

House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources Holds Hearing on FY2006 Budget

[LIST OF SPEAKERS](#)

SOUDER:

The subcommittee will now come to order.

Good afternoon and thank you all for coming.

This hearing is the second in a series of hearings providing oversight of the president's budget proposals for drug control programs, as well as for legislation to reauthorize the Office of National Drug Control Policy, ONDCP, and the high-intensity drug trafficking areas, the HIDTA program.

This hearing will focus on the president's proposed changes to some very important drug enforcement programs.

The administration released its budget proposal for all federal programs for fiscal year 2006 last month. One of the most significant policies reflected in that budget is a proposal to cut most federal support for state and local drug enforcement.

Among other things, the administration is proposing to eliminate the Byrne grant to state and local law enforcement; to cut the HIDTA program by more than 50 percent and transfer its remaining funds to the Justice Department's Organized Crime Drug Enforcement Task Force, OCDEF, program; to cut the meth hot spots program administered by the Justice Department's Community-Oriented Policing Services, so-called COPS office, by more than 60 percent; and to significantly reduce the funding for the Counter-Drug Technology Assessment Center, CTAC, technology transfer program.

The subcommittee shares some of the administration's concerns about excessive or misdirected federal support to local agencies. It is certainly true that federal dollars should not be spent on purely local concerns in the form of pork-barrel funding. Rather, they should be tied to clear national priorities.

Similarly, Congress must be careful not to make state and local agencies too dependent on federal dollars, as these agencies must remain under the control of and respond to the needs of state and local taxpayers. State and local governments have a responsibility to fund their own counternarcotics efforts.

That being said, it does not follow that all federal assistance to state and local agencies lacks national impact. State and local law enforcement personnel are fighting on the front lines in the

struggle to stop drug trafficking. They make over 90 percent of drug- related arrests and seizures. They have a wealth of intelligence that could be very valuable if shared with federal authorities.

Federal assistance to these agencies can have a major positive impact by involving them in national goals of enforcement, treatment and prevention.

The proper solution is to propose reforms to the programs rather than simply cutting them out. We hope at this hearing to address these broader issues and to review the administration's specific proposals for certain key programs.

First among them is the HIDTA program.

This program was created in 1990 to help reduce the nation's overall supply of illegal drugs by bringing together federal, state and local law enforcement agencies in the most significant regions, each referred to as a HIDTA, High-Intensity Drug Trafficking Area, where drugs were created, smuggled or distributed.

Under the current law, the director of ONDCP may designate certain areas as HIDTAs, making them eligible for federal funding. That funding is administered locally by an executive board made up of equal representation of federal agencies on one side and state and local agencies on the other.

As the budget's program has grown from only \$25 million at its conception to \$228.35 million in fiscal year 2005, the number of designated regions has grown as well. From the initial five HIDTAs in 1990, the program has expanded to 28 HIDTAs, and pressure is building in Congress to create even more of them.

As the program has expanded, its focus has frequently drifted from activities that are truly targeted at the national supply of drugs to activities with primarily a regional or local impact.

Congress itself has exacerbated the problem by refusing to allow ONDCP sufficient discretion over the program's budget.

For many years, appropriations bills have forbidden ONDCP from funding any HIDTA at below its previous year's level, effectively locking in \$206 million of its budget. ONDCP has had true discretion over less than 10 percent of the program's funds.

In response to these difficulties, the administration has proposed cutting the program's budget from fiscal year 2005 enacted level of \$228.35 million, to \$100 million.

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 and more or less eliminate most of the drug czar's office.

The subcommittee agrees with the administration that the HIDTA program is in need of some reform. The administration's proposal, however, is both premature and too sweeping.

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

Second, the subcommittee is mindful of the serious disruption of drug enforcement activities in the individual HIDTAs that this sweeping proposal would create, at least in the short term. It would be very undesirable for the federal government to take action that drives away state and local participants.

The subcommittee will, however, carefully study the administration's proposal as it continues to work on the reauthorization of HIDTA and ONDCP.

Today's hearing will also review the CTAC program, which was established in 1990, to oversee and coordinate the federal government's anti-drug research and development.

The administration is requesting only \$30 million for the CTAC program, a sharp decrease from the \$40 million requested from fiscal year 2005 and the \$42 million appropriated by Congress.

SOUDER:

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 yet demonstrated that the technology transfer program supports national goals in reducing overall drug trafficking and improving interagency communication and cooperation.

Such dramatic cuts, however, do not amount to reform. They will only exacerbate the tensions within the program.

As with HIDTA, the subcommittee intends to review the CTAC program and its future as it continues its work on the reauthorization of ONDCP and its programs.

The subcommittee has concerns about the proposed reduction in the COPS meth hot spots dedicated to local law enforcement activities against methamphetamine trafficking.

Methamphetamine abuse has ravaged communities across the United States and put several severe strains on state and local law enforcement agencies forced to find clandestine drug labs, clean up the environmental damage they create and arrest the drug trafficking rings that operate them.

To assist these overburdened agencies, Congress approved \$54.05 million in fiscal year 2004 and \$52.556 million in fiscal year 2005. The administration is requesting only \$20 million for the fiscal year 2006, identical to their last year's request, which was more than doubled, a cut of more than 60 percent from the appropriated funds from last year.

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.

The subcommittee also has serious concerns about the administration's proposal to terminate the state grants component of the Edward Byrne Memorial Justice Grant program. Congress already complied with the administration's request to consolidate previously separate grant programs into a single Byrne Grant program.

The administration now proposes to eliminate the \$634 million that Congress appropriated last year for the Byrne Grants and restrict federal to a series of enumerated grants, most of which are previously existing programs, under a, quote, "Justice Assistance Account." In practice, this will sharply limit the amount of money available to help state and local agencies.

The subcommittee shares the administration's concern about excessive federal subsidization of state and local law enforcement. The administration's proposed cuts, however, would create massive shortfalls in the budget of state and local law enforcement agencies across the country.

I believe the administration should instead propose reforms, where needed, to some of the federal government's assistance grants.

We have quite a mix of witnesses with us today, and we would especially like to welcome all the representatives of the federal, state and local law enforcement community for joining us here at this time.

From the Department of Justice, on our first panel, we will hear from Tracy Henke, deputy assistant attorney general at the Office of Justice Programs, who will discuss the Byrne Grants, COPS and similar Justice assistance programs; from Catherine O'Neil, associate deputy attorney general and director of OCDETF, who will discuss the proposed transfer and restructuring of the HIDTA program. We will also hear from John Horton, associate deputy director at ONDCP for state and local affairs.

The second panel will give us a state and local perspective. We welcome Ron Brooks, director of the Northern California HIDTA, as well as the director of the Northern California HIDTA, the president of the National Narcotics Officers' Coalition. Ron's been very active with our committee at many, many hearings in helping us with that; Tom Carr, the director of the Washington-Baltimore HIDTA; Tom Donahue, the director of the Chicago HIDTA; Chief Jack Harris of the Phoenix Police Department and vice chair of the Southwest Border HIDTA; Leonard Hamm, the acting Baltimore police commissioner; Mark Henry, the president of the Illinois Drug Enforcement Officers Association; and Sheriff Jack Merritt of Greene County, Missouri.

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

I now yield to Ranking Member Elijah Cummings.

CUMMINGS:

Well, thank you very much, Mr. Chairman, and as I listened to you I could not help but think about the fact that when we had one of our last hearings, when the drug czar came in and talked about the cuts, I asked him how he felt about these cuts, and he said that he was satisfied with what was going on.

And I've got to tell you that since that hearing I've heard from so many people who watched it, and they were very concerned. And I think that we would be more than remiss if we did not understand that the money simply isn't there.

And we can debate from now until 1,000 years from now why it isn't there, but it's not there. And the fact is that then it becomes a question of priorities with the money that we do have.

But one thing that I must give you credit for, Mr. Chairman, and I really appreciate this, is that you have consistently stayed on point with regard to making sure that while we address the war on terrorism we acknowledge the fact that we have some terrorists in our own neighborhoods.

And many of them have become that way because of drugs, and some of the people who are here -- those who fight drugs every day -- they know exactly what I'm talking about. They fully understand that there are people who are watching us right now who are much more afraid of something happening to them on their street than from some terrorists from overseas.

And so it is that we have to, I think, put all of this in context and try now to figure out the money that we do have -- how to make sure we use it effectively and efficiently. I've said many, many times that one thing Republicans and Democrats agree on -- and that is that the taxpayers' dollars must be spent effectively and efficiently.

The president's budget request for fiscal year 2006 proposes significant changes in the national drug control budget. Most significantly, there is a considerable increase in proportional spending for supply reduction versus demand reduction programs.

Demand reduction accounts for just 39 percent of the restructured drug control budget, down from 45 percent in the FY 2005 budget as enacted. There is actually a net decrease of \$270 million for demand reduction compared to the FY 2005 enacted level.

This is deeply troubling to those of us in Congress who would like to see an increased commitment to prevention and treatment programs that reduce the consumption of drugs.

Even on the supply reduction side of the budget, where the goal is to reduce drug use by driving up the price and eroding the purity of drugs available on United States streets, there are stark changes in the budget the president has submitted to this Congress.

There is an increased commitment to international supply reduction programs, while domestic drug enforcement programs that support state and local efforts and partnerships between federal law enforcement and their state and local counterparts would suffer elimination or sharp decreases.

Many of these relationships have been established over the years. Many of these relationships are ones that have become very, very effective and are cost-efficient and effective.

The administration argues, for example, that programs such as Community-Oriented Policing Services, Byrne (ph) grants, COPS law enforcement technology grants, Byrne Justice Assistance Grants, and Byrne discretionary grants have not had a demonstrably effective impact on reducing crime. The administration, therefore, proposes to eliminate these programs, claiming it will save \$940 million a year.

In addition, the president's request proposes to slash the budget of the HIDTA program, reducing its funding from the FY 2005 level of \$227 million to \$100 million, a decrease of 56 percent, and to move HIDTA from the Office of National Drug Control Policy to the Department of Justice where it would come under the control of the Organized Crime Drug Enforcement Task Force program.

Now, I'm not knocking that program, but one thing is for sure, that I believe that HIDTA would be better off the way it is. I don't want it to get lost in the Justice Department. We have too many people who are depending on HIDTA to do the things that HIDTA does.

I haven't looked at all the testimony, but I think some of the folks here today who deal with HIDTA can tell us about what they see. And I think we've got to listen to them very carefully, Mr. Chairman, because these are the people who are on the front line.

They are the ones who have to face the officers. They are the ones who have to face the families of those who may be killed or injured. They're the ones who have to worry about the people that come under their jurisdictions. And so they're not sitting in some nice high office just looking down as if they're looking down from Heaven. They're dealing with this stuff every day.

The proposed reductions to the above-mentioned programs would sharply reduce the level of federal support for law enforcement programs that involve coordination among federal, state and local entities. We are always talking about local, state and federal entities working together, so that there's not a duplication of effort, so that they can be most effective when they bring all of their intelligence and all of their resources together.

What is striking about the proposal is that rather than propose reforms to these programs, this budget reflects the president's decision to abandon or sharply curtail them. Problems in the Byrne Grant program have been well publicized.

Narcotics task forces funded through the Byrne program have committed severe abuses, more egregiously in the case of Tulia, Texas, where a Byrne-supported task force ran amok, pursuing racially motivated investigations and prosecutions. None of us can stand behind the rampant abuse of civil rights by law enforcement efforts supported with federal dollars, but the Byrne Grant program supports a range of activities aimed at increasing safety in communities around the country that are affected by violent crime.

I would like to see an effort to make this program work as Congress intended it, instead of doing away with the program as the president proposes.

Let me tell you something: Having practiced law for over 20 years, I can tell you no matter what you do, and no matter what structure you create, you're going to have some abuse. But you don't throw the baby out with the bath water.

However, I'm most concerned, Mr. Chairman, by the proposed evisceration of the HIDTA program. HIDTA is widely credited with having broken down barriers among participating local, state and federal agencies. And HIDTAs around the country can demonstrate numerous successes and innovations that have had a positive impact on the national drug threat.

Under the president's proposal, numerous HIDTAs would surely be eliminated, and the scaling back of others would severely curtail their effectiveness. Successful nationwide programs developed and administered by individual HIDTAs, such as event and target deconfliction, enforcement operations, intelligence collection and sharing and training programs, would be significantly reduced or discontinued.

And effective interagency partnerships that place state and local agencies on an equal footing with their federal counterparts would wither or disappear. The Washington-Baltimore HIDTA approach, which combines a coordinated implementation of intelligence-driven law enforcement, treatment and prevention initiatives, ought to be held up by this administration as a model to be replicated in areas that face a similar threat.

And I'm not sure about this, Mr. Chairman, but I would guess that when you do have the federal government, the local government and the state government working together, just the experience in and of itself of them working together makes all of them better. It certainly makes the federal people more sensitive to what the local and the state people are doing, and it gives our local and state officers an opportunity to see how the federal level operates.

Instead, I fear that the administration's proposal will cripple the Washington-Baltimore HIDTA and eliminate the few treatment and prevention dollars used by a handful of HIDTAs. That would be unfortunate.

But I am heartened by the fact that the administration's proposal for HIDTA has drawn such an intense negative reaction from the law enforcement community and from many members of Congress, including you, who recognize HIDTA's value.

It seems to me that we can acknowledge that HIDTA's rapid growth has created challenges related to its mission cohesion. But the correct response is not to throw it out, as the administration proposes to do so with this budget request.

The fundamental character and unique system of accountability of the HIDTA program will be lost if it is merged with the Organized Crime and Drug Enforcement Task Force, whose mission is complementary but distinct.

Contrary to the administration's claim, this change will not improve the effectiveness of U.S. drug enforcement efforts.

CUMMINGS:

Rather, it will weaken them while increasing the burden on state and local jurisdictions already struggling within severe budget constraints.

Today's hearing offers an important opportunity to hear from the administration's officials whose responsibility it is to administer the law.

I welcome their perspectives, as well as Tom Carr, the Washington-Baltimore HIDTA outstanding director, the directors of the Chicago and Southwest Border HIDTAs, National Narcotics Officers' Association, and the state and local enforcement agencies represented on the second panel.

I'd like to specifically recognize Acting Commissioner Leonard Hamm of the Baltimore City Police Department, who has taken the time to be with us today.

With that said, Mr. Chairman, I look forward to working with you to find constructive solutions to the issues that keep some of the aforementioned programs from being most effective and to protect those programs that have demonstrated their effectiveness, the administration's assessment notwithstanding.

Today's hearing and future hearings related to ONDCP reauthorization will provide a forum for this important bipartisan work. But, Mr. Chairman, I must tell you my mother has a saying. She only had a first-grade education, but something she used to often say is she hates to see motion, commotion and emotion but no results.

In other words, it's nice to hold the hearings, but we've got to make sure that we get this administration to hear the people who are on the front line so that they can more effectively and continue to effectively do their job.

And to all of them, if I don't get a chance to say it again, I want to thank all of you who are out there. You've got a tough job. And I really thank you on behalf of the many, many citizens who may never know what you do, but on behalf of the Congress of the United States of America we thank you.

With that, Mr. Chairman, I yield back.

SOUDER:

Thank you.

Ms. Norton?

NORTON:

Thank you very much, Mr. Chairman, and thank you for today's hearing. Mr. Chairman, it is going to be hard to take seriously federal drug control efforts if the president's budget before us survives.

Whenever there are programs that link various actors in our system, there are problems that arise that need to be eliminated. There needs to be a continuous approach to correction.

But one of the most important connections in drug control efforts has been the link that has been built up over the last several years between federal, state and local actors. By building those links, of course, we built in efficiencies and avoided costly redundancies.

There may also be problems that were built in. I happen to believe that the only way to do a reform is to keep reforming, particularly if you're talking about government. But we are looking

at cuts that are lethal to drug enforcement. We're talking about cuts of 50 percent of a program or 60 percent of a program. Those are cuts meant to do away with the program. I'd almost rather you shoot this animal in the head than let him die a slow death this way.

I think what is particularly dangerous here is that all of these cuts would apparently take place at one time. Perhaps there need to be cuts. Cuts spread out so that they could be done very carefully over a period of years and would not disrupt law enforcement efforts might be acceptable.

But huge cuts like this to happen to programs, and assume that any part of them will be effective -- that's the problem here. Can you cut a program in half and still expect it to be effective in any way, particularly if you do so at one time?

What bothers me most is that cuts as gargantuan as this occurring at one time will create enormous opportunities for drug forces. I mean, they must be applauding on the sidelines, because what we're doing if these cuts take place at one time in one budget is create new sources of business for them, new routes, and, worse, destroy much of the work that has been done so painfully over the years. And this is one of the hardest jobs in law enforcement and in government.

As I looked at what is attempted in this budget, Mr. Chairman, I didn't see any area of the country that would find the effort we have built up over the last decade or so recognizable.

I mean, whether you're talking about big cities of the kind that Mr. Cummings and I come from, where the drug problem is right before your eyes because of conditions in those cities, and the -- well, let's call it what it is, the elimination of the COPS program. It's being set up for total elimination, including the meth hot spots program that is, I take it, one of the chairman's favorites, or at least we've had a lot of hearings on meth.

To be sure, programs like HIDTA have grown and spread. You had a program like that that started where drugs were most visible, the spots where they have been most concentrated since I was a kid -- the New Yorks, the border areas, and, yes, that has grown. Maybe we ought to look at that, because now many areas are covered by that same program.

If I may say so, Mr. Chairman, it is also the case that drugs have spread from their usual places. They are no longer only in the New Yorks, New Jerseys, Miamis, L.A.s. They are everywhere in this country. And so, yes, we need these programs that link federal, state and local law enforcement officials everywhere now.

And, yes, that costs money. We can spend it one way or we can spend it another. The ranking member and I, of course, have long been on record -- and I believe the chairman would like to spend more money in the usual course of business on preventing people from getting to the point where they are serious users of drugs. Even the demand parts of these programs are going to be cut.

So, Mr. Chairman, I don't know what it is you can do about this. I do know that drug control has been an area on which, under your chairmanship, we have put a great deal of time and effort and concentration. I hope that in some way we can match what you've been doing in the two or

three terms I've been on this committee with this budget, so that what is left standing is something that we will not be ashamed of.

I want to particularly thank today's witnesses who are on the front line, in the front ranks of those doing one of the toughest jobs in America. I thank you for coming to share your information and your knowledge with us.

And thank you very much, Mr. Chairman.

SOUDER:

Thank you.

And let me assure all the members of this committee that we'll need to work together. I talked to Chairman Wolf again this afternoon, told him we were doing this hearing -- from Appropriations -- as well as Chairman Knollenberg and Chairman Lewis, so we certainly are going to work with the Apropr leaders and work to try to make sure that authorizing language and appropriating language -- and I also talked to Chairman Sensenbrenner when we were on a recent trip together.

So, clearly, we need to get authorizing, appropriating and everything to work together. This is a discussion that's important. And I appreciate the witnesses coming today.

First let me do a couple of procedural matters. Before proceeding, I'd like to take care of several of these matters.

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

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

Our first panel, as I earlier stated, is composed of the Honorable Tracy Henke, deputy associate attorney general of the Office of Justice Programs; the Honorable Catherine O'Neil, associate deputy attorney general and director of OCDETF; and John Horton, associate deputy director of ONDCP for state and local affairs.

For some reason, although we have a good crowd today and lots of people know about this hearing, you haven't drawn the attention that the seven baseball player we subpoenaed yesterday, so while you're famous, you're not quite Sammy Sosa and company yet.

If you'll each stand, we need to swear you in. It's the standard practice of this committee to swear all witnesses in.

Would you raise your right hands? Do you swear the testimony you'll give today is the truth, the whole truth, and nothing but the truth, so help you God?

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

Once again, thank you for coming, and we'll go to Ms. Henke first.

HENKE:

Thank you, Chairman Souder, Congressman Cummings. Thank you very much for the opportunity to be here.

As you mentioned, I currently serve as the deputy associate attorney general for the Department of Justice as well as the acting assistant attorney general for the Office of Justice Programs. And I'm pleased to be here today to talk about the president's fiscal year 2006 drug control budget. I also want to thank you once again for the leadership that this committee has shown on these issues.

The president's budget recognizes that the threat of illegal drugs and drug abuse is grave and affects not only the health and well being of our communities and our families but also our national security.

The president's budget for the Department of Justice provides over \$1.5 billion in grant assistance to state and local governments. That includes \$185 million to strengthen communities through programs providing services, such as drug treatment that Congressman Cummings pointed out, as well as \$92.5 million to support drug enforcement.

From OJP's inception substantial resources and programming to support state and local efforts to break the cycle of drug abuse and crime has occurred. We view our core mission to be that of providing federal leadership in developing the nation's capacity to prevent and control crime, administer justice and assist victims.

Part of that leadership is promoting and supporting federal, state and local cooperation to address these vital issues. The support that OJP and the COPS office provides for state and local law enforcement generally takes three forms: That is direct grant funding, training and technical assistance and development of cross- jurisdictional resources.

The budget request includes investments in three programs that are: very well known to this committee: \$70 million for the drug court program, \$44 million for the residential substance abuse program, or what we call RSAT, as well as \$20 million for the COPS methamphetamine program.

We are finding that drug courts are an active tool in combating our war on drugs. Drug courts use the coercive power of the court to integrate effective substance abuse treatment, mandatory drug testing, sanctions and incentives and transitional services for non-violent substance abusing offenders.

As you may be aware, drug courts started at the grassroots level, well before federal funding was ever made available. And today, over 1,500 drug courts exist in the country.

RSAT is a critical aspect of offender reentry programs, helping ensure that offenders come back to their communities substance-free. For fiscal year '06 we have requested \$44 million. The investment in RSAT pays off in several ways.

It not only allows offenders to return to their communities substance-free, but it also reduces incarceration costs for federal, state and local governments and helps prevent further financial and emotional costs of drug-related crimes on families, friends and communities.

The COPS methamphetamine program has provided a unique mix of direct funding, training and technical assistance across a wide range of law enforcement activities. Since 1998, COPS has invested more than \$330 million nationwide to combat the spread of methamphetamine and has developed a problem-solving guide to help law enforcement develop proactive prevention strategies and to improve the overall response to clandestine drug labs.

The \$20 million request for fiscal year 2006 is intended to support state and local clandestine lab cleanup efforts.

In addition, the president's 2006 budget request includes other programs that relate to our nation's capacity to combat illegal drug use and drug abuse. Those programs include a southwest border prosecution program, the cannabis eradication discretionary grant program, and the prescription-drug monitoring program.

Mr. Chairman, as important as direct program funding may be, at the Department of Justice we believe that through training and technical assistance that we provide, as well as the research and statistical information to inform criminal and juvenile justice practitioners and policy makers, the department has even a greater impact on making America's communities safe for our citizens.

Training and technical assistance are the key to a huge multiplier effect in expanding knowledge and practical operating capability to the field. They can also be the key to helping states and localities leverage or even save limited training dollars.

As an example, in response to law enforcement demand, OJP's Bureau of Justice Assistance has more than tripled the number of free methamphetamine training courses offered nationwide. Individuals on the second panel here today have benefited from some of that training.

In addition to direct funding, training and technical assistance, OJP supports state and local law enforcement through cross-jurisdictional efforts that can best be accomplished through federal capabilities.

For example, the president's budget requests \$45 million for the Regional Information Sharing System, which facilitates and encourages information sharing and support to more than 6,000 city, county, state, tribal and federal member agencies. There are 16 HIDTA entities that also use the RISS system.

HENKE:

OJP's Community Capacity Development Office administers the Operation Weed & Seed program, for which we are requesting approximately \$60 million. Weed & Seed is another cross-jurisdictional strategy that aims to prevent, control and reduce violent crime, drug abuse and gang activity in designated high-crime neighborhoods across the country.

Overall, while the budget request reflects reductions and eliminations of some grant programs that provide direct funding to state and local agencies, we believe the investments we are proposing represent a continued commitment to the success of state and local programming while mindful of our dual goals of public safety and economic prosperity.

In closing, I want to emphasize the continued commitment of the administration -- specifically, the continued commitment of the Department of Justice -- to our state and local partners to complement their efforts to eliminate the scourge of illegal drugs and abuse.

Thank you again for the opportunity. I look forward to your questions.

SOUDER:

Thank you very much.

We'll now go to Ms. O'Neil. Thank you.

O'NEIL:

Thank you, Chairman Souder, Representative Cummings. I appreciate the opportunity to testify regarding the president's drug control budget and specifically the funding provided to the Organized Crime Drug Enforcement Task Forces, or OCDETF.

The OCDETF program was created in 1982 to bring together federal, state and local law enforcement to mount a comprehensive attack on a regional, national and even international scale against major drug trafficking organizations and the financial systems that support them.

In March 2002, then-Attorney General Ashcroft designated the OCDETF program as the centerpiece of the Justice Department's drug reduction strategy. Since then, the department has focused the OCDETF program and vastly improved its overall performance and accountability.

OCDETF has achieved great success, convicting nearly 23,000 drug dealers since 2002. Most significantly, between 2002 and 2004, OCDETF participants dismantled 14 of the most wanted international drug organizations.

A key to OCDETF's success has been its strong partnerships with state and local law enforcement. State and locals are participating in more than 90 percent of the new OCDETF investigations and nearly 2,000 active cases overall.

The participation by these officers takes a variety of forms. In some cases, a state and local officer may originate an investigation of a local drug trafficking group that, through solid police work and cooperation with federal counterparts, expands beyond the original district to an investigation of a nationwide or even international drug supply organization.

In other cases, state and local officers provide invaluable investigative assistance to an ongoing OCDETF case by monitoring federal wiretaps, conducting surveillance or taking specific enforcement actions within their local jurisdictions that enable the federal investigation to continue undisclosed.

Although OCDETF's appropriated funding is used only to reimburse federal participants, state and local departments involved with OCDETF can obtain overtime funding. In fiscal year 2004, for example, OCDETF disbursed about \$7 million in overtime funds to thousands of state and local officers across the country.

Additionally, OCDETF shares significant seized assets with our partners. In fiscal year 2004, OCDETF participants deposited more than \$126 million into the assets forfeiture fund and nearly 40 percent of these deposits, or \$49.9 million, were shared with state and local departments.

As OCDETF continues to increase the overall quality of its investigations, and particularly its financial investigations, we expect to seize and ultimately share even more.

When discussing state and local participation in OCDETF, we cannot ignore the strong support we have received from the HIDTA program. In a growing number of cases, HIDTA and OCDETF are working together to impact the drug trade.

As you are aware, the president's budget proposes to transfer the HIDTA program from ONDCP to the Department of Justice with funding through OCDETF. There seems to be confusion about what this move will mean for HIDTA, so let me make one point very clear.

Under the president's proposal, the HIDTA program will not be merged with the OCDETF program. OCDETF will use its executive office to administer HIDTA's funding, but the programs themselves will remain separate and will pursue individual missions as they do currently. Both HIDTA and OCDETF will play important roles in the overall drug enforcement effort.

The department welcomes this proposal as a further opportunity to pursue a comprehensive drug strategy that most effectively attacks organizations at all levels and eliminates the various criminal activities and violence associated with drug crimes.

The fight against illegal drugs must be fought strategically, on many fronts: internationally, nationally, regionally and locally. Both HIDTA and OCDETF must utilize their limited resources in a manner that is complementary and that best achieves our overall goal.

Placing the HIDTA program in the Department of Justice will enable us to more effectively define our drug strategy, to establish clear priorities for our key programs, and to allocate our drug enforcement resources.

OCDETF is well suited to administer the HIDTA program, as it, too, is an independent multi-agency, multi-jurisdictional enforcement program dedicated to promoting cooperation and coordination among drug enforcement personnel.

No single investigative agency is more important than another, and we strive to ensure that we are effectively leveraging the expertise and manpower of every entity that participates.

While the president's budget reduces HIDTA funding to \$100 million, the department is committed to making HIDTA operate productively, particularly by emphasizing those elements of the program, including coordination and intelligence sharing, that have worked so well over the years.

Before closing, I simply want to note that the other elements of OCDETF's budget -- the funding for the fusion center, for new prosecutors and marshals, and funding for the FBI -- all will enhance the program's overall ability to dismantle major drug trafficking and will allow OCDETF to continue to work closely with state and local departments and to share the proceeds of our success.

OCDETF was born in an America that was under attack from organized drug trafficking. And to respond to that threat, we adopted a strategy of cooperation among law enforcement at all levels: federal, state and local.

The proud tradition of cooperative law enforcement remains just as vibrant today as it was more than 20 years ago, and today our efforts remain just as critical to our nation's security and our future. So we will continue to fight against illegal drugs. We will fight harder and we will fight smarter, and we will win.

I appreciate your support for this program and for our overall drug enforcement efforts.

SOUDER:

Thank you.

Mr. Horton?

HORTON:

Thank you, Chairman Souder, Ranking Member Cummings and members of the subcommittee. Thank you for the invitation to testify before you today regarding the president's 2006 drug control budget.

I have submitted written testimony and would ask that it be made part of the record.

I recognize that you've already heard from ONDCP director John Walters regarding the overall drug control budget, so I will keep my verbal testimony brief. I will also try to keep it focused on aspects of the budget which specifically pertain to drug enforcement programs.

Broadly, the president's proposal increases the drug control budget by nearly \$270 million, or 2.2 percent, over this fiscal year. The budget incorporates the programs and principles needed to continue the success the administration has seen over the last three years, a 17 percent reduction in youth drug use in America.

The drug control budget increases support for domestic drug enforcement by 2.1 percent, or nearly \$70 million. Dividing the drug control budget into five policy categories -- prevention, treatment, domestic enforcement, international, and interdiction -- domestic enforcement occupies the largest individual slice of that pie, at 27 percent.

This is the federal budget, and so it should perhaps come as no surprise that our drug enforcement support is primarily federal in nature. I am joined today by colleagues, as you know, from the Department of Justice, and between the three of us I hope we can answer questions the committee may have about specific programs.

I recognize that one of the programs of interest is the High- Intensity Drug Trafficking Area, or HIDTA, program. And so before concluding my verbal testimony, I would like to take a few moments to explain the rationale behind the administration's proposal regarding HIDTA.

The president's budget proposes two things regarding HIDTA: first, moving it from its current location at the Office of National Drug Control Policy to the Department of Justice, and, second, to fund the program at \$100 million.

With respect to the location of the HIDTA program, the administration thinks that the best place for drug enforcement programs like HIDTA is at the Department of Justice. That's one of the reasons that the Department of Justice exists, to oversee and to coordinate our national law enforcement efforts.

The HIDTA program is an important part of those efforts. In order for the program to be the best it can be at important functions like intelligence sharing and fostering multi-agency and multi- jurisdictional coordination, it is important for the program to be at the Department of Justice itself.

It's also important that the program retain its focus on state and local law enforcement, and ONDCP will work with the Department of Justice and with Congress to ensure that the focus is maintained and that the transition is smooth.

With respect to the funding level for HIDTA, I would first note what we think is the most important fact: that the HIDTA program is important, and that is why it was not proposed for elimination.

Broadly, I know that Congress is aware of the president's commitment to fiscal responsibility and to sustaining the economic expansion by exercising fiscal restraint. As a matter of general principle, the administration is trying to be as efficient with the money of the taxpayers as we can. They expect it, and I think that you in Congress do as well.

The level of funding proposed for the HIDTA program, combined with its placement at the Department of Justice, will enable the program to maintain a strong focus on supporting state and local agencies.

Additionally, I would note that the administration has rightly made program performance central to budget decision-making, and the Office of Management and Budget has concluded that the PART score, the program assessment rating tool used by OMB, of the HIDTA program suggests that the program has not demonstrated results.

With that said about HIDTA, I think it is important to look at the president's drug control budget as a whole. It increases support for domestic drug enforcement. It increases the drug control budget as a whole in a fiscally responsible manner.

I recognize that some of the specific provisions in the budget will be the subject of a healthy debate, as they should be. And while the American people deserve a rigorous and a vigorous discussion of the right funding priorities, they also deserve to have their money spent on the programs that will provide the best results.

The ultimate test of success is continued reductions in, especially, youth drug use. And this budget is the right way to continue the successes of the past three years.

Thank you, and I look forward to answering any questions that you may have.

SOUDER:

I thank you all for your testimony.

I'm very frustrated with the testimony. And let me say, first off, if I can give as big of an insult in my vocabulary I can, this is the closest I have heard to early Bill Clinton. From a Republican administration I find it appalling.

What we faced when we came in in 1994 was a drug czar's office that had been basically gutted. Now, today, again, we hear the drug czar more or less saying, "Go ahead and gut my office," that you're going to be left -- there's a substantial proposed reduction in staff, but you have most of your staff, unlike what happened in the first two years under Lee Brown, from 125 down to 25.

But they're taking almost all your programs out, and you're publicly praising that. You're going to be left basically, in the Texas expression, as all hat and no cowboy, because you're going to have your staff there, but your HIDTA program's gone, for the most part. It's transferred. Your CTAC program is dramatically reduced.

The question is that then you're reduced to a lobbying thing -- quite frankly, this was a battle we had in the early days of the administration when President Bush first wanted to downgrade the drug czar to a non-Cabinet level position, which comes to the question of who cares, in one sense, whether you have an office of ONDCP with a drug czar or whether it's over at the attorney general and the attorney general becomes the drug czar.

Well, why did Congress do that? And I say this as a -- it doesn't matter who the attorney general is at a particular time, and I certainly have nothing against the Office of Justice Assistance. The sister of our governor of Indiana was head of that. Terry Donahue from my hometown has been a key player there. My hometown does pretty well with Justice Assistance, and I have seen many effective programs.

Karen Tandy, who now heads DEA, headed OCDETF and has done many things, great things, to bust up organized crime.

But I can't say this more clearly: The reason we created the Office of National Drug Control Policy and set up these things is the Attorney General's Office and the Department of Justice are fair weather friends to the drug battle, because you have multiple crime battles to fight in the United States.

Whatever fad Congress decides, if it's this thing or that thing, or whether -- all the variation of organized crime -- your primary mission never will be drugs. It will always be a key part of your mission because you can't separate law enforcement from narcotics, but it will never be the primary mission.

You have subagencies like DEA that it is, but that's why Congress wanted to have and created an oversight office, and why Congress is likely to fund that.

And to come in with the type of testimony that basically sticks your finger in the eye of Congress and the historic tradition of why we did this, without any consultation -- I've talked to each of the appropriators and each of the authorizers. There was no consultation with any committee about whether you should come in in an appropriations process and try to jam every authorizing committee and to jam the Appropriations Committee with this approach. And it is extremely disappointing.

SOUDER:

Furthermore, there was no reference to Byrne Grants other than in the front page of your testimony where our hearing title includes Byrne Grants. There was no reference to the elimination of Byrne Grants, which are critical to task forces and have been over the years. And multiple times the administration has proposed getting rid of them, and Congress puts them back in.

I also wanted to say, before I get into a couple of the questions, that, you know, we hear training, training, training. You know what? I've got all kinds of people trained on meth. What they don't have is a lab to clean up the mess. So we've trained a bunch of people, and they sit out there for four to eight hours waiting for somebody to show up with a meth lab.

The argument that we need to transfer more money to training just isn't going to fly here. What we need are more labs, different methods of how to do it.

Now, I have a series of questions that I want to make sure that I start out with. And specifically, I've listened, and these are mostly for Ms. Henke and Ms. O'Neil. And maybe I'll start with Ms. O'Neil and Mr. Horton on this.

As I understood your testimony, Ms. O'Neil, that the HIDTAs wouldn't be eliminated but their budgets are being cut 60 percent, are you saying that under this program no HIDTAs will be eliminated, some HIDTAs will be eliminated, all HIDTAs will be sustained and just be wiped out including the 60 percent reduction on southwest border, 60 percent in Texas, 60 percent in California, or are you proposing to eliminate Iowa? What is the thought of this?

O'NEIL:

Yes, Mr. Chairman.

I don't believe I said that no HIDTAs would be eliminated. My testimony was that the HIDTA program would not be merged into OCDETF, that it is not our goal to turn the HIDTA program into the OCDETF program.

We recognize that HIDTA and OCDETF very clearly have distinct missions and need to continue with an overall strategic vision to have each have very focused missions, and that's what we hope this would accomplish.

SOUDER:

And did you say all of them would be reduced 60 percent, or are you going to cut out some HIDTAs?

O'NEIL:

The president's budget would provide \$100 million in overall funding, and it will be incumbent upon the Department of Justice and ONDCP and, quite frankly, the HIDTA community to work jointly to figure out how that \$100 million can be administered and spread most effectively with the HIDTA program and with the HIDTAs that are working most effectively.

SOUDER:

And what methodology would you use to determine which HIDTAs you're either cutting by 60 percent, 100 percent or 80 percent or eliminating? What methodology?

O'NEIL:

At this time, we have not established any sort of firm methodology. What I would say is that we, obviously, would be looking for HIDTAs that are supporting the overall goals of the national drug control strategy, the goals of the department drug strategy, and HIDTA programs that are working effectively.

SOUDER:

Which three HIDTAs do you think aren't working effectively and would be an example? Because if you came up here proposing to cut out 60 percent of the funding and you don't even have three examples of something that isn't working, you've got a fundamental problem.

You're asking Congress to change our budget. You're telling me you don't have the methodology of how you're going to reduce it. You don't know whether they're going to be eliminated or partly eliminated. And if you can't even name three that you think are a problem, we've got a problem here.

You're asking us for blindness to wipe out a program that's working. And do you have three that you think aren't?

O'NEIL:

I do not have three HIDTAs that I would identify at this time.

SOUDER:

Do you have one?

O'NEIL:

Again, Mr. Chairman, what we want to do is to get our arms around the HIDTA program, to make sure that we understand exactly where the funding is, how it is being spent, what is

working well, what might not be working so well, and to make decisions that will make sure that the HIDTAs achieve the overall goals that...

SOUDER:

Wouldn't it make sense...

O'NEIL:

... they are meant to achieve.

SOUDER:

... to do that before you propose eliminating them? I mean, I don't even understand as a budget management person, a person who has a business degree, an MBA degree, and worked in the private sector.

What you just said was you want to get your arms around, figure out which ones are working, how to do it, but you've already decided that you want to cut the funds 60 percent and maybe eliminate some. On what basis?

O'NEIL:

The president's budget proposes the \$100 million, and it would be my understanding that the manner in which the \$100 million was arrived at would be pre-decisional, and I would not be at liberty to answer that question.

SOUDER:

How did they come up with the \$100 million?

O'NEIL:

That question may be best turned to my friends at ONDCP. Again, that would be a pre-decisional budget decision that I would not be at liberty to share.

SOUDER:

Mr. Horton, did you make the recommendation of \$100 million and go to OMB, or did OMB come to you and say it's \$100 million?

HORTON:

Mr. Chairman, I frankly do not know the answer to that. If you're asking me if I personally did it, the answer is no. But I'm not aware -- I believe it was pre-decisional and resulting from discussions. I don't know who initiated it.

SOUDER:

You're deputy director for local affairs. Do you work with the HIDTA program directly?

HORTON:

I'm the associate deputy director.

SOUDER:

Associate.

HORTON:

I do work with the HIDTA program.

SOUDER:

Did they ask for your input, and did you agree that they should be reduced?

HORTON:

Unfortunately, I think that's pre-decisional, and I probably can't answer. Sorry.

SOUDER:

Would OCDETF retain the current operating guidelines of the HIDTA? For example, would you have an executive board made up equally, Ms. O'Neil, of state and local and federal?

O'NEIL:

Certainly, we want to look at the way the HIDTA program is structured and determine how well those executive boards are working and whether they should be maintained.

I think there has been some sense that by coming over to the OCDETF program or being administered by OCDETF that we would have a natural inclination to impose the existing OCDETF management structure onto the HIDTAs.

And OCDETF and HIDTA were created to do different things. Our regional task forces reflect the mission and the direction that the OCDETF program was meant to have, and our intention would be to maintain a strong partnership with state and local law enforcement and to structure the HIDTA program in a way that furthers its mission and makes sense from a management standpoint.

SOUDER:

So you're arguing that we should change the program but you haven't decided whether you're going to include state and local balance like it currently is? That's something you would determine after we've already eliminated it?

O'NEIL:

Well, we would absolutely include state and local. The focus of the HIDTA program has always been a partnership with state and local law enforcement, and there would...

SOUDER:

So you would have an equal balance between the two? That's the fundamental philosophy of creating the HIDTA. So if you want to change and come to Congress and say, "We want a change," you need to be able to answer the question of are you proposing changing the fundamental nature of this program, where it's 50-50 state and local or federal, or not?

And if you don't know the answer to that question, why are you proposing a change? In other words, you -- it's one thing to say, "We want some research money to look into how to do this, we want to propose a reauthorization bill to figure out how to re-do this."

But you have a funding bill -- by the way, did OCDETF go to OMB and say, "We would like this program taken away from the drug czar's office"?

O'NEIL:

Again, I would have to agree that that would be pre- decisional. I personally did not go to OMB.

SOUDER:

Do you know whether OCDETF, Department of Justice or the drug czar's office surveyed local law enforcement people to see what they thought about this change?

O'NEIL:

I am not aware whether or not ONDCP or others did. I personally did not conduct a survey.

SOUDER:

Have you seen anything in your departments that would suggest any kind of surveying of state and local law enforcement to ask them whether they would continue to participate, whether they think it would be better off moved over, or was this a unilateral budget decision made without consultation at the state and local level?

O'NEIL:

There is certainly nothing that has come across my desk, but that does not mean one way or another whether such sorts of surveys or studies exist. I certainly know from communications with HIDTA directors that there has been some sense that they were not consulted.

SOUDER:

Thank you.

Mr. Horton, do you have any insight into that? Did your office survey -- because let me just say, as chairman of the subcommittee, I certainly haven't heard anywhere in the country that HIDTA's Byrne Grant drug task forces or local law enforcement has been consulted. If it was done, it was very quiet.

Do you know whether there was any surveying done of state and local law enforcement before you proposed a huge change in the whole drug enforcement program?

HORTON:

I do know the answer, Mr. Chairman, and the answer is that we did not consult with state and local law enforcement about the specific inclusion in the fiscal year '06 budget on shifting the HIDTA program from ONDCP to DOJ. To the best of my knowledge, we did not.

SOUDER:

OK. Thank you for your openness.

Mr. Cummings?

CUMMINGS:

I've got to tell you, this is very upsetting. But I want to take this in another direction.

Methamphetamine in Baltimore -- that is not a major problem in Baltimore, but it is a major problem in this country. There is not one day that goes by that I walk on the floor of the house that some one of my colleagues, Republicans and Democrats, tell me about a methamphetamine problem in their district.

And I just want to know what went into the thinking about the whole meth program. Can you tell me about that? Who wants to talk about that? Yes.

HENKE:

The COPS program -- the president's budget is consistent with the prior fiscal year budget that he submitted for \$20 million. Congress did appropriate over \$50 million. The president did request \$20 million. Those additional resources that Congress appropriated all were earmarked, so the president's budget remains consistent on that \$20 million request.

CUMMINGS:

You realize that the methamphetamine problem is getting worse in this country.

HENKE:

That is why we are working on several programs, including the drug court program, the RSAT program, et cetera, to try to do what we can to address those issues, and why we are providing -- and I know the chairman's referenced the issue of training, but we are providing some specific training and tools to law enforcement on that.

CUMMINGS:

What about money? I mean, in other words, you know, we've had some -- again, you know, it's interesting. I've gotten so interested in this because I've had people from -- I represent a city, and I've had some people from rural areas. We've sat here, and -- I mean, law enforcement, men and women on the front line, and they are so frustrated because they tell us that they have limited resources.

They have to clean up these labs. They go out there with the limited resources they have, tie up somebody sometimes for eight to 12 to 14 hours, in a small force. And I'm trying to figure out what we're doing for them.

And the reason why I'm raising this -- I don't know what we're going to hear from the next panel, but I can tell you one thing. If I were on the next panel, I would be very, very, very, very upset. And the reason why I would be upset is because what I said from the very beginning.

These are the people that are on the front line. I mean, it's nice to hear folk making these decisions, but when they tell me that they worry that the public will get the impression that they can just mosey into their jurisdictions because they don't have the manpower, and they don't have the resources that they need, and these folks get these drug dealers, and these drug manufacturers believe that they can set up shop almost anywhere, and then to hear -- you know this is on C-SPAN right now, right?

And there are drug folks who are sitting right now watching this. They're bright people. And they are listening to all of this, and they're probably saying to themselves, "My, my, my, we're in pretty good shape, we're in pretty good shape, they're making decisions, they don't talk to each other, boy, this is great, let's see where we're going to go next, because we're not so worried about getting caught."

And when I hear that these decisions are being made without our local and state input, I've got to tell you, it is very, very upsetting.

And it's upsetting for another reason. And it just seems logic would tell us that when you're dealing with members of Congress, and you're dealing with things like HIDTA, and you're dealing with methamphetamine, and you're dealing with these programs, every single member of Congress is going to go berserk on this, I'm telling you.

It doesn't even make sense. And what I'm saying to you about it is that -- just not long ago, back around February, early February, in Indiana, a little girl was killed. She was 10 years old. Her last name was Collman. She was killed because she witnessed some kind of methamphetamine transaction. And so this is Indiana.

Then I'll take you to Baltimore. We've got a major drug problem that our Commissioner Hamm, who's over there in the back, will tell you we're fighting with everything we've got, and still you come here and you tell us about all these cuts and how you're slicing and dicing, but the very people who've got to face this stuff front line -- they're not even in the mix.

I mean, it doesn't -- and I don't think that that says anything too -- I mean, so we do have a program called HIDTA, and I'd like for you all to tell me specifically what is wrong with HIDTA.

CUMMINGS:

I want you to be very specific so I can know, since we have to make these decisions.

I want to know does HIDTA have to have its money managed. Is there something wrong with the way they're managing their money?

And I want to know what we expect is going to happen that's going to make them more effective and efficient. Help me.

O'NEIL:

Well, sir, I would certainly speak to the management issue of the money.

I think the very simple answer to that is someone has to manage the money. Currently, ONDCP administers the grant funding, and now when it comes over to the Department of Justice there needs to be an entity at the Department of Justice who will serve the same role.

I think OCDETF was chosen to serve that role because OCDETF, like HIDTA, is a federal, state and local law enforcement partnership. It is not the DEA or the FBI, or any other single federal enforcement agency, but rather a program dedicated to coordinating law enforcement entities at all levels.

CUMMINGS:

Well, wait a minute. Hold on. Can you hold it just right there, because you're a little bit ahead of me?

O'NEIL:

I'm sorry.

CUMMINGS:

No, no, no, no, no. That would be nice for the second part of my question.

Was part of the reason -- was there something wrong, then, with the way ONDCP was administering the funds that caused us to move to this situation? Mr. Horton?

HORTON:

I'd be happy to answer that.

No, I think the important point here is to know that there are some things that are very right with HIDTA. And, in fact, if you look at the drug control budget, it says that the HIDTA program has been effective. It has been effective in encouraging cooperation...

CUMMINGS:

Well, I thought Ms. O'Neil just -- I could have sworn I just read -- wait a minute, now. Am I going crazy? Wait a minute. I read here -- this is your testimony, Mr. Horton's testimony. It says the administration has made program performance central to the budget. Do you have your written testimony?

HORTON:

I do.

CUMMINGS:

And then part of it says that HIDTA has not been able to demonstrate results. You're talking about 2004-2005. Did I miss something?

HORTON:

Yes, let me explain that. If I could explain that, there are things that the HIDTA program has done that are effective. It has encouraged cooperation between the federal, state and local agencies, and the PART, the program assessment rating tool, found that the program -- it didn't say it was ineffective; that was not the finding.

CUMMINGS:

Let me ask you this. Let me ask you a different -- because I think we're, kind of, dancing around words here.

You've got HIDTA people sitting right here, and they're going to testify in a few minutes, so they're going to -- I guess I don't know what they're going to say.

But I want to know, has the HIDTA program overall demonstrated results. If it hasn't, we need to know that. And if it hasn't, I would like to know why, and why do you all think it hasn't demonstrated -- so that we can then talk to the HIDTA people and say we want some accountability.

And since we've got so many of them right here in the room, it seems like a good time to me for us to share information.

HORTON:

Ranking Member Cummings, we clearly think that there are some things very right about the HIDTA program. That's why it wasn't eliminated. We are funding it at \$100 million. I recognize that's a cut, but again, it is being funded at \$100 million.

CUMMINGS:

You know, I've got to tell you, I heard Ms. O'Neil say the same thing you just said, that, "We're not eliminating it, but we're cutting" -- in other words, you're saying, "Be happy, be

happy we're not eliminating it, be happy -- we're only going to cut 60 percent of it, be happy. Be happy because it's going to be better because OCDETF is going to administer the funds now."

We don't know how we're going to make this adjustment and still be effective and efficient. Sixty percent cut is a serious cut. And I guess what bothers me is I really wonder what's going through the heads of the HIDTA people who are sitting behind you.

And I wonder what's happening and what's going through the heads of all those men and women who every day go out there, working with HIDTA, trying to make a difference, putting their lives on the line, leaving their wife and their children or their spouse, not knowing whether they're going to come back because they're dealing with some criminals who think that life isn't worth a damn, and yet and still there's no -- the communication thing.

I mean, it's like when it comes to them, you say they're doing a good -- would you say they're doing a good job?

HORTON:

I think there are a tremendous number of the HIDTA directors that are law enforcement who do a wonderful job in this country. I know that.

CUMMINGS:

But are they good enough -- and then I'm almost finished, Mr. Chairman...

SOUDER:

Well, I want to get one of your questions answered.

CUMMINGS:

Yes. Well, I've got to ask this one.

Are they good enough to be consulted? These are highly professional people who know their job, many of whom have been doing this for many years. Many of them are severely underpaid. Many of them have to, like I said before, pump up their personnel to keep them going.

They've got to go back to their offices today or tomorrow and talk to their people and keep their troops in line, and keep their morale up, after their troops have listened to this that basically says, "Well, guys, you know, it's too bad we're going to make these changes, but you're great guys, and you're on the front line, and you're professionals, but a decision has been made that 60 percent of your budget's going to be gone, we don't know what's going to happen to you next, and, by the way, the criminal element's been watching C- SPAN."

HORTON:

Mr. Chairman, I'd be happy -- and Ranking Member Cummings -- to respond to the consultation part of your question.

And, first, I want to mention I come from a law enforcement family. I'm a former prosecutor, and I have uncles who are police, and I know the sacrifices they make very well.

As you know, when we come up with a budget every year that we submit to Congress, when we say it's pre-decisional, I think there are very few, if any, parts of that that are allowed to go outside of the administration.

I recognize -- it would be disingenuous for me to state otherwise -- that law enforcement, of course, would have preferred that we'd come to them. But that's not the way the budget process works, is the honest answer.

And the other thing I would note is that the HIDTA budgets do not account for all of any -- whether it's the Warsaw, Indiana, police or the Baltimore police -- they are meant to support those efforts, so I hope that law enforcement understands this is not personal.

It is a tough budget environment this year, and we've had to come up with a national drug control strategy that we think is best, not one that focuses only on drug enforcement but incorporates prevention, treatment, international interdiction.

And we think this budget is the right way to accomplish continued...

(CROSSTALK)

SOUDER:

Pre-decisional budgets that don't include people don't pass. And that's going to be -- and it's been one of the problems with the Byrne Grant proposals. If you don't consult anybody, the budgets don't pass.

To say, "It's pre-decisional, it's going to be inside the room, and we're just going to do this inside OMB, and maybe tell the agencies," isn't going to work. And it's going to become abundantly clear again if I have to vote against the budget.

And it doesn't take very many Republicans to do a wake-up call here that an arrogant approach that says, "Everything is pre-dispositional, we're not even going to talk to all these people out in the country, we're not going to present any evidence to Congress" -- Mr. Cummings asked multiple times, and I tried to ask the question, you're proposing to transfer it from ONDCP to OCDEF.

What did ONDCP do wrong to cause the transfer? You have not given any compelling evidence that says why it should be moved over or what the punishment is. Why do you think that the Attorney General's Office can do it better than ONDCP?

HORTON:

Mr. Chairman, I don't mean to imply -- and I don't think that anybody at this table means to imply that ONDCP has done anything wrong. I certainly hope that's not the case, being part of ONDCP myself.

As I indicated in my testimony, we think that law enforcement programs, drug enforcement programs like the HIDTA program, should be in the part of the federal government that has the primary responsibility for law enforcement and for drug enforcement.

(CROSSTALK)

SOUDER:

... Department of Homeland Security which has more drug enforcement people than any of you?

HORTON:

No, I'm talking about in this particular case...

SOUDER:

Oh, then why this particular case and not all cases?

HORTON:

Well, there are some -- as you know, the primary drug enforcement agency of the federal government is the DEA.

SOUDER:

I would argue that the Border Patrol and Customs and Coast Guard units inside, while there have (inaudible) of Homeland Security, have as many agents doing drug enforcement things, making as many joint arrests, as what is in the Justice Department.

And the HIDTAs and local law enforcement do 90 percent of the arrests. That is not a factual answer. Justice Department has more individual programs, but you did answer the question.

Your argument is that ONDCP didn't do anything wrong, you're moving it over to the Justice Department to try to consolidate drug programs in the Justice Department. Is that basically the testimony?

HORTON:

I'm not sure, Mr. Chairman, that I would use the word "consolidate." As the associate deputy attorney general, indicated, OCDETF and HIDTA, for example, have -- they will be distinct programs, but we do think that it's appropriately placed there.

SOUDER:

And you said that you believe some HIDTAs are doing well. Can you name some that aren't doing well?

HORTON:

Mr. Chairman, I don't have specific HIDTAs that I would name right now that either I would say are...

(CROSSTALK)

SOUDER:

But you want us to cut the budget, and you don't have a single example? I don't understand this. How can you propose cutting the budget and none of you have an example? Mr. Cummings was asking this question, too.

If you have measurements, and you say that you've got evidence that suggests that the program needs to be redone, or even just to offer testimony that says it can be done better, on what basis? And which ones aren't?

And then, furthermore, when we talk about state and local, in New York, which arguably is the most integrated HIDTA where they've also integrated DEA and Department of Homeland Security, and are doing all these things together, are you proposing to cut them 60 percent too?

Do you propose to cut the New York City HIDTA 60 percent, or will they be held full funded? Because if you don't cut them 60 percent, by definition, since it's one of the biggest HIDTAs, you're really going to whack everybody else.

And yet everybody thinks it's an amazing unit. Why would you touch it? And if you say you're not going to touch it and hold them harmless, your budget numbers don't work. You've got a flaw here in the basic proposal.

HORTON:

Mr. Chairman, the drug control budget does not specifically propose to cut the New York HIDTA, what's going on up there in New York. There are clearly some decisions that will have to be made, and ONDCP and the Department of Justice are going to have to come up with a more specific plan. We knew that. And we'll be sharing that with you.

SOUDER:

So you're asking Mr. Cummings, who may not vote for the budget anyway, and Ms. Watson, who may not vote for the budget anyway, to say, "Vote blind; trust us that Washington-Baltimore HIDTA and Los Angeles HIDTA aren't going to be eliminated."

I don't have a HIDTA. I'm making this argument on principle, not on a Fort Wayne HIDTA. On Byrne Grants -- I have a Byrne Grant. We don't have a drug task force without Byrne Grants. But on HIDTAs, you want them theoretically to vote for a budget and say, "Trust us as to whether we put all the money over in New York, or over in Iowa, or down in Texas; vote blind."

HORTON:

We're asking that you vote for the president's budget not based purely on that factor, but because we think that this is the overall strategy incorporating all of those five functional units that will accomplish continued reductions in drug use in America.

SOUDER:

Ms. Watson?

WATSON:

I am just now coming into the meeting, but I understand that there has been some charges of corruption. And if you have explained them, let me know. I don't want you to have to repeat responses.

But are you aware of cases of corruption and abuse involving Byrne funds and do you believe these are widespread problems? I get the sense that you're asking to de-fund some of these programs, is that correct?

HORTON:

Congresswoman, that's correct.

First, as to the corruption question, I'm certainly not aware of anything like that in my office or in the HIDTA program. I'm aware you asked about Byrne, and perhaps I should defer to the assistant attorney general.

HENKE:

Congresswoman, there has been over the years several I.G. investigations and GAO investigations into COPS programs, into Byrne programs, et cetera, where abuse and misuse has been found. Is it widespread? No, we don't necessarily think it's widespread. But we do know that there are problems out there.

WATSON:

When you find those problems, what can be done about them, those specific ones, since it's not widespread?

HENKE:

It depends on the specific situation that is found, whether or not it has resulted in involvement from the FBI or the U.S. Attorney's Office, or whether or not it is just a small violation of program rules or responsibilities that have been identified by the inspector general or the GAO or others.

And so sometimes it means going and asking for funds back. Sometimes it means just freezing funds for that specific entity until the problem is resolved. And so there's a variety of actions that we can and do take.

WATSON:

Bring me up to date. Are you recommending -- I guess this is to Mr. Horton -- that we eliminate some of these problems or we cut funds?

HORTON:

Congresswoman, there are some recommendations throughout the entire drug control budget to cut or -- well, first of all, eliminate some programs. And what we were most recently discussing was the cut of the HIDTA program to \$100 million and the shifting of that to the Department of Justice from its current location at my office, the Office of National Drug Control Policy.

WATSON:

I represent a very critical part of Los Angeles. I represent what they used to call South Central Los Angeles, or South Los Angeles now. We suffer from a rash of gangs, and violence with guns and a lack of police. We've tried several tax enhancements to hire more police and they have not succeeded.

If there's any program that we need funding or need more of, it certainly is the COPS program, HIDTA programs and anything that will help us as we deal with youth on the street.

I am wondering why the proposals that are going to be in front of us are looking at these very critical programs for cuts. Can you explain to me why this is occurring?

HORTON:

Certainly. I'd be happy to speak especially to the HIDTA program itself, and then on some of the other programs that fall under the jurisdiction of my colleagues from the Department of Justice I may defer to them.

But as I indicated earlier, I think that, first, we all know that this is a tight fiscal environment. And that's an overarching factor, I think. I indicated earlier that OMB has found that the HIDTA program has not demonstrated results. That's under its PART, program assessment rating tool. That is not to say that it was found ineffective; it was found that it had not demonstrated results.

And the president's drug control budget also notes that by moving the HIDTA program over to the Department of Justice -- that is where many of our drug enforcement efforts are housed, such as DEA, OCDETF, the Organized Crime Drug Enforcement Task Force. And we think having those programs be able to work from the same section of the federal government will be more efficient and help accomplish our drug control objectives better.

WATSON:

Let me just say this: I don't think so. We are 3,000 miles away. There is not even communication between Washington and California. I found that out with trying to get rid of a gun and arms shop, ATF, that has been operating for 15 years illegally.

I go to the ATF federal level, and then I have the regional people in my office, in my district office, and I said, "Did you know they're getting ready to renew the license for this guy who's been there illegally, and he has not complied with the local ordinances?" No. They don't talk to each other.

And so there's no way you can convince me that you can run it from Washington, D.C. when you can't -- when ATF can't oversee and run the program out in Los Angeles.

Now, when there was testimony before Congress in support of the HIDTA program, the chief of the California Bureau of Narcotics Enforcement testified and said an essential component of HIDTA is the flexibility and the ability for unique law enforcement problems to be addressed.

And the benefit of flexibility of the local board to decide what threat is pertinent to their region is absolutely essential to fighting the drug problem in a particular area. I can testify to that. You cannot tell me that you can run it from Washington.

And believe me, we have a horrendous problem, as you know, in the Los Angeles area right in my own district. And so they are testifying to the effects of a program that gives them the flexibility to be innovative and creative.

And believe me, the gangs on the street are -- they far outpace law enforcement being creative. You know, they've got a better communication system, and they change their language every day, and they get away. They sell on those streets guns.

So I'm just saying that I don't know what your data are, but I can tell you from what my people say in the region, this is a program that they can't do without.

HORTON:

Thank you for those comments. I want to correct a misimpression I may have inadvertently made.

We are not proposing that we would be sucking all the HIDTA activity back up to Washington, D.C. In fact, I fully expect that the HIDTA program is going to retain and maintain its focus on supporting state and locals.

The Department of Justice and ONDCP, my office, have talked about that, and I'll defer to the associate attorney general for the remainder of this answer, since the program is proposed to go to her. But I know that we agree that it would retain its ability to respond flexibly to state and local problems you described.

O'NEIL:

Congresswoman, I would reiterate that comment. Certainly, as I mentioned earlier before you had come in, the program needs to be run from somewhere, and they have determined that within the Department of Justice the appropriate place to do that would be from the OCDETF program.

And I might share with you that while OCDETF doesn't have certainly quite the same structure that the HIDTA program has from a management standpoint, simply because it's designed to do something different from HIDTA, we, too, run our programs out in the field.

Our structure is comprised of district coordination groups that are made up of the representatives of all of our federal law enforcement agencies as well as, under our guidelines, a state and local representative on every one of those district coordination committees.

And at the regional level, we have all of our agencies represented again, and, in fact, we have state and local law enforcement representatives on two of those regional committees. We have HIDTA directors on three of those regional committees.

And even the OCDETF program, which has a more regional national and international focus, recognizes that strategies have to be developed out in the field. And we have our OCDETF regions submit to us regional strategies that will work for the Southwest and the Great Lakes and the Southeast, so that we can even adjust the OCDETF program to adapt to the way that we must attack the drug trade and the differences that the drug trade has in different parts of the country.

So I completely agree with you and that certainly would be an important part of what we would intend to continue to do.

WATSON:

For my own edification and clarification, you're saying we're just going to pick up and house this program over here. It still will depend on local cooperation and collaboration, and the locals suggesting strategies, is that correct?

SOUDER:

No, that's not what -- may I intervene?

WATSON:

Yes, please do. I...

(CROSSTALK)

SOUDER:

Because we covered this a little. And let me ask again, you suggested that part of the reason it's moving over to the Justice Department is -- and you said "they." It was interesting you said "they" rather than you at OCDETF -- decided that it should be in OCDETF because of your structure.

Now, I had asked you earlier the way HIDTAs were structured, it was half local and half federal. Are you going to have half local? The way you just described your task forces is local are invited to be part of the committee, but they do not have the same leverage that they do in a HIDTA.

The whole concept of a HIDTA was to give equal voting power because most of the dollars come in from a local match, and we use our federal dollars as leverage. Ms. Watson, when she was asking her question, hit a core point.

The fundamental belief, I believe, behind this ideologically, which we have sensed within this committee, is a feeling that the HIDTAs have become too oriented toward local and regional and not national enough, and one way to do that, and to change that, and nationalize it, and give less power to the people in Los Angeles is to move it to an OCDETF-type structure rather than a HIDTA structure.

And thus far, you have been unwilling to say, even though you're asking us to move the funds, that you will keep the same structure that half of the group will be local agencies and half will be federal.

Will you say to this committee, as authorizing committee on HIDTAs, that you'll keep half and half? Or do you see it modeled more like the OCDETF model where -- and I'm sure Ms. Watson will appreciate this -- we can say all the time we include the minority on all sorts of bills, and they're welcome to come to the hearings, and there may be three of them while there are 200 of us.

And they may even get to offer an amendment here or there that we get to vote down. This is about power. And if the majority is federal and the minority is included -- the HIDTA director gets to sit on it -- the difference in the HIDTA program and the concept that Congress passed was equal partners, 50-50.

It's been a headache on national strategy. I understand it's been a headache. And it looks to me like you're saying, "We're tired of the headache, we're moving it over to the Justice Department, we're going to have a clear top down, and we'd love to have them along for the ride, and as long as they're good we'll keep them on our advisory committee, otherwise they're welcome to sit there and complain, but they're going to be voted down."

O'NEIL:

Mr. Chairman, let me make myself clear, because I don't want to leave any misimpression.

When I was describing the OCDETF structure, I wanted to describe it to explain how even we, which you would consider to be much less of a state and local or regional flair type program, recognized how important it is to get the input at the district level and the regional level.

And I was explaining our structure that works for the OCDETF program, because the focus of the OCDETF program is a federal program. What we do is we fund federal agencies through our appropriation and we partner with state and locals, and so our management structure reflects that.

What we would want to do for the HIDTA program is to preserve what has worked so well for the HIDTA program, which is its focus on state and local law enforcement. It works differently than the OCDETF program does. And we would want to then select the management structure that works most appropriately to reinforce that mission.

And if the HIDTA boards as they have been structured is the most effective way to do that, with a 50-50 participation or other recommendations that the HIDTA directors may have for that management structure, then that would certainly be a direction that we would want to go.

SOUDER:

So you're proposing to change it, but you don't really know yet. I mean, we just did a loop, because you said if the current structure is effective the way it is, then you would keep it. But we already have it.

And if you don't have any evidence that it isn't effective, why are you changing it? Unless there is, in fact, a management question that Ms. Watson was just asking, which is are you changing the fundamental nature -- you're at the very least admitting that you're going to study the fundamental nature and that you haven't concluded how you're going to do it.

O'NEIL:

I think...

SOUDER:

You admit that OCDETF, which certainly has local participation -- I didn't mean to be overly cynical about it. When there are disagreements, voting rights matter. And one of the frustrations here is that you're telling us, and you're gradually elaborating a process of how you're going to decide this, but you're asking us to change it without telling us what you're changing to.

And what we know is we have something that all evidence suggests works, just as much evidence that this works that DEA works. In other words, any criticism you can say of a HIDTA that doesn't work -- they're scoring just as high in any of these tests, the HIDTAs are, as DEA, which is under your watch, as Bureau Justice Assistance.

Quite frankly, it's as effective as drug courts, which I'm a strong supporter of. So you can't look at HIDTAs and say there's an ineffectiveness here, because we can find study after study that show we have a problem all across -- it's a hard issue to work.

And the question of what basis other than management that now you're saying you're proposing, and you haven't even decided how to manage it. I'm sorry I cut off Ms. Watson.

Do you have any...

WATSON:

I just have one more question. I think I'll ask Ms. O'Neil this question.

The proposal is to cut HIDTA's budget by 56 percent when you transfer it over to the Department of Justice?

O'NEIL:

That is correct. The president's budget proposes a funding level of \$100 million.

WATSON:

Why would you want to cut a problem that is zeroing in on specific local plans to address the drug trafficking that is discovered and they're trying to do something about? Why would you suggest cutting by 56 percent the overall HIDTA budget?

If you think that moving it under the Justice Department will allow more coordination, but more flexibility to focus in on those areas and those innovations, why would you want to cut the funding? I don't understand that.

O'NEIL:

Clearly, what we are trying to accomplish is to satisfy the budget requirements that we have in very tight budget times and to achieve a budget that will meet the overall drug enforcement goals and further the administration's strategy to promote prevention, treatment and drug enforcement.

And that does require hard choices. Although with the funding level of \$100 million that has been determined, we are committed to making sure that the HIDTA program remains productive, to focus it.

I think Mr. Chairman, earlier in his remarks, had suggested that the HIDTA program may have drifted a bit. And what we would like to do by bringing it over to the Department of Justice, by having it in a place that is responsible for the federal drug enforcement strategy -- to determine what is it that HIDTA can do best, what part of the strategy should HIDTA focus on, and where should it devote the limited resources that it has to have the biggest impact on our drug enforcement problem nationwide, and then let OCDEF and other programs do other things.

WATSON:

Let me say this in response, and let me suggest -- I represent, as I said, Los Angeles. We are two hours from the border between Mexico and the United States. Every day people are coming over that border illegally.

Every day we're finding that drugs are being brought over the border. We're finding now that Afghanistan is the biggest producer of heroin. And that heroin is finding its way into our community. Our city, 3,000 miles away, is trying to tackle this.

And you know what they do? They go out into the community and they find people who look like these groups that are coming over the border illegally. They must have the resources -- I don't understand how you feel you can fight this kind of crime more specifically, A, coming out of the Department of Justice, and, B, with a reduced budget.

Fifty-six percent is half. You're going to try to do more with half the means. It just doesn't compute. At a time when we're fighting and we're fearing terrorism on our own borders?

You know, the sales of guns -- I don't understand that right there, and if you want to destroy a city, you know, you throw that bomb up in the middle of its impacted area. And you're telling me

that a 56 percent cut will allow you to focus your resources where they're needed the most. That cut we could use, you know, and we could really do a job if we had the funds flowing in.

So I think that this proposal really doesn't make sense if your goal is to reduce drug trafficking and the associated crimes that come along with it.

Thank you, Mr. Chairman. I appreciate the time you've given me.

SOUDER:

Thank you.

And I just want to clarify for the record, because I think it -- my understanding is New York City, which is one of the center places right now where we have a HIDTA where 100 percent of its funds are merged in in the main anti-terrorism center -- you're saying you are going to cut it 60 percent, you don't know, you might cut it 60 percent, you might eliminate it, or is it guaranteed that it's going to be there and not be cut?

Because this is a critical part. You don't know. That's what I've heard so far.

O'NEIL:

Mr. Chairman, at this point in time the plan has not been finalized with regard to how the funding level will be spent, how it will be allocated and what decisions will be made.

The Department of Justice needs to work with ONDCP and with the HIDTA community to determine how we can best function, because we want to make sure that the HIDTA program is productive.

SOUDER:

Do you believe as we look across the country at the border questions, urban centers -- because one of the concerns here would be that this is a proposal to cut the HIDTAs, many of which -- the biggest ones -- are in urban centers, and those are represented by Democratic members.

And if you assured us and said, "Oh, we're not going to cut the HIDTAs in those big urban areas that are mostly represented by Democrats," then you're proposing to cut the HIDTAs that are represented mostly by Republican members.

Are you suggesting that the administration wants to do this without talking to Congress?

O'NEIL:

We would certainly look forward to working with the committee as the plans are finalized and the funding levels are finalized.

SOUDER:

But you don't think -- not only aren't you going to talk to state and local law enforcement before you came to Congress with this, and not only didn't you talk to Congress before this, what

I heard you just say is. "We're going to come up with some procedures, and then we're going to make decisions about whether to cut New York or leave New York, or whether we think the ones in the center of the country where methamphetamine is a pressure" -- and you can see why it's hard here.

I mean, you're defending a very tough position, and I appreciate how difficult it's been today. But it's just unbelievable that your departments would send you up here with no specifics when we're headed into a budget and, in effect, say, "Look, we don't know who's getting wiped out, we don't even know how we're going to measure who gets wiped out, we'd like to have it over here."

It starts to look, quite frankly -- and I'm going to say this in the public record -- it looks, quite frankly, like the Attorney General's Office lost a lot of their staff to Homeland Security, so they decided to go poach on the ONDCP office and get the drug problem and say, "We're going to focus on the drug problem, unless there's another issue that comes up."

And say organized crime becomes a big thing, and then because your office is attorney general, not drugs, of which drugs are a part of it -- our concern is once you basically wipe out the ONDCP, once you weaken the HIDTA system where we have an even partnership which is a model-type program, and, in effect, question whether we should have some in each state that then goes up.

And then also, the Byrne Grants, which we haven't talked about much -- we'll certainly talk about in the next panel -- which fund those areas that don't have a HIDTA -- their drug task forces are usually funded through a Byrne Grant.

And in effect, you're proposing changing the whole nature of how we fight drugs in the United States without consultation. And then you're telling us not only aren't you going to consult before, because that was pre-decisional, that -- but you're not going to consult with us after.

You might inform us, and we certainly can give our opinions at hearings, but you're missing the whole appropriations process. You're missing the whole authorizing process. You're missing multiple branches of government.

And you have to have some kind of compelling case. And the disturbing thing today is you haven't made any compelling case. Your compelling case is we think it would be better consolidated under the Attorney General's Office.

But why? The closest you've come to criticizing ONDCP is that you referred to something I said, which is the mission has drifted a little bit. So you're, in effect, saying, "ONDCP couldn't control it, Director Walters wasn't a good enough Cabinet member to control this, so we think it ought to go over to the Attorney General's Office." That's, in effect, what you just said.

Your saying that some HIDTAs are doing really well implies that many HIDTAs aren't doing really well, but you can't name one. You can't name three. You can't name one. And we certainly would ask you to submit to us, if you can say, look, what are the specifics, delineate them.

If you want Congress to change its budget -- and Congress writes the budget. You propose. That's a relatively, in American history, new thing, that the president proposes the budget. It's

basic, because we couldn't, and we wanted the executive branch to do it. But we start the appropriations process over here, not this committee, the Appropriations Committee.

But as we move through this process, there's got to be some reasons giving for overhauling it more than we think it would be nice to consolidate because we'd like to control it through the Attorney General's Office. That isn't going to fly. You have to have some kind of substance.

One last thing. On the Byrne Grants -- and I just want to clarify, because twice it's been brought up that there were some abuse in Byrne Grants -- is the administration testifying that you're eliminating Byrne Grants because there was corruption in Byrne Grants?

HENKE:

No, we are not.

SOUDER:

Did it impact the decision to eliminate Byrne Grants that you were worried about corruption in Byrne Grants?

HENKE:

It might have played some role.

SOUDER:

And it is your testimony, you believe, by moving it away from Byrne Grants and more under federal control that there'll be less corruption? What is the...

HENKE:

The Byrne Grants are straight state and local. We're not moving them. What the budget proposes is the elimination of the Byrne Justice Assistance Grant Program, not based on the corruption or possible concerns that have been identified in the past by inspector general reports and others.

SOUDER:

Then why are you eliminating them?

HENKE:

As my colleagues have stated, but as I hope to maybe clarify a little bit, this is a very difficult budget year. You are well aware, Mr. Chairman, that discretionary spending, in essence, is frozen. That means that in preparing the president's budget some very difficult budget decisions had to be made.

And what we had to look at were programs with demonstrable results. We had to look at what was the true federal role. What is the true federal responsibility? Where can we take the

resources that we do have available under this budget and direct them in a targeted fashion to be, as Mr. Cummings was pointing out, efficient and effective? And that's what we've attempted to do.

The Byrne Justice Assistance Grant Program we do know has funded a lot of task forces. What we also do know is that the fiscal year 2005 -- over the past several years the funding that Congress has provided for this program or the programs prior to the merging has been declining.

Four years ago, it was over \$1 billion. Last year it was approximately \$500 million, \$600 million, and so it has been declining. And last year's appropriation represented less than 1 percent of the criminal justice expenditures made by state and locals. And so those were some of the factors that did go into consideration.

SOUDER:

So, because you crossed several there, do you believe that -- I mean, there are ideological things you put in there, and then there are practical. You suggested you wanted to put it into programs that were demonstrably effective. Do you have any evidence that Byrne Grants are less effective than other programs?

HENKE:

Unfortunately, we do not have tangible outcomes from the Byrne Grants. Part of that is the Byrne Grants have over 29 -- 32 purpose areas. And so entities are allowed to spend them on a wide variety of things, from prosecution to law enforcement to correctional items -- drug courts, victim assistance.

So it makes it very difficult to identify outcome measurements for a program that has such a wide variety of purpose areas.

SOUDER:

Have you attempted to...

HENKE:

However...

SOUDER:

Did you attempt to try to identify -- I mean, there were alternatives to that. Granting that that's a problem, when you have -- we're having this drug prevention, drug-free schools money too, which you're proposing...

(CROSSTALK)

HENKE:

We are, and we have.

SOUDER:

But let me ask you a question. Why didn't you come to Congress then and say narrow the scope of the Byrne Grants? Why didn't you come to Congress and say, "We need better research on the Byrne Grants"? Why would you come and say, "Eliminate the Byrne Grants"?

HENKE:

What we have done over the past couple of years is we have instituted programs -- for instance, evaluations of the Justice Assistance Grant Program, or the Byrne and LLEBG. For this current fiscal year, we have put in place measurements. We are asking the recipients to provide us hard outcome measurements for the resources that they are receiving.

But in this budget, once again, hard choices had to be made. And those hard choices, unfortunately, resulted in the proposal in many cases. And we know that it's difficult for state and local law enforcement to propose the elimination of this program, but part of that also goes to, once again, as I stated, the tough choices.

We have come to Congress to talk about some of those things -- for instance, the merger of the justice assistance grant program. The president has proposed that for three years. We worked closely with the authorization committee on that program, as well as numerous other programs, and look forward to continuing to do so.

SOUDER:

Well, thank you. And I know I've taken a lot of time on the first panel. We have many people who are waiting.

But let me say, as we told Director Walters -- and if we have an ideological difference, we have an ideological difference, and it's a legitimate debate. Should federal dollars be used for things that are more federal-directed, and how much do we do state and local?

If that's the decision, that's fine. But when you raise questions about effectiveness, you have an obligation to come to us.

And I will make the open invitation -- we'd like to have it for this hearing record -- of any evidence that you have that federal- directed programs are more effective than the Byrne Grants and the HDTAs, that any sign that there is -- when you're making these hard choices that this was based on some sort of evidence of what's effective, as opposed to evidence of an ideological choice that federal dollars ought to be federal-directed, which we could have a debate about.

And my personal belief is this was more of an ideological decision and that you're distracting from that debate by raising questions of effectiveness, because we've looked for effectiveness things and, quite frankly, in the whole drug anti-narcotics field it is difficult to measure effectiveness, particularly as we push cooperation.

When something's effective we find 100 agencies involved in it. And therefore, how you attach who gets what points in effectiveness or ineffectiveness is nearly impossible to do. But

then you shouldn't imply that the decision was effectiveness. And if you have any evidence of that, we'd like to see that.

Unless there are any other questions...

CUMMINGS:

I'd like to add one thing.

SOUDER:

Mr. Cummings?

CUMMINGS:

Let me just say one thing. Mr. Chairman, just adding on to what you just said, I just don't want -- I want the clarification that you just talked about. I'm sorry I had to step out, but I did listen to a bit of it.

And the clarification about ideology as opposed to effectiveness is very important, because they are -- and I emphasize this, they are human beings. You said you're from a police family. You understand what I'm saying. They are human beings that don't -- I mean, because if you start talking about the effectiveness, it gets real personal.

And they start beginning to ask themselves, "Well, you know, you mean to tell me you all can't see what we've been doing?" And the last thing we need is for the morale of those who are fighting on the front line to be in any way diminished.

If anything, we need to be trying to lift them up and give them the tools that they need to do what they need to do. It's clear that this effort against drugs is one that is very, very, very difficult. People risk their lives. They risk their livelihoods. They risk their families over this thing called drugs.

CUMMINGS:

So I always want us to keep that human element involved there, because, believe me, when we go back to our offices today we'll have all kinds of calls from all over the country of people who will say, "Thank you for remembering us, because we're fighting." I just don't want us to get away from them.

So I didn't want you all to take my words in any other way than that's where I'm coming from. And thank you.

SOUDER:

Thank you.

And let me say, too, if you'll communicate to Attorney General Gonzales, I am thrilled to have an attorney general who wants to do drug issues and who is very focused. And it's a great sign. I think we need to work how we're going to do this.

But whether or not these funds are transferred over, the attorney general still has, like you pointed out today, Weed & Seed, DEA, Office of Justice Assistance. You do drug reentry programs, drug court programs.

The attorney general is certainly one of the major players, if not the major player, in addition to the Department of Homeland Security and ONDCP, in this regardless of what happens with this budget process.

And I'm thrilled that he's taking an aggressive interest and your departments are taking an aggressive interest even if we have disagreements about how to employ these programs.

And Director Walters has been a friend of mine for many years, and I know he's committed, but it is really frustrating to have this happen to ONDCP if this transfer occurs on his watch.

With that, I thank each of you for coming, for being willing to put up with the grilling today. It's never fun coming in front of a congressional committee, but this is an oversight committee and this is what we do, and we have a fiduciary responsibility to do so. Thank you for coming.

HORTON:

Thank you, Mr. Chairman.

SOUDER:

If the second panel could come forward. I'm going to have you stand again, so if you'll each stand and raise your right hands, do you swear that the testimony you'll give today is the truth, the whole truth and nothing but the truth, so help you God?

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

Thank you for your patience, first with the vote delay and then the long first hearing. I'm sure you found it very interesting as well. We're looking forward to hearing your testimony.

We'll start with Mr. Ron Brooks, president of the National Narcotics Officers' Associations' Coalition.

BROOKS:

Chairman Souder...

SOUDER:

And let me say up front that all your testimony will be in the record. If you want to do some highlights or respond, obviously this was a very -- it was, kind of, the first time we heard from multiple departments about the budget request. But feel free to do your statements if you want to do your statements. Either way you want to do it.

But we'll insert anything. And if you want to write additional comments later, if there's something -- there's a lot of you on this panel -- that you want to say, send that in and we'll put that in the record, too.

If you know other people on your HIDTA task force, if you go back home, share some of what you heard today and want to get that opinion in -- we want to make sure we have a comprehensive mix in this hearing as we look at the huge challenge of how to do this budget.

Mr. Brooks?

BROOKS:

Thank you.

Chairman Souder, Ranking Member Cummings, members of the subcommittee, thank you for inviting me here. It's always a distinct pleasure to be at this subcommittee.

I want to offer my perspective on the disastrous impact of the president's budget request for state and local drug enforcement programs, including Byrne and HIDTA.

My name is Ron Brooks, and I'm the president of the National Narcotics Officers' Associations' Coalition, which represents 43 state narcotic officers' associations with a combined membership of more than 60,000 police officers around the country.

Mr. Chairman, together we've made outstanding program in reducing drug use and violent crime over the past decade, but that progress is threatened by the budget proposal for state and local drug enforcement programs in FY '06. And Congress must seriously consider the consequences of cutting or eliminating Byrne and HIDTA programs.

Since September 11, 2001, the focus of federal assistance to state and local public safety agencies has shifted from traditional law enforcement to protecting the homeland against terrorist activities and equipping first-response responders.

This is appropriate. However, the shift is coming at the expense of traditional law enforcement missions such as drug enforcement. In shifting resources to homeland security, we must not lose our focus on drug enforcement and prevention. In fact, protecting our homeland must mean protecting citizens from drug traffickers and violent drug gangs.

Let me put in perspective the impact of drug abuse. We lost almost 3,000 Americans on September 11th. In contrast, more than 3,000 Americans die every two months, more than 19,000 people each year, as a result of illicit drug abuse and its related effects.

In addition to the human toll, ONDCP estimates that illicit drug abuse costs our society \$160 billion each year. I believe that a cost of 19,000 lives and \$160 billion make drug trafficking America's own home-grown terrorism, and it must be restored as a top priority in this Congress's policy agenda.

The Byrne and the HIDTA program provide only a small amount of the overall funding that is dedicating to state and local drug enforcement, but this funding is the incentive that encourages state and local law enforcement officers to work with their federal counterparts and help them

implement our national drug control strategy. It is the coordination that has improved the effectiveness of drug enforcement and has helped reduce drug abuse and violent crime.

I want to address that argument that provides the underpinning of the administration's proposed cuts, which is that federal government has gotten too deep into funding state and local law enforcement activities. I agree that federal government should not supplant state and local funds for law enforcement activities, but I strongly disagree that Byrne and HIDTA fall into that category.

Byrne funds multi-jurisdictional task forces that don't replace state and local funds, but rather provide the incentive for local agencies to cooperate, to communicate, to share information, to build good cases, and to pursue organizational and regional targets rather than just individual pushers that local agencies typically deal with.

Both enforcement targets are valid and necessary. But without Byrne, law enforcement would go back to the 1970s, where we worked within our own stovepipes, without cooperating and using intelligence to lead us in investigating drug trafficking organizations.

HIDTA initiatives like Byrne-funded task forces provide avenues of cooperation, forced information sharing, deconfliction, and local and regional intelligence analysis that state and local agencies simply aren't capable of performing themselves and that federal agencies are inadequately focused and equipped to perform.

HIDTA and Byrne task forces work because they're locally owned. They're a partnership between the federal, state and local government.

If Congress allows Byrne to be canceled and HIDTA to be cut, and if you reduce or eliminate the local control over individual HIDTAs, then you effectively remove an entire line of defense against drug trafficking at the local and regional level.

Another argument I've heard from the administration is that since crime and drug use are down, resources should be shifted to other priorities. I could not disagree with this statement more.

We saw in the early 1990s that when resources were shifted out of the fight against drugs, drug usage and crime rates increased. We should be embracing what has worked, not calling it a day and dismantling successful programs.

The question that must be asked and answered by this Congress is, in light of the successful reduction in drug use and drug-related crime, should America gamble the safety of its citizens by rejecting programs that have allowed police chiefs, sheriffs and state police superintendents to fight drugs and violence in their own communities?

If the administration's FY '06 budget is passed and submitted -- in fact, if Byrne and HIDTA are not restored at least to FY '05 funding levels -- suburban and rural law enforcement will no longer have the financial resources they need to use the best methods they know how to tackle the problem of drugs and drug-fueled gang activities in their community. Without Byrne and HIDTA, we'll see a resurgence of drug usage and drug-related violence.

I believe from talking to my members that this will mean the elimination of the vast majority of the drug task forces in this country. I know that in California we'll lose the majority of our 58 task forces and at least a third of the California Department of Justice's Bureau of Narcotic Enforcement. Frankly, Mr. Chairman, we'd be giving up coordinated effort, coordinated drug enforcement at the state and local level.

With funding cuts already taking a toll in the last three years, task forces operating on a shoestring will go away. Anything less than full funding of Byrne will result in the elimination of more than half of our task forces. The overall impact on drug enforcement would be almost the same as eliminating the program entirely.

This budget proposal is a step in the wrong direction. We have made tremendous progress over the last few years with the leadership of this committee and the Congress with the support that state and local law enforcement has received.

And I, on behalf of our 60,000 members, would urge the restoration of the Byrne and HIDTA funding at the '05 levels and the retention of the HIDTA program at ONDCP where it serves as a fair and honest broker on behalf of all of law enforcement. Thank you.

SOUDER:

Thank you very much.

Our next witness is Mr. Tom Carr, director of the Washington- Baltimore HIDTA, on behalf of the National HIDTA Directors Association.

CARR:

Thank you, Chairman Souder and Ranking Member Cummings and Congresswoman Watson and distinguished members of the committee. I'm honored to appear before you today to discuss the HIDTA directors' concerns with the administration's FY '06 budget proposal.

My name is Tom Carr and, as mentioned, I am and have been since its inception in February 1994 the director of the Washington- Baltimore HIDTA.

I am going to change my testimony somewhat -- my oral testimony -- in light of the previous testimony. But I would like to, first of all, for the record, acknowledge, Mr. Chairman, you and Mr. Cummings for the outstanding work you both have done in Baltimore.

Both of you responded to the Dawson family tragedy which happened not too long ago, where seven members of a family were killed by a drug dealer, and they were burned out of their home and killed. And you went to ONDCP and you got extra money from ONDCP to help fight the crime problem in Baltimore.

And we came about working together with some serious reductions in violent crime and drug dealing in that area, and you both should be commended for that. I know that Commissioner Hamm, who's recently inherited that department, is very much appreciative of what you both have done.

Let me just shed some light -- and I think that's the right medicine for all this, and I'm glad you're doing it, shedding some sunlight on some things that are taking place.

First, let me say that HIDTA makes linking cases originating with state and local agencies possible to bring to federal prosecution. It's the bridge between federal, state and local agencies.

I didn't hear any data in the testimony before, so let me give you some data about HIDTA and what HIDTA's doing. With 70 percent of the HDTAs reporting to me thus far in our new automated performance management system, for 2004 the HIDTA program targeted 895 international drug trafficking organizations, 1,111 multistate organizations, and 1,734 local drug trafficking organizations, many of which were violent in nature.

Of the cases we did, 232 were linked to CPOT investigations. This represents 32 percent of the 730 total active investigations recognized by the Department of Justice. So I would hardly call this a failure, the ability of us to recognize the value of the CPOT and the priority targeting list.

HIDTA task forces also comprised over 12,000 federal, state and local officers. We disrupted 99 of the 159 organizations of which DEA and OCDETF are claiming sole credit for insofar as the CPOTs are concerned.

Let me also suggest to you -- and I think you recognize this -- that the HIDTA program grew not because it was pork barrel. It grew because it was successful. That's why people want it. It works. State and local law enforcement have to commit a vast amount of their own resources in order to join with a HIDTA.

HIDTA dollars, as few as they are, leverage those resources. That's why people want it, though. They want it because it works. State and local law enforcement see the value of sharing information, working on a strategy, working on a plan to bring about positive results.

Now, about what the administration said about one of the reasons for getting rid of the HIDTA program or moving the HIDTA program, lack of effectiveness and its inability to demonstrate results, at the initiative of the HIDTA directors, in response to that first part review, we established a committee, which I had the honor of chairing, in which we worked with staff from ONDCP to create a performance measurement system.

That system now is in effect. It went in effect in January. That is why I can give you that data. It's an automated system. It is showing results. And it is showing that we are truly focused.

Part of the problem was, I think, the administration was looking and taking and using -- shooting from the gut and shooting from intuition, as opposed to using facts to demonstrate what HIDTA was really doing.

And we were inclusive. We worked with DEA and we worked with OCDETF. I know it's shocking, but it may not surprise you to learn that we had to come up with a definition for what a drug trafficking organization is.

CARR:

The federal government didn't have a uniform definition, nor did they have one for dismantled or disrupted, or about 20 other common terms that were necessary to clearly define in order to measure effectiveness and efficiency.

We came up with those measures. We're using those measures. And they are showing results, and they will show results.

They'll also enable us to show which HIDTAs are doing better than other HIDTAs, and perhaps at a later point in time, based upon scientific fact, we can inform you of this and people can make informed decisions on which HIDTAs ought to be eliminated, which HIDTAs ought to be changed to some degree, and which HIDTAs ought to be bolstered.

So I think that is a more logical way to go about these things than what I have heard in the previous testimony. Let me also say that some very wise and thoughtful members of the House of Representatives and the U.S. Senate chose to place the HIDTA program in ONDCP.

Why? And I've researched this, and I agree with it. Because housed and managed at ONDCP, the HIDTA program enjoys a degree of visibility, efficacy, fairness, and neutrality, points that all three of you have recognized in your questioning.

So before you consider ONDCP's recommendation to move the HIDTA program to the Department of Justice, I want you to think about some of the unintended consequences such a rash and obviously unplanned move would bring about.

Here are some questions -- and I want to close my comments with this -- some questions I think that ought to be considered before any decision is made. Will the transfer of the HIDTA program preserve its visibility, its efficacy and its ability to leverage and coordinate federal, state and local drug enforcement efforts?

Does OCDETF have a history of effective performance? What impact do state and local law enforcement leaders foresee with the transfer and diminishment of the HIDTA program? And I think my colleagues today will shed some light on that.

And what harm will result when the cooperation among federal, state and local law enforcement is diminished?

And under the current administration's plan, let me assure you, with 34 years of experience in this, it will be diminished the way it's structured.

And I leave you with this one final thought. Since the administration's proposal increases the drug control budget by 2.2 percent, I believe Mr. Horton said, the reduction of the HIDTA program is not one, then, about paying for the war on terrorism. It's about choices.

Why did ONDCP really choose to reduce the HIDTA program -- I don't think you've got an answer to that yet -- and transfer it to the Justice Department, while at the same time elect to keep other programs within ONDCP that, by the way, didn't do as well in their initial PART score?

I thank you again for the opportunity to appear before this committee. Again, I appreciate all the great work, Mr. Chairman, you and the other members have done, and I look forward to any questions at the end. Thank you.

SOUDER:

Thank you.

Next we'll hear from Mr. Tom Donahue, director of the Chicago HIDTA.

I know the speaker has been very supportive of your HIDTA and used to chair this subcommittee and has been our chief champion in the higher ranks of leadership, and he's a very busy man but I know he's been very pleased with the efforts in Chicago. And thank you for coming today.

DONAHUE:

Chairman Souder, Ranking Member Cummings, and distinguished members of the committee, I am honored to appear before you today to discuss the Chicago HIDTA's concerns with the administration's fiscal year 2006 budget proposal that contains unprecedented budget cuts for the HIDTA program and suggests transferring the program to the Organized Crime Drug Enforcement Task Force.

I appear before you with over 37 years of law enforcement experience. During that time, I spent 10 years as a narcotics investigator and 12 years as an experienced prosecutor, concentrating on prosecutions of organized crime, narcotics cases and related violent crimes.

I've had the honor of serving as the director of the Chicago HIDTA since August of 2000. My testimony today will attempt to answer the question posed by the committee: Are we jeopardizing federal, state and local cooperation? In a phrase, yes, drastically.

In 1988 Congress wisely recognized the importance of coordinating federal, state and local law enforcement agencies to effectively address the nation's drug threat. Congress established the High- Intensity Drug Trafficking Area program to provide a coordination of drug enforcement efforts in critical regions of the country.

This coordinated effort was necessary due to competing strategies within the federal, state and local law enforcement community. Building on the concept that the country faces a national drug abuse epidemic which is, in reality, a network of related and unrelated regional and local drug abuse problems, and the markets that that supply them, HIDTAs address regional drug problems based upon a unique threat assessment process.

Each HIDTA develops its own strategy consistent with and complementary to the national drug control strategy. HIDTA executive boards implement their strategies by funding structured and formal initiatives, each with a mission that best uses particular expertise and addresses a particular threat.

A targeted strategy implemented locally produces greater immediate impact while at the same time provides avenues for further investigation into national and international trafficking groups.

HIDTA executive boards, as you have noted, are comprised of an equal number of federal, state and local law enforcement executives. They meet regularly to govern each HIDTA. The HIDTA management structure creates a level playing field among federal, state and local partners who understand all aspects of law enforcement and put the interests of the HIDTA above their own.

This neutrality fosters an innovative program immune to turf battles. No other program in the federal government that integrates state, local and federal assistance and financial awards allows this level of local oversight and direction.

This is the first time in history state and local law enforcement has been empowered to manage drug investigations in their own regions.

The program requirements of establishing intelligence centers within each HIDTA and mandating federal, state and local participation has resulted in the sharing of intelligence on an unprecedented scale. Each HIDTA has direct access to multiple agency and commercial databases and provides a full range of analytical services.

The HIDTA investigative support centers now stand as an object lesson in interagency cooperation, collaboration and coordination.

Two of the most innovative things that have come out of the investigative support centers are event deconfliction and target deconfliction, which will no longer be there if the funding is cut back. For in the Chicago region, the only deconfliction that is done is through the Chicago HIDTA.

Event deconfliction -- HIDTA pioneered systems that allow undercover officers to schedule a time and location for events such as stakeouts, drug buys, execution of search and arrest warrants, and to determine if the events they are scheduling would conflict with a different agency for a similar time and location.

Event deconfliction is a requirement within the program and is available to non-HIDTA agencies as well. In the Chicago region, we have trained over 2,000 people to be part of our deconfliction system. This system is critical to officers' safety.

The second part I'm talking about is the target deconfliction. Agencies have wasted countless resources investigating the same targets because of systemic difficulties or reticence to share information.

HIDTAs have developed systems that allow agencies to share targeting information and are actually working with DEA and other federal agencies in nationwide programs developed and administered by the individual HIDTA.

HIDTA's most important contribution, however, to the war on drugs is the partnerships it has nurtured among participating agencies. These partnerships developed over years have become an institutionalized part of the program.

The leveraging of resources and fiscal flexibility will likely be eliminated by placing HIDTA under the Department of Justice.

Furthermore, placing HIDTA within a department that gives the perception it is under the control and direction of a federal law enforcement entity would certainly influence state and local participation and threaten collaborative partnerships that have been nurtured by the HIDTA model.

If the HIDTA program is moved from the Office of National Drug Control Policy in the executive office of the president, it will give the wrong message to law enforcement and diminish the importance of the war on drugs in the eyes of the public.

Just so you understand, in Chicago, the war on drugs is raging.

In 2004, Chicago HIDTA initiatives seized over a ton of cocaine, an increase of 102 percent from the previous year; 40 kilos of heroin, 75 percent over the previous year; eight tons of marijuana, 270 percent over the previous year; and over \$9 million in United States currency, a 51 percent increase over the previous year.

In conclusion, HIDTA clearly represents a model for leveraging all resources in order to provide comprehensive approaches for stopping drug crime.

Without the ability to maintain the operational collaboration made possible by the HIDTA resources, local law enforcement faces a risk of returning to the days when cooperation was episodic, delivered on a case-by-case basis and found to be generally ineffective in disrupting drug trafficking.

At a time when state and local governments are increasingly forced to cut budgets because of economic difficulties, it is imperative for the federal government to continue local assistance against what is still the war on drugs.

HIDTA is an integral part of that assistance. Media ads alone will not eliminate drug abuse. More effective is the multifaceted approach HIDTA brings. Now that we have developed a viable and effective way of combating these organizations on a national and regional level through HIDTA, it is not the time to pull back or try to reorganize.

This country is at war on several fronts, including the streets of our major cities. We have won many battles through the HIDTA program, yet the war rages on.

Terrorists murdered over 3,000 U.S. citizens on 9/11; 1,500 soldiers have died in the streets of Iraq; in the streets of our major cities and surrounding communities, street gangs and drug dealers, better referred to as urban terrorists, have caused the drug-related deaths of over 19,000 of our citizens.

We must continue to maintain and increase the support in this noble fight. Thank you for this time.

SOUDER:

Thank you very much.

Our next witness is Chief Jack Harris, Phoenix Police Department, and vice chairman of the Southwest Border HIDTA.

Thank you for coming today.

HARRIS:

Thank you, Mr. Chairman, members of the subcommittee.

I think when we start looking at whether the policies and the programs that are currently in existence worked and we tried to evaluate those policies, we have to say that currently they are working.

We have statistics that show that drug use is down by 11 percent and teenage drug use is down by 17 percent in this country. But we have to ask ourselves: Why is that? Let me give you just a couple of numbers from the Southwest HIDTA and HIDTA in general.

Marijuana -- seized over 2.5 million pounds of marijuana in 2004, 46,600 pounds of cocaine, 740 pounds of heroin, and 5,000 pounds of methamphetamine out of the Southwest Border.

When we look at HDTAs in general, they disrupted or dismantled in 2004, 509 international, 711 multistate, and 1,110 local drug trafficking organizations.

Those are the type of things that are examples of what's going on in HDTAs across this country.

I have several concerns that have been voiced by other members of this panel.

Cutting HIDTA funding by 56 percent -- I understand, listening to the first panel, that one of the reasons that the administration is looking at cutting is because there's a shortfall of revenue.

I currently have been asked to cut funding for the Phoenix Police Department because of a similar shortfall. To do that, one of the first things that I did was survey the community and ask them what was important in policing in their community that they are looking for from the Phoenix Police Department.

At the top of their list is drug enforcement and gang enforcement and violent crime. As you may have guessed, even though I did have to make cuts, I did not make cuts in those areas.

Moving the program from ONDCP to OCDETF -- I have to say that I am in total opposition of that. OCDETF is the administrative non- operational body that provides funding and prosecution, not drug enforcement investigations.

HIDTA was formed, as you have heard, as a grassroots program designed to promote interagency cooperation between federal, local and state agencies. That is occurring every day in Phoenix. We have a HIDTA center that is comprised of over 300 agents that represent ATF, FBI, DEA, the Phoenix Police Department, local police agencies, the sheriff's office and the state police.

They are sharing information that cause all of those seizures that I talked about at the beginning of this presentation to occur. That cooperation and communication between agencies is what brought down those heads of crime organizations dealing with drugs.

We have a similar program in Tucson, Arizona, a similar center that has the same results with the same number of people working out of that center. Those centers will disappear if the funding disappears. The City of Phoenix does not have \$1.5 million to apply to these centers and to keep this program running.

The next thing that I would talk about is what is the incentive for local law enforcement if you take away all of the funding. If you take away an equal voice in who is going to be targeted by that funding, then you're asking us to play and to participate and to conduct the investigations -- by the other panel's own statement, over 90 percent of the OCDEF cases are conducted by local agencies. So you're going to ask us to continue to be a part of that organization and to target individuals that we have no input on.

HARRIS:

If you look at those first numbers that I gave you, over 1,100 of those kingpins that were targeted were local traffickers.

Local traffickers become national traffickers become international traffickers. We do not want to lose the incentive for us to participate with our detectives, with our investigators and with our resources. But we can't do that without the funding that currently exists.

In conclusion, I oppose the proposed funding cuts because those cuts will have a dramatic impact on drug enforcement at the local level. The proposed changes will damage cooperation and relationships between local, state and federal entities.

These changes would eliminate local input into drug target selection and remove the incentives for local agencies to participate in critical drug enforcement programs.

And lastly, it would hinder information sharing between the very agencies tasked with drug enforcement at the local as well as the federal level.

Thank you.

SOUDER:

Thank you very much for your testimony.

Our next witness is Baltimore's acting police commissioner, Mr. Leonard Hamm.

Thank you for coming today. We know your city's been hard hit, and Mr. Cummings as well as Mr. Ruppertsberger have been longtime advocates, particularly our distinguished ranking member.

So thank you for taking time out to come here today.

HAMM:

Thank you for having me, Mr. Chairman, Mr. Cummings. Thank you for having me, Ms. Watson.

I'm honored that you would have me over here testifying on fiscal year drug budget 2006.

My name is Leonard Hamm and I am the acting police commissioner of Baltimore City, and I've been doing this for 30 years -- 30 years, this drug stuff, for 30 years on the local level.

One of the things that wasn't talked about by the other panel was results. And I'm going to give you some results. And a lot of times, numbers are boring, but please just bear with me.

All partners in HIDTA work under a formula of measured success and management for results. Ending the successful HIDTA formula that law enforcement has worked on for years will jeopardize the major cases, networking, leads and partnerships which have proven to work.

Now I want to talk about some of the groups and some of the things we are doing locally.

First of all, we have Group 51, which is our violent trafficking initiative. In short, this initiative investigates violent gun-drug traffickers and organizations that impact on the Baltimore metropolitan area.

In 2005 our expected output is to arrest 80 drug-firearm traffickers, seizing \$770,000 in criminally obtained assets, disrupt or dismantle 10 major drug trafficking groups, and seizing two kilos of heroin, 10 kilograms of crack cocaine, and 10 kilograms of marijuana.

Now, fiscal year 2005 to present, the group has arrested 21 persons, seized \$617,000 in monies and assets, 1.5 kilos of heroin, 11 firearms, 1.6 kilograms of cocaine, 2.7 kilograms of marijuana, and dismantled and disrupted three organizations.

The 2004 actual outputs consisted of nine organizations being dismantled and disrupted, 62 people arrested, seizing \$891,000 in money, \$200,000 in assets, 36 firearms, 3.5 kilograms of heroin, 8.7 kilograms of cocaine, one kilogram of crack, nine kilograms of marijuana, and Baltimore City has five members dedicated to this initiative.

I want to talk about our Rule 54. Can I talk about our Rule 54? This is our major drug trafficking initiative. This initiative primarily focuses on major cocaine and heroin trafficking organizations.

The 2005 expected outputs are to seize 50 firearms, \$1 million in drug assets, three kilograms of heroin, 10 kilograms of crack cocaine, and 15 kilograms of marijuana, to include dismantling of 10 drug organizations.

Fiscal year 2005 to present, this group is well on the way of achieving that expected output. They seized \$263,000 in money and assets, 18 kilograms of cocaine, 27 arrests, .16 kilograms of crack cocaine, .35 kilograms of heroin, and disrupted and dismantled two organizations, so far this year.

The 2004 actual outputs consisted of 14 organizations being dismantled or disrupted, 89 arrests. They seized \$1.025 million in money, \$471,000 in assets, 25 firearms, 3.9 kilograms of heroin, 20 kilograms of cocaine, and 3.3 kilograms of marijuana.

We have a REDRUM group and that's part of our Group 54. They work jointly with Group 54. However, their primary focus is to topple violent groups in Baltimore City.

One group the congressmen know about. They call themselves the North Avenue Boys. Working closely with our homicide unit, state and federal prosecuting teams, we identify their violent trends and patterns through database analysis and crime mapping, and we work jointly with the homicide and state and federal prosecutors to bring these responsible parties to the table for successful prosecution.

Baltimore City has 12 members dedicated to the entire 54 Group initiative.

Group 56 -- that's our mass transportation initiative. Their efforts and their mission is to reduce drug trafficking in the Baltimore metropolitan area by interdiction efforts and immediate follow-up investigations.

Across the nation, a new smuggling choice has been identified as parcel and vehicle traps. In 2003 this initiative merged with the delivery service parcel interdiction initiative to effectively coordinate and operational effectiveness.

Our expected outputs for 2005 is to arrest 70 drug-firearm violators, seize \$400,000 in assets, 100 kilograms of marijuana, 10 kilograms of cocaine, one kilogram of heroin, and two firearms.

Our output to date -- the group has generated 20 arrests, seizing \$175,000 in assets, three firearms, 19.9 kilograms of marijuana, one kilogram of cocaine. They are also involved in two major case investigations.

We have our DEA Heroin Task Force. This group has arrested three persons, seized \$393,000 in monies.

We have our weapons enforcement initiative. This group investigates armed violent drug trafficking organizations which impact the Baltimore metropolitan area. We utilize the ATF Disarm program as its targeting mechanism.

We have customs Baltimore seaport initiative. We have customs money laundering initiative. We have a customs airport group. And all of these groups have measured targets. We're getting great results.

And, Mr. Chairman, there are those that question the value of HIDTA. They simply haven't taken the time to look at these measurable lifesaving results. I urge all of you to maintain an open mind and speak directly with the HIDTA directors and law enforcement professionals who dedicate their lives to just the kind of cases which federal, state and local should be focusing on.

I want to thank you for your time. I cut it down. Our successes have been numerous, and thank you for listening to us.

SOUDER:

We'll put your full statement in if you have other materials.

HAMM:

Thank you, sir.

SOUDER:

I also want to make sure for the record that the charts over there get in printed form so we can get those into the record as well.

Our next witness is Mr. Mark Henry, president of the Illinois Drug Enforcement Officers Association.

Thank you for being here.

HENRY:

Chairman Souder and distinguished panel, I thank you.

Good afternoon -- I guess it's good evening now. And I thank you for this opportunity to speak.

First, I'd like to say that while most of my comments will be directed toward the proposed elimination of Byrne JAG grants and the impact in Illinois, I do want to go on record as saying that the Chicago HIDTA is a friend to multi-jurisdictional task forces in Illinois, and we appreciate all that they do.

My name is Mark Henry and I've been a police officer in Illinois for 21 years. For 18 of those years, I've been involved in drug enforcement, and the vast majority of that time I've been assigned to various multi-jurisdictional drug task forces.

In addition, I served as the administrator of two drug task forces, so I understand the critical importance of the Byrne JAG program.

In 2001, I served as the chairman of the Illinois MEG and Task Force Commanders' Association, which consists of 20-plus multi-jurisdictional drug task forces which cover approximately 73 of the 102 counties in Illinois. Once again, I had the opportunity to hear from all the various drug commanders about the importance of the Byrne JAG program.

Currently, I serve as the president of the Illinois Drug Enforcement Officers Association. We have approximately 1,000 members consisting of federal, state and local officers from all parts of Illinois. The IDEOA is one of 43 such state organizations throughout our nation, and all of us are concerned about the proposed elimination of the JAG assistance grants.

I am quite familiar with drug enforcement in Illinois and specifically the role drug task forces play. I'd like to explain that role.

First is DEA. They're a great partner in the strategy in Illinois. They assist local law enforcement and drug task forces whenever they can.

However, DEA and the other federal agencies focus much of their efforts on attacking the top levels of the drug pyramid, and rightfully so. At the same time, you have local police departments that are handling lower level drug trafficking that's occurring in their communities.

The gap which exists between the top and the bottom, that squarely falls on the shoulders of the drug task forces in Illinois.

In short, for most of the state, the drug task forces are the backbone of drug enforcement in Illinois. In addition, these units have taken over the responsibility of investigating and dismantling methamphetamine labs in Illinois which continues to increase.

In 2004, the drug task forces dismantled in excess of 960 meth labs. Most local police departments do not have the training or resources to handle these labs.

In Illinois, approximately 60 percent of police departments have less than 10 full-time officers. Combining resources and expertise is the only effective and efficient way to address Illinois' drug problem.

To sure my message was accurate today, I would like to read some abbreviated replies from the Illinois drug commanders, reference their thoughts on eliminating Byrne JAG program.

First quote, "The elimination of the Byrne JAG grant would have a catastrophic effect on the Metropolitan Enforcement Group of Southwestern Illinois. The majority of the board members indicated they would be forced to either withdraw from the unit or reduce their participation to that of financial contributor."

Next quote, Vermilion County MEG, "Eliminating this funding would cut our number of agents by 62 percent. The elimination of this funding would be the beginning of the end of Vermilion County MEG."

Next quote, "The West Central Illinois Task Force is the primary, if not the only, deterrent of narcotics trafficking and enforcement in West Central Illinois. Without the Byrne grant funding, this concept would be dissolved."

Next quote, "The Southeastern Illinois Drug Task Force will cease to exist within a year if the Byrne funds are eliminated."

Next quote, La Salle Task Force, "I strongly believe that the elimination of these funds would force the task force to close its doors."

My last quote, Task Force 6, "I look at this proposed Byrne JAG cut as a closing down of a police department and the abandoning of our children and citizens."

In closing the state and local police departments in Illinois are committed to the multi-jurisdictional principle and dedicate many of their own limited resources to this ideology.

The Byrne JAG funding is the glue that brings hundreds of law enforcement agencies and their resources together to effectively and efficiently attack local drug trafficking, reduce violent crime, and promote safer communities.

Without that glue, we will weaken our grip on this important issue and negatively impact the quality of life for the citizens which we all serve in this great nation and the State of Illinois.

I thank you for your time and consideration with this critically important matter.

SOUDER:

Thank you very much for your testimony.

Our cleanup witness today is Sheriff Jack Merritt of Greene County, Missouri.

We worked with Congressman Blunt, who's been certainly a crusader in the House, on methamphetamines and a leader in the meth area, as well as many others, and the narcotics area, along with your Senator Talent.

And we thank you for coming today and look forward to your testimony.

MERRITT:

Thank you very much, Chairman Souder, Mr. Cummings, Ms. Watson.

I certainly am honored, and I do thank you for the opportunity to appear before this panel to express my concerns and what I believe are the concerns of many other agencies in the Midwest HIDTA with the current proposal to dramatically reduce the federal support available to state and local enforcement.

Probably my concerns have gone twofold after hearing the previous panel express their plan or lack of plans in facilitating this. It's of deep concern and more than when I arrived.

State and local law enforcement depend on the Byrne grant and the HIDTA program and other federal programs to help us control crime.

I understand that budgets are tight at all levels of government, but I tell you we in middle America have been extremely dependent on the invaluable assistance that we have received from the federal government through these programs.

Such drastic reductions will cripple the enforcement capabilities of sheriffs and others in law enforcement.

MERRITT:

Mr. Chairman, I represent Greene County, which is the home of Congressman Blunt, and is the third-largest county in the state, and I'm blessed to have many resources that are unavailable to many of my neighboring sheriffs.

But even so, I depend on the assistance I receive from Byrne and HIDTA. My ability to work drug task forces, fight crime and protect my constituents, all of our constituents, would be devastated if the proposed reductions were to be enacted into law.

Complicating matters, the effects of this proposal would be even worse for the other counties in my state. And I'm sure that all 74 counties in the Midwest HIDTA would face similar adverse effects from the proposed cuts.

As you know, HIDTA funding, as currently set by Congress, has been mentioned here today at \$228 million for fiscal year 2005. This budget cut to \$100 million, in the real-world effects of

this drastic cut, will mean that the current 28 HIDTA areas will be severely scaled back, and I believe in many cases eliminated.

The elimination of HIDTA means that resources, cooperative agreements, active cases and other critical drug control tools and techniques will cease to exist.

That might be OK if the flow of drugs ceased as well. However, we know that that will not happen. As soon as enforcement stops, the drug dealers hit the street with impunity and pollute our neighborhoods with their evil.

With or without the federal support, law enforcement still faces continuing threats from drug dealers and drug cartels.

In the Midwest especially, we face a devastating methamphetamine problem. One of our greatest assets in the HIDTA program is the collaboration we have with federal and local agencies.

My 36 years as a city policeman, highway patrolman and now as sheriff of Greene County has taught me the only hope for continued success in law enforcement is the cooperative spirit that is shared by not only the working elements of those agencies but the administrators of those agencies.

Midwest HIDTA brings this concept not only into the entire state of Missouri but to the 74 counties in six states.

As a criminal investigator for the Missouri State Highway Patrol, I have been involved in OCDETF cases and certainly understand and appreciate the benefit of pursuing cases in this program. But those cases resulted from investigations we made on the street and then were pursued and prosecuted as OCDETF cases.

The important fact here is that we need HIDTA to have the resources and the manpower to develop cases and then select those that meet the OCDETF criteria to further that investigation and prosecution. Without HIDTA, we lose that valuable asset that is so important to those of us that live and work in an area that is becoming completely saturated with methamphetamine manufacturing and traffic.

That is to say, the first line of defense against illegal drugs is by having investigators continuing their investigations at a local level in a unified way, as is currently done with our federal drug task force, through the local drug enforcement administration office.

This DTF goes beyond the investigation of our local meth cooks. One of the significant contributions is that of pursuing the drug interdiction cases that are made in the drug pipeline that crosses Missouri via Interstates 44 and 70.

Certainly, many cases develop through this process, reach the realm of national and international proportions and OCDETF criteria. Again, this is an enforcement concept that would be lost without support from HIDTA.

I believe that many United States attorneys in the Midwest, if you inquired of them, would express some of the same concerns state and local law enforcement agencies have concerning

these proposed cuts. I assume from earlier testimony they were not consulted and did not have a part in this decision.

I realize that DOJ may have a differing opinion of the necessity of the HIDTA program, but I do believe that if they would look at the success and benefit of Midwest HIDTA to mid-America, it would affect their justification to reduce HIDTA funding and increasing that of OCDETF.

I hate to repeat myself, but the loss of HIDTA funding would be devastating to mid-America.

I'd also like to express my concerns with the loss of funding to the Byrne grants, as this, too, is something that local law enforcement agencies have become so dependent upon.

In the recent past, we have seen new sheriffs coming into office that are trying to bring new technology and updated equipment into their departments, allow them to provide a full-service police agency to serve their constituents. Without the benefit of grant funds, many of us would not be able to do this.

In my situation, local resources alone cannot resolve these problems. Every day we confront pushers and meth cooks from our own communities that buy or steal massive quantities of pseudoephedrine to distill into meth. And recently, across the Midwest, we've seen an increase of thefts in hydrous ammonia tanks on farms. These cooks try to steal this fertilizer to make their poison.

Compounding that situation, we must also confront international traffickers as drugs and precursor chemicals make their way from Mexico, traveling our highways across the Midwest, to eventually poison our youth. As law enforcement leaders, we must find new and innovative ways of dealing with this growing problem.

Moreover, meth isn't our only challenge. Gateway drugs such as marijuana are prevalent among our teenagers. In fact, the problem is so widespread that ONDCP has engaged sheriffs and chiefs across the country to focus on them, combating marijuana use.

How can we consider reducing the federal support of HIDTA with all of this work left undone? It is my view it is a national model that should be expanded and not cut back.

Thank you all very much for your time.

SOUDER:

Thank you for your testimony, and let me -- this is a great panel, and I want to ask a question, a more general question, just to make sure -- to reinforce something that I asked of the first panel.

This is an extraordinary panel. Mr. Brooks is from California. You head the National Police Narcotics Association and you've worked in California for many years.

Mr. Carr is head of the HIDTA Association in the United States. Mr. Donahue heads the HIDTA in the speaker's home district in one of our biggest cities in the United States.

Commissioner Hamm is a direct, front-lines person from one of the hardest-hit cities in the United States, on the East Coast. Chief Harris is vice chair of the Southwest Border HIDTA, which everybody in Congress agrees is the toughest area and where most of our drugs are coming across, on the Southwest border, and Phoenix stands right in the middle of the run in a very critical area.

Mr. Henry has done a thorough job of surveying the speaker's home state in looking at both the Byrne and the HIDTA grants. Sheriff Merritt is our majority whip's home sheriff, in one of the meth hot zones of the nation. Nobody disagrees that your zone in Missouri there is probably the hardest-hit meth area in the United States.

Were any of you consulted as head of these different associations, in even our leadership's home districts -- did any of you get -- and you can say yes or no -- consulted before this kind of bomb hit us?

Maybe we can go in reverse. Sheriff Merritt?

MERRITT:

No, sir. When I found out about it, it was when we were in a panic about it. It had reached that point where it was a very strong consideration that it was going to happen. And I'm on the state board for HIDTA in Missouri.

SOUDER:

Mr. Henry?

HENRY:

No, sir.

HARRIS:

No, sir.

SOUDER:

Mr. Harris?

HAMM:

No, sir, Mr. Chairman.

SOUDER:

Commissioner Hamm?

DONAHUE:

I was not consulted.

CARR:

No, sir, and I can also say that there were select members of ONDCP in the state and local office that were not consulted.

SOUDER:

Mr. Brooks?

BROOKS:

We have checked with all of our members, all of our member state associations. No one was consulted, to our knowledge.

And not only that, when we learned through leaks within ONDCP of these proposed cuts, I called Mark Weed (ph) on your staff, Erik Akers (ph) on Senator Grassley's staff, and others that we work with all the time, very concerned, and learned that they were unaware of these proposed cuts.

So not only as the president of a 60,000-member organization but as a citizen, I'm very concerned that they would take away a very effective law enforcement tool without talking to the people here in the Congress that help build that tool and out on the streets where we apply the tool.

SOUDER:

We need to look at this, in trying to get lemonade out of a lemon, as an opportunity to do some education, too. This is an opportunity to educate each member of Congress, many of whom have not visited the HIDTAs in their home area or exactly understand how the Byrne Grant works.

They see enough on the news that they see different challenges, but this is an opportunity to educate and to do surveys in your area and to a degree get this in, so that we can help do this. Like Mr. Cummings said earlier, it doesn't do us any good just to have a hearing. We've got to figure out how to get the word out.

But it's clear here that we have the talking at the grassroots. It's getting back to members. Mr. Cummings is hearing -- I raised it in our conference, and many members are very concerned about getting blind-sided about something like this. This is an opportunity to educate with this.

Am I am ideologically disturbed as Republican that one of our philosophies has been to try to do more state and local cooperation rather than nationalize everything, and that there is -- I just can't believe we would destroy the program. Tinkering with it -- I'm going to ask a follow-up question.

And maybe, Mr. Carr, you'd be the best person.

Could you describe a little bit for the record how -- in other words, we put a certain amount of funds into a HIDTA, but then state and local make an investment -- a number of you said in your testimony that people would have to pull out if you didn't get some of the funds, you might participate financially but not be able to send officers in.

And Chief Harris said directly in Phoenix that you've cut other areas but you didn't cut this area. But this is a tough decision in each of the departments' budgets, and even small amounts of leveraging could have a devastating impact.

Could you describe -- and also, Mr. Carr; I mean, if anybody else wants to take this -- and what I raised, and you heard me raise it repeatedly, about this 50-50 question -- and how important is it when all of you at the local level make decisions to put dollars into a task force that you feel you have participatory and not domineered kind of input, especially given the fact many of you raised concerns about OCDETF.

And I had a feeling that some of that might be that you felt it was more top-down rather than shared. To some degree, he who pays the piper picks the tune, and the question is how much is local law enforcement putting in, what's the relationship, and if you put the dollars in but don't have any authority, how will you behave.

Maybe we could start with Mr. Carr.

CARR:

Mr. Chairman, I'll be glad to answer that.

First of all, I used to sit on the OCDETF board when I was the chief of narcotics for the Maryland State Police. I stopped going to the meetings not because I was disinterested. It was because I didn't have a voice. I simply sat and listened to cases that they were reviewing.

It's a paper-pushing scheme whereby they approve funding and they fund officers to go out that are already investigating. They approve funds to pay for their overtime allowance.

I did not see that it was targeted, at least at that point, and many of the cases that I was hearing were cases that were brought to the panel by my narcotics officers, so they were my cases I was hearing reviewed at the federal level for funding.

But at the HIDTA, it's completely different. We are comprised of an executive board that determines the strategy, the funding levels, the focus for the dollars that come in. And it is a shared responsibility with the federal and state and local police.

Our HIDTA is a little bit unique because we also have treatment and prevention folks that sit on our board. Now, they don't entertain or hear cases, but they determine the strategy, how much money, how many programs go to Baltimore versus D.C. versus Northern Virginia -- where is the problem?

They make a constant effort to focus the dollars on where the problem is, as opposed to -- and I think it was somewhat insinuated in the earlier testimony -- of spreading it over nine regions, or spreading it over an area. They focus the dollars where they need to be focused.

State and locals -- and I believe I brought it up in my testimony and others mentioned here as well -- get a few HIDTA dollars in return for the commitment they make. And as a HIDTA director, I always like to say my job is to take away all the excuses.

By that, I mean, we use HIDTA funds to provide you with allowance for cars for state and locals. We pay for a limited amount of overtime. We pay for buy money. We train officers.

And, by the way, our HIDTA trained 2,000 officers last year, federal, state and local, so it's not -- we don't just use the dollars for state and local officers.

But by having this type of equality on our board and focus in what we're doing, we've been able to generate very positive results. We've built teamwork. Most of the decisions on our executive board -- in fact, I can't recall any that weren't -- are unanimous decisions. That's how well it works together after 11 years.

Now, in the first couple years, I can tell you they weren't unanimous decisions, and there was always some head butting. But now people understand the strategy. They're comfortable. They have a voice. They get federal, state and local law enforcement treatment and prevention folks working together.

And if I recall, a few years ago there was some movement to take treatment and prevention out of our HIDTA.

CARR:

The first people to stand up and shout to the mountains were the chiefs of police, who said we can't do this alone, we need treatment and prevention.

So that's how well it works. And it's completely different than the dictatorial process that I've seen in OCDEF.

SOUDER:

Mr. Donahue?

DONAHUE:

Mr. Chairman, regarding the state and local investment, this is the greatest bang for the federal tax dollar I've ever seen.

In the Chicago HIDTA, there are approximately 70 federal agents who are assigned to the Chicago HIDTA from all of the federal agencies. There are over 340 state and local police officers who work on a regular basis with the HIDTA, not to mention the fact that they come from a body of over 16,000 state and local officers who interact with their own departments and HIDTA. This investment by the federal government is absolutely minimal for what they get in return.

And as far as OCDEF is concerned, OCDEF's problem is that it's not a program that necessarily addresses the threat as it appears in the regions that we come from. OCDEF is a case-specific support organization that pays for overtime for state and local police officers.

The majority of the cases that come to OCDEF come from state and local police officers. And in Chicago, a good portion of those come from the HIDTA.

The HIDTA itself is divided by eight state and local members on the board and eight federal, thus giving them an even playing field, and thus giving them something that they do not have in OCDEF, and that is a say in how those cases are managed and how they are prosecuted.

SOUDER:

Mr. Hamm, and then Mr. Brooks?

HAMM:

Mr. Chairman, thank you very much.

I don't have any money in my city. What I do have are dedicated detectives who work very closely with HIDTA, to the tune of about 54. Now, some people may say that may be an excessive amount, but for the bang for the buck that I'm getting, it's well worth my while to have my men and women working in this capacity, because not only -- we're working drugs, and not only in Baltimore city but in Baltimore County and Harford County and Montgomery County, and every -- and all that stuff is related.

All these guys are related. It's related stuff. Most of the guys who are selling drugs in Baltimore city live in Baltimore County, so there's a connect there. There's a connect there.

I have made it my business that we are going to address violent crime in Baltimore city. Drugs drive about 60 percent of the violence in my town, so it's the best investment that I can have on a local level, not having the resources and the money that we have, and I want to thank Tom and his people for allowing us to participate.

BROOKS:

Mr. Chairman, there's sometimes a misconception, not by this committee, because you deal with these issues, but by many in the Congress and others, that HIDTA and Byrne are somehow funding law enforcement officers, that it's an entitlement program, that it supplants, when in reality the officers assigned to HIDTA, with very, very few exceptions, and almost exclusively to the Byrne task forces -- those are officers paid for by their own agencies out of their own pockets.

I know just on the California meth problem -- we looked one time at the money we got for meth hot spots, and then we looked at how much money we spent from a state and local perspective. We got \$3 million out of the meth hot spots grant. We spent \$160 million in state and local money on meth enforcement.

And that, I think, is the experience across the board at HIDTA and Byrne, that agencies want to put their personnel there, and the limited HIDTA dollars and the limited Byrne dollars give them the ability to have the facility to co-locate, maybe to help offset some vehicle or overtime or some communications or interoperability issues.

But those agencies are truly making the commitment by putting their people there, paying their salaries and their benefit packages, taking those people out of other assignments and putting them in drug enforcement, and so it is truly the best leverage of federal dollars anywhere in law enforcement.

SOUDER:

If Chief Harris and Sheriff Merritt could comment on this briefly, too, and if Mr. Henry does on the Byrne Grant, and then I'll yield.

But what I'm hearing here is that the funding is, kind of, a glue that helps pay the combined overhead, the phones and so on, but the actual objects that are being glued together are your dollars. And if we take the glue away and it falls apart, and they have no plan, how do you have these task forces?

HARRIS:

Yes, Mr. Chairman. That's absolutely correct.

The HIDTA center that we have that has over 300 people assigned to it -- we have those people in there, but the HIDTA funds is what pays for the facility to keep that place up and running, all the things that you talked about, whether it's cars, et cetera.

We do appreciate OCDETF's current cooperation in working with agencies that when we apply for OCDETF funding for a target that they approve of that we receive overtime funding to cover the overtime of the officers that are actually conducting the investigation.

But what everyone is saying here is absolutely correct. Without that funding that holds everything together, we can't afford to continue the operation and to put all of those bodies into these task forces and these programs with no return on that.

As was stated earlier, we're 130 miles or so from the border with Mexico. If you look at where all of the drugs are coming from, South America through Mexico, they're coming into Arizona and the Southwest border for distribution all over the rest of the country.

When we target these people, it's great to say, "Only target federal bad guys." The local bad guys are the federal bad guys, especially in our case, where we are tying violent crime, homicides, coyotes smuggling humans across the border, drugs, home invasions, murders -- it's all tied together.

And those targets develop into the federal targets. But to take all of that local input out and say it has to be a federal or a national target before you can get any funding is just not going to work.

SOUDER:

Mr. Henry?

HENRY:

A couple of things.

In Illinois, the local drug task forces -- they really are dealing with the issues of local concern. They all have policy boards. Everyone who gives an officer or money has an equal vote.

And they really look at what's going on within the community, and they attack those local drug dealers. The local drug dealer that's on your corner -- the drug task force is the one who takes them out. The drug dealers dealing in the area -- they're the ones that do that.

And we also have a network with these 20 drug task forces in Illinois where the bad guys -- the drug dealers -- they don't know jurisdictional boundaries. They deal dope anywhere and everywhere they could sell it.

So now we have a network of law enforcement personnel specialized in narcotics that can work with each other, communicate, work investigations together, on a local level attack the problems that really deal with quality-of-life issues, and we're very efficient and effective in what we do.

And that money is the glue that brings it all together. The locals and the state are putting their own resources into it, but that extra money is what brings it all together. If that money goes away, some of these units are going to disband. They'll become smaller.

There won't be that connection that -- there'll be pieces of the puzzle that are missing, and there won't be that ability to interconnect with each other and be as efficient and effective as we are right now.

SOUDER:

Sheriff Merritt, maybe you could also say what you -- your HIDTA is a newer HIDTA, formed a lot because of the meth issue. How has it changed with the HIDTA? And maybe you can talk about how that...

(CROSSTALK)

MERRITT:

Just the resources to deal with the disposing of the chemicals and everything -- the state of Missouri, I think, had about 3,000 labs last year, and a good deal of those in our county there, a few hundred in our county. And so it's extremely a critical thing.

Now, I look at the problems that's related in these other agencies, much larger agencies, and I think maybe we've got it pretty lucky.

But proportionately, with what we have to spend, with the manpower, the resources we have -- I contribute two officers to a drug task force other than the HIDTA and the DEA task force. And

without the Byrne Grants, that would not exist. Without the HIDTA money, my participation in the DEA drug task force would not exist.

I see these people sit own once a month, around a table about this size, and every agency's represented. They know what's going on.

Referring to the deconfliction, you know, they sat there and talk about it. We share offices and that type of thing.

And this brings agencies together that might not otherwise be together. If they're together in the drug enforcement when a drug- related homicide happens, they're together on that. It brings our agencies as one.

You can watch them working an investigation of a case of any type, and it's hard to tell who belongs to who for us administrators; and as it should be, because they're working as one. And it's a tremendous asset, and well worth what goes into it for our area, for just that collaboration between agencies, because you don't always have that every place. And so it's tremendous to see that.

And without this funding, we're pretty well sunk on that. And I know our meth labs are not going to go away. And as Mr. Cummings referred to earlier, that they're going to know it. You know, it's just like -- and I have a 500-bed jail, and I would say a very conservative estimate of 80 percent, 85 percent of my inmates are meth-related.

And the tentacles that go from the cost of that beyond the investigations, beyond what it takes to get them to jail, with the meth mouth -- their teeth are falling out, where I have to have extra dental. The medical costs -- I spent over \$1 million last year on medical costs for the jail there. I provide a counseling program to try to do something about it.

And if I could just touch on one thing, I had a group from Fellowship of Christian Athletes touring the other night that I took them through personally. And as we were in the visitation area there was a beautiful little 18-month-old, 2-year-old girl, blond curly hair with her face against the glass, looking down the hall to see her daddy come visit her.

This culture is taking over. And if we do anything to take away from the effectiveness of enforcement, that little girl is going to be coming down the hall with her little girl looking for her.

SOUDER:

It just overwhelms me. I'm so baffled that we worked so long to get cooperation, and then in one shot we're going to bust it. I just don't understand.

Mr. Cummings?

CUMMINGS:

I only have a few questions.

First of all, I want to thank you all. Since I've been on this subcommittee, which has been about nine years, this is one of the best presentations I've heard.

But I want us to be very careful here, because -- I always try to figure out what would somebody listening to us say to argue against what you've said. Let me tell you what they would say, and then I want you to address this. And the reason why I'm doing this is because I think it's important that you know how the folk think around here.

Somebody would say that, "Well, maybe these guys" -- on Capitol Hill we deal with a lot of turf situations. "Maybe these folks just want to hold onto their turf, and they don't really want to - they've got it already carved out, and they don't want anything disrupting what they're doing."

And I know that's how folk think, and I just hope that you -- I mean, this is your -- and I wish the folk who testified before could have heard this. I wish they had heard this. And I was trying to speak for you all, by the way, when I was addressing my questions to them, because I had a pretty good idea what you would say.

But one of the things, I guess, that's really hit me is that from listening to what you all are saying, OCDETF is not a real law enforcement kind of entity -- I mean, in other words, out there really fighting crime, but maybe managing some dollars and things of that -- not that they're not important, but, on the other hand, when you all deal with the HIDTAs and you deal with ONDCP, you feel a lot more comfortable. Is that a fair statement?

DONAHUE:

OCDETF is an important part of this, but it's not the part that has to do with the active, everyday law enforcement.

OCDETF is a prosecution support system. And the reason that OCDETF is important to the HIDTAs is because it takes the cases into the realm of federal conspiracies. And when you get into the realm of federal conspiracies, you have a huge hammer over the drug dealer.

CUMMINGS:

Right.

DONAHUE:

And as far as the turf is concerned, I'm not trying to keep my turf. I'm trying to increase it.

In 1992, there were 2,200 heroin overdoses in the city of Chicago.

DONAHUE:

By the year 2000, there were 12,254.

Where was the federal government during that eight-year period? It's the HIDTA that has addressed the heroin problem in the city of Chicago.

Now, Chicago is not unique as major cities go, but they do have a problem that most major cities don't have. We have 65 active gangs in the city of Chicago, of which there are 65,000 members. They handle 98 percent of the distribution of the drugs in our city and in our region.

Now, maybe we're hurting ourselves by calling these people members of street gangs, because they are organized crime. This is not the Jets and the Sharks from "West Side Story." These are hardened organized criminal gangs.

So I don't want to keep my turf. I want to double it or triple it. And I need these federal dollars to do that.

CUMMINGS:

You gave the answer I was hoping that -- hope the president's listening to what you're saying.

Mr. Carr?

CARR:

I just want to add that the -- I didn't want to malign OCDETF...

(CROSSTALK)

CUMMINGS:

And I don't want you to. I don't want you to.

I just want to make sure we have a clear -- I guess what I'm trying to get to is your basic concerns, because we are -- actually, what we're being asked to do is make a major shift, and so if you're doing this major shift you ought to -- like the chairman said, you ought to have at least some evidence to show that you're going to do something that is better and much more effective and efficient, as you said.

CARR:

Well, I think we're all perplexed by this. We had no warning.

It seems to be the administration is pushing -- as the chairman mentioned, they're federalizing this problem when it's not totally a federal problem. It's a state and local problem as well.

And it seems to be that they're abandoning the domestic drug enforcement that we have now in this country and that we've worked so hard to do, and that is, as you pointed out, to create this partnership between federal, state and local.

You brought up an interesting word, "turfism." Let me turn it a different way.

The turfism I think of are the turfism of the gangs like MS-13 and the turfism of the drug dealers that are operating in Baltimore, Washington, D.C. and Northern Virginia that I am very much aware of, and the conflict that's going on with them.

So, yes, we want to reduce turfism because it's reducing violence, reducing drug trafficking and the like. And I think the commissioner can comment on that.

Thank you.

HAMM:

Mr. Chairman, Mr. Cummings, I don't care about turf. I care about what works. What we do now works. That's all I care about.

We have a systematic way and systematic tactics of taking violent drug dealing people off the street. And it works.

So I don't care about turf. I care about what works. And I have talked about some of the results already. And if you check the testimony you will see. That's my concern, not turf. Results.

SOUDER:

Mr. Harris? Mr. Brooks, I'm sorry?

(CROSSTALK)

BROOKS:

... one thing that most people, I think, fail to understand is that more than 90 percent of the OCDEF budget just pays for federal employees. It pays for FTEs for the FBI, the U.S. Attorney's Office, the marshals and others.

There is a misconception that OCDEF is a -- there's an OCDEF task force out there somewhere. But really, there's just nine regions with coordinators that sit around a table, and they decide what cases they will fund for prosecution.

But there are no, like, HIDTA task forces or Byrne task forces. There's no brick-and-mortar building where law enforcement officers are co-located and where they go out and work investigations.

OCDEF is owned by the U.S. Attorney's Office. If HIDTA goes to OCDEF, we'll be just another program without the kind of partnership and ownership that local law enforcement has built with the HDTAs.

And so that's my concern, that OCDEF doesn't even know what it is we really do because they don't run drug task forces. They have not been in the multi-jurisdictional law enforcement business like we have.

And so Byrne and HIDTA are absolutely critical to keep those state, federal and local law enforcement officers at the table. I got interviewed on this issue on NPR radio, and they said, "What is the single most important aspect of HIDTA?"

And I said, the most important aspect of HIDTA -- and it is with Byrne as well -- is today we have a ton of disparate agencies that would have never been at the table talking before, federal,

state and local, that would have never shared information, would not have deconflicted their cases, would not have shared their resources. We have them all now jumping up saying, "No, no, let me help you with that, let me -- I've got a couple extra cars I could give you, we could use our radios, we could kick some more money into that case."

Those people are all now at the table sharing information, embracing one another's cultures, organizational cultures, working together willingly, because we brought them together using the incentive of federal money.

CUMMINGS:

Well, you just hit on where I was trying to go to. I'm not a police officer, but I would assume that there is somewhat of a brother and sisterhood going on there.

And I'm just wondering, is there a -- you just said, talking about people coming together -- I'm just guessing. If I'm on the federal level and I'm fighting drugs, and I'm on the state level or local level, and I have an opportunity to work -- and we're all working toward the same thing, are relationships established there that are very -- I mean, that don't -- you don't even see it in the paperwork.

You just know the folk -- they get to know each other. I mean, and they talk about the intuition of police officers. It's amazing, this situation up in Chicago. I haven't listened to the news very carefully, but I do know some officers apparently stopped a guy -- I don't know whether it was intuition or what.

But my point is that I guess there is something that happens to -- that you can't even put a monetary value, and you may not even be able to adequately describe it, when folks come together, whoever -- common mission, no matter what agency they're in, because they know that they all are in the same boat trying to deal with the same kind of thing.

Is that very significant here with regard to HIDTAs?

Yes, sir. You haven't spoken yet.

MERRITT:

As I mentioned earlier, we watch our people work. They work as one. You don't know who is a federal agent, who's a county, who's city police.

And, you know, there are certain philosophical differences on whether crime control is a local government issue or a federal government issue, and I think that 9/11 took that out. It's irrelevant now.

The question is not one of dependency upon the federal government to fund local responsibilities but it is will the federal government help local agencies meet the demands of crime control and homeland security? Because truly, as I believe you mentioned in the first panel, this internal terrorism is -- it gnaws at us, and there's probably not any greater threat to our society than drugs.

CUMMINGS:

Yes, sir.

(UNKNOWN)

I'm going to date myself with this, but back in 1972 I was assigned to probably the first federal drug task force in this country, and it was in 50 cities across the country, and it put state and locals together for the first time.

And you talked about the relationships that develop amongst people who work together every day. After 33 years, I have friends from that task force. And as a result of my experience on that task force, I was able to work cases as a narcotics investigator when was sent back to the police department because after 14 months the federal government turned that task force out.

And what we had built up was gone, except for the relationships that stayed between the officers and agents who were in that program. And it withered, and it died, and Congress had to come back again 16 years later to do the same thing. And the result of that is HIDTA.

So the answer to your question is yes, the relationships become institutionalized, and that's what make the investigations better.

CUMMINGS:

Just one last thing. I've often said that the people who are on the front line are the best witnesses. In other words, you all know how you are affected, and so I would just suggest that you all let your congresspeople know. And I'm sure you're already doing this.

This is important stuff, because I don't think there's one single congressman that wants to be in a situation where they believe they are doing something -- and I don't think the president wants to be in this situation by the way, doing something that actually goes counter, because listening to you all there seems to be a concern that you might go backwards.

And I don't want there to be another -- then have to go 16 years to go back the other way, because in the midst of that 16 years a lot of people are going to die, a lot of problems are going to happen, and there's going to be a lot of pain.

But the other thing that I guess I want you to talk about -- and maybe one or two of you all can talk about it -- you mentioned the term "deconfliction." And just for our purposes, would you all tell us the significance of deconfliction, just if you don't mind, keeping in mind there are people on C-SPAN watching this, too, and that's a term that they would like to know?

CARR:

I also work at the University of Maryland, as you know, and "deconfliction" is not a real word, but as a university can make up words, so we did.

But I think the word explains what it is. In other words, there are two types of conflicts that we're very much concerned about.

One is when police agencies are conducting high-risk operations, and at the same place or around the same place and time, and they don't know it, where you're confronting good guy on good guy -- and I've had a gun pulled on me by another police officer years ago in a raid like that. It's not a pleasant feeling.

So that's one of the ways we deal with it, in that we have police agencies call our intelligence center. They let us know when they're going to do an operation. And because we're in D.C. -- several years ago, Mrs. Clinton was Christmas shopping. She was taken to a mall in this area where we were doing a buy-bust, so I'm told, and as a result of that the Secret Service deconflicts with us in our center now.

So those things can be very real.

The other type of deconfliction involves cases where I'm working a target, and you're working a target, and it's the same target and we don't realize that.

Early on in our HIDTA, we had two of our initiatives not do a case deconfliction. It turned out one of them was selling drugs to the other in an undercover operation. The only way they found out was that they were from the same police department, and they happened to meet and say, "What are you doing here?" And the other one says, "Well, I'm selling drugs." The other says, "I'm buying drugs."

You know, so those are real incidents, and that's what -- they're officers' safety. They're resource incidents. And that's the two types of deconfliction.

CUMMINGS:

Well, that's a good -- thank you very much. And I think that, you know -- I would imagine that after those people who might be the sales persons of drugs that may be listening to all of this, probably the last thing they want is to see you all continue to do what you've been doing, deconflicting and doing all these other things.

And I would imagine that they would just love to know that they can do certain things in one area -- and, like you said, Commissioner Hamm, it has no boundaries.

And by the way, Mr. Chairman, Commissioner Hamm was talking about Baltimore city and Baltimore County. Baltimore city is surrounded by Baltimore County like a donut, like we're right in the middle. And so, therefore, we've got all these sales persons living outside, but right in the middle is where they do their dirt.

And so I guess that communication thing is so very, very important. And so I -- again, I want to thank all of you for your testimony, I really do.

And I hope that when you get back to the men and women who put their lives on the line every day -- every day, I hope that you will let them know that we want to do everything in our power to support them. And again, we thank you very much.

SOUDER:

Thank you.

Ms. Watson?

WATSON:

I sincerely want to thank the chair for bringing this panel together as well. I am amazed that those of you who are on the front lines were not consulted. And I also understand that the word went out to cut the budget. But to cut it in such highly sensitive areas of law enforcement is the wrong cut to make.

We are facing in this country an overwhelming threat of terrorism, and our terrorism is coming from the streets in the drugs that somehow get into the hands of our youth and our violent criminals. And I don't know how they come here. They're smuggled in because we lack the personnel to be able to detect.

WATSON:

We lack the intelligence to know how they're bringing it in. We woke up one day in the '70s and we found that -- I was telling everybody -- I was on the school board then -- "Oh, the community doesn't deal with crack cocaine, they can't afford it."

All of a sudden, everyone was selling those packages for \$20, those plastic packages, including mothers on welfare. And so I've been on it ever since then and we still haven't cracked it.

So if you were not contacted that there was a proposed cut and a reorganization, then, Mr. Chairman and members, I think we ought to turn this down and we ought to send the message right now that we will not accept this change, because right in the middle of success -- and, I'm sorry the other panel is not here, because they did express in front of all of you that they had not seen positive results.

That's because they haven't talked to you. You know, they hadn't asked you to give them all of your records that you collect in a year's time or six months' time. I can see why they would say that, because the communication has broken down.

Yes, sir?

CARR:

If you'd allow me real quickly, I just wanted to comment on that.

When the PART survey was done originally in 2004, the folks from OMB didn't get the outcomes and outputs from the HIDTA program. They got budget summaries and anecdotal information to look at.

So they didn't even give them the information that would allow them to say whether or not we were successful. That's what really started the process of us developing our own performance management system.

WATSON:

I would imagine that these decisions were made in a little room, you know, among themselves without reaching out to you.

And I would think to defund you and to reorganize you would cause what you have been doing to fail, and probably jeopardize a lot of people out there who have been undercover, because you'll have to pull them out, and then they show up in another outfit, a uniform or something, and they get marked.

I mean, I know how that game is played in my city, and so I want to say to all of you: You came here. Don't be afraid to speak out. Stand strong. Support your program's continuation and the funding.

We'll work with you, I hope, here in the House, and certainly in the Senate, to see that your funding continues, because we have an overwhelming task. All of us do -- is to get after this scourge in our streets.

And, I mean, to stop you while you're doing that doesn't make sense. It's not going to save money. It's going to create expenditures in other areas. We're going to have to pay more for hospitalization, and for survivors of people who have been killed on the street, and incarceration and so on.

So I want to just end it by saying I am behind your program and these funds 100 percent. Leave the program as it is. Make cuts in other areas, but not in this crime-stopping component.

And the Justice Department -- if they came and made the statements that they did, and those statements they believe are true, then I know they haven't been in communication with you. I mean, you didn't have to tell us that, because they would not have made those statements.

And if they had gotten out into your regions, and observed what was going on, and reviewed what was going on, then they would have to argue against the kind of changes they'd propose.

So, with that, Mr. Chairman, I want to thank you. It's been an afternoon well spent. I've got to rush to catch my plane to go back to the streets of Los Angeles and watch my drug dealers, you know, dealing on the streets.

I mean, I see it because I'm on those streets every day, and they do it with impunity. So thank you very much, and thank all of you for your contributions this afternoon.

SOUDER:

And thank you for spending so much time with us, Congresswoman Watson.

For those who say we can't do things in a bipartisan way, when we fight drug dealers and we fight narcotics, we need to fight in a bipartisan way. We didn't ask who was Republican or Democrat. We didn't even -- up here it would have been tough to figure out who was and who wasn't. And we need...

WATSON:

(OFF-MIKE)

SOUDER:

Yes. We need to tackle this.

And if you can communicate back to your grassroots people, they're putting their life on the line to try to keep the rest of America safe, and we very much appreciate that, because it's a few people who then addict other people, spread this through, gets into their families and their kids, puts people at harm when they're shopping, they can't walk at night on the street, fear to travel or move around.

It leads to the housing declines, education and school declines, all at this -- at least drug and alcohol abuse is the enabler that creates much of this problem. So we thank you very much for your efforts.

We need to look at this. If we speak out united, and if we can educate the public more on what's happening -- one of the problems in narcotics is people get very frustrated because it seems like it doesn't go away. It's like child abuse, just like spouse abuse, just like many other things. It just seems like you work at it and you work at it, but the second you back off it gets worse.

And this is an opportunity to educate, educate Congress and educate the general public, and say basically to the administration, "Look, this is working, and we know why you did this" -- but send a clear message from the grassroots level in to Congress.

We'll do a good job of testing the wind and react real fast. And make sure that we send a message, which is a lesson, not only for this year, but this is a program that works, and we ought to be looking at how to make it more effective, how to spread it.

Yes, if there are things like drug courts that need to be added, then propose adding that, but don't wreck another program in order to try to address another kind of problem.

This has been a terrific panel. Thank you for all the time that you spent. And we appreciate you coming to Washington and being part of this. And we'll make sure that the word gets out. And will you please help get it out to your own individual members back home? Because this is a big decision, a key crossroads, that could affect -- again, because we've done this before.

As Mr. Donahue said, it's not like we -- narcotics, sometimes we tackle it, we start to have success, we give it up and we have to do it all over gain. And now we finally have an integrated system that is probably the most integrated, helping us to work with the homeland security agencies.

We're seeing internationally we're better able to track. We aren't just going to arrest people on the street. We're going to be able to get to the systems. But if you can't turn witnesses, if you can't follow it through, hey, the whole system falls apart.

What good does it do to go down and eradicate cocaine in Colombia and try to intercept it if we can't also work it back the other direction? And ultimately, it's the ones on the street who are killing people, and you've got to stop them, because, in effect, if we fail in the eradication, if we fail on the interdiction, if we fail at the border, then it's in your towns.

And we can't abandon the towns just because we haven't been able to stop it back in Colombia or Afghanistan or elsewhere.

So thank you very much for your willingness to participate.

And with that, the subcommittee stands adjourned.

The FDCH Transcript Service Mar. 10, 2005

List of Speakers

U.S. REPRESENTATIVE MARK SOUDER (R-IN) CHAIRMAN

U.S. REPRESENTATIVE NATHAN DEAL (R-GA) VICE CHAIRMAN

U.S. REPRESENTATIVE JOHN M. MCHUGH (R-NY)

U.S. REPRESENTATIVE JOHN MICA (R-FL)

U.S. REPRESENTATIVE JO ANN DAVIS (R-VA)

U.S. REPRESENTATIVE JOHN R. CARTER (R-TX)

U.S. REPRESENTATIVE MARSHA BLACKBURN (R-TN)

U.S. REPRESENTATIVE PATRICK J. TIBERI (R-OH)

U.S. REPRESENTATIVE THOMAS M. DAVIS III (R-VA) EX OFFICIO

U.S. REPRESENTATIVE ELIJAH E. CUMMINGS (D-MD) RANKING MEMBER

U.S. REPRESENTATIVE DANNY K. DAVIS (D-IL)

U.S. REPRESENTATIVE WILLIAM LACY CLAY (D-MO)

U.S. REPRESENTATIVE LINDA T. SANCHEZ (D-CA)

U.S. REPRESENTATIVE C.A. "DUTCH" RUPPERSBERGER (D-MD)

U.S. REPRESENTATIVE ELEANOR HOLMES NORTON (D-DC)

U.S. REPRESENTATIVE BETTY MCCOLLUM (D-MN)

U.S. REPRESENTATIVE HENRY WAXMAN (D-CA) EX OFFICIO

U.S. REPRESENTATIVE DIANE E. WATSON (D-CA)

WITNESSES:

TRACY HENKE, ASSOCIATE DEPUTY ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS, JUSTICE DEPARTMENT

CATHERINE O'NEIL, ASSOCIATE DEPUTY ATTORNEY GENERAL/DIRECTOR, ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES (OCDEF), JUSTICE DEPARTMENT

JOHN HORTON, ASSOCIATE DEPUTY DIRECTOR FOR STATE AND LOCAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY

RON BROOKS, PRESIDENT, NATIONAL NARCOTICS OFFICER'S ASSOCIATION'S COALITION

TOM CARR, DIRECTOR, WASHINGTON-BALTIMORE HIDTA

TOM DONAHUE, DIRECTOR, CHICAGO HIDTA

JACK HARRIS, CHIEF, PHOENIX POLICE DEPARTMENT AND VICE-CHAIRMAN, SOUTHWEST BORDER HIDTA

LEONARD HAMM, ACTING POLICE COMMISSIONER, BALTIMORE, MARYLAND

MARK HENRY, PRESIDENT, ILLINOIS DRUG ENFORCEMENT OFFICER'S ASSOCIATION

JACK MERRITT, SHERIFF, GREENE COUNTY, MISSOURI