



Congress of the United States
House of Representatives
Washington, DC 20515

April 12, 2005

Honorable Jerry Lewis
Chairman

Honorable David R. Obey
Ranking Member

Committee on Appropriations
H218 The Capitol
Washington, DC 20515-6015

Honorable Frank Wolf
Chairman

Honorable Joe Knollenberg
Chairman

Honorable Alan B. Mollohan
Ranking Member

Honorable John W. Olver
Ranking Member

Subcommittee on Science, State, Justice,
and Commerce, and Related Agencies
H-309 The Capitol
Washington, DC 20515

Subcommittee on the Departments
of Transportation, Treasury, and
Housing and Urban Development,
the Judiciary, the District of Columbia,
and Independent Agencies
2358 Rayburn Building
Washington, DC 20515

Re: High Intensity Drug Trafficking Area (HIDTA) Program

Dear Chairmen and Ranking Members:

We are writing to ask you to oppose the Administration's proposals for the High Intensity Drug Trafficking Areas (HIDTA) program at the Office of National Drug Control Policy (ONDCP). The Administration has, as part of its budget submission, made two proposals for HIDTA: first, drastically cutting the program's budget from fiscal year 2005's enacted level of \$228,350,000 to \$100,000,000; and second, moving the remaining \$100 million of the program to the Organized Crime Drug Enforcement Task Force (OCDETF) program at the Department of Justice.

If enacted, these proposals would effectively terminate the current HIDTA program. We believe that such a result would severely undermine federal, state, and local drug enforcement

cooperation and coordination, threatening to undo the substantial progress we have made in reducing drug abuse since 2001. We hope that you will restore full funding to the HIDTA program, and keep it at its authorized location in ONDCP.

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. The Subcommittee on Criminal Justice, Drug Policy and Human Resources recently held a hearing on this issue, receiving testimony from a number of state and local officials who actively work with the HIDTA program. Not one of them 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 Subcommittee's March 10 hearing declined to inform the Subcommittee about how HIDTA would be managed under OCDETF. 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.

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. We agree 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.

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 OCDEF were asked at a recent hearing before the Government Reform Committee’s 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. 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 Criminal Justice Subcommittee on March 10, 2005. They told the Subcommittee 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, Missouri 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. Baltimore Police Commissioner Leonard Hamm told us that his anti-heroin and anti-drug gang task forces would also be ended without HIDTA assistance.

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 – most of which are not reimbursed with federal dollars and which dwarf, in their dollar value, the federal budget components of the individual HIDTAs. We risk losing those contributions if the federal government ends the balanced control of HIDTA operations. For example, Phoenix Police Chief Jack Harris told us that he would have to pull his officers out of the HIDTA-assisted federal, state, and local drug task force in his city.

The Administration’s Arguments

We would like to address two final arguments made by the Administration to justify these drastic cuts and changes to the HIDTA program. First, the Administration relies on the HIDTA

program's PART review – which claimed that HIDTA had failed to demonstrate results – for its argument that the program must be overhauled. The PART review, however, was significantly flawed, as 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 – it 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 of our drug interdiction personnel are employed by agencies at the Department of Homeland Security, namely the U.S. 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 (which also participates in HIDTAs) engage in significant drug enforcement and money laundering investigations.

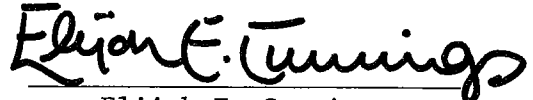
Second, although the Justice Department certainly plays a vital role in drug enforcement – both through the investigative work done by DEA and the Federal Bureau of Investigation (FBI), and through prosecutions in federal court by the U.S. Attorneys' offices – that Department does not have an exclusive focus on drug control. Instead, drug enforcement is but one of many disparate missions that the Justice Department must balance.

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.


Thank you for your attention to these important issues. We hope that you will join us in supporting these vital programs.

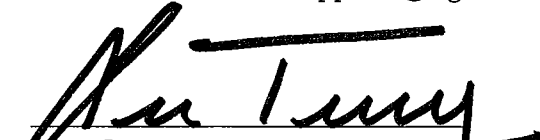
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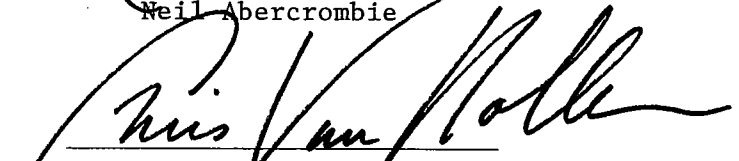

Mark Souder



Elijah E. Cummings


C.A. Dutch Koppersberger



Neil Abercrombie

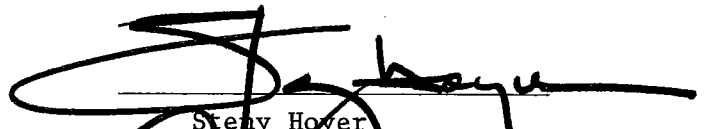

Lee Terry


Chris Van Hollen



Leonard Boswell

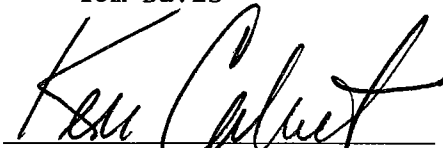

Dave Reichert

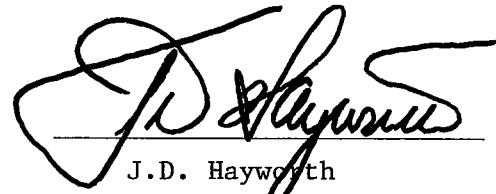

Jim Matheson

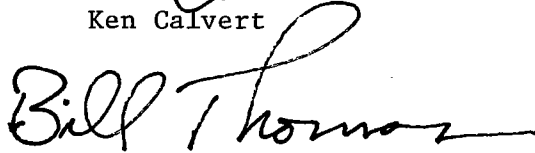

Steny Hoyer


Tom Davis


Dan Burton

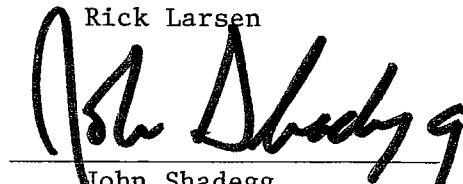

Ken Calvert


J.D. Hayworth


Bill Thomas


Rick Larsen


Rob Portman


John Shadegg

Rick Renzi

Rick Renzi

Ray Leslee

Ray Leslee

Stephanie Herseth

Stephanie Herseth

Tom Osborne

Tom Osborne

Bob Beauprez

Bob Beauprez

Harold Ford

Harold Ford

Mark Udall

Mark Udall

Ed Case

Ed Case

Emanuel Cleaver

Emanuel Cleaver

Stevan Pearce

Stevan Pearce

Julia Carson

Julia Carson

Sam Graves

Sam Graves

Silvestre Reyes

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Devin Nunes

Devin Nunes

Jerry Moran

Jerry Moran

Peter DeFazio

Peter DeFazio

Bob Filner

Bob Filner

Bart Gordon

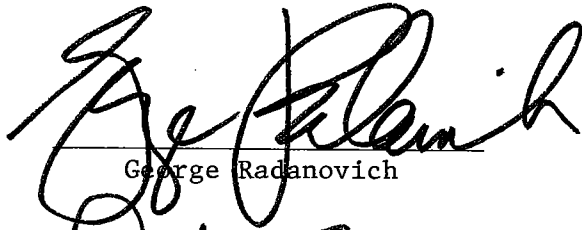
Bart Gordon

Bob Etheridge

Bob Etheridge

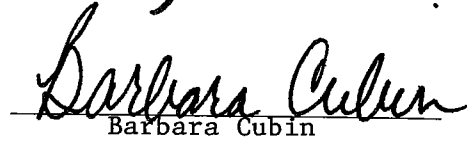
Jim Leach

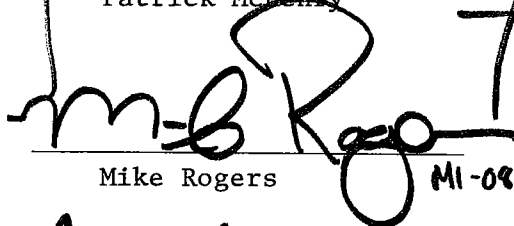
Jim Leach


George Radanovich


Clay Shaw

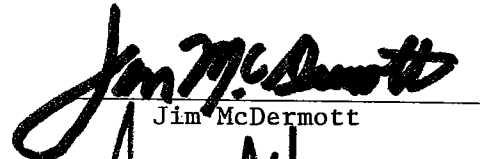

Patrick McHenry

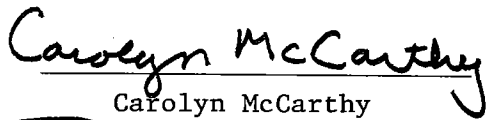

Barbara Cubin

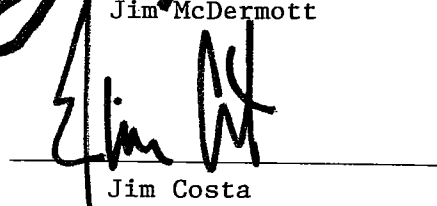

Mike Rogers MI-09

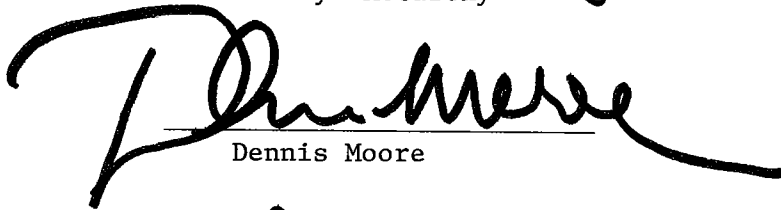

Trent Franks

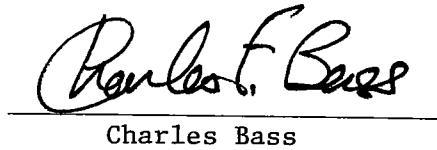

Debbie Wasserman Schultz


Jim McDermott


Carolyn McCarthy


Jim Costa


Dennis Moore


Charles Bass


Steve King

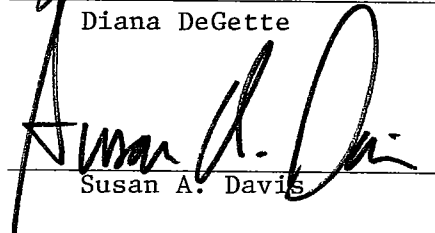

Robert E. Andrews


Brian Baird


Collin C. Peterson


Diana DeGette


Doris O. Matsui


Susan A. Davis


Jo Ann Emerson

Kendrick B. Meek

Kendrick B. Meek

Alcee L. Hastings

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Robert A. Brady

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Allyson Y. Schwartz

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Michael H. Michaud

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Robert Wexler

Jeff Fortenberry

Jeff Fortenberry

Lincoln Diaz-Balart

Lincoln Diaz-Balart

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Jerry F. Costello

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Darlene Hooley

Darlene Hooley

Ben Chandler

Ben Chandler

Adam Smith

Adam Smith

Dennis A. Cardoza

Dennis A. Cardoza

Michael T. McCaul

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Zoe Lofgren

Zoe Lofgren

John T. Salazar

John T. Salazar

Chris Cannon

Chris Cannon

Wally Herger

Wally Herger

Albert R. Wynn
Albert Wynn

Earl Pomeroy
Earl Pomeroy

Tom Tancredo
Tom Tancredo

Ileana Ros-Lehtinen
Ileana Ros-Lehtinen

Joel Hefley
Joel Hefley

Ben Cardin
Ben Cardin

Donald M. Payne
Donald M. Payne

Ron Lewis
Ron Lewis

John Mica
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Marilyn Musgrave
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Tom Feeney
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