aircraft exist in the mix of aircraft assigned to JIATF-South. They are the U.S. Air Force E–3 AWACS and the CBP P–3C Dome. The AWACS currently operates on a limited basis in the Source Zone leaving the P–3C Dome to search both the Eastern Pacific and Caribbean regions. Marine tracking aircraft have fallen short of the requirements for tracking of drug laden vessels. The noticeable drop in P–3 aircraft hours have severely diminished JIATF South's operational capabilities.

The degrading of the DOD's Tethered Aerostat Radar System [TARS] is another example of a reduced commitment to counterdrug mission. The U.S. Air Force, which took over control

[39] Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources staff visit to Joint Interagency Task Force South [JIATF–S] on Jan. 13, 2005.

of TARS from the U.S. Customs Service, has reduced the number of TARS radar sites from 14 to 8. This has left our country blind to air and marine smuggling activities along the entire Gulf Coast (stretching from the east coast of Texas to the southern tip of Florida) and from the eastern coast of Florida to Puerto Rico.


1988 Congressional Plan
1992
2000
2005

The picture above shows the evolution of the Tethered Aerostat Radar System [TARS] as originally planned, through its maximum implementation in 1992, and the gradual degradation to its current state in 2005.

Due to the war fighting demands placed upon DOD, the committee recommends that DHS assume leadership of all operational aspects of drug interdiction efforts in the Western Hemisphere. In this, the committee agrees with the President's Strategy Report that states, "DOD does not conduct counternarcotics interdictions, rather it is in a supporting role to law enforcement agencies." The committee would like DHS and the Department of Justice to assume more responsibility in the JIATF South operations helping to coordinate counterdrug efforts in the source and transit zones. The committee also recommends that DHS, with appropriate funding for maintenance and improvements, regain operational responsibility for the TARS program, with DOD retaining the responsibility for the program's logistics and procurement.

3. Afghan Operations

The committee believes that DOD's counterdrug efforts in Afghanistan have failed to prevent the explosion in heroin production and trafficking in that country. As the President's Strategy Report notes, "If all of Afghanistan's opium were converted to heroin, the result would be 582 metric tons of heroin. By comparison, Colombia and Mexico combined produced roughly 22 metric tons of pure heroin in 2003, more than enough to satisfy U.S. consumption."[40]

The committee supports the goals outlined in the President's Strategy Report, which call for helping the Afghans with a public affairs campaign, construction of a narcotics prosecution task force, opportunities for the growth of legitimate and high value crops, destruction of poppy fields, and an increase in the size and mobility of the counternarcotics police force. However, while the committee agrees that these are appropriate goals, they are not ones for which DOD should be tasked.

Instead, the committee believes that destruction of the stockpiled opium and heroin should be DOD's primary response to this immediate threat. The reluctance to target known warehoused opium products will encourage even more heroin production, threatening to increase heroin addiction in Europe and the United States, and providing increased funding for the terrorists who are engaging our troops currently in Afghanistan.

This connection between heroin production and terrorism in Afghanistan cannot be overstated. Indeed, the President's own Strategy Report states, "According to United Nations drug production estimates, illicit poppy cultivation and heroin production in Afghanistan nearly $3 billion, equivalent to about 60 percent of Afghanistan's gross domestic product. This level of illicit income fosters instability and supports criminals, terrorists, and militias."[41]

The committee agrees with the President's funding that there is a strong connection between heroin production and the funding of terrorism. Therefore, the committee believes that it is imperative

[40] Fiscal Year 2005 NDCS, p. 50.
[41] Fiscal Year 2005 NDCS, p. 50.

that DOD focus on the destruction of stockpiled drugs and drug processing facilities, support aerial and ground eradication of opium poppy, and interdict precursor chemicals necessary for drug production. These efforts are essential for Afghanistan to be firmly set on the road to democracy and away from corruption, tyranny, and terrorism.

E. DEPARTMENT OF STATE AND U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT [USAID]

The Department of State is a key player in our international counterdrug efforts. Particularly through its Bureau of International Narcotics and Law Enforcement Affairs [INL], the State Department is responsible for obtaining the cooperation of other nations with the U.S. Government's anti-drug policies, and for improving international coordination of counterdrug efforts. The committee supports the administration's request for $1,075,000,000 for INL, an increase of $177 million over last year's enacted level.

The committee is concerned, however, that the Drug Budget Summary ignores a key partner agency of the Department of State, specifically the U.S. Agency for International Development [USAID]. This is inconsistent with the Strategy Report, which repeatedly references the importance of alternative development programs in Colombia and Afghanistan. In Afghanistan, it appears that two out of the five "pillars" of U.S. policy involve the USAID programs of a public affairs campaign and alternative economic development. If these programs warrant discussion in the Strategy document, then they should be discussed in the Drug Budget Summary, and the Director of ONDCP should exercise his responsibility to review and certify their budget proposals.

The State Department's INL Bureau and its Andean Counterdrug Initiative [ACI] have received "adequate" ratings in the administration's Performance Assessment Rating Tool [PART] process.[42] The subcommittee supports both programs' efforts to develop long-term performance and efficiency measures.

1. International Narcotics and Law Enforcement Afghan Programs

The administration is requesting $437 million for State Department's International Narcotics and Law Enforcement [INL] programs in Afghanistan. While this funding will be used to accelerate the development of police programs and to reduce opium poppy cultivation by providing a drug control capacity, the committee is concerned that an insufficient level of cooperation is taking place in Afghanistan among State, DEA, USAID and CENTCOM elements to assure us that the issue is properly addressed.

ONDCP reported in November 2004 that the most recent U.S. Government estimate for opium poppy cultivation in Afghanistan shows a 239 percent increase in the poppy crop and a 73 percent increase in potential opium production over 2003 estimates. The committee is further concerned that at a time when eradication programs and foreign law enforcement assistance and training efforts elsewhere in the world show a positive return on resources,

[42] NDCS Fiscal Year 2006 Budget Summary, p. 108.

the efforts in Afghanistan show very little chance of success in their current form.

2. Andean Counterdrug Initiative

The committee supports the administration's request for $735 million for the ACI (an increase from $731 million appropriated for fiscal year 2005). These funds are needed to continue programs in law enforcement, border control, crop reduction, alternative economic development, democratic institution building, and administration of justice and human rights programs in the region. The ACI budget provides support to Colombia, Peru, Bolivia, Ecuador, Brazil, Venezuela and Panama.

The committee is concerned, however, that the administration requested only $463 million for Colombia under the ACI, which is no larger than the previous year. More resources may be required to support Colombia's unified campaign against drug trafficking and narco-terrorists. Increased funding will lead to higher efforts made by the Colombian Army's aviation program and drug units, as well as the Colombian National Police in the areas of aviation, eradication and interdiction.

The committee believes the administration should take a more active role to ensure that the U.S. Government provides financial and technical support for Colombia's demobilization program. Under this program, former members of narco-terrorist organizations (such as the FARC, ELN and AUC) agree to lay down their weapons, stop drug trafficking, provide valuable intelligence to Colombia's security agencies, and seek employment in the civilian economy. Recently, disagreements between the U.S. Department of State and the U.S. Department of Justice have delayed American support for Colombia's demobilization program and have squandered important opportunities. The administration should actively seek to resolve those differences immediately, to prevent any disruption in U.S. support for this vital program.

3. United States Agency for International Development

The President is requesting $4,137,668,000 for the U.S. Agency for International Development [USAID] and the programs it administers. That is a nearly $95 million decrease from the fiscal year 2005 enacted amount of $4,233,663,000. The committee has serious concerns about USAID's administration of taxpayer money.

4. Andean Counterdrug Initiative and Alternative Development

As part of its request for the ACI, the administration is requesting $264,600,000 for alternative development and institution building programs, to be administered by USAID. Of this amount, $125,700,000 would be allocated specifically for assistance in Colombia. This is virtually identical to the $264.6 million actually appropriated for fiscal year 2005, of which $125.7 million is intended for programs in Colombia.

USAID has the responsibility to take effective action to eliminate illicit coca production, and to establish licit, sustainable farm-level production capacity and economic stability in countries throughout the Andean Region. These alternative development programs include: strengthening a licit agricultural economy, assisting dis-

placed groups, as well as programs to strengthen democratic institutions, and promote the rule of law, human rights, and judicial reform.

The committee supports the administration's request, but has concerns about the reluctance to provide more assistance. Our efforts in Colombia are finally bearing fruit; now is the time to capitalize on those gains. Moreover, it appears that the cocaine and heroin production may be moving out of Colombia and into neighboring countries. If so, the United States will have to increase its efforts in those nations.

The committee is concerned by a General Accountability Office [GAO] report entitled, "Drug Control-Efforts to Develop Alternatives to Cultivating Illicit Crops in Colombia Have Made Little Progress and Face Serious Obstacles" issued in 2002 which discussed the poor coordination of alternative development, interdiction and eradication activities in Colombia.[43] The USAID counternarcotics mission should coordinate more effectively with the State Department's Bureau of International Narcotics and Law Enforcement Affairs [INL]. In light of its greater expertise in counternarcotics work, INL should take control of USAID-administered funds in source countries.

5. ACI: Office of Management and Budget PART Performance Evaluation

The OMB PART Program Assessment scored the Andean Counterdrug Initiative with an overall "adequate" rating.[44] While USAID received good marks for its yearly and long-term output measures (i.e. measuring hectares of licit crops in USAID assisted areas), the PART evaluation indicates that USAID needs to generate outcome measurements that are targeted toward ultimate results.

The PART review also illustrated a lack of coordination and consultation at the headquarters level between USAID and INL. In addition, USAID and INL do not work effectively with ONDCP when setting annual and long-term goals. The subcommittee hopes that INL and USAID will follow through on their recent commitment to improve coordination.

6. Afghanistan

While the USAID alternative development programs in Colombia can be called a qualified success, the committee does not believe the same can be said of USAID's efforts in Afghanistan.[45] USAID's Alternative Livelihoods program [AL], an effort to eradicate opium poppy production in Afghanistan, was initially funded at $10 million as a pilot program, but was expected to rise to a total of $130 million by the end of January 2005.

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[43] February 2002 GAO report (GAO–02–291) entitled, "DRUG CONTROL—Efforts to Develop Alternatives to Cultivating Illicit Crops in Colombia Have Made Little Progress and Face Serious Obstacles," p. 3.

[44] NDCS Fiscal Year 2006 Budget Summary, p. 108.

[45] The committee is concerned that the GAO identified several programmatic issues in Colombia that may affect overall program success in a July 2004 report (GAO–04–726) entitled, "DRUG CONTROL—U.S. Nonmilitary Assistance to Colombia Is Beginning to Show Intended Results, but Programs Are Not Readily Sustainable," p. 2.

Under the watch of USAID and other U.S. Government agencies, Afghan opium poppy production dramatically increased, from 80,000 hectares in 2003, to 131,000 hectares in 2004 according to the 2004 UN Afghanistan Opium Survey. Also according to the UN report, the Helmand province, where USAID focused much of its Alternative Livelihoods program, displayed a 91 percent increase in opium poppy production from 2003–2004. That is the highest increase of any province in Afghanistan. Yet more disturbing, is the fact that the CIA's estimates of Helmand's opium poppy hectares are double the UN estimates.

While the committee finds the intent of the Alternative Livelihoods program praiseworthy, the committee urges quick action to address these obvious deficiencies. The committee is dismayed to learn that the greatest increases in opium poppy production have taken place in the areas where USAID administers its Alternative Livelihood programs.

Interviews of USAID officials by committee staff confirmed numerous deficiencies in the Alternative Livelihood program.[46] Specifically, the committee is very troubled by what it learned about Alternative Livelihood systems for delivering crop fertilizer and monitoring its use. No standard or system has been established to certify the use of fertilizer for its intended application to alternative crops. Interviewed USAID officials are unable to cite any steps taken in Alternative Livelihood to insure that fertilizer is not being used on opium poppy crops.

The committee believes these problems are unacceptable. The committee objects to the use of USAID moneys where American taxpayers may be supporting the production of illicit narcotics. Until assurances can be established for AL program efficacy, the committee encourages more aggressive and direct crop eradication.

7. Harm Reduction

The Washington, DC, USAID office exercises very little oversight over its field offices, especially in Central Asia and Eastern Europe. These offices are in essence independent agencies in their "development" programs, but they are financed by the U.S. Government, via the State Department/USAID.

USAID field offices are known to finance the production of "Harm Reduction" materials and brochures in Central Asia and East Asia, however, these moneys are not accounted for by the USAID Washington, DC, office, or in the ONDCP national drug budget. "Harm reduction" is a position identified with the views of drug legalization financier George Soros, which assumes certain individuals are incapable of making healthy decisions. Advocates of this position hold that dangerous behaviors, such as drug abuse, therefore simply must be accepted by society and those who choose such lifestyles—or become trapped in them—should be enabled to continue these behaviors in a less "harmful" manner. Often, however, these lifestyles are the result of addiction, mental illness of other conditions that should and can be treated rather than accepted as normative, healthy behaviors.

[46] Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources staff meeting with USAID officials on Dec. 13, 2004.

In its annual report released March 2, 2004, the International Narcotics Control Board—the United Nations' drug agency—sharply criticized "harm reduction" measures such as needle exchange programs and so-called "safe injecting rooms," because such policies encourage drug use and violate "article 4 of the 1961 Convention [which] obliges State parties to ensure that the production, manufacture, import, export, distribution of, trade in, use and possession of drugs is to be limited exclusively to medical and scientific purposes. Therefore, from a legal point of view, such facilities violate the international drug control conventions."

The committee is deeply concerned that at the same time that the International Narcotics Control Board was warning parties to the *Single Convention on Narcotic Drugs* (1961), the *Convention on Psychotropic Substances* (1971), and the *United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* (1988) that government financing of "harm reduction" schemes may be in violation of those accords, it appears that USAID was financing a "harm reduction" agenda of its own.

On February 10, 2005, ONDCP Director John Walters testified before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources.[47] He was asked about USAID's involvement in two questionable "harm reduction" projects. The first project was the 14th International Conference on Reduction of Drug Related Harm held in Chiang Mai, Thailand from April 6–10, 2003. In an e-mail invitation to the conference, it was promoted as having a "special emphasis on harm reduction advocacy . . . Harm reduction has to fight hard to get a hearing in the midst of all this and to challenge the new social order campaigns." The conference was sponsored by the International Harm Reduction Association, the Asian Harm Reduction Network, and cosponsored by the Centre for Harm Reduction and USAID.

The second project was the Asian Harm Reduction Network's 350-page, second-edition *Manual for Reducing Drug Related Harm in Asia* (which bears a USAID logo). USAID's role in the production of the manual is acknowledged inside the cover: "This publication was made possible through support provided by the Office of Strategic Planning, Operations, and Technical Support, Bureau for Asia and the Near East, U.S. Agency for International Development. . ." Included in the second chapter of the manual, "Rationale for Harm Reduction," are sections on "needle and syringe programs," "sales and purchasing of injecting equipment," and "removing barriers." In the fifth chapter, "Injecting Safely," are sections devoted to "sharing of injecting equipment," and "safe injecting."

ONDCP Director Walters responded that he was not aware of the "harm reduction" publication financed by USAID nor did he attend the USAID-cosponsored 14th International Conference on Reduction of Drug Related Harm. He added, however, that he has been aggressive in rebuking international organizations which promote "harm reduction." He pledged to look into this regrettable matter and report back to the subcommittee.

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[47] John Walters' testimony on Feb. 10, 2005 at Subcommittee on Criminal Justice, Drug Policy, and Human Resources hearing entitled, "Fiscal Year 2006 Drug Budget."

On February 11, 2005, the Committee on Government Reform sent a letter to Andrew Natsios, Administrator of USAID, outlining the above concerns about USAID's involvement in "harm reduction" programs, and requested all documents related to USAID financing or any other support of "harm reduction" or drug legalization.[48]

While this matter is under investigation by the White House, the committee recommends that any drug-related programs of USAID be put under close oversight and management by the State Department's Bureau of International Narcotics and Law Enforcement. Ultimately, taxpayer subsidies of "Harm Reduction" efforts should be eliminated, and all drug-related activity by USAID be accounted for in the national drug budget, and, therefore, supervised by ONDCP.

F. DEPARTMENT OF EDUCATION

1. Safe and Drug Free Schools

The committee has special concerns about the Safe and Drug-Free Schools program at the Department of Education. The largest of the Safe and Drug-Free programs, the State Grants program, would be completely eliminated under the budget proposal submitted by the President, after receiving $441 million in fiscal year 2005.

The committee is disappointed with this large cut to the Safe and Drug-Free Schools and Communities program, and urges the administration to restore the State Grants funding. While over half of the Local Education Agencies [LEAs] in the country receive less than $10,000 from this funding source, most of these districts have leveraged those dollars for additional community resources. These funds have contributed in part to the 17 percent drop in youth drug use over the past 3 years.

The Strategy Report explains that the State Grants program was cut because it had not been proven effective.[49] OMB's Program Assessment Rating Tool [PART] review for the fiscal year 2004 Budget rated the Safe and Drug-Free Schools State Grants program "ineffective," with the program receiving a score of zero in the category of program results. The PART assessment found that "Existing program indicators use national surveys and don't measure youth crime and drug abuse at State and local levels." Additionally, a 2001 RAND study determined that the structure of the Safe and Drug-Free Schools State Grants program is fundamentally flawed and that the funds are spread too thinly to support quality interventions.

While the committee agrees that ineffective programs should be held accountable, cutting a program based on the lack of good data at the local level does not mean the program is "ineffective."[50] The program may actually be producing positive results that could be measured if evaluated appropriately. What is needed is a better system of performance management and monitoring.

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[48] Tom Davis, chairman, Committee on Government Reform, and Mark Souder, chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, letter to Andrew Natsios, Administrator, USAID, Feb. 11, 2005.

[49] NDCS Fiscal Year 2006 Budget Summary, p. 19.

[50] NDCS Fiscal Year 2006 Budget Summary, p. 20.

In response to the PART assessment, the Education Department recently developed a new strategy for measuring positive outcomes in the State Grants program. The fiscal year 2005 Justification of Appropriations Estimates to the Congress stated that the new strategy would use "national survey data on the prevalence of youth drug use and violence, coupled with data on the extent to which recipients of SDFSC State Grant funds are implementing research-based practices, and evaluations using rigorous methodology for measuring the impact of promising interventions."

While this new strategy for measuring outcomes is a good start, it still relies too heavily on national data. The key data are not national outcomes, but the outcomes in the specific areas where grants funds are spent. Each grantee needs to be held accountable.

The Education Department is understandably trying to allow flexibility at the State and local level in its programs, but it also has a responsibility to ensure that Federal taxpayers' funds are being used effectively. The committee encourages the Education Department to ensure that its new performance assessment strategy measures the extent to which the State Grants program is helping reduce actual drug use among participating students at the local level.

Additionally, the committee continues to recommend that the Safe and Drug-Free Schools program should be focused more on the drug prevention purpose of the program. The committee addressed the Safe and Drug-Free Schools program in the 108th Congress in its report (H. Rept. 108–167) accompanying H.R. 2086,[51] the bill to reauthorize the Office of National Drug Control Policy. The report states that activities of the program should "include a clear anti-drug message or purpose intended to reduce drug use." The report observes,

> *The Safe and Drug Free Schools program is one of the primary Federal drug prevention programs. As with law enforcement programs, however, resources are being diverted away from that intended goal to several other purposes, such as violence prevention. Significant broadening of the program to other purposes creates a substantial risk of dilution not only of its effectiveness as a drug prevention program, but also as a whole. . . The committee believes that the budget for the Safe and Drug Free Schools program cannot be deemed adequate unless each program activity includes a clear anti-drug message or purpose to reduce drug use. . .*

Instead of cutting the State Grants program, the committee recommends that the administration take steps to reform it. By ensuring that the program funds drug use prevention programs that are focused and effective, the administration can preserve one of our most important tools in the national drug strategy.

On April 26, 2005, in testimony before the subcommittee, General Dean, chairman and CEO of CADCA, expressed the importance of drug use prevention in the lives of our Nation's youth. He warned that the elimination of the State Grants portion of the Safe

[51] H.R. 2086 "Office of National Drug Control Policy Reauthorization Act of 2003."

and Drug-Free Schools program (-$441 million) would have a detrimental effect on level of drug use and abuse among adolescents, and in turn, among adult citizens.[52]

In his testimony, General Dean cited a 2003 study conducted by the NIAAA, which explained that addiction is a disorder developed in adolescence, for which effective prevention is crucial.[53] It has also been shown that youth who experiment with marijuana before age 14 are over five times more likely to abuse drugs in adulthood.[54]

In addition, unchecked drug use in our Nation's schools has proven to devastate academic performance and achievement among students—America's future. A recent study by the University of Washington determined that students who avoided substance use scored an average of 45 points higher in reading tests, and 18 points higher in reading tests.[55] On the other hand, those who use alcohol or drugs were found five times more likely to drop out of school.[56]

The President's proposed budgetary purge of the State Grant portion of the Safe and Drug-Free Schools program would no doubt prove injurious to America's youth, and in turn, to the fabric of our Nation.

2. Drug Testing

The Strategy Report and the Drug Budget Summary also propose $25.4 million for school-based drug testing programs for students. The committee strongly supports this testing initiative. By addressing accountability, drug testing in schools has proven the single most effective drug-prevention program in the United States.

G. DEPARTMENT OF HEALTH AND HUMAN SERVICES [DHHS]

1. National Institute on Drug Abuse [NIDA]

The committee supports the President's request of $1,010,130,000 million for the National Institute on Drug Abuse. We note, however, that that is less than a $4 million increase over the 2005 enacted level. NIDA supplies critical basic research that supports a broad range of drug prevention and treatment programs. In particular, NIDA's research activities include developing new treatments for drug addiction, especially America's most abused drug, marijuana. NIDA's research is also currently targeted at understanding the biology of addiction, which will ultimately enhance prevention programs. NIDA's cooperation with SAMHSA to integrate drug abuse treatments in community settings has had measurable results.

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[52] Apr. 26, 2005 testimony of General Arthur T. Dean, U.S. Army, retired, chairman and CEO, Community Anti-Drug Coalitions of America.

[53] NIAAA National Epidemiologic Survey on Alcohol and Related Conditions, 2003.

[54] Department on Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Science. (2003) The 2002 National Household Survey on Drug Use. Rockville, MD.

[55] Bence, M., Brandon, R., Lee, I., Tran, H. University of Washington. (2000). *Impact of peer substance use on middle school performance in Washington: Summary.* Washington Kids Count/ University of WA: Seattle, WA. Available: http://www.hspc.org/wkc/special/pdf/peer_sub_091200.pdf.

[56] Lane, J., Gerstein, D., Huang, L., & Wright, D. (1998). *Risk and protective factors for adolescent drug use: Findings from the 1997 National Household Survey on Drug Abuse.* Available: http://www.samhsa.gov/hhsurvey/hhsurvey.html; Bray, J.W., Zarkin, G.A., Ringwalt, C., & Qi, J. (2000). Health Economics. "The relationship between marijuana initiation and dropping out of high school." 9(1), 9–18.

2. Substance Abuse and Mental Health Services Administration [SAMHSA]

Prevention

The President has requested an overall increase of $8.3 million for SAMHSA's prevention and treatment programs. However, the proposed budget reflects a reduction of $14.4 million in funding for prevention programs. The Budget Summary provides no explanation for this large reduction in funding for prevention programs.[57] This prevention funding reduction will affect, among other prevention programs, the Center for Substance Abuse and Prevention's [CSAP] State Incentive Grants [SIG], which implement the five-step process that the administration notes is "known to promote youth development, reduce risk-taking behaviors, build on assets, and prevent problem behaviors."

The committee is disappointed by this proposed reduction, and recommends full funding for SAMHSA's prevention efforts. The President's Strategy Report emphasizes that "stopping use before it starts," is one of the adminsitration's three national priorities. However, the significantly reduced funding for prevention programs is a matter of serious concern, and seems to undermine this important priority of stopping use before it starts.

Treatment

The overall increase in SAMHSA's drug programs results from an increase of $24.7 million for drug treatment programs. The committee strongly supports the President's request to increase funding for treatment programs, especially the increased funding for the Access to Recovery [ATR] program, for which the President requested an increase of $50.8 million (bringing the total funding for ATR to $150 million). The ATR program—by providing individuals with vouchers to pay for clinical treatment and/or recovery support—allows those individuals who most need help to access care that might otherwise be out of reach. The committee applauds this initiative, and is especially pleased with the ongoing ability of individuals using ATR vouchers to choose faith-based programs to obtain the help they need.

The committee is encouraged that the ONDCP is making program performance data a central part of the budget decisionmaking process. Although there is a Program Assessment Rating Tool [PART] process for some of the programs within the President's drug control budget, it appears that close to half of the dug control budget is not assessed in any systematic manner. Oversight activities by the committee have strongly suggested the need for a set of uniform and unambiguous standards for measuring the results and accountability of drug treatment programs. Therefore, the committee believes that adequate measures are essential to ensure the effectiveness and accountability of the programs as a whole, and continues to support uniform standards to measure effectiveness.

[57] The requested budget summary makes special note of a PART review rating of "ineffective" for the prevention set-aside of the SAPT Block Grant programs. However, the committee is concerned about this "ineffective" rating, in that there is no uniformly defined information by which to assess the effectiveness of the program, and therefore the PART rating may not accurately reflect the effectiveness of the SAPT prevention set aside programs. Moreover, the requested funding for the SAPT Block Grant program is unchanged from the 2005 enacted amount.

H. DEPARTMENT OF VETERANS AFFAIRS

1. General

The Department of Veteran's Affairs [VA] has served a vital role in preventing and treating the abuse of drugs by our former military personnel. The committee supports the administration's fiscal year 2006 budget request for VA drug control. But the Department's stated strategy in the Strategy Report and Drug Budget Summary is of concern. Disappointingly, while the VA's drug control budget is increasing 16 percent, it is actually reducing its provision of services.

2. Waning Services With Waxing Resources

The VA's ONDCP strategy articulates its intention to suspend drug treatment services to new Priority 8 veterans, that is, veterans who have an income of $38,100 or more and no service-related disability. According to the ONDCP budget summary, the suspension is intended by the VA to offset greater numbers of patients with "available resources." Given the 16 percent requested increase of available resources in the VA drug treatment budget over fiscal year 2005, the committee expresses its concern about a policy of reducing the number of servable patients.

The committee also urges steps toward offering a wider variety of residential treatment options, including faith-based service providers. Staff interviews of the VA and inspection of VA drug treatment facility lists indicate that such programs are currently absent from VA services. While such programs are proving successful throughout the country and other Federal agencies are embracing such options, the VA appears to be uninterested. With the recent addition of a Center for Faith-Based and Community Initiatives at the VA, such a move should be made simpler and would be consistent with VA and administration goals.

3. Specialized Treatment

With an increase of drug abuse patients expected from currently deployed troops, the committee supports the estimated request of $524 million for VA drug treatment programs for fiscal year 2006. This compares to the enacted fiscal year 2005 level of $448 million.

Split into three areas, the "Specialized Treatment" account funds "Domiciliary," "Inpatient," and "Outpatient" care. The fiscal year 2006 domiciliary request is $47.6 million compared to the fiscal year 2005 enacted budget of $45.9 million. The fiscal year 2006 inpatient request is $216.7 million compared to the fiscal year 2005 enacted budget of $180.3 million. The fiscal year 2006 outpatient request is $259.6 million compared to the fiscal year 2005 enacted budget of $221.7 million. The committee supports the division of the budget into these areas and supports their budget levels.

The Strategy Report's stated intention of methadone treatment expansion at the VA is of particular concern to the committee. The wider national medical community has sought to replace methadone treatment with buprenorphine treatment to limit addiction. The committee believes that VA should reconsider its plan to expand methadone treatment, and instead develop more effective methods.

4. Inter-Departmental Cooperation

The Drug Budget Summary states that VA intends to establish a cooperative relationship with the Department of Health and Human Services [HHS] and the Department of Defense [DOD] to enhance patient treatment. Unfortunately, while this intent invokes the appropriate spirit of cooperation, it does not indicate how this is to be achieved. Disappointingly, the VA's stated intent does not indicate any initiative to gain new perspective, but only to provide its own knowledge to other departments. The committee strongly urges swift action by the VA to engage in a cooperative exchange with the HHS Substance Abuse and Mental Health Services Administration [SAMHSA] and DOD. According to staff interviews with the VA, SAMHSA and DOD, cooperation is nearly nonexistent. Immediate action should be taken to rectify this disparity between intent and realization.

Moreover, the committee supports greater cooperation with DOD to ensure continuity of care for military personnel. This would offer substantial benefit to veterans who are discharged from active duty with a substance addiction. The VA strategy shows only partial fulfillment of the Department's own goals for continuity of care.

5. Research and Development

The VA's enacted fiscal year 2005 budget for research and development on drug abuse was estimated at $9.1 million compared to the fiscal year 2006 request of $8.9 million. The committee supports the President's request, but we encourage greater inter-agency coordination of research and development. Although, the Drug Budget Summary describes an initiative to share SAMHSA Treatment Improvement Protocols [TIPs], evidence indicates that even this initiative has yielded little substance. As VA interviews with committee staff made clear, the department's drug abuse research is disconnected from research conducted at the Department of Health and Human Services [HHS] and other Federal agencies. Furthermore, SAMHSA TIPs regarding buprenorphine treatment appear to be ignored by the VA's focus on methadone expansion. Additionally, there is a lack of common reporting statistics amongst researchers at the VA and at SAMHSA. The committee encourages greater focus on these issues in carrying out the VA's drug control strategy.

6. VA and the Drug Budget

The committee praises the VA and ONDCP for efforts to offer clear budgetary numbers for those costs which are exclusively drug related. These exclusive drug treatment services include 215 substance abuse treatment programs. In fiscal year 2003, the VA reports having treated nearly 70,000 veterans who used abused illicit drugs. The Department's data collection also indicates that most of these veterans transited VA treatment in 14–28 days where cocaine and heroin are the first and second most abused narcotics.

The departure between the VA's strategy and its budget process, however, represent a number of concerns. These concerns include the absence of an Office of Management and Budget [OMB] PART for the VA drug control budget. The committee recommends VA, OMB and ONDCP utilize the abundance of results data made available through the VA Program Evaluation Resource Center [PERC] to clearly justify budget needs to Congress.

MINORITY VIEWS OF HON. HENRY A. WAXMAN, HON. PAUL E. KANJORSKI, HON. CAROLYN B. MALONEY, HON. ELIJAH E. CUMMINGS, HON. DIANE E. WATSON, AND HON. BRIAN HIGGINS

We concur with this report in many areas. As stated in minority views accompanying the committee's fiscal year 2006 budget views and estimates, we share the majority's concerns regarding the administration's proposed cuts for key drug control programs. These cuts include the proposed elimination of Safe and Drug Free Schools State grants within the Department of Education and Byrne Justice Grants within the Department of Justice. We also join the majority in opposing the administration's proposal to slash the budget for the High-Intensity Drug Trafficking Areas program by 56 percent and transfer the HIDTA program out of the Office of National Drug Control Policy's administrative purview to the Department of Justice's Organized Crime and Drug Enforcement Task Forces program.

While there are many areas of agreement, it should be noted that, in some areas, the report is simply far too specific in its views and findings to represent a true consensus of a committee with a large and philosophically and geographically diverse membership, even leaving aside partisan differences. The minority views that follow do not attempt to catalog these instances but rather aim to highlight a few key differences in perspective.

REDUCTIONS IN DRUG USE

The report credits the administration with "achieving significant success in the national effort to reduce drug abuse." While we acknowledge that reductions in overall drug use by youth have accelerated since the release of the President's 2002 National Drug Control Strategy, it bears noting that, in fact, the downward trend in drug use by youth began in 1996, 4 years prior to the beginning of this administration's first term.

We further note that the administration's claims of success regarding significant reductions in the use of "any illicit drug" by American youth may be misleading to the extent that the overall reductions are almost entirely the result of reduced reported use of marijuana, the most widely used drug among both youth and adults. There has not been a similar downward trend in the use of more harmful drugs such as cocaine, crack cocaine, or heroin by youth.

Indeed, reducing marijuana use has been the principal, if not exclusive, focus of ONDCP's primary prevention tool, the National Youth Anti-Drug Media Campaign. Given the narrowness of the administration's prevention focus on marijuana, the report may be overly generous to the extent it suggests that the administration deserves credit for "achieving" reported reductions in the use by

youth of dangerous drugs such as methamphetamine (or "meth") and MDMA/ecstasy. Anti-drug advertising produced by ONDCP's principal creative partner in the Media Campaign, the Partnership for a Drug-Free America, may have contributed to reported reductions in the use of meth and ecstasy, but these ads generally were produced and aired independent of any support or direction from the Federal Government.

There is, in any case, ample room for improvement in terms of reducing cocaine and heroin use among youth and reducing drug use among adults, particularly young adults, overall. According to testimony before the committee by ONDCP Director John Walters, roughly 26,000 Americans died as a result of drug abuse last year; regrettably, that number is higher than in previous years. The Nation's drug control strategy should aim to reduce this number drastically. Although a singular focus on preventing and reducing marijuana use may be an effective strategy for meeting the President's goals for reducing overall drug use, it will not achieve the objective of reducing significantly the number of lives annually lost to drug abuse.

STUDENT DRUG TESTING

There is a diversity of views among committee members concerning the appropriateness of student drug testing and the extent to which it should be emphasized in the Nation's drug control strategy and budget as a prevention tool.

ACCESS TO RECOVERY TREATMENT PROGRAM

With the President's Access to Recovery [ATR] treatment program in its very early stages, it is premature to recommend that ATR's voucher-based approach to drug treatment services delivery should be expanded to other programs or that it should supplant any existing drug treatment services delivery system. The strategy and budget should support to a greater extent the expansion of access to voluntary drug treatment services. The administration's budget request for the Substance Abuse and Mental Health Services Administration proposes merely level funding for the Substance Abuse Prevention and Treatment Block Grant and programs other than ATR that seek to reduce the so-called "treatment gap" between drug treatment availability and the need for treatment. The block grant has long served as the backbone of the Nation's drug treatment funding infrastructure, and Targeted Capacity Expansion Grants within the Center for Substance Abuse Treatment's Programs of National and Regional Significance serve to meet regional and emerging needs for drug treatment to ensure that treatment is available to those who seek it. It is, at best, premature for the administration to rely on ATR as an alternative to established programs; moreover, Director Walters has provided explicit assurances to the committee that ATR is intended to augment and not supplant the existing infrastructure for Federal funding of drug treatment services.

HARM REDUCTION AND NEEDLE EXCHANGE PROGRAMS

Finally, we vigorously disagree with the report's statements and findings concerning the purpose, efficacy, and legality of "harm reduction" strategies, particularly as they relate to needle- or syringe-exchange programs (or "SEPs"). Ranking Minority Member Waxman and Criminal Justice, Drug Policy, and Human Resources Subcommittee Ranking Minority Member Cummings have previously stated their concerns about correspondence sent to administration officials by Chairman Davis and Subcommittee Chairman Souder that incorrectly suggests that SEPs violate the 1961 Single Convention on Narcotic Drugs. In fact, as Ranking Members Waxman and Cummings noted in letters to Secretary of State Condoleeza Rice and U.S. Agency for International Development Administrator Andrew S. Natsios, the International Narcotics Control Board [INCB] has stated the following concerning needle-exchange:

> In a number of countries, Governments have introduced since the end of the 1980s programmes for the exchange or distribution of needles or syringes for drug addicts, with the aim of limiting the spread of HIV/AIDS. The Board maintains the position expressed by it already in 1987 that Governments need to adopt measures that may decrease the sharing of hypodermic needles among injection drug abusers in order to limit the spread of HIV/AIDS. At the same time, the Board has been stressing that any prophylactic measures should not promote and/or facilitate drug abuse.[1]

Nowhere has the INCB identified SEPs as violating any provision of the Single Convention, despite the majority's interpretation of the INCB's 2003 report.

Since 1991, there have been at least 17 major reviews and assessments of needle exchange programs by expert bodies such as the National Commission on AIDS, the Institute of Medicine, the National Institutes of Health, the Centers for Disease Control, the American Medical Association, the American Society of Addiction Medicine, and the World Health Organization. These assessments have found that needle exchange programs help reduce the spread of AIDS and other dangerous infectious disease without encouraging or increasing drug use. In fact, according to experts, needle exchange programs provide valuable opportunities to reduce illegal drug use.

In part as a result of these conclusions, needle exchange programs have been endorsed by a wide range of expert scientific and medical organizations, including the American Academy of Family Physicians,[2] the American Academy of Pediatrics,[3] the American

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[1] International Narcotics Control Board, *Report of the International Narcotics Control Board for 2003,* 36 (online at http://www.incb.org/e/ind_ar.htm).

[2] American Academy of Family Physicians, *Substance and Alcohol Abuse and Addiction* (2003) (online at http://www.aafp.org/x7096.xml).

[3] American Academy of Pediatrics, Provisional Committee on Pediatric AIDS, *Reducing the Risk of Human Immunodeficiency Virus Infection Associated with Illicit Drug Use*, Pediatrics, 945–7 (Dec. 1994) (online at http://aappolicy.aappublications.org/cgi/reprint/ pediatrics;94/6/ 945.pdf).

Academy of Physician Assistants,[4] the American College of Preventive Medicine,[5] the American Medical Association,[6] the American Nurses Association,[7] the American Psychological Association,[8] the Association of Nurses in AIDS Care,[9] and the Infectious Diseases Society of America.[10]

In chronological order, expert reviews and assessments of needle exchange programs include the following:

- In 1991, the **National Commission on AIDS,** whose members included then-Secretary of Defense Richard B. Cheney, convened a hearing on drug use and HIV. Based on the testimonies of expert witnesses at the hearing and a review of scientific evidence, the Commission issued a report that found:

  > Outreach programs which operate needle exchanges and distribute bleach not only help to control the spread of HIV, but also refer many individuals to treatment programs . . . . Most significantly, these programs, rather than encouraging substance use, lead a substantial number of substance users to seek treatment.[11]

- In 1995, a report prepared by a joint panel of the **National Research Council** and the **Institute of Medicine** reviewed the available evidence on needle exchange programs and concluded: "Needle exchange programs reduce the spread of HIV—the virus that causes AIDS—without increasing either the injection of illegal drugs among program participants or the number of new initiates to injection drug use."[12]

- In 1997, a Consensus Panel convened by the **National Institutes of Health** concluded:

  > An impressive body of evidence suggests powerful effects from needle exchange programs. The number of studies showing beneficial effects on behaviors such as needle sharing greatly outnumber those showing no effects. There

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[4] American Academy of Physician Assistants, *Needle/Syringe Access for the Prevention of HIV Transmission* (policy paper adopted 2003) (http://www.aapa.org/policy/needle_access.html).

[5] American College of Preventive Medicine, *Public Policy on Needle-Exchange Programs to Reduce Drug-Associated Morbidity and Mortality,* American Journal of Preventive Medicine, 173–5 (2000) (online at http://www.acpm.org/ajpm369.pdf).

[6] American Medical Association, *Syringe and Needle Exchange Programs* (Policy Statement H–95.958) (online at http://www.ama-assn.org/apps/pf_new/pf_online?f_n=resultLink&doc=policyfiles/HnE/H–95.958.HTM&s_t=syringe+and+needle+exchange+programs&catg=AMA/HnE&catg=AMA/BnGnC&catg=AMA/DIR&&nth=1&&st_p=0&nth=1&).

[7] American Nurses Association, *Position Statement: Needle Exchange and HIV* (effective Apr. 2, 1993) (online at http://nursingworld.org/readroom/position/blood/blnedl.htm).

[8] American Psychological Association, *APA Council Endorses Fair-Testing Code, Forms New Working Group, Among Other Actions* (Apr. 4, 2001) (online at http://www.apa.org/monitor/apr04/endorses.html).

[9] Association of Nurses in AIDS Care, *Position Statement: Needle and Syringe Exchange* (rev. Sept. 2002) (online at http://www.anacnet.org/media/pdfs/PS_Needle_Syringe_Exch_4–2003.pdf).

[10] Infectious Diseases Society of America, *Supporting Document for IDSA's Policy Statement on Syringe Exchange, Prescribing and Paraphernalia Laws* (Oct. 5, 2001) (online at http://www.idsociety.org/Content/ContentGroups/Public_Statements_and_Policies1/Statements/Supporting_Document_for_IDSA's_Policy_Statement_on_Syringe_Exchange_Prescribing_and_Paraphernalia_L.htm) (emphasis in original).

[11] National Commission on Acquired Immune Deficiency Syndrome, *The Twin Epidemics of Substance Use and HIV (July 1991) (online at http://www.dogwoodcenter.org/references/studies91F.html#RECOMMENDATION%202).*

[12] National Academies, *Needle Exchange Programs Reduce HIV Transmission among People Who Inject Illegal Drugs* (Sept. 18, 1995) (online at http://www4.nationalacademies.org/news.nsf/isbn/0309052963?OpenDocument).

> is no longer doubt that these programs work . . . . Does needle exchange promote drug use? A preponderance of evidence shows either no change or decreased drug use.[13]

- In 1997, the Council on Scientific Affairs of the **American Medical Association** issued a report on the medical and scientific literature on needle exchange programs that found:

> There is substantial evidence of reduced needle-sharing among regular participants in needle-exchange programs. More importantly, HIV infection rates among drug users have been consistently lower in cities with needle-exchange programs . . . . For example, while the HIV infection rate among injection drug users remained 1% to 2% in the Scottish city of Glasgow, where a needle-exchange program was quickly established, it reached 70% in nearby Edinburgh, where the response of government officials was to implement even more stringent controls over injection equipment.[14]

- In 1997, the **American Public Health Association** stated that "an enormous body of published research" exists "attesting to the efficacy of clean needle exchange for reducing HIV transmission among drug users. Moreover, study after study has shown that needle exchange does not lead to an increase of illegal drug use." [15]
- In 2000, the **U.S. Surgeon General** and other senior scientists at the **Department of Health and Human Services** reviewed scientific research completed since April 1998 on needle exchange programs. In a published summary of the review, the Surgeon General announced:

> After reviewing all of the research to date, the senior scientists of the Department and I have unanimously agreed that there is conclusive scientific evidence that syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces the transmission of HIV and does not encourage the use of illegal drugs.[16]

- In 2000, the **Institute of Medicine** released a report on the findings of a committee it had convened at the request of the Centers for Disease Control to conduct a comprehensive review of current HIV prevention efforts in the United States. The report described the evidence on needle exchange programs as "compelling" and cited a study that suggested that "expanded provision of needle exchange programs in the United States

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[13] National Institutes of Health, *Interventions to Prevent HIV Risk Behaviors* (Feb. 11–13, 1997) (Consensus Statement No. 104) (online at http://consensus.nih.gov/cons/104/104_statement.htm).

[14] American Medical Association, *Report 8 of the Council on Scientific Affairs* (A–97) (June 1997) (online at http://www.ama-assn.org/ama/pub/category/13636.html).

[15] American Public Health Association, *American Public Health Association Supports Lifting Federal Ban on Funding for Needle Exchange* (Aug. 20, 1997) (online at http://www.apha.org/news/press/1997/needle.htm).

[16] U.S. Department of Health and Human Services, *Evidence-Based Findings on the Efficacy of Syringe Exchange Programs: An Analysis of the Scientific Research Completed since April 1998* (Mar. 17, 2000).

could have averted between 10,000 and 20,000 new infections over the past decade."[17] According to the report:

> Although many communities and law enforcement officials have expressed concern that increasing availability of injection equipment will lead to increased drug use, criminal activity, and discarded contaminated syringes, studies have found no scientifically reliable evidence of these negative effects.[18]

- In 2000, the **Academy for Educational Development,** in a policy report prepared in collaboration with the **Centers for Disease Control,** observed that much research had been conducted on needle exchange programs. Citing this research, the report concludes that "SEPs [syringe exchange programs] have significant positive effects on preventing adverse health consequences associated with injection drug use and . . . do not increase drug use or promote the initiation of injection drug use."[19]
- In 2000, the **American Society of Addition Medicine** reported that "[n]eedle exchange programs have been shown to be a crucial component of a spectrum of HIV prevention services to injection drug users, resulting in an effective reduction in the transmission of the Human Immunodeficiency Virus." The Society of Addiction Medicine also reported that "[t]here has not been an increase in drug use or an increase in injection as a route of drug administration as a result of implementation of needle exchange programs, nor has there been demonstration of an increase in contaminated injection equipment in the community."[20]
- In 2002, the **Centers for Disease Control** summarized scientific studies of needle exchange programs. CDC explained: "SEPs have been shown to be an effective way to link some hard-to-reach IDUs [intravenous drug users] with important public health services, including TB and STD treatment. Through their referrals to substance abuse treatment, SEPs can help IDUs stop using drugs. Studies also show that SEPs do not encourage drug use among SEP participants or the recruitment of first-time drug users."[21]
- In 2002, the **National Institute on Drug Abuse** published a research-based guide to preventing HIV in drug-using populations. Concerning needle exchange programs, the guide stated: "Evaluations of these programs indicate that they are an effective part of a comprehensive strategy to reduce the injection

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[17] Institute of Medicine, *No Time to Lose: Getting More from HIV Prevention,* 114–5 (2000) (online at http://books.nap.edu/books/0309071372/html/1.html#pagetop).

[18] Institute of Medicine, *No Time to Lose: Getting More from HIV Prevention,* 114–5 (2000) (online at http://books.nap.edu/books/0309071372/html/1.html#pagetop).

[19] Academy for Educational Development, *A Comprehensive Approach: Preventing Blood-Borne Infections among Injection Drug Users,* A7 (Dec. 2000) (online at http://www.thebody.com/cdc/pdfs/comprehensive-approach.pdf).

[20] American Society of Addiction Medicine, *Public Policy of ASAM: Access to Sterile Syringes and Needles* (adopted Dec. 20, 2000) (online at http://www.asam.org/ppol/Needle%20Exchange.htm).

[21] Centers for Disease Control, *Syringe Exchange Programs* (Jan. 2002) (online at http://www.cdc.gov/idu/facts/aed_idu_syr.htm).

drug use-related spread of HIV and other blood-borne infections. In addition they do not encourage the use of illicit drugs."[22]

- In 2002, a Consensus Panel convened by the **National Institutes of Health** on management of hepatitis C found that "needle and syringe exchange programs . . . have been shown to be effective in preventing HIV transmission and are likely to be useful for decreasing HCV transmission."[23] The panel recommended: "Institute measures to reduce transmission of HCV among IDUs, including providing access to sterile syringes through needle exchange, physician prescription, and pharmacy sales."[24]
- In 2003, the head of the HIV/AIDS unit of the **International Federation of Red Cross and Red Crescent Societies,** stated: "There is clear scientific evidence that needle exchange programmes work. They help contain the HIV/AIDS pandemic, and in a very cost effective way. Evidence is also clear that these programmes do not promote drug use."[25]
- In 2004, the **Association of State and Territorial Health Officials,** together with the **National Alliance of State and Territorial AIDS Directors,** the **National Association of County and City Health Officials,** and the **Council of State and Territorial Epidemiologists,** stated that "[s]cientific evidence demonstrates that needle exchange programs and pharmacy sales of sterile syringes can be effective public health strategies to reduce the transmission of injection-related HIV infection without increasing drug use."[26]
- In 2004, Dr. Elias A. Zerhouni, Director of the **National Institutes of Health,** wrote a letter to Members of Congress in response to an inquiry about the scientific evidence on syringe exchange programs. The letter stated: "A number of studies conducted in the U.S. have shown that SEPs do not increase drug use among participants or surrounding community members and are associated with reductions in the incidence of HIV, hepatitis B, and hepatitis C in the drug-using population."[27]
- In 2004, a policy brief from the **World Heath Organization** discussed the evidence obtained from a review of more than 200 studies on needle and syringe exchange programs. The policy brief reported:

> There is compelling evidence that increasing the availability and utilization of sterile injecting equipment for both out-of-treatment and in-treatment injecting drug users

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[22] National Institutes of Health, National Institute on Drug Abuse, *Principles of HIV Prevention in Drug-Using Populations: A Research-Based Guide* (Mar. 2002).

[23] National Institutes of Health, *Management of Hepatitis C: 2002* (June 10–12, 2002) (http://consensus.nih.gov/cons/116/091202116cdc_statement.htm#5).

[24] Id.

[25] International Federation of Red Cross and Red Crescent Societies, *Spreading the Light of Science: Guidelines on Harm Reduction Related to Injecting Drug Use,* 53 (2003) (online at http://www.ifrc.org/cgi/pdf_pubs.pl?health/hivaids/harm_reduction.pdf).

[26] Association of State and Territorial Health Officials, *Position Statement: Guiding Principles for HIV Prevention* (approved June 18, 2004) (online at http://www.astho.org/policy_statements/HIV%20Position%20Statement.pdf).

[27] Letter from NIH Director Dr. Elias A. Zerhouni to Representatives Henry A. Waxman and Elijah E. Cummings (Oct. 7, 2004).

contributes substantially to reductions in the rate of HIV transmission. . . . There is no convincing evidence of major unintended negative consequences of programmes providing sterile injecting equipment to injecting drug users, such as initiation of injecting among people who have not injected previously, or an increase in the duration or frequency of illicit drug use or drug injection.[28]

- In 2004, the **Joint United Nations Programme on HIV/AIDS** noted that "[a] review comparing HIV prevalence in cities across the globe with and without needle and syringe programmes found that cities which introduced such programmes showed a mean annual 19% decrease in HIV prevalence. This compares with an 8% increase in cities that failed to implement prevention measures."[29]

We strongly believe that U.S. policy on syringe-exchange should be based upon scientific evidence as to its efficacy and that the United States should not exercise is disproportionate influence in international organizations and forums to discourage the implementation of non-U.S.-funded syringe exchange programs. The international community should not be restricted from opting to implement programs to prevent the transmission of HIV/AIDS among injection drug users and the broader population. Syringe exchange may hold the promise of saving millions of lives in developing countries that are at high risk of suffering an explosion in HIV/AIDs infections as a result of IDU-driven transmission; further, as the scientific evidence indicates, it can do so without increasing drug use among participants or surrounding community members.

The committee's apparently ongoing inquiry into USAID activities relating to harm reduction has yielded no evidence that any USAID funds have been improperly expended.

HON. HENRY A. WAXMAN.
HON. PAUL E. KANJORSKI.
HON. CAROLYN B. MALONEY.
HON. ELIJAH E. CUMMINGS.
HON. DIANE E. WATSON.
HON. BRIAN HIGGINS.

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[28] World Health Organization, *Policy Brief: Provision of Sterile Injecting Equipment to Reduce HIV Transmission* (2004) (online at http://www.wpro.who.int/NR/rdonlyres/BA463DB4–2390–4964–9D86–11CBABCC9DA9/0/provisionofsterileen.pdf).

[29] United Nations Programme on HIV/AIDS, *2004 Report on the Global AIDS Epidemic,* 85 (June 2004) (online at http://www.unaids.org/bangkok2004/GAR2004_pdf/Chapter4_prevention_en.pdf).