108TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPT. 108–167 Part 2

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2003

JULY 14, 2003.—Ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 2086]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2086) to reauthorize the Office of National Drug Control Policy, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the "Office of National Drug Control Policy Reauthorization Act of 2003".

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

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

Sec. 1. Short title; references; table of contents.
Sec. 2. Amendments to definitions.
Sec. 3. Amendments relating to appointment and duties of Director and Deputy Directors.
Sec. 4. Amendments relating to coordination with other agencies.
Sec. 5. Development, submission, implementation, and assessment of National Drug Control Strategy.
Sec. 6. High intensity drug trafficking areas program.
Sec. 7. Funding for certain high intensity drug trafficking areas.
Sec. 8. Amendments relating to Counter-Drug Technology Assessment Center.
Sec. 9. Repeals.
Sec. 10. National Youth Antidrug Media Campaign.
Sec. 11. Authorization of appropriations.
Sec. 12. Extension of termination date.

SEC. 2. AMENDMENTS TO DEFINITIONS.

(a) AMENDMENTS TO DEFINITIONS.—Section 702 (21 U.S.C. 1701) is amended—

(1) in paragraph (1)—

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

(B) by striking the period at the end of subparagraph (G) and inserting a semicolon; and

(C) by adding at the end the following:

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

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

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

(3) in paragraph (10)—

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

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following:

"(D) domestic drug law enforcement, including law enforcement directed at drug users."; and

(4) in paragraph (11)—

(A) by inserting before the semicolon in subparagraph (A) the following: "(including source country programs, and law enforcement outside the United States)";

(B) by inserting "and" after the semicolon in subparagraph (B);

(C) by striking "; and" at the end of subparagraph (C) and inserting a period; and

(D) by striking subparagraph (D).

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

(1) in subparagraph (A), by striking "(G)" and inserting "(H)"; and

(2) in subparagraph (C)—

(A) by striking "(C)" and inserting "(D)"; and

(B) by striking "and subparagraph (D) of section 702(11)".

SEC. 3. AMENDMENTS RELATING TO APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTORS.

(a) DESIGNATION OF OTHER OFFICERS.—Section 704(a)(3) (21 U.S.C. 1703(a)(3)) is amended—

(1) by striking "permanent employee" and inserting "officer or employee"; and

(2) by striking "serve as the Director" and inserting "serve as the acting Director".

(b) RESPONSIBILITIES OF DIRECTOR.—Section 704(b) (21 U.S.C. 1703(b)) is amended—

(1) in paragraph (4), by striking "Federal departments and agencies engaged in drug enforcement," and inserting "National Drug Control Program agencies,";

(2) by inserting "and" at the end of paragraph (12);

(3) by striking paragraphs (13) and (14); and

(4) by redesignating paragraph (15) as paragraph (13).

(c) REVIEW AND CERTIFICATION OF NATIONAL DRUG CONTROL PROGRAM BUDGET.—Section 704(c)(3) (21 U.S.C. 1703(c)(3)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) SPECIFIC REQUESTS.—The Director shall not confirm the adequacy of any budget request that—

"(i) requests funding for Federal law enforcement activities that do not adequately compensate for transfers of drug enforcement resources and personnel to law enforcement and investigation activities not related to drug enforcement as determined by the Director;

"(ii) requests funding for law enforcement activities on the borders of the United States that do not adequately direct resources to drug interdiction and enforcement as determined by the Director;

"(iii) requests funding for drug treatment activities that do not provide adequate result and accountability measures as determined by the Director;

"(iv) requests funding for any activities of the Safe and Drug Free Schools Program that do not include a clear antidrug message or purpose intended to reduce drug use;

"(v) requests funding to enforce section 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) with respect to convictions for drug-related offenses not occurring during a period of enrollment for which the student was receiving any Federal grant, loan, or work assistance;

"(vi) requests funding for drug treatment activities that do not adequately support and enhance Federal drug treatment programs and capacity, as determined by the Director; or

"(vii) requests funding for fiscal year 2005 for activities of the Department of Education, unless it is accompanied by a report setting forth a plan for providing expedited consideration of student loan applications for all individuals who submitted an application for any Federal grant, loan, or work assistance that was rejected or denied pursuant to section 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091 (r)(1)) by reason of a conviction for a drug-related offense not occurring during a period of enrollment for which the individual was receiving any Federal grant, loan, or work assistance.";

(3) in subparagraph (D)(iii), as so redesignated, by inserting "and the authorizing committees of Congress for the Office" after "House of Representatives"; and

(4) in subparagraph (E)(ii)(II)(bb), as so redesignated, by inserting "and the authorizing committees of Congress for the Office" after "House of Representatives".

(d) REPROGRAMMING AND TRANSFER REQUESTS.—Section 704(c)(4)(A) (21 U.S.C. 1703(c)(4)(A)) is amended by striking "$5,000,000" and inserting "$1,000,000".

(e) POWERS OF DIRECTOR.—Section 704(d) (21 U.S.C. 1703(d)) is amended—

(1) in paragraph (8)(D), by striking "have been authorized by Congress;" and inserting "authorized by law;";

(2) in paragraph (9)—

(A) by inserting "notwithstanding any other provision of law," after "(9)"; and

(B) by striking "Strategy; and" and inserting "Strategy and notify the authorizing Committees of Congress for the Office of any fund control notice issued;";

(3) in paragraph (10), by striking "(22 U.S.C. 2291j)." and inserting "(22 U.S.C. 2291j) and section 706 of the Department of State Authorization Act for Fiscal Year 2003 (22 U.S.C. 229j–l);";

(4) by adding at the end the following new paragraphs:

"(11) not later than August 1 of each year, submit to the President a report, and transmit copies of the report to the Secretary of State and the authorizing committees of Congress for the Office, that—

"(A) provides the Director's assessment of which countries are major drug transit countries or major illicit drug producing countries as defined in section 481(e) of the Foreign Assistance Act of 1961;

"(B) provides the Director's assessment of whether each country identified under subparagraph (A) has cooperated fully with the United States or has taken adequate steps on its own to achieve full compliance with the goals and objectives established by the United Nations Convention Against

Illicit Traffic in Narcotic Drugs and Psychotropic Substances and otherwise has assisted in reducing the supply of illicit drugs to the United States; and

"(C) provides the Director's assessment of whether application of procedures set forth in section 490(a) through (h) of the Foreign Assistance Act of 1961, as provided in section 706 of the Department of State Authorization Act for Fiscal Year 2003, is warranted with respect to countries the Director assesses have not cooperated fully; and

"(12) appoint a United States Interdiction Coordinator under subsection (i).".

(f) UNITED STATES INTERDICTION COORDINATOR.—Section 704 (21 U.S.C. 1703) is further amended by adding at the end the following:

"(i) UNITED STATES INTERDICTION COORDINATOR.—

"(1) IN GENERAL.—There shall be in the Office a United States Interdiction Coordinator, who shall be appointed by the Director and shall perform duties determined by the Director with respect to coordination of efforts to interdict illicit drugs from the United States.

"(2) APPOINTMENT.—

"(A) IN GENERAL.—Notwithstanding any other provision of law (except subparagraph (B)), the Director may appoint any individual to serve as the United States Interdiction Coordinator.

"(B) LIMITATION.—The Director may not appoint to such position any individual who concurrently serves as the head of any other Federal department or agency or any subdivision thereof with responsibility for narcotics interdiction activities, except the counternarcotics officer of the Department of Homeland Security appointed under section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458).".

(g) REQUIREMENT FOR SOUTH AMERICAN HEROIN STRATEGY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to the Congress a comprehensive strategy that addresses the increased threat from South American heroin, and in particular Colombian heroin.

(2) CONTENTS.—The strategy shall include—

(A) opium eradication efforts to eliminate the problem at the source to prevent it from reoccurring before the heroin enters the stream of commerce;

(B) interdiction and precursor chemical controls;

(C) demand reduction and treatment;

(D) provisions that ensure the maintenance at current levels of efforts to eradicate coca in Colombia; and

(E) assessment of the level of additional funding and resources necessary to simultaneously address the threat from South American heroin and the threat from Columbian coca.

SEC. 4. AMENDMENTS RELATING TO COORDINATION WITH OTHER AGENCIES.

Section 705 (21 U.S.C. 1704) is amended—

(1) in subsection (a)(1)(A), by striking "abuse";

(2) by amending paragraph (3) of subsection (a) to read as follows:

"(3) REQUIRED REPORTS.—

"(A) SECRETARIES OF THE INTERIOR AND AGRICULTURE.—The Secretaries of Agriculture and the Interior shall, by July 1 of each year, jointly submit to the Director and the authorizing committees of Congress for the Office an assessment of the quantity of illegal drug cultivation and manufacturing in the United States on lands owned or under the jurisdiction of the Federal Government for the preceding year.

"(B) ATTORNEY GENERAL.—The Attorney General shall, by July 1 of each year, submit to the Director and the authorizing committees of Congress for the Office information for the preceding year regarding the number and type of—

"(i) arrests for drug violations;

"(ii) prosecutions for drug violations by United States Attorneys; and

"(iii) seizures of drugs by each component of the Department of Justice seizing drugs, as well as statistical information on the geographic areas of such seizures.

"(C) SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall, by July 1 of each year, submit to the Director and the authorizing committees of Congress for the Office information for the preceding year regarding—

"(i) the number and type of seizures of drugs by each component of the Department of Homeland Security seizing drugs, as well as statistical information on the geographic areas of such seizures; and

"(ii) the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department.

"(D) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by July 1 of each year, submit to the Director and the authorizing committees of Congress for the Office information for the preceding year regarding the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Defense."; and

(3) in subsection (b)(2)(B), by striking "Program." and inserting "Strategy.".

SEC. 5. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

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

"SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

"(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

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

"(2) CONTENTS.—

"(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include—

"(i) comprehensive, research-based, long-range, and quantifiable goals for reducing illicit drug use and the consequences of illicit drug use in the United States;

"(ii) annual objectives and strategy for demand reduction, supply reduction, and law enforcement activities, specific targets to accomplish long-range quantifiable reduction in illicit drug use as determined by the Director, and specific measurements to evaluate progress toward the targets and strategic goals;

"(iii) a strategy to reduce the availability and purity of illegal drugs and the level of drug-related crime in the United States;

"(iv) an assessment of Federal effectiveness in achieving the National Drug Control Strategy for the previous year, including—

"(I) a specific evaluation of whether the objectives and targets for reducing illicit drug use for the previous year were met and reasons for the success or failure of the previous year's Strategy; and

"(II) an assessment of the availability and purity of illegal drugs and the level of drug-related crime in the United States;

"(v) notification of any program or budget priorities that the Director expects to significantly change from the current Strategy over the next five years;

"(vi) a review of international, State, local, and private sector drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government;

"(vii) such statistical data and information as the Director deems appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences thereof, supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy; and

"(viii) a supplement reviewing the activities of each individual National Drug Control Program agency during the previous year with respect to the National Drug Control Strategy and the Director's assessment of the progress of each National Drug Control Program agency in meeting its responsibilities under the National Drug Control Strategy.

"(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involve information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

"(C) SELECTION OF DATA AND INFORMATION.—In selecting data and information for inclusion under subparagraph (A), the Director shall ensure—

"(i) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and

"(ii) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

"(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—

"(A) CONSULTATION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

"(i) shall consult with—

"(I) the heads of the National Drug Control Program agencies;

"(II) Congress;

"(III) State and local officials;

"(IV) private citizens and organizations with experience and expertise in demand reduction;

"(V) private citizens and organizations with experience and expertise in supply reduction;

"(VI) private citizens and organizations with experience and expertise in law enforcement; and

"(VII) appropriate representatives of foreign governments;

"(ii) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific tasks or projects to implement the National Drug Control Strategy;

"(iii) with the concurrence of the Director of Central Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to implement the National Drug Control Strategy; and

"(iv) may make recommendations to the Secretary of Health and Human Services on research that supports or advances the National Drug Control Strategy.

"(B) RECOMMENDATIONS.—Recommendations under subparagraph (A)(iv) may include recommendations of research to be performed at the National Institutes of Health, including the National Institute on Drug Abuse, or any other appropriate agency within the Department of Health and Human Services.

"(C) INCLUSION IN STRATEGY.—The National Drug Control Strategy under this subsection shall include a list of each entity consulted under subparagraph (A)(i).

"(4) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

"(A) at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; or

"(B) if a new President or Director takes office.

"(b) PERFORMANCE MEASUREMENT SYSTEM.—Not later than February 1 of each year, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that includes performance measures for the National Drug Control Strategy and activities of National Drug Control Program agencies related to the National Drug Control Strategy.".

SEC. 6. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

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

"SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

"(a) ESTABLISHMENT.—There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program (in this section referred to as the 'Program').

"(b) PURPOSES.—The purposes of the Program are the following:

"(1) To reduce drug availability and facilitate cooperative efforts between Federal, State, and local law enforcement agencies in areas with significant drug trafficking problems that harmfully impact other parts of the Nation.

"(2) To provide assistance to agencies to come together to assess regional threats, design coordinated strategies to combat those threats, share intelligence, and develop and implement coordinated initiatives to implement the strategies.

"(c) DESIGNATION.—The Director, upon consultation with the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, heads of the Na-

tional Drug Control Program agencies, and the Governor of each applicable State, may designate any specified area of the United States as a high intensity drug trafficking area.

"(d) FACTORS FOR CONSIDERATION.—

"(1) IN GENERAL.—In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

"(A) the area is a major center of illegal drug production, manufacturing, importation, or distribution for the United States as compared to other areas of the United States;

"(B) State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

"(C) drug-related production, manufacturing, importation, or distribution in the area is having a significant harmful impact in other areas of the United States; and

"(D) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

"(2) CONSIDERATIONS.—For purposes of paragraph (1)(A), in considering whether an area is a major center of illegal drug production, manufacturing, importation, or distribution as compared to other areas of the United States, the Director shall consider—

"(A) the quantity of illicit drug traffic entering or transiting the area originating in foreign countries;

"(B) the quantity of illicit drugs produced in the area;

"(C) the number of Federal, State, and local arrests, prosecutions, and convictions for drug trafficking and distribution offenses in the area;

"(D) the degree to which the area is a center for the activities of national drug trafficking organizations; and

"(E) such other criteria as the Director considers appropriate.

"(e) SOUTHWEST BORDER.—The Director may not designate any county contiguous to the international land border with Mexico as part of any high intensity drug trafficking area other than as part of a single Southwest Border high intensity drug trafficking area.

"(f) REMOVAL FROM DESIGNATION.—The Director may remove an area or portion of an area from designation as a high intensity drug trafficking area under this section upon determination that the area or portion of an area no longer is a high intensity drug trafficking area, considering the factors in subsections (d) and (e) in addition to such other criteria as the Director considers to be appropriate.

"(g) AUTHORITY OF THE DIRECTOR.—After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

"(1) obligate such sums as appropriated for the Program;

"(2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel; and

"(3) take any other action authorized under section 704 to provide increased Federal assistance to those areas.

"(h) USE OF FUNDS.—

"(1) LIMITATION.—No funds appropriated for the Program shall be expended for drug prevention or drug treatment programs.

"(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply with respect to the Baltimore/Washington high intensity drug trafficking area.

"(i) TERRORISM ACTIVITIES.—

"(1) ASSISTANCE AUTHORIZED.—The Director may authorize use of resources available for the Program to assist Federal, State, and local law enforcement agencies in investigations and activities related to terrorism and prevention of terrorism, especially but not exclusively where such investigations are related to drug trafficking.

"(2) LIMITATION.—The Director shall ensure—

"(A) that assistance provided under paragraph (1) remains incidental to the purpose of the Program to reduce drug availability and carry out drug-related law enforcement activities; and

"(B) that significant resources of the Program are not redirected to activities exclusively related to terrorism.

"(j) BOARD REPRESENTATION.—None of the funds appropriated under this section may be expended for any high intensity drug trafficking area, or for a partnership under the Program, if the executive board or equivalent governing committee with respect to such area or partnership is not comprised of equal voting representa-

tion between representatives of Federal law enforcement agencies and representatives of State and local law enforcement agencies.

"(k) ROLE OF DRUG ENFORCEMENT ADMINISTRATION.—The Director, in consultation with the Attorney General, shall ensure that a representative of the Drug Enforcement Administration is included in the Intelligence Support Center for each high intensity drug trafficking area.

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

"(1) $230,000,000 for fiscal year 2004;

"(2) $240,000,000 for each of fiscal years 2005 and 2006; and

"(3) $250,000,000 for each of fiscal years 2007 and 2008.".

(b) REVIEW OF CURRENT AREAS.—Within one year after the date of enactment of this Act, the Director of National Drug Control Policy shall—

(1) review each of the areas currently designated as a high intensity drug trafficking area to determine whether it continues to warrant designation as a high intensity drug trafficking area, considering the factors in section 707(d) of the Office of National Drug Control Policy Reauthorization Act of 1998, as amended by this section, in addition to such other criteria as the Director considers to be appropriate; and

(2) terminate such description for an area or portion of an area determined to no longer warrant designation.

SEC. 7. FUNDING FOR CERTAIN HIGH INTENSITY DRUG TRAFFICKING AREAS.

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

(b) FINDINGS.—Congress finds the following:

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

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

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

(4) In all phases of counter-narcotics law enforcement—from prevention to investigation to prosecution to reentry—the voluntary cooperation of ordinary citizens is a critical component.

(5) Voluntary cooperation is difficult for law enforcement officials to obtain when citizens feel that cooperation carries the risk of violent retaliation by illegal drug trafficking organizations and their affiliates.

(6) Public confidence that law enforcement is doing all it can to make communities safe is a prerequisite for voluntary cooperation among people who may be subject to intimidation or reprisal (or both).

(7) Witness protection programs are insufficient on their own to provide security because many individuals and families who strive every day to make distressed neighborhoods livable for their children, other relatives, and neighbors will resist or refuse offers of relocation by local, State, and Federal prosecutorial agencies and because, moreover, the continued presence of strong individuals and families is critical to preserving and strengthening the social fabric in such communities.

(8) Where (as in certain sections of Baltimore City) interstate trafficking of illegal drugs has severe ancillary local consequences within areas designated as high intensity drug trafficking areas, it is important that supplementary High Intensity Drug Trafficking Areas Program funds be committed to support initiatives aimed at making the affected communities safe for the residents of those communities and encouraging their cooperation with local, State, and Federal law enforcement efforts to combat illegal drug trafficking.

(c) FUNDING FOR CERTAIN HIGH INTENSITY DRUG TRAFFICKING AREAS.—Section 707 (21 U.S.C. 1706) is further amended in subsection (h) by adding at the end the following new paragraph:

"(3) SPECIFIC PURPOSES.—

"(A) IN GENERAL.—The Director shall ensure that, of the amounts appropriated for a fiscal year for the Program, at least $1,000,000 is used in high intensity drug trafficking areas with severe neighborhood safety and illegal drug distribution problems.

"(B) REQUIRED USES.—The funds used under subparagraph (A) shall be used—

"(i) to ensure the safety of neighborhoods and the protection of communities, including the prevention of the intimidation of potential witnesses of illegal drug distribution and related activities; and

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

SEC. 8. AMENDMENTS RELATING TO COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

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

(1) in the heading by striking "DIRECTOR OF TECHNOLOGY.—" and inserting "CHIEF SCIENTIST.—"; and

(2) by striking "Director of Technology," and inserting "Chief Scientist,".

(b) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 708(c) (21 U.S.C. 1707(c)) is amended to read as follows:

"(c) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—

"(1) IN GENERAL.—The Director, acting through the Chief Scientist, shall—

"(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local law enforcement agencies relating to drug enforcement, including—

"(i) advanced surveillance, tracking, and radar imaging;

"(ii) electronic support measures;

"(iii) communications;

"(iv) data fusion, advanced computer systems, and artificial intelligence; and

"(v) chemical, biological, radiological (including neutron, electron, and graviton), and other means of detection;

"(B) identify demand reduction (including drug prevention) basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

"(i) improving treatment through neuroscientific advances;

"(ii) improving the transfer of biomedical research to the clinical setting; and

"(iii) in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

"(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Program;

"(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments;

"(E) oversee and coordinate a technology transfer program for the transfer of technology to State and local law enforcement agencies; and

"(F) pursuant to the authority of the Director of National Drug Control Policy under section 704, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

"(2) PRIORITIES IN TRANSFERRING TECHNOLOGY.—In transferring technology under the authority of paragraph (1)(E), the Chief Scientist shall give priority, in transferring technologies most likely to assist in drug interdiction and border enforcement, to State, local, and tribal law enforcement agencies in southwest border areas and northern border areas with significant traffic in illicit drugs.

"(3) LIMITATION ON AUTHORITY.—The authority granted to the Director under this subsection shall not extend to the award of contracts, management of individual projects, or other operational activities.".

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

SEC. 9. REPEALS.

The following provisions are repealed:

(1) Sections 709 and 711 (21 U.S.C. 1708 and 1710).

(2) Section 6073 of the Asset Forfeiture Amendments Act of 1988 (21 U.S.C. 1509).

SEC. 10. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

(a) IN GENERAL.—The Act is further amended by inserting after section 708 (21 U.S.C. 1707) the following:

"SEC. 709. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

"(a) IN GENERAL.—The Director shall conduct a national media campaign in accordance with this section for the purpose of reducing and preventing illicit drug use among young people in the United States, through mass media advertising.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—Amounts made available to carry out this section for the media campaign may only be used for the following:

"(A) The purchase of media time and space.

"(B) Creative and talent costs.

"(C) Advertising production costs.

"(D) Testing and evaluation of advertising.

"(E) Evaluation of the effectiveness of the media campaign.

"(F) The negotiated fees for the winning bidder on requests for proposals issued either by the Office or its designee for purposes otherwise authorized in this section.

"(G) Partnerships with community, civic, and professional groups and government organizations related to the media campaign.

"(H) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

"(I) Operational and management expenses.

"(2) SPECIFIC REQUIREMENTS.—

"(A) CREATIVE SERVICES.—

"(i) In using amounts for creative and talent costs under paragraph (1)(B), the Director shall use creative services donated at no cost to the Government wherever feasible and may only procure creative services for advertising—

"(I) responding to high-priority or emergent media campaign needs that cannot timely be obtained at no cost; or

"(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

"(ii) No more than $1,000,000 may be expended under this section each fiscal year on creative services, except that the Director may expend up to $2,000,000 in a fiscal year on creative services to meet urgent needs of the media campaign with advance approval from the Committees on Appropriations of the House of Representatives and of the Senate upon a showing of the circumstances causing such urgent needs of the media campaign.

"(B) TESTING AND EVALUATION OF ADVERTISING.—In using amounts for testing and evaluation of advertising under paragraph (1)(D), the Director shall test all advertisements prior to use in the media campaign to ensure that the advertisements are effective and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this section in a fiscal year and no more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the media campaign.

"(C) EVALUATION OF EFFECTIVENESS OF MEDIA CAMPAIGN.—In using amounts for the evaluation of the effectiveness of the media campaign under paragraph (1)(E), the Director shall—

"(i) designate an independent entity to evaluate annually the effectiveness of the media campaign based on data from—

"(I) the 'Monitoring the Future Study' published by the Department of Health and Human Services;

"(II) the Attitude Tracking Study published by the Partnership for a Drug Free America;

"(III) the National Household Survey on Drug Abuse; and

"(IV) other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and

"(ii) ensure that the effectiveness of the media campaign is evaluated in a manner that enables consideration of whether the media campaign has contributed to reduction of illicit drug use among youth and

such other measures of evaluation as the Director determines are appropriate.

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

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

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

"(c) ADVERTISING.—In carrying out this section, the Director shall devote sufficient funds to the advertising portion of the media campaign to meet the goals of the media campaign.

"(d) PROHIBITIONS.—None of the amounts made available under subsection (b) may be obligated or expended for any of the following:

"(1) To supplant current antidrug community-based coalitions.

"(2) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

"(3) For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

"(4) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations.

"(5) To fund advertising that does not contain a primary message intended to reduce or prevent illicit drug use.

"(6) To fund advertising containing a primary message intended to promote support for the media campaign or private sector contributions to the media campaign.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Amounts made available under subsection (b) shall be matched by an equal amount of non-Federal funds for the media campaign, or be matched with in-kind contributions of the same value.

"(2) NO-COST MATCH ADVERTISING DIRECT RELATIONSHIP REQUIREMENT.—The Director shall ensure that at least 70 percent of no-cost match advertising provided directly relates to substance abuse prevention consistent with the specific purposes of the media campaign, except that in any fiscal year in which less than $125,000,000 is appropriated to the media campaign, the Director shall ensure that at least 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the media campaign.

"(3) NO-COST MATCH ADVERTISING NOT DIRECTLY RELATED.—The Director shall ensure that no-cost match advertising that does not directly relate to substance abuse prevention includes a clear antidrug message. Such message is not required to be the primary message of the match advertising.

"(f) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Director shall cause to be performed—

"(1) audits and reviews of costs of the media campaign pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

"(2) an audit of the cost of the media campaign described in section 306 of such Act (41 U.S.C. 256).

"(g) STRATEGIC GUIDANCE AND DONATIONS.—The Partnership for a Drug Free America shall serve as the primary outside strategic advisor to the media campaign and be responsible for coordinating donations of creative and other services to the campaign, except with respect to advertising created using funds permitted in subsection (b). The Director shall inform the Partnership for a Drug Free America of the strategic goals of the campaign and consider advice from the Partnership for a Drug Free America on media campaign strategy.

"(h) REPORT TO CONGRESS.—The Director shall submit on an annual basis a report to Congress that describes—

"(1) the strategy of the media campaign and whether specific objectives of the media campaign were accomplished;

"(2) steps taken to ensure that the media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the media campaign;

"(3) plans to purchase advertising time and space;

"(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

"(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the media campaign.

"(i) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use amounts made available under this section for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

"(j) PREVENTION OF MARIJUANA USE.—

"(1) FINDINGS.—The Congress finds the following:

"(A) 60 percent of adolescent admissions for drug treatment are based on marijuana use.

"(B) Potency levels of contemporary marijuana, particularly hydroponically grown marijuana, are significantly higher than in the past, rising from under 1 percent of THC in the mid-1970s to as high as 30 percent today.

"(C) Contemporary research has demonstrated that youths smoking marijuana early in life may be up to five times more likely to use hard drugs.

"(D) Contemporary research has demonstrated clear detrimental effects in adolescent educational achievement resulting from marijuana use.

"(E) Contemporary research has demonstrated clear detrimental effects in adolescent brain development resulting from marijuana use.

"(F) An estimated 9,000,000 Americans per year drive while under the influence of illegal drugs, including marijuana.

"(G) Marijuana smoke contains 50 to 70 percent more of certain cancer causing chemicals than tobacco smoke.

"(H) Teens who use marijuana are up to four times more likely to have a teen pregnancy than teens who have not.

"(I) Federal law enforcement agencies have identified clear links suggesting that trade in hydroponic marijuana facilitates trade by criminal organizations in hard drugs, including heroin.

"(J) Federal law enforcement agencies have identified possible links between trade in marijuana and financing for terrorist organizations.

"(2) EMPHASIS ON PREVENTION OF YOUTH MARIJUANA USE.—In conducting advertising and activities otherwise authorized under this section, the Director may emphasize prevention of youth marijuana use.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office to carry out this section, $195,000,000 for each of fiscal years 2004 and 2005 and $210,000,000 for each of fiscal years 2006 through 2008.".

(b) REPEAL OF SUPERSEDED PROVISIONS.—The Drug-Free Media Campaign Act of 1998 (21 U.S.C. 1801 et seq.) is repealed.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 714 (21 U.S.C. 1711) is amended—

(1) by striking "title," and inserting "title, except activities for which amounts are otherwise specifically authorized by this title,"; and

(2) by striking "1999 through 2003" and inserting "2004 through 2008".

SEC. 12. EXTENSION OF TERMINATION DATE.

Section 715(a) is amended by striking "September 30, 2003, this title and the amendments made by this title are repealed" and inserting "September 30, 2008, this title is repealed".

PURPOSE AND SUMMARY

The purpose of H.R. 2086, the "Office of National Drug Control Policy Reauthorization Act of 2003" is to reauthorize the Office of National Drug Control Policy (ONDCP) within the Executive Office of the President for 5 years, through the end of FY 2008. It also renews congressional authorization for national programs administered by ONDCP, including the National Youth Anti-Drug Media Campaign and the High Intensity Drug Trafficking Areas (HIDTA)

program. The current authorization for ONDCP expires on September 30, 2003. The office was originally created in 1988 and is the President's principal adviser with respect to drug control policy development and program oversight. ONDCP's current statutory mission is to guide the Nation's efforts to both reduce the use, manufacturing, and trafficking of illicit drugs, and to reduce the associated crime, violence, and health consequences of illegal drug use.

H.R. 2086 was referred to the Committee on Government Reform on May 14, 2003. The Committee reported H.R. 2086 with an amendment on June 19, 2003 (H.Rept. No. 108–167, Part I). The Committee on the Judiciary received an extension on its secondary referral to July 14, 2003.

BACKGROUND AND NEED FOR THE LEGISLATION

Since its inception, the ONDCP has been the cornerstone of Federal drug policy in America, improving the lives of all Americans by reducing the impact of drugs and the consequences of their abuse in our society and communities. Congress established the office through the Anti-Drug Abuse Act of 1988 and the current statutory authorization will expire this September. The Director advises the President on national and international drug control policies and strategies, formulates the National Drug Control Strategy, reviews and certifies the budgets of National Drug Control Program Agencies, and works to ensure the effective coordination of drug programs by the National Drug Control Program agencies.

The Director reviews the annual budget requests for each Federal department and agency charged with implementing a Federal drug control program and is empowered to require funding levels and initiatives the Director believes are sufficient for those goals. Additionally, the National Drug Control Strategy is submitted to Congress annually to coordinate the Nation's anti-drug efforts and establish programs, budgets, and guidelines for cooperation among Federal, state, and local entities. The document contains a number of mandated statistics and assessments related to drug policy and serves as a strategic review of Federal programs by evaluating their coordination and effectiveness.

ONDCP also administers approximately $500 million in programs, including: the High Intensity Drug Trafficking Areas (HIDTA) program, which provides assistance for state and local law enforcement to work with Federal agencies to stop drug traffic in critical areas of the country impacting national drug traffic, the National Youth Anti-Drug Media Campaign that supports the airing of anti-drug television and print ads, the Drug-Free Communities grant program, and the Counter Drug Technology Assessment Center (CTAC).

To carry out these responsibilities at a senior level, in addition to the Director, ONDCP also authorizes a Deputy Director of National Drug Control Policy and Deputy Directors for Demand Reduction, Supply Reduction, and State and Local Affairs, all of whom are appointed by the President with the advice and consent of the Senate. ONDCP has a total staff of approximately 110 employees and an overall budget of approximately $523 million.

HEARINGS

No hearings were held on H.R. 2086 in the Committee on the Judiciary.

COMMITTEE CONSIDERATION

On July 9, 2003, the Committee met in open session and ordered favorably reported the bill H.R. 2086 with an amendment by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the committee sets forth the following rollcall votes that occurred during the markup of H.R. 2086.

1. An amendment was offered by Mr. Coble to strike the allocation of funding language in section 6 of the bill relating to the High Intensity Drug Trafficking Areas (HIDTA) Program. The amendment was agreed to by a rollcall vote of 13 to 9.

ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Hyde			
Mr. Coble	X		
Mr. Smith	X		
Mr. Gallegly	X		
Mr. Goodlatte	X		
Mr. Chabot			
Mr. Jenkins	X		
Mr. Cannon			
Mr. Bachus			
Mr. Hostettler	X		
Mr. Green	X		
Mr. Keller	X		
Ms. Hart	X		
Mr. Flake			
Mr. Pence			
Mr. Forbes	X		
Mr. King	X		
Mr. Carter			
Mr. Feeney	X		
Mrs. Blackburn			
Mr. Conyers			
Mr. Berman			
Mr. Boucher			
Mr. Nadler		X	
Mr. Scott		X	
Mr. Watt		X	
Ms. Lofgren		X	
Ms. Jackson Lee		X	
Ms. Waters		X	
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin		X	
Mr. Weiner			
Mr. Schiff		X	
Ms. Sánchez		X	
Mr. Sensenbrenner, Chairman	X		
Total	13	9	

2. An amendment was offered by Mr. Nadler to strike language in the bill that states that no HIDTA Program funds may be used for drug prevention or drug treatment programs. The amendment was defeated by a rollcall vote of 11 to 17.

ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Hyde			
Mr. Coble		X	
Mr. Smith		X	
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Jenkins		X	
Mr. Cannon			
Mr. Bachus			
Mr. Hostettler		X	
Mr. Green		X	
Mr. Keller		X	
Ms. Hart		X	
Mr. Flake			
Mr. Pence		X	
Mr. Forbes		X	
Mr. King		X	
Mr. Carter		X	
Mr. Feeney		X	
Mrs. Blackburn		X	
Mr. Conyers	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan	X		
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin	X		
Mr. Weiner			
Mr. Schiff	X		
Ms. Sánchez	X		
Mr. Sensenbrenner, Chairman		X	
Total	11	17	

3. An amendment was offered by Ms. Jackson Lee as modified by an amendment by Mr. Watt to require the Director of ONDCP to reject any budget request that fails to provide adequate funding for the Substance Abuse Prevention and Treatment Block Grant program and the Targeted Capacity Expansion grant program. The amendment as modified was defeated by a rollcall vote of 11 to 17.

ROLLCALL NO. 3

	Ayes	Nays	Present
Mr. Hyde			
Mr. Coble		X	
Mr. Smith		X	
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Chabot		X	

ROLLCALL NO. 3—Continued

	Ayes	Nays	Present
Mr. Jenkins		X	
Mr. Cannon		X	
Mr. Bachus			
Mr. Hostettler		X	
Mr. Green		X	
Mr. Keller		X	
Ms. Hart		X	
Mr. Flake			
Mr. Pence			
Mr. Forbes		X	
Mr. King		X	
Mr. Carter		X	
Mr. Feeney		X	
Mrs. Blackburn		X	
Mr. Conyers	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan	X		
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin	X		
Mr. Weiner			
Mr. Schiff	X		
Ms. Sánchez	X		
Mr. Sensenbrenner, Chairman		X	
Total	11	17	

4. An amendment was offered by Mr. Nadler to require the Director of ONDCP to reject any budget request that requests funding to enforce any Federal law in a state or local area that is contrary to the public policy of that state or local government relating to the use of marijuana for medical purposes. The amendment was defeated by a rollcall vote of 11 to 17.

ROLLCALL NO. 4

	Ayes	Nays	Present
Mr. Hyde			
Mr. Coble		X	
Mr. Smith		X	
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Jenkins		X	
Mr. Cannon		X	
Mr. Bachus			
Mr. Hostettler		X	
Mr. Green		X	
Mr. Keller		X	
Ms. Hart		X	
Mr. Flake			
Mr. Pence			
Mr. Forbes		X	
Mr. King		X	
Mr. Carter		X	

ROLLCALL NO. 4—Continued

	Ayes	Nays	Present
Mr. Feeney		X	
Mrs. Blackburn		X	
Mr. Conyers	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan	X		
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin	X		
Mr. Weiner			
Mr. Schiff	X		
Ms. Sánchez	X		
Mr. Sensenbrenner, Chairman		X	
Total	11	17	

5. An amendment was offered by Mr. Scott to require the Director of ONDCP to reject any budget request that fails to provide funding for adequate research on the relative efficacy of strategies to reduce drug use. The amendment was defeated by a rollcall vote of 12 to 18.

ROLLCALL NO. 5

	Ayes	Nays	Present
Mr. Hyde			
Mr. Coble		X	
Mr. Smith		X	
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Jenkins		X	
Mr. Cannon		X	
Mr. Bachus		X	
Mr. Hostettler		X	
Mr. Green		X	
Mr. Keller		X	
Ms. Hart		X	
Mr. Flake			
Mr. Pence			
Mr. Forbes		X	
Mr. King		X	
Mr. Carter		X	
Mr. Feeney		X	
Mrs. Blackburn		X	
Mr. Conyers	X		
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan	X		
Mr. Delahunt			

ROLLCALL NO. 5—Continued

	Ayes	Nays	Present
Mr. Wexler			
Ms. Baldwin	X		
Mr. Weiner			
Mr. Schiff	X		
Ms. Sánchez	X		
Mr. Sensenbrenner, Chairman		X	
Total	12	18	

6. An amendment was offered by Mr. Nadler to insert language in the bill that the Director of ONDCP is not required to take action to oppose any attempt to legalize the use of marijuana for medical purposes. The amendment was defeated by a rollcall vote of 12 to 16.

ROLLCALL NO. 6

	Ayes	Nays	Present
Mr. Hyde			
Mr. Coble		X	
Mr. Smith		X	
Mr. Gallegly			
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Jenkins		X	
Mr. Cannon		X	
Mr. Bachus		X	
Mr. Hostettler		X	
Mr. Green		X	
Mr. Keller		X	
Ms. Hart			
Mr. Flake			
Mr. Pence			
Mr. Forbes		X	
Mr. King		X	
Mr. Carter		X	
Mr. Feeney		X	
Mrs. Blackburn		X	
Mr. Conyers	X		
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan	X		
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin	X		
Mr. Weiner			
Mr. Schiff	X		
Ms. Sánchez	X		
Mr. Sensenbrenner, Chairman		X	
Total	12	16	

7. An amendment was offered by Ms. Jackson Lee to require that an annual report that the Attorney General must compile regarding the number of arrests for drug violations and the number of prosecutions for drug violations by United States Attorneys be bro-

ken down according to the race, ethnicity, gender, and age of individuals arrested and prosecuted. The amendment was defeated by a rollcall vote of 12 to 17.

ROLLCALL NO. 7

	Ayes	Nays	Present
Mr. Hyde			
Mr. Coble		X	
Mr. Smith		X	
Mr. Gallegly			
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Jenkins		X	
Mr. Cannon		X	
Mr. Bachus		X	
Mr. Hostettler		X	
Mr. Green		X	
Mr. Keller		X	
Ms. Hart		X	
Mr. Flake			
Mr. Pence			
Mr. Forbes		X	
Mr. King		X	
Mr. Carter		X	
Mr. Feeney		X	
Mrs. Blackburn		X	
Mr. Conyers	X		
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan	X		
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin	X		
Mr. Weiner			
Mr. Schiff	X		
Ms. Sánchez	X		
Mr. Sensenbrenner, Chairman		X	
Total	12	17	

8. An amendment was offered by Ms. Waters to strike the bill. The amendment was defeated by a rollcall vote of 10 to 18 and 1 voting present.

ROLLCALL NO. 8

	Ayes	Nays	Present
Mr. Hyde			
Mr. Coble		X	
Mr. Smith		X	
Mr. Gallegly			
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Jenkins		X	
Mr. Cannon		X	
Mr. Bachus		X	
Mr. Hostettler		X	
Mr. Green		X	

ROLLCALL NO. 8—Continued

	Ayes	Nays	Present
Mr. Keller		X	
Ms. Hart		X	
Mr. Flake			
Mr. Pence		X	
Mr. Forbes		X	
Mr. King		X	
Mr. Carter		X	
Mr. Feeney		X	
Mrs. Blackburn		X	
Mr. Conyers	X		
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren			
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan	X		
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin	X		
Mr. Weiner			
Mr. Schiff			X
Ms. Sánchez	X		
Mr. Sensenbrenner, Chairman		X	
Total	10	18	1

Committee Oversight Findings

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of House rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 2086, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 14, 2003.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed estimate for H.R. 2086, the "Office of National Drug Control Policy Reauthorization Act of 2003."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford, who can be reached at 226–2860.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 2086—Office of National Drug Control Policy Reauthorization Act of 2003.

SUMMARY

H.R. 2086 would reauthorize the Office of National Drug Control Policy (ONDCP) and programs administered by that office through 2008. Most major programs administered by that office are authorized through 2003 and include the High Intensity Drug Trafficking Areas program, the National Youth Anti-Drug Media Campaign, and the Counterdrug Technology Assessment Center.

In total, CBO estimates that the bill would authorize the appropriation of $573 million in 2004. CBO estimates that implementing H.R. 2086 would cost $2.5 billion over the 2004–2008 period, assuming appropriation of the necessary amounts.

By reauthorizing ONDCP's authority to accept and spend gifts, enacting H.R. 2086 could affect direct spending and revenues, but CBO estimates that any such impact would be negligible.

H.R. 2086 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 2086 is shown in the following table. The costs of this legislation fall within budget functions 750 (administration of justice) and 800 (general government).

	By Fiscal Year, in Millions of Dollars					
	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law						
Budget Authority[a]	521	0	0	0	0	0
Estimated Outlays	355	284	79	11	0	0
Proposed Changes:						
High Intensity Drug Trafficking Areas						
Authorization Level	0	230	240	240	250	250
Estimated Outlays	0	58	198	227	242	249
National Youth Anti-Drug Media Campaign						
Authorization Level	0	195	195	210	210	210
Estimated Outlays	0	59	156	200	207	210
Other Federal Drug Control Programs						
Estimated Authorization Level	0	73	75	76	78	80
Estimated Outlays	0	22	59	75	76	78
Office of National Drug Control Policy						
Estimated Authorization Level	0	26	27	28	28	29
Estimated Outlays	0	22	26	27	27	28
Counterdrug Technology Assessment						
Estimated Authorization Level	0	49	50	51	52	53
Estimated Outlays	0	45	50	51	52	53
Total Proposed Changes						
Estimated Authorization Level	0	573	587	605	618	622
Estimated Outlays	0	206	489	580	604	618
Total Spending Under H.R. 2086						
Estimated Authorization Level	521	573	587	605	618	622
Estimated Outlays	355	490	568	591	604	618

NOTES: Components may not sum to totals because of rounding.

a. The 2003 level is the amount appropriated for that year for programs administered by the Office of National Drug Control Policy.

BASIS OF ESTIMATE

For this estimate, CBO assumes that the bill will be enacted near the end of fiscal year 2003, that the necessary amounts will be provided each year, and that spending will follow historical patterns for the ONDCP and its programs.

Spending Subject to Appropriation

The bill would authorize the appropriation of $230 million in fiscal year 2004, $240 million annually over the 2005–2006 period, and $250 million annually over the 2007–2008 period for the High Intensity Drug Trafficking Areas program. In addition, H.R. 2086

would authorize the appropriation of $195 million for each of fiscal years 2004 and 2005 and $210 million annually over the 2006–2008 period for the National Youth Anti-Drug Media Campaign program. CBO estimates that implementing those programs over the 2004–2008 period would cost $1.8 billion.

In addition, H.R. 2086 would authorize the appropriation of such sums as necessary to operate other Federal drug control programs, ONDCP, and the Counterdrug Technology Assessment Center through fiscal year 2008. The current authorization for ONDCP expires at the end of fiscal year 2003.

Because the bill does not specify funding levels, CBO estimated the cost of continuing to operate other Federal drug control programs, ONDCP, and the Counterdrug Technology Assessment Center by adjusting 2003 funding for anticipated inflation. On that basis, we estimate that implementing those programs over the 2004–2008 period would cost $690 million.

Revenues and Direct Spending

H.R. 2086 would reauthorize ONDCP to accept donations of real and personal property. Gifts are classified in the budget as revenues, and spending of such sums would constitute direct spending. According to ONDCP, it has not received any gifts in recent years and does not expect to receive any under this authority. Hence, CBO estimates that additional revenues and direct spending under H.R. 2086 would be negligible.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 2086 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments.

PREVIOUS CBO ESTIMATE

On June 16, 2003, CBO transmitted a cost estimate for H.R. 2086 as ordered reported by the House Committee on Government Reform on June 5, 2003. The two versions of the bill are similar, and the cost estimates are identical.

ESTIMATE PREPARED BY:

Federal Costs: Matthew Pickford and Mark Grabowicz (226–2860)
Impact on State, Local, and Tribal Governments: Sarah Puro (225–3220)
Impact on the Private Sector: Paige Piper/Bach (226–2940)

ESTIMATE APPROVED BY:

Peter H. Fontaine
Deputy Assistant Director for Budget Analysis

PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of the report.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short title

This Act may be cited as the "Office of National Drug Control Policy Reauthorization Act of 2003."

Section 2. Amendments to definitions

The bill modifies definitions in current law of the terms "demand reduction," "State and local affairs," and "supply reduction" as they relate to the Office of National Drug Control Policy.

Section 3. Amendments relating to appointment and duties of Director and Deputy Directors

In addition to making technical and conforming changes, the bill specifically reserves the discretion of the Director to determine the adequacy of agency budgets under the statutory criteria. A new subparagraph (C) is added to the certification mechanism (21 U.S.C. 1703(c)(3)) that allows the Director to: 1) prohibit certification of the adequacy of funding for Federal law enforcement activities that do not adequately compensate for transfers of drug enforcement resources and personnel to law enforcement and investigation; 2) prohibit budget certification of drug treatment activities that do not provide adequate result and accountability measures as determined by the Director; 3) require that activities of the Safe and Drug Free Schools program include a clear anti-drug message or purpose intended to reduce drug use as a fixed prerequisite to budget certification; and 4) prohibit certification of budgets related to enforcement in certain contexts of Section 484(r)(1) of the Higher Education Act, more popularly known as the 'Drug Free Student Loan' provision. This last section is intended to deal with a misinterpretation of that statute which has improperly deprived loans from students whose drug convictions predated their enrollment in school.

Section 4. Amendments relating to coordination with other agencies

Section 4 restates and expands requirements of existing law relative to reporting on matters related to drug control of individual cabinet departments. The additions made by the bill to existing law primarily relate to statistics that will allow better evaluation of resource allocation for drug control activities within individual agencies.

Section 5. Development, submission, implementation, and assessment of national drug control strategy

The bill significantly revises and streamlines the process for development and issuance of the National Drug Control Strategy and modifies previous law to include clearer and more specific performance and outcome goals and objectives. Previous law required the President to submit a massive 5-year drug control strategy adhering to pages of detailed and quickly outdated requirements and

mandated statistical reporting. The bill significantly simplifies and increases the responsiveness of the process by requiring the submission of annual Strategies that maintain the principles of previous law but give the Director much greater flexibility to effectively adjust to emerging needs and conditions. The bill also includes more detailed and specific overall performance measurements, most notably requiring an assessment of Federal effectiveness in accomplishing the previous year's strategy that includes a specific evaluation of whether the targets for reducing drug use were met. Finally, the bill includes a new requirement that the Strategy include data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

Section 6. High Intensity Drug Trafficking Areas program

Section 6 reauthorizes the High Intensity Drug Trafficking Areas (HIDTA) program whose purpose is to facilitate Federal, State, and local law enforcement anti-drug cooperation in areas with significant narcotics trafficking problems that harm other parts of the nation. The HIDTA program, ONDCP's principal law enforcement assistance initiative, was first authorized in 1988 by the legislation creating ONDCP, and reauthorized in 1994 and 1998. Under the Program, the Director may designate a specific geographic area within the United States as a high intensity drug trafficking area. Each HIDTA is then eligible to receive Federal assistance and funding for joint Federal, State, and local law enforcement initiatives targeted at drug trafficking activity.

New section 707(c) provides that the Director shall retain authority to designate individual HIDTAs. The bill adds the Secretary of Homeland Security to the list of officials that the Director should consult with before making such a designation, to reflect the creation of the Department of Homeland Security containing some of the Federal Government's principal drug interdiction agencies. The bill also creates one single Southwest Border HIDTA as opposed to the current five HIDTAs.

An amendment that was adopted by the Committee deleted a provision of this section that took away the discretion of the Director for the funding of the different HIDTAs by imposing specific percentages of appropriated funds to a set number of areas. On May 22, 2003, John Walters, the Director of ONDCP, testified before the Committee on Government Reform about this provision and described it as "problematic." Mr. Walters stated that "by imposing specific percentages of appropriated funds to a set number of areas, the provision limits the Director's discretion to manage the Program using performance information along with threat intensity." Mr. Walters further testified that in order to "maximize the Program's effectiveness, the Director needs the authority to integrate performance and budget throughout the Program and have the flexibility to respond to the changing nature of the domestic drug threat." The Committee agrees with the position of the Director.

This section also states that no funds may be used for drug prevention or treatment programs, however, there is an exception for the Baltimore/Washington HIDTA. Finally, the bill authorizes $230 million for FY04, $240 million for FY05 and FY06, and $250 mil-

lion for FY07 and FY08 for ONDCP to carry out the HIDTA program.

Section 7. Funding for certain High Intensity Drug Trafficking Areas

This section incorporates the "Dawson Family Community Protection Act" (H.R. 1599), which was introduced in response to the violent death of members of the Dawson Family at the hands of drug traffickers in Baltimore, Maryland. This section provides that at least $1,000,000 of the amounts appropriated for the HIDTA program shall be used in HIDTAs with severe neighborhood safety and illegal drug distribution problems. These funds are to be used in the manner provided for in new section 707(h)(6)(B) by protecting potential witnesses and facilitating citizens' communication with law enforcement authorities concerning illegal drug trafficking in their neighborhoods.

Section 8. Amendments relating to counter-drug technology assessment center

This section changes the current designation of the head of the Counter-Drug Technology Assessment Center (CTAC) from "Director of Technology" to "Chief Scientist," which reflects customary usage in the field. The remainder of Section 8 primarily restates existing law, with the inclusion of a new requirement that the Chief Scientist give priority in distributing law enforcement assistance developed under the program most likely to assist in drug interdiction and border enforcement to southwest border areas and northern border areas with significant traffic in illegal drugs.

Section 9. Repeals

Section 9 repeals three sections of current law: (1) 21 U.S.C. 1708 which provided for a senior-level President's Council on Counter-Narcotics within the Executive Branch—the body was never formally constituted and did not meet; (2) 21 U.S.C. 1710, which provided certain reporting requirements with respect to drug interdiction—pertinent requirements of this nature have been moved to the sections relating to the National Drug Control Strategy and coordination with other agencies; and (3) 21 U.S.C. 1509, which created the "Special Forfeiture Fund,"—has been repealed as that mechanism is no longer used to appropriate funds for ONDCP programs.

Section 10. National youth anti-drug media campaign

This section authorizes the National Youth Anti Drug Media Campaign (Media Campaign) through a 5-year reauthorization, subject to several reforms intended to address ongoing issues. The bill clarifies that the primary purpose of the Media Campaign is "reducing and preventing illicit drug use among young people in the United States, through mass media advertising." This section requires evaluation of the effectiveness of the Campaign as a whole based on data from several accepted studies that track the level of youth drug abuse. The bill retains prohibitions contained in existing law and tightens them in many respects to clarify that campaign advertising may not be used for express advocacy in support of or to defeat any clearly identified candidate, clearly identified

ballot initiative, or clearly identified legislative or regulatory proposal. The bill requires an annual report to Congress on the Media Campaign, the requirements of which are clearly stated. Finally, the Media Campaign is authorized to expend $195 million for each of Fiscal Years 2004 and 2005 and $210 million for each of Fiscal Years 2006 through 2008.

Section 11. Authorization of appropriations

The authorization for appropriation of such sums as are necessary does not apply to the High Intensity Drug Trafficking Areas Program and the National Youth Anti Drug Media Campaign, each of which is provided with a specific authorization ceiling in the relevant section.

Section 12. Extension of termination date

Section 12 extends the authorization for appropriations for ONDCP through Fiscal Year 2008.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998

* * * * * * *

TITLE VII—OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION

* * * * * * *

SEC. 702. DEFINITIONS.

In this title:

(1) DEMAND REDUCTION.—The term "demand reduction" means any activity conducted by a National Drug Control Program agency, other than an enforcement activity, that is intended to reduce the use of drugs, including—

(A) * * *

* * * * * * *

(F) drug-free workplace programs; **[**and**]**

(G) drug testing**[**.**]***;*

(H) interventions for drug abuse and dependence; and

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

* * * * * * *

(9) OFFICE.—Unless the context clearly **[**implicates**]** *indicates* otherwise, the term "Office" means the Office of National Drug Control Policy established under section 703(a).

(10) STATE AND LOCAL AFFAIRS.—The term "State and local affairs" means domestic activities conducted by a National Drug Control Program agency that are intended to reduce the availability and use of drugs, including—

(A) * * *

(B) promotion of coordination and cooperation among the drug supply reduction and demand reduction agencies of the various States, territories, and units of local government; [and]

(C) such other cooperative governmental activities which promote a comprehensive approach to drug control at the national, State, territory, and local levels[.]*; and*

(D) domestic drug law enforcement, including law enforcement directed at drug users.

(11) SUPPLY REDUCTION.—The term "supply reduction" means any activity of a program conducted by a National Drug Control Program agency that is intended to reduce the availability or use of drugs in the United States and abroad, including—

(A) international drug control *(including source country programs, and law enforcement outside the United States)*;

(B) foreign and domestic drug intelligence; *and*

(C) interdiction[; and].

[(D) domestic drug law enforcement, including law enforcement directed at drug users.]

SEC. 703. OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) * * *

(b) DIRECTOR AND DEPUTY DIRECTORS.—

(1) * * *

* * * * * * *

(3) OTHER DEPUTY DIRECTORS.—There shall be in the Office—

(A) a Deputy Director for Demand Reduction, who shall be responsible for the activities described in subparagraphs (A) through [(G)] *(H)* of section 702(1);

* * * * * * *

(C) a Deputy Director for State and Local Affairs, who shall be responsible for the activities described in subparagraphs (A) through [(C)] *(D)* of section 702(10) [and subparagraph (D) of section 702(11)].

* * * * * * *

SEC. 704. APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTORS.

(a) APPOINTMENT.—

(1) * * *

* * * * * * *

(3) DESIGNATION OF OTHER OFFICERS.—In the absence of the Deputy Director, or if the Office of the Deputy Director is vacant, the Director shall designate such other [permanent

employee] *officer or employee* of the Office to serve as the *acting* Director, if the Director is absent or unable to serve.

* * * * * * *

(b) RESPONSIBILITIES.—The Director—

(1) * * *

* * * * * * *

(4) shall make such recommendations to the President as the Director determines are appropriate regarding changes in the organization, management, and budgets of [Federal departments and agencies engaged in drug enforcement,] *National Drug Control Program agencies,* and changes in the allocation of personnel to and within those departments and agencies, to implement the policies, goals, priorities, and objectives established under paragraph (1) and the National Drug Control Strategy;

* * * * * * *

(12) shall ensure that no Federal funds appropriated to the Office of National Drug Control Policy shall be expended for any study or contract relating to the legalization (for a medical use or any other use) of a substance listed in schedule I of section 202 of the Controlled Substances Act (21 U.S.C. 812) and take such actions as necessary to oppose any attempt to legalize the use of a substance (in any form) that—

(A) * * *

(B) has not been approved for use for medical purposes by the Food and Drug Administration; *and*

[(13) shall require each National Drug Control Program agency to submit to the Director on an annual basis (beginning in 1999) an evaluation of progress by the agency with respect to drug control program goals using the performance measures for the agency developed under section 706(c), including progress with respect to—

[(A) success in reducing domestic and foreign sources of illegal drugs;

[(B) success in protecting the borders of the United States (and in particular the Southwestern border of the United States) from penetration by illegal narcotics;

[(C) success in reducing violent crime associated with drug use in the United States;

[(D) success in reducing the negative health and social consequences of drug use in the United States; and

[(E) implementation of drug treatment and prevention programs in the United States and improvements in the adequacy and effectiveness of such programs;

[(14) shall submit to the Appropriations committees and the authorizing committees of jurisdiction of the House of Representatives and the Senate on an annual basis, not later than 60 days after the date of the last day of the applicable period, a summary of—

[(A) each of the evaluations received by the Director under paragraph (13); and

[(B) the progress of each National Drug Control Program agency toward the drug control program goals of the

agency using the performance measures for the agency developed under section 706(c); and]

[(15)] *(13)* shall ensure that drug prevention and drug treatment research and information is effectively disseminated by National Drug Control Program agencies to State and local governments and nongovernmental entities involved in demand reduction by—

(A) * * *

* * * * * * *

(c) NATIONAL DRUG CONTROL PROGRAM BUDGET.—

(1) * * *

* * * * * * *

(3) REVIEW AND CERTIFICATION OF BUDGET REQUESTS AND BUDGET SUBMISSIONS OF NATIONAL DRUG CONTROL PROGRAM AGENCIES.—

(A) * * *

* * * * * * *

(C) SPECIFIC REQUESTS.—The Director shall not confirm the adequacy of any budget request that—

(i) requests funding for Federal law enforcement activities that do not adequately compensate for transfers of drug enforcement resources and personnel to law enforcement and investigation activities not related to drug enforcement as determined by the Director;

(ii) requests funding for law enforcement activities on the borders of the United States that do not adequately direct resources to drug interdiction and enforcement as determined by the Director;

(iii) requests funding for drug treatment activities that do not provide adequate result and accountability measures as determined by the Director;

(iv) requests funding for any activities of the Safe and Drug Free Schools Program that do not include a clear antidrug message or purpose intended to reduce drug use;

(v) requests funding to enforce section 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) with respect to convictions for drug-related offenses not occurring during a period of enrollment for which the student was receiving any Federal grant, loan, or work assistance;

(vi) requests funding for drug treatment activities that do not adequately support and enhance Federal drug treatment programs and capacity, as determined by the Director; or

(vii) requests funding for fiscal year 2005 for activities of the Department of Education, unless it is accompanied by a report setting forth a plan for providing expedited consideration of student loan applications for all individuals who submitted an application for any Federal grant, loan, or work assistance that was rejected or denied pursuant to section 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091

(r)(1)) by reason of a conviction for a drug-related offense not occurring during a period of enrollment for which the individual was receiving any Federal grant, loan, or work assistance.

[(C)] *(D)* AGENCY RESPONSE.—

(i) * * *

* * * * * * *

(iii) CONGRESSIONAL NOTIFICATION.—The head of a National Drug Control Program agency shall submit a copy of any impact statement under clause (ii) to the Senate and the House of Representatives *and the authorizing committees of Congress for the Office* at the time the budget for that agency is submitted to Congress under section 1105(a) of title 31, United States Code.

[(D)] *(E)* CERTIFICATION OF BUDGET SUBMISSIONS.—

(i) * * *

(ii) CERTIFICATION.—The Director—

(I) * * *

(II) based on the review under subclause (I), if the Director concludes that the budget submission of a National Drug Control Program agency does not include the funding levels and initiatives described under subparagraph (B)—

(aa) * * *

(bb) in the case of a decertification issued under item (aa), shall submit to the Senate and the House of Representatives *and the authorizing committees of Congress for the Office* a copy of—

(aaa) * * *

* * * * * * *

(4) REPROGRAMMING AND TRANSFER REQUESTS.—

(A) IN GENERAL.—No National Drug Control Program agency shall submit to Congress a reprogramming or transfer request with respect to any amount of appropriated funds in an amount exceeding [$5,000,000] *$1,000,000* that is included in the National Drug Control Program budget unless the request has been approved by the Director.

* * * * * * *

(d) POWERS OF THE DIRECTOR.—In carrying out subsection (b), the Director may—

(1) * * *

* * * * * * *

(8) transfer funds made available to a National Drug Control Program agency for National Drug Control Strategy programs and activities to another account within such agency or to another National Drug Control Program agency for National Drug Control Strategy programs and activities, except that—

(A) * * *

* * * * * * *

(D) funds transferred to an agency under this paragraph may only be used to increase the funding for programs or activities [have been authorized by Congress;] *authorized by law;* and

* * * * * * *

(9) *notwithstanding any other provision of law,* issue to the head of a National Drug Control Program agency a fund control notice described in subsection (f) to ensure compliance with the National Drug Control Program [Strategy; and] *Strategy and notify the authorizing Committees of Congress for the Office of any fund control notice issued;*

(10) participate in the drug certification process pursuant to section 490 of the Foreign Assistance Act of 1961 [(22 U.S.C. 2291j).] *(22 U.S.C. 2291j) and section 706 of the Department of State Authorization Act for Fiscal Year 2003 (22 U.S.C. 229j–l);*

(11) not later than August 1 of each year, submit to the President a report, and transmit copies of the report to the Secretary of State and the authorizing committees of Congress for the Office, that—

(A) provides the Director's assessment of which countries are major drug transit countries or major illicit drug producing countries as defined in section 481(e) of the Foreign Assistance Act of 1961;

(B) provides the Director's assessment of whether each country identified under subparagraph (A) has cooperated fully with the United States or has taken adequate steps on its own to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and otherwise has assisted in reducing the supply of illicit drugs to the United States; and

(C) provides the Director's assessment of whether application of procedures set forth in section 490(a) through (h) of the Foreign Assistance Act of 1961, as provided in section 706 of the Department of State Authorization Act for Fiscal Year 2003, is warranted with respect to countries the Director assesses have not cooperated fully; and

(12) appoint a United States Interdiction Coordinator under subsection (i).

* * * * * * *

(i) UNITED STATES INTERDICTION COORDINATOR.—

(1) IN GENERAL.—There shall be in the Office a United States Interdiction Coordinator, who shall be appointed by the Director and shall perform duties determined by the Director with respect to coordination of efforts to interdict illicit drugs from the United States.

(2) APPOINTMENT.—

(A) IN GENERAL.—Notwithstanding any other provision of law (except subparagraph (B)), the Director may appoint any individual to serve as the United States Interdiction Coordinator.

(B) LIMITATION.—The Director may not appoint to such position any individual who concurrently serves as the

head of any other Federal department or agency or any subdivision thereof with responsibility for narcotics interdiction activities, except the counternarcotics officer of the Department of Homeland Security appointed under section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458).

SEC. 705. COORDINATION WITH NATIONAL DRUG CONTROL PROGRAM AGENCIES IN DEMAND REDUCTION, SUPPLY REDUCTION, AND STATE AND LOCAL AFFAIRS.

(a) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Upon the request of the Director, the head of any National Drug Control Program agency shall cooperate with and provide to the Director any statistics, studies, reports, and other information prepared or collected by the agency concerning the responsibilities of the agency under the National Drug Control Strategy that relate to—

(A) drug [abuse] control; or

* * * * * * *

[(3) ILLEGAL DRUG CULTIVATION.—The Secretary of Agriculture shall annually submit to the Director an assessment of the acreage of illegal drug cultivation in the United States.]

(3) REQUIRED REPORTS.—

(A) SECRETARIES OF THE INTERIOR AND AGRICULTURE.—The Secretaries of Agriculture and the Interior shall, by July 1 of each year, jointly submit to the Director and the authorizing Committees of Congress for the Office an assessment of the quantity of illegal drug cultivation and manufacturing in the United States on lands owned or under the jurisdiction of the Federal Government for the preceding year.

(B) ATTORNEY GENERAL.—The Attorney General shall, by July 1 of each year, submit to the Director and the authorizing committees of Congress for the Office information for the preceding year regarding the number and type of—

(i) arrests for drug violations;

(ii) prosecutions for drug violations by United States Attorneys; and

(iii) seizures of drugs by each component of the Department of Justice seizing drugs, as well as statistical information on the geographic areas of such seizures.

(C) SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall, by July 1 of each year, submit to the Director and the authorizing committees of Congress for the Office information for the preceding year regarding—

(i) the number and type of seizures of drugs by each component of the Department of Homeland Security seizing drugs, as well as statistical information on the geographic areas of such seizures; and

(ii) the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department.

(D) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by July 1 of each year, submit to the Director and the authorizing committees of Congress for the Office information for the preceding year regarding the number of air and

maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Defense.

* * * * * * *

[SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

[(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

[(1) TIMING.—Not later than February 1, 1999, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan, covering a period of not more than 5 years, for reducing drug abuse and the consequences of drug abuse in the United States, by limiting the availability of and reducing the demand for illegal drugs.

[(2) CONTENTS.—

[(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include—

[(i) comprehensive, research-based, long-range, quantifiable, goals for reducing drug abuse and the consequences of drug abuse in the United States;

[(ii) annual, quantifiable, and measurable objectives and specific targets to accomplish long-term quantifiable goals that the Director determines may be achieved during each year of the period beginning on the date on which the National Drug Control Strategy is submitted;

[(iii) 5-year projections for program and budget priorities; and

[(iv) a review of international, State, local, and private sector drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government.

[(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

[(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—

[(A) CONSULTATION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

[(i) shall consult with—

[(I) the heads of the National Drug Control Program agencies;

[(II) Congress;

[(III) State and local officials;

[(IV) private citizens and organizations with experience and expertise in demand reduction;

[(V) private citizens and organizations with experience and expertise in supply reduction; and

[(VI) appropriate representatives of foreign governments;

[(ii) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to under-

take specific tasks or projects to implement the National Drug Control Strategy; and

[(iii) with the concurrence of the Director of Central Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to implement the National Drug Control Strategy.

[(B) INCLUSION IN STRATEGY.—The National Drug Control Strategy under this subsection, and each report submitted under subsection (b), shall include a list of each entity consulted under subparagraph (A)(i).

[(4) SPECIFIC TARGETS.—The targets in the National Drug Control Strategy shall include the following:

[(A) Reduction of unlawful drug use to 3 percent of the population of the United States or less by December 31, 2003 (as measured in terms of overall illicit drug use during the past 30 days by the National Household Survey), and achievement of at least 20 percent of such reduction during each of 1999, 2000, 2001, 2002, and 2003.

[(B) Reduction of adolescent unlawful drug use (as measured in terms of illicit drug use during the past 30 days by the Monitoring the Future Survey of the University of Michigan or the National PRIDE Survey conducted by the National Parents' Resource Institute for Drug Education) to 3 percent of the adolescent population of the United States or less by December 31, 2003, and achievement of at least 20 percent of such reduction during each of 1999, 2000, 2001, 2002, and 2003st.

[(C) Reduction of the availability of cocaine, heroin, marijuana, and methamphetamine in the United States by 80 percent by December 31, 2003.

[(D) Reduction of the respective nationwide average street purity levels for cocaine, heroin, marijuana, and methamphetamine (as estimated by the interagency drug flows assessment led by the Office of National Drug Control Policy, and based on statistics collected by the Drug Enforcement Administration and other National Drug Control Program agencies identified as relevant by the Director) by 60 percent by December 31, 2003, and achievement of at least 20 percent of each such reduction during each of 1999, 2000, 2001, 2002, and 2003.

[(E) Reduction of drug-related crime in the United States by 50 percent by December 31, 2003, and achievement of at least 20 percent of such reduction during each of 1999, 2000, 2001, 2002, and 2003, including—

[(i) reduction of State and Federal unlawful drug trafficking and distribution;

[(ii) reduction of State and Federal crimes committed by persons under the influence of unlawful drugs;

[(iii) reduction of State and Federal crimes committed for the purpose of obtaining unlawful drugs or obtaining property that is intended to be used for the purchase of unlawful drugs; and

[(iv) reduction of drug-related emergency room incidents in the United States (as measured by data of the Drug Abuse Warning Network on illicit drug abuse), including incidents involving gunshot wounds and automobile accidents in which illicit drugs are identified in the bloodstream of the victim, by 50 percent by December 31, 2003.

[(5) FURTHER REDUCTIONS IN DRUG USE, AVAILABILITY, AND CRIME.—Following the submission of a National Drug Control Strategy under this section to achieve the specific targets described in paragraph (4), the Director may formulate a strategy for additional reductions in drug use and availability and drug-related crime beyond the 5-year period covered by the National Drug Control Strategy that has been submitted.

[(b) ANNUAL STRATEGY REPORT.—

[(1) IN GENERAL.—Not later than February 1, 1999, and on February 1 of each year thereafter, the President shall submit to Congress a report on the progress in implementing the Strategy under subsection (a), which shall include—

[(A) an assessment of the Federal effectiveness in achieving the National Drug Control Strategy goals and objectives using the performance measurement system described in subsection (c), including—

[(i) an assessment of drug use and availability in the United States; and

[(ii) an estimate of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect during the preceding year, or in effect as of the date on which the report is submitted;

[(B) any modifications of the National Drug Control Strategy or the performance measurement system described in subsection (c);

[(C) an assessment of the manner in which the budget proposal submitted under section 704(c) is intended to implement the National Drug Control Strategy and whether the funding levels contained in such proposal are sufficient to implement such Strategy;

[(D) measurable data evaluating the success or failure in achieving the annual measurable objectives described in subsection (a)(2)(A)(ii);

[(E) an assessment of current drug use (including inhalants) and availability, impact of drug use, and treatment availability, which assessment shall include—

[(i) estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of—

[(I) casual and chronic drug use;

[(II) high-risk populations, including school dropouts, the homeless and transient, arrestees, parolees, probationers, and juvenile delinquents; and

[(III) drug use in the workplace and the productivity lost by such use;

[(ii) an assessment of the reduction of drug availability against an ascertained baseline, as measured by—

[(I) the quantities of cocaine, heroin, marijuana, methamphetamine, and other drugs available for consumption in the United States;

[(II) the amount of marijuana, cocaine, heroin, and precursor chemicals entering the United States;

[(III) the number of hectares of marijuana, poppy, and coca cultivated and destroyed domestically and in other countries;

[(IV) the number of metric tons of marijuana, heroin, cocaine, and methamphetamine seized;

[(V) the number of cocaine and methamphetamine processing laboratories destroyed domestically and in other countries;

[(VI) changes in the price and purity of heroin and cocaine, changes in the price of methamphetamine, and changes in tetrahydrocannabinol level of marijuana;

[(VII) the amount and type of controlled substances diverted from legitimate retail and wholesale sources; and

[(VIII) the effectiveness of Federal technology programs at improving drug detection capabilities in interdiction, and at United States ports of entry;

[(iii) an assessment of the reduction of the consequences of drug use and availability, which shall include estimation of—

[(I) the burden drug users placed on hospital emergency departments in the United States, such as the quantity of drug-related services provided;

[(II) the annual national health care costs of drug use, including costs associated with people becoming infected with the human immunodeficiency virus and other infectious diseases as a result of drug use;

[(III) the extent of drug-related crime and criminal activity; and

[(IV) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States;

[(iv) a determination of the status of drug treatment in the United States, by assessing—

[(I) public and private treatment capacity within each State, including information on the treatment capacity available in relation to the capacity actually used;

[(II) the extent, within each State, to which treatment is available;

[(III) the number of drug users the Director estimates could benefit from treatment; and

[(IV) the specific factors that restrict the availability of treatment services to those seeking it and proposed administrative or legislative remedies to make treatment available to those individuals; and

[(v) a review of the research agenda of the Counter-Drug Technology Assessment Center to reduce the availability and abuse of drugs; and

[(F) an assessment of private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control.

[(2) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

[(A) at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; and

[(B) if a new President or Director takes office.

[(3) 1999 STRATEGY REPORT.—With respect to the Strategy report required to be submitted by this subsection on February 1, 1999, the President shall prepare the report using such information as is available for the period covered by the report.

[(c) PERFORMANCE MEASUREMENT SYSTEM.—

[(1) SENSE OF CONGRESS.—It is the sense of Congress that—

[(A) the targets described in subsection (a) are important to the reduction of overall drug use in the United States;

[(B) the President should seek to achieve those targets during the 5 years covered by the National Drug Control Strategy required to be submitted under subsection (a);

[(C) the purpose of such targets and the annual reports to Congress on the progress towards achieving the targets is to allow for the annual restructuring of appropriations by the Appropriations Committees and authorizing committees of jurisdiction of Congress to meet the goals described in this Act;

[(D) the performance measurement system developed by the Director described in this subsection is central to the National Drug Control Program targets, programs, and budget; and

[(E) the Congress strongly endorses the performance measurement system for establishing clear outcomes for reducing drug use nationwide during the next five years, and the linkage of this system to all agency drug control programs and budgets receiving funds scored as drug control agency funding.

[(2) SUBMISSION TO CONGRESS.—Not later than February 1, 1999, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that—

[(A) develops performance objectives, measures, and targets for each National Drug Control Strategy goal and objective;

[(B) revises performance objectives, measures, and targets, to conform with National Drug Control Program Agency budgets;

[(C) identifies major programs and activities of the National Drug Control Program agencies that support the goals and objectives of the National Drug Control Strategy;

[(D) evaluates in detail the implementation by each National Drug Control Program agency of program activities supporting the National Drug Control Strategy;

[(E) monitors consistency between the drug-related goals and objectives of the National Drug Control Program agencies and ensures that drug control agency goals and budgets support and are fully consistent with the National Drug Control Strategy; and

[(F) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including an assessment of—

[(i) the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

[(ii) the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the casual drug user population and groups that are at risk for drug use; and

[(iii) the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) of subsection (b)(4).

[(3) MODIFICATIONS.—A description of any modifications made during the preceding year to the national drug control performance measurement system described in paragraph (2) shall be included in each report submitted under subsection (b).

[SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

[(a) ESTABLISHMENT.—There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program.

[(b) DESIGNATION.—The Director, upon consultation with the Attorney General, the Secretary of the Treasury, heads of the National Drug Control Program agencies, and the Governor of each applicable State, may designate any specified area of the United States as a high intensity drug trafficking area. After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

[(1) obligate such sums as appropriated for the High Intensity Drug Trafficking Areas Program;

[(2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel;

[(3) take any other action authorized under section 704 to provide increased Federal assistance to those areas;

[(4) coordinate activities under this subsection (specifically administrative, recordkeeping, and funds management activities) with State and local officials.

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

[(1) the area is a center of illegal drug production, manufacturing, importation, or distribution;

[(2) State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

[(3) drug-related activities in the area are having a harmful impact in other areas of the country; and

[(4) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

[(d) USE OF FUNDS.—The Director shall ensure that no Federal funds appropriated for the High Intensity Drug Trafficking Program are expended for the establishment or expansion of drug treatment programs.]

SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

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

(2) CONTENTS.—

(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include—

(i) comprehensive, research-based, long-range, and quantifiable goals for reducing illicit drug use and the consequences of illicit drug use in the United States;

(ii) annual objectives and strategy for demand reduction, supply reduction, and law enforcement activities, specific targets to accomplish long-range quantifiable reduction in illicit drug use as determined by the Director, and specific measurements to evaluate progress toward the targets and strategic goals;

(iii) a strategy to reduce the availability and purity of illegal drugs and the level of drug-related crime in the United States;

(iv) an assessment of Federal effectiveness in achieving the National Drug Control Strategy for the previous year, including—

(I) a specific evaluation of whether the objectives and targets for reducing illicit drug use for

the previous year were met and reasons for the success or failure of the previous year's Strategy; and

(II) an assessment of the availability and purity of illegal drugs and the level of drug-related crime in the United States;

(v) notification of any program or budget priorities that the Director expects to significantly change from the current Strategy over the next five years;

(vi) a review of international, State, local, and private sector drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government;

(vii) such statistical data and information as the Director deems appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences thereof, supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy; and

(viii) a supplement reviewing the activities of each individual National Drug Control Program agency during the previous year with respect to the National Drug Control Strategy and the Director's assessment of the progress of each National Drug Control Program agency in meeting its responsibilities under the National Drug Control Strategy.

(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involve information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

(C) SELECTION OF DATA AND INFORMATION.—In selecting data and information for inclusion under subparagraph (A), the Director shall ensure—

(i) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and

(ii) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—

(A) CONSULTATION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

(i) shall consult with—

(I) the heads of the National Drug Control Program agencies;

(II) Congress;

(III) State and local officials;

(IV) private citizens and organizations with experience and expertise in demand reduction;

(V) private citizens and organizations with experience and expertise in supply reduction;

(VI) private citizens and organizations with experience and expertise in law enforcement; and

(VII) appropriate representatives of foreign governments;

(ii) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific tasks or projects to implement the National Drug Control Strategy;

(iii) with the concurrence of the Director of Central Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to implement the National Drug Control Strategy; and

(iv) may make recommendations to the Secretary of Health and Human Services on research that supports or advances the National Drug Control Strategy.

(B) RECOMMENDATIONS.—Recommendations under subparagraph (A)(iv) may include recommendations of research to be performed at the National Institutes of Health, including the National Institute on Drug Abuse, or any other appropriate agency within the Department of Health and Human Services.

(C) INCLUSION IN STRATEGY.—The National Drug Control Strategy under this subsection shall include a list of each entity consulted under subparagraph (A)(i).

(4) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

(A) at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; or

(B) if a new President or Director takes office.

(b) PERFORMANCE MEASUREMENT SYSTEM.—Not later than February 1 of each year, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that includes performance measures for the National Drug Control Strategy and activities of National Drug Control Program agencies related to the National Drug Control Strategy.

SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

(a) ESTABLISHMENT.—There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program (in this section referred to as the "Program").

(b) PURPOSES.—The purposes of the Program are the following:

(1) To reduce drug availability and facilitate cooperative efforts between Federal, State, and local law enforcement agencies in areas with significant drug trafficking problems that harmfully impact other parts of the Nation.

(2) To provide assistance to agencies to come together to assess regional threats, design coordinated strategies to combat those threats, share intelligence, and develop and implement coordinated initiatives to implement the strategies.

(c) DESIGNATION.—The Director, upon consultation with the Attorney General, the Secretary of the Treasury, the Secretary of

Homeland Security, heads of the National Drug Control Program agencies, and the Governor of each applicable State, may designate any specified area of the United States as a high intensity drug trafficking area.

(d) FACTORS FOR CONSIDERATION.—

(1) IN GENERAL.—In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

(A) the area is a major center of illegal drug production, manufacturing, importation, or distribution for the United States as compared to other areas of the United States;

(B) State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

(C) drug-related production, manufacturing, importation, or distribution in the area is having a significant harmful impact in other areas of the United States; and

(D) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

(2) CONSIDERATIONS.—For purposes of paragraph (1)(A), in considering whether an area is a major center of illegal drug production, manufacturing, importation, or distribution as compared to other areas of the United States, the Director shall consider—

(A) the quantity of illicit drug traffic entering or transiting the area originating in foreign countries;

(B) the quantity of illicit drugs produced in the area;

(C) the number of Federal, State, and local arrests, prosecutions, and convictions for drug trafficking and distribution offenses in the area;

(D) the degree to which the area is a center for the activities of national drug trafficking organizations; and

(E) such other criteria as the Director considers appropriate.

(e) SOUTHWEST BORDER.—The Director may not designate any county contiguous to the international land border with Mexico as part of any high intensity drug trafficking area other than as part of a single Southwest Border high intensity drug trafficking area.

(f) REMOVAL FROM DESIGNATION.—The Director may remove an area or portion of an area from designation as a high intensity drug trafficking area under this section upon determination that the area or portion of an area no longer is a high intensity drug trafficking area, considering the factors in subsections (d) and (e) in addition to such other criteria as the Director considers to be appropriate.

(g) AUTHORITY OF THE DIRECTOR.—After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

(1) obligate such sums as appropriated for the Program;

(2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel; and

(3) take any other action authorized under section 704 to provide increased Federal assistance to those areas.

(h) USE OF FUNDS.—

(1) LIMITATION.—No funds appropriated for the Program shall be expended for drug prevention or drug treatment programs.

(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply with respect to the Baltimore/Washington high intensity drug trafficking area.

(3) SPECIFIC PURPOSES.—

(A) IN GENERAL.—The Director shall ensure that, of the amounts appropriated for a fiscal year for the Program, at least $1,000,000 is used in high intensity drug trafficking areas with severe neighborhood safety and illegal drug distribution problems.

(B) REQUIRED USES.—The funds used under subparagraph (A) shall be used—

(i) to ensure the safety of neighborhoods and the protection of communities, including the prevention of the intimidation of potential witnesses of illegal drug distribution and related activities; and

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

(i) TERRORISM ACTIVITIES.—

(1) ASSISTANCE AUTHORIZED.—The Director may authorize use of resources available for the Program to assist Federal, State, and local law enforcement agencies in investigations and activities related to terrorism and prevention of terrorism, especially but not exclusively where such investigations are related to drug trafficking.

(2) LIMITATION.—The Director shall ensure—

(A) that assistance provided under paragraph (1) remains incidental to the purpose of the Program to reduce drug availability and carry out drug-related law enforcement activities; and

(B) that significant resources of the Program are not redirected to activities exclusively related to terrorism.

(j) BOARD REPRESENTATION.—None of the funds appropriated under this section may be expended for any high intensity drug trafficking area, or for a partnership under the Program, if the executive board or equivalent governing committee with respect to such area or partnership is not comprised of equal voting representation between representatives of Federal law enforcement agencies and representatives of State and local law enforcement agencies.

(k) ROLE OF DRUG ENFORCEMENT ADMINISTRATION.—The Director, in consultation with the Attorney General, shall ensure that a representative of the Drug Enforcement Administration is included in the Intelligence Support Center for each high intensity drug trafficking area.

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

(1) $230,000,000 for fiscal year 2004;

(2) $240,000,000 for each of fiscal years 2005 and 2006; and

(3) $250,000,000 for each of fiscal years 2007 and 2008.

SEC. 708. COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

(a) * * *

(b) [DIRECTOR OF TECHNOLOGY.—]*CHIEF SCIENTIST.*— There shall be at the head of the Center the [Director of Technology,] *Chief Scientist,* who shall be appointed by the Director of National Drug Control Policy from among individuals qualified and distinguished in the area of science, medicine, engineering, or technology.

[(c) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—

[(1) IN GENERAL.—The Director, acting through the Director of Technology shall—

[(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local drug supply reduction agencies, including—

[(i) advanced surveillance, tracking, and radar imaging;

[(ii) electronic support measures;

[(iii) communications;

[(iv) data fusion, advanced computer systems, and artificial intelligence; and

[(v) chemical, biological, radiological (including neutron, electron, and graviton), and other means of detection;

[(B) identify demand reduction basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

[(i) improving treatment through neuroscientific advances;

[(ii) improving the transfer of biomedical research to the clinical setting; and

[(iii) in consultation with the National Institute on Drug Abuse, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

[(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Program;

[(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments;

[(E) provide support to the development and implementation of the national drug control performance measurement system; and

[(F) pursuant to the authority of the Director of National Drug Control Policy under section 704, submit requests to Congress for the reprogramming or transfer of

funds appropriated for counter-drug technology research and development.

[(2) LIMITATION ON AUTHORITY.—The authority granted to the Director under this subsection shall not extend to the award of contracts, management of individual projects, or other operational activities.]

(c) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—

(1) IN GENERAL.—The Director, acting through the Chief Scientist, shall—

(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local law enforcement agencies relating to drug enforcement, including—

(i) advanced surveillance, tracking, and radar imaging;

(ii) electronic support measures;

(iii) communications;

(iv) data fusion, advanced computer systems, and artificial intelligence; and

(v) chemical, biological, radiological (including neutron, electron, and graviton), and other means of detection;

(B) identify demand reduction (including drug prevention) basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

(i) improving treatment through neuroscientific advances;

(ii) improving the transfer of biomedical research to the clinical setting; and

(iii) in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Program;

(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments;

(E) oversee and coordinate a technology transfer program for the transfer of technology to State and local law enforcement agencies; and

(F) pursuant to the authority of the Director of National Drug Control Policy under section 704, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

(2) PRIORITIES IN TRANSFERRING TECHNOLOGY.—In transferring technology under the authority of paragraph (1)(E), the

Chief Scientist shall give priority, in transferring technologies most likely to assist in drug interdiction and border enforcement, to State, local, and tribal law enforcement agencies in southwest border areas and northern border areas with significant traffic in illicit drugs.

(3) LIMITATION ON AUTHORITY.—The authority granted to the Director under this subsection shall not extend to the award of contracts, management of individual projects, or other operational activities.

(d) ASSISTANCE AND SUPPORT TO OFFICE OF NATIONAL DRUG CONTROL POLICY.—The Secretary of Defense*, the Secretary of Homeland Security,* and the Secretary of Health and Human Services shall, to the maximum extent practicable, render assistance and support to the Office and to the Director in the conduct of counter-drug technology assessment.

[SEC. 709. PRESIDENT'S COUNCIL ON COUNTER-NARCOTICS.

[(a) ESTABLISHMENT.—There is established a council to be known as the President's Council on Counter-Narcotics (referred to in this section as the "Council").

[(b) MEMBERSHIP.—

[(1) IN GENERAL.—Subject to paragraph (2), the Council shall be composed of 18 members, of whom—

[(A) 1 shall be the President, who shall serve as Chairman of the Council;

[(B) 1 shall be the Vice President;

[(C) 1 shall be the Secretary of State;

[(D) 1 shall be the Secretary of the Treasury;

[(E) 1 shall be the Secretary of Defense;

[(F) 1 shall be the Attorney General;

[(G) 1 shall be the Secretary of Transportation;

[(H) 1 shall be the Secretary of Health and Human Services;

[(I) 1 shall be the Secretary of Education;

[(J) 1 shall be the Representative of the United States of America to the United Nations;

[(K) 1 shall be the Director of the Office of Management and Budget;

[(L) 1 shall be the Chief of Staff to the President;

[(M) 1 shall be the Director of the Office, who shall serve as the Executive Director of the Council;

[(N) 1 shall be the Director of Central Intelligence;

[(O) 1 shall be the Assistant to the President for National Security Affairs;

[(P) 1 shall be the Counsel to the President;

[(Q) 1 shall be the Chairman of the Joint Chiefs of Staff; and

[(R) 1 shall be the National Security Adviser to the Vice President.

[(2) ADDITIONAL MEMBERS.—The President may, in the discretion of the President, appoint additional members to the Council.

[(c) FUNCTIONS.—The Council shall advise and assist the President in—

[(1) providing direction and oversight for the national drug control strategy, including relating drug control policy to other national security interests and establishing priorities; and

[(2) ensuring coordination among departments and agencies of the Federal Government concerning implementation of the National Drug Control Strategy.

[(d) ADMINISTRATION.—

[(1) IN GENERAL.—The Council may utilize established or ad hoc committees, task forces, or interagency groups chaired by the Director (or a representative of the Director) in carrying out the functions of the Council under this section.

[(2) STAFF.—The staff of the Office, in coordination with the staffs of the Vice President and the Assistant to the President for National Security Affairs, shall act as staff for the Council.

[(3) COOPERATION FROM OTHER AGENCIES.—Each department and agency of the executive branch shall—

[(A) cooperate with the Council in carrying out the functions of the Council under this section; and

[(B) provide such assistance, information, and advice as the Council may request, to the extent permitted by law.]

SEC. 709. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

(a) IN GENERAL.—The Director shall conduct a national media campaign in accordance with this section for the purpose of reducing and preventing illicit drug use among young people in the United States, through mass media advertising.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section for the media campaign may only be used for the following:

(A) The purchase of media time and space.

(B) Creative and talent costs.

(C) Advertising production costs.

(D) Testing and evaluation of advertising.

(E) Evaluation of the effectiveness of the media campaign.

(F) The negotiated fees for the winning bidder on requests for proposals issued either by the Office or its designee for purposes otherwise authorized in this section.

(G) Partnerships with community, civic, and professional groups and government organizations related to the media campaign.

(H) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(I) Operational and management expenses.

(2) SPECIFIC REQUIREMENTS.—

(A) CREATIVE SERVICES.—

(i) In using amounts for creative and talent costs under paragraph (1)(B), the Director shall use creative services donated at no cost to the Government wherever feasible and may only procure creative services for advertising—

(I) responding to high-priority or emergent media campaign needs that cannot timely be obtained at no cost; or

(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

(ii) No more than $1,000,000 may be expended under this section each fiscal year on creative services, except that the Director may expend up to $2,000,000 in a fiscal year on creative services to meet urgent needs of the media campaign with advance approval from the Committees on Appropriations of the House of Representatives and of the Senate upon a showing of the circumstances causing such urgent needs of the media campaign.

(B) TESTING AND EVALUATION OF ADVERTISING.—In using amounts for testing and evaluation of advertising under paragraph (1)(D), the Director shall test all advertisements prior to use in the media campaign to ensure that the advertisements are effective and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this section in a fiscal year and no more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the media campaign.

(C) EVALUATION OF EFFECTIVENESS OF MEDIA CAMPAIGN.—In using amounts for the evaluation of the effectiveness of the media campaign under paragraph (1)(E), the Director shall—

(i) designate an independent entity to evaluate annually the effectiveness of the media campaign based on data from—

(I) the "Monitoring the Future Study" published by the Department of Health and Human Services;

(II) the Attitude Tracking Study published by the Partnership for a Drug Free America;

(III) the National Household Survey on Drug Abuse; and

(IV) other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and

(ii) ensure that the effectiveness of the media campaign is evaluated in a manner that enables consideration of whether the media campaign has contributed to reduction of illicit drug use among youth and such other measures of evaluation as the Director determines are appropriate.

(3) PURCHASE OF ADVERTISING TIME AND SPACE.—For each fiscal year, not less than 77 percent of the amounts appropriated under this section shall be used for the purchase of ad-

vertising time and space for the media campaign, subject to the following exceptions:

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

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

(c) ADVERTISING.—In carrying out this section, the Director shall devote sufficient funds to the advertising portion of the media campaign to meet the goals of the media campaign.

(d) PROHIBITIONS.—None of the amounts made available under subsection (b) may be obligated or expended for any of the following:

(1) To supplant current antidrug community-based coalitions.

(2) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

(3) For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

(4) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations.

(5) To fund advertising that does not contain a primary message intended to reduce or prevent illicit drug use.

(6) To fund advertising containing a primary message intended to promote support for the media campaign or private sector contributions to the media campaign.

(e) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Amounts made available under subsection (b) shall be matched by an equal amount of non-Federal funds for the media campaign, or be matched with in-kind contributions of the same value.

(2) NO-COST MATCH ADVERTISING DIRECT RELATIONSHIP REQUIREMENT.—The Director shall ensure that at least 70 percent of no-cost match advertising provided directly relates to substance abuse prevention consistent with the specific purposes of the media campaign, except that in any fiscal year in which less than $125,000,000 is appropriated to the media campaign, the Director shall ensure that at least 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the media campaign.

(3) NO-COST MATCH ADVERTISING NOT DIRECTLY RELATED.—The Director shall ensure that no-cost match advertising that does not directly relate to substance abuse prevention includes a clear antidrug message. Such message is not required to be the primary message of the match advertising.

(f) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Director shall cause to be performed—

(1) audits and reviews of costs of the media campaign pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

(2) an audit of the cost of the media campaign described in section 306 of such Act (41 U.S.C. 256).

(g) STRATEGIC GUIDANCE AND DONATIONS.—The Partnership for a Drug Free America shall serve as the primary outside strategic advisor to the media campaign and be responsible for coordinating donations of creative and other services to the campaign, except with respect to advertising created using funds permitted in subsection (b). The Director shall inform the Partnership for a Drug Free America of the strategic goals of the campaign and consider advice from the Partnership for a Drug Free America on media campaign strategy.

(h) REPORT TO CONGRESS.—The Director shall submit on an annual basis a report to Congress that describes—

(1) the strategy of the media campaign and whether specific objectives of the media campaign were accomplished;

(2) steps taken to ensure that the media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the media campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the media campaign.

(i) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use amounts made available under this section for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

(j) PREVENTION OF MARIJUANA USE.—

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

(A) 60 percent of adolescent admissions for drug treatment are based on marijuana use.

(B) Potency levels of contemporary marijuana, particularly hydroponically grown marijuana, are significantly higher than in the past, rising from under 1 percent of THC in the mid-1970s to as high as 30 percent today.

(C) Contemporary research has demonstrated that youths smoking marijuana early in life may be up to five times more likely to use hard drugs.

(D) Contemporary research has demonstrated clear detrimental effects in adolescent educational achievement resulting from marijuana use.

(E) Contemporary research has demonstrated clear detrimental effects in adolescent brain development resulting from marijuana use.

(F) An estimated 9,000,000 Americans per year drive while under the influence of illegal drugs, including marijuana.

(G) Marijuana smoke contains 50 to 70 percent more of certain cancer causing chemicals than tobacco smoke.

(H) Teens who use marijuana are up to four times more likely to have a teen pregnancy than teens who have not.

(I) Federal law enforcement agencies have identified clear links suggesting that trade in hydroponic marijuana facilitates trade by criminal organizations in hard drugs, including heroin.

(J) Federal law enforcement agencies have identified possible links between trade in marijuana and financing for terrorist organizations.

(2) EMPHASIS ON PREVENTION OF YOUTH MARIJUANA USE.—In conducting advertising and activities otherwise authorized under this section, the Director may emphasize prevention of youth marijuana use.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office to carry out this section, $195,000,000 for each of fiscal years 2004 and 2005 and $210,000,000 for each of fiscal years 2006 through 2008.

* * * * * * *

[SEC. 711. DRUG INTERDICTION.

[(a) DEFINITION.—In this section, the term "Federal drug control agency" means—

[(1) the Office of National Drug Control Policy;

[(2) the Department of Defense;

[(3) the Drug Enforcement Administration;

[(4) the Federal Bureau of Investigation;

[(5) the Immigration and Naturalization Service;

[(6) the United States Coast Guard;

[(7) the United States Customs Service; and

[(8) any other department or agency of the Federal Government that the Director determines to be relevant.

[(b) REPORT.—In order to assist Congress in determining the personnel, equipment, funding, and other resources that would be required by Federal drug control agencies in order to achieve a level of interdiction success at or above the highest level achieved before the date of enactment of this title, not later than 90 days after the date of enactment of this Act, the Director shall submit to Congress and to each Federal drug control program agency a report, which shall include—

[(1) with respect to the southern and western border regions of the United States (including the Pacific coast, the border with Mexico, the Gulf of Mexico coast, and other ports of entry) and in overall totals, data relating to—

[(A) the amount of marijuana, heroin, methamphetamine, and cocaine—

[(i) seized during the year of highest recorded seizures for each drug in each region and during the year of highest recorded overall seizures; and

[(ii) disrupted during the year of highest recorded disruptions for each drug in each region and during the year of highest recorded overall seizures; and

[(B) the number of persons arrested for violations of section 1010(a) of the Controlled Substances Import and Export Act (21 U.S.C. 960(a)) and related offenses during the year of the highest number of arrests on record for each region and during the year of highest recorded overall arrests;

[(2) the price of cocaine, heroin, methamphetamine, and marijuana during the year of highest price on record during the preceding 10-year period, adjusted for purity where possible; and

[(3) a description of the personnel, equipment, funding, and other resources of the Federal drug control agency devoted to drug interdiction and securing the borders of the United States against drug trafficking for each of the years identified in paragraphs (1) and (2) for each Federal drug control agency.

[(c) BUDGET PROCESS.—

[(1) INFORMATION TO DIRECTOR.—Based on the report submitted under subsection (b), each Federal drug control agency shall submit to the Director, at the same time as each annual drug control budget request is submitted by the Federal drug control agency to the Director under section 704(c)(1), a description of the specific personnel, equipment, funding, and other resources that would be required for the Federal drug control agency to meet or exceed the highest level of interdiction success for that agency identified in the report submitted under subsection (b).

[(2) INFORMATION TO CONGRESS.—The Director shall include each submission under paragraph (1) in each annual consolidated National Drug Control Program budget proposal submitted by the Director to Congress under section 704(c)(2), which submission shall be accompanied by a description of any additional resources that would be required by the Federal drug control agencies to meet the highest level of interdiction success identified in the report submitted under subsection (b).]

* * * * * * *

SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, *except activities for which amounts are otherwise specifically authorized by this title,* to remain available until expended, such sums as may be necessary for each of fiscal years [1999 through 2003] *2004 through 2008*.

SEC. 715. TERMINATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) IN GENERAL.—Except as provided in subsection (b), effective on [September 30, 2003, this title and the amendments made by this title are repealed] *September 30, 2008, this title is repealed*.

* * * * * * *

SECTION 6073 OF THE ASSET FORFEITURE AMENDMENTS ACT OF 1988

[SEC. 6073. ESTABLISHMENT OF SPECIAL FORFEITURE FUND.

[(a) IN GENERAL.—There is established in the Treasury of the United States the Special Forfeiture Fund (hereafter referred to in this section as the "Fund") which shall be available to the Director of the National Drug Control Policy without fiscal year limitation in such amounts as may be specified in appropriations Acts.

[(b) DEPOSITS.—There shall be deposited into the Fund the amounts specified by section 524(c)(8) of title 28, United States Code, and section 9703(g) of title 31, United States Code, and any earnings on the investments authorized by subsection (d).

[(c) SUPER SURPLUS.—(1) Any unobligated balance up to $20,000,000 remaining in the Fund on September 30 of a fiscal year shall be available to the Director, subject to paragraph (2), to transfer to, and for obligation and expenditure in connection with drug control activities of, any Federal agency or State or local entity with responsibilities under the National Drug Control Strategy.

[(2) A transfer may be made under paragraph (1) only with the advance written approval of the Committees on Appropriations of each House of Congress.

[(d) INVESTMENT OF FUND.—Amounts in the Fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

[(e) PRESIDENT'S BUDGET.—The President shall, in consultation with the Director for National Drug Control Policy, include, as part of the budget submitted to the Congress under section 1105(a) of title 31, United States Code, a separate and detailed request for the use of the amounts in the Fund. This request shall reflect the priorities of the National Drug Control Strategy.

[(f) FUNDS PROVIDED SUPPLEMENTAL.—Funds disbursed under this subsection shall not be used to supplant existing funds, but shall be used to supplement the amount of funds that would be otherwise available.

[(g) ANNUAL REPORT.—No later than 4 months after the end of each fiscal year, the President shall submit to both Houses of Congress a detailed report on the amounts deposited in the Fund and a description of expenditures made under this subsection.]

DRUG-FREE MEDIA CAMPAIGN ACT OF 1998

[SEC. 101. SHORT TITLE.

[This subtitle may be cited as the "Drug-Free Media Campaign Act of 1998".

[SEC. 102. REQUIREMENT TO CONDUCT NATIONAL MEDIA CAMPAIGN.

[(a) IN GENERAL.—The Director of the Office of National Drug Control Policy (in this subtitle referred to as the "Director") shall conduct a national media campaign in accordance with this subtitle for the purpose of reducing and preventing drug abuse among young people in the United States.

[(b) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use amounts made available to carry out this subtitle under section 105 for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

[SEC. 103. USE OF FUNDS.

[(a) AUTHORIZED USES.—

[(1) IN GENERAL.—Amounts made available to carry out this subtitle for the support of the national media campaign may only be used for—

[(A) the purchase of media time and space;

[(B) talent reuse payments;

[(C) out-of-pocket advertising production costs;

[(D) testing and evaluation of advertising;

[(E) evaluation of the effectiveness of the media campaign;

[(F) the negotiated fees for the winning bidder on request for proposals issued by the Office of National Drug Control Policy;

[(G) partnerships with community, civic, and professional groups, and government organizations related to the media campaign; and

[(H) entertainment industry collaborations to fashion antidrug messages in motion pictures, television programing, popular music, interactive (Internet and new) media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

[(2) ADVERTISING.—In carrying out this subtitle, the Director shall devote sufficient funds to the advertising portion of the national media campaign to meet the stated reach and frequency goals of the campaign.

[(b) PROHIBITIONS.—None of the amounts made available under section 105 may be obligated or expended—

[(1) to supplant current antidrug community based coalitions;

[(2) to supplant current pro bono public service time donated by national and local broadcasting networks;

[(3) for partisan political purposes; or

[(4) to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations, unless the Director provides advance notice to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives and the Committee on the Judiciary of the Senate.

[(c) MATCHING REQUIREMENT.—Amounts made available under section 105 should be matched by an equal amount of non-Federal funds for the national media campaign, or be matched with in-kind contributions to the campaign of the same value.

[SEC. 104. REPORTS TO CONGRESS.

[The Director shall—

[(1) submit to Congress on an annual basis a report on the activities for which amounts made available under section 105 have been obligated during the preceding year, including information for each quarter of such year, and on the specific parameters of the national media campaign; and

[(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report on the effectiveness of the national media campaign based on measurable outcomes provided to Congress previously.

[SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this subtitle $195,000,000 for each of fiscal years 1999 through 2002.]

MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, JULY 9, 2003

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:00 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr., [Chairman of the Committee] presiding.

* * * * *

Chairman SENSENBRENNER. Pursuant to notice, I now call up the bill H.R. 2086, the "Office of National Drug Control Policy Reauthorization Act of 2003" for purposes of markup and move its favorable recommendation to the House. Without objection, the bill will be considered as read and open for amendment at any point.

And the text of the bill as reported by the Committee on Government Reform, which the Members have before them, will be considered as read, considered as the original text for purposes of amendment and open for amendment at any point.

[The Committee Print for H.R. 2086 follows:]

[COMMITTEE PRINT]

[Showing H.R. 2086 as Reported by the Committee on Government Reform]

108TH CONGRESS
1ST SESSION

H. R. 2086

[Report No. 108–167, Part I]

To reauthorize the Office of National Drug Control Policy.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2003

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

JUNE 19, 2003

Reported from the Committee on Government Reform with an amendment

[For text of introduced bill, see copy of bill as introduced on May 14, 2003]

A BILL

To reauthorize the Office of National Drug Control Policy.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

(a) SHORT TITLE.—This Act may be cited as the ''Office of National Drug Control Policy Reauthorization Act of 2003''.

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

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

Sec. 1. Short title; references; table of contents.
Sec. 2. Amendments to definitions.
Sec. 3. Amendments relating to appointment and duties of Director and Deputy Directors.
Sec. 4. Amendments relating to coordination with other agencies.
Sec. 5. Development, submission, implementation, and assessment of National Drug Control Strategy.
Sec. 6. High intensity drug trafficking areas program.
Sec. 7. Funding for certain high intensity drug trafficking areas.
Sec. 8. Amendments relating to Counter-Drug Technology Assessment Center.
Sec. 9. Repeals.
Sec. 10. National Youth Antidrug Media Campaign.
Sec. 11. Authorization of appropriations.
Sec. 12. Extension of termination date.

SEC. 2. AMENDMENTS TO DEFINITIONS.

(a) AMENDMENTS TO DEFINITIONS.—Section 702 (21 U.S.C. 1701) is amended—

(1) in paragraph (1)—

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

(B) by striking the period at the end of subparagraph (G) and inserting a semicolon; and

(C) by adding at the end the following:

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

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

(2) in paragraph (9), by striking ''implicates'' and inserting ''indicates'';

(3) in paragraph (10)—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(C) by adding at the end the following:

''(D) domestic drug law enforcement, including law enforcement directed at drug users.''; and

(4) in paragraph (11)—

(A) by inserting before the semicolon in subparagraph (A) the following: ''(including source country programs, and law enforcement outside the United States)'';

(B) by inserting ''and'' after the semicolon in subparagraph (B);

(C) by striking ''; and'' at the end of subparagraph (C) and inserting a period; and

(D) by striking subparagraph (D).

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

(1) in subparagraph (A), by striking ''(G)'' and inserting ''(H)''; and

(2) in subparagraph (C)—

(A) by striking ''(C)'' and inserting ''(D)''; and

(B) by striking ''and subparagraph (D) of section 702(11)''.

SEC. 3. AMENDMENTS RELATING TO APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTORS.

(a) DESIGNATION OF OTHER OFFICERS.—Section 704(a)(3) (21 U.S.C. 1703(a)(3)) is amended—

(1) by striking ''permanent employee'' and inserting ''officer or employee''; and

(2) by striking ''serve as the Director'' and inserting ''serve as the acting Director''.

(b) RESPONSIBILITIES OF DIRECTOR.—Section 704(b) (21 U.S.C. 1703(b)) is amended—

(1) in paragraph (4), by striking ''Federal departments and agencies engaged in drug enforcement,'' and inserting ''National Drug Control Program agencies,'';

(2) by inserting ''and'' at the end of paragraph (12);

(3) by striking paragraphs (13) and (14); and

(4) by redesignating paragraph (15) as paragraph (13).

(c) REVIEW AND CERTIFICATION OF NATIONAL DRUG CONTROL PROGRAM BUDGET.—Section 704(c)(3) (21 U.S.C. 1703(c)(3)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) SPECIFIC REQUESTS.—The Director shall not confirm the adequacy of any budget request that—

''(i) requests funding for Federal law enforcement activities that do not ade-

quately compensate for transfers of drug enforcement resources and personnel to law enforcement and investigation activities not related to drug enforcement as determined by the Director;

''(ii) requests funding for law enforcement activities on the borders of the United States that do not adequately direct resources to drug interdiction and enforcement as determined by the Director;

''(iii) requests funding for drug treatment activities that do not provide adequate result and accountability measures as determined by the Director;

''(iv) requests funding for any activities of the Safe and Drug Free Schools Program that do not include a clear anti-drug message or purpose intended to reduce drug use;

''(v) requests funding to enforce section 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) with respect to convictions for drug-related offenses not occurring during a period of enrollment for which the student was receiv-

ing any Federal grant, loan, or work assistance;

"(vi) requests funding for drug treatment activities that do not adequately support and enhance Federal drug treatment programs and capacity, as determined by the Director; or

"(vii) requests funding for fiscal year 2005 for activities of the Department of Education, unless it is accompanied by a report setting forth a plan for providing expedited consideration of student loan applications for all individuals who submitted an application for any Federal grant, loan, or work assistance that was rejected or denied pursuant to 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091 (r)(1)) by reason of a conviction for a drug-related offense not occurring during a period of enrollment for which the individual was receiving any Federal grant, loan, or work assistance.";

(3) in subparagraph (D)(iii), as so redesignated, by inserting "and the authorizing committees

of Congress for the Office'' after ''House of Representatives''; and

(4) in subparagraph (E)(ii)(bb), as so redesignated, by inserting ''and the authorizing committees of Congress for the Office'' after ''House of Representatives''.

(d) REPROGRAMMING AND TRANSFER REQUESTS.—Section 704(c)(4)(A) (21 U.S.C. 1703(c)(4)(A)) is amended by striking ''$5,000,000'' and inserting ''$1,000,000''.

(e) POWERS OF DIRECTOR.—Section 704(d) (21 U.S.C. 1703(d)) is amended—

(1) in paragraph (8)(D), by striking ''have been authorized by Congress;'' and inserting ''authorized by law;'';

(2) in paragraph (9)—

(A) by inserting ''notwithstanding any other provision of law,'' after ''(9)''; and

(B) by striking ''Strategy; and'' and inserting ''Strategy and notify the authorizing Committees of Congress for the Office of any fund control notice issued;'';

(3) in paragraph (10), by striking ''(22 U.S.C. 2291j).'' and inserting ''(22 U.S.C. 2291j) and section 706 of the Department of State Authorization Act for Fiscal Year 2003 (22 U.S.C. 229j–l);'';

(4) by adding at the end the following new paragraphs:

"(11) not later than August 1 of each year, submit to the President a report, and transmit copies of the report to the Secretary of State and the authorizing Committees of Congress for the Office, that—

"(A) provides the Director's assessment of which countries are major drug transit countries or major illicit drug producing countries as defined in section 481(e) of the Foreign Assistance Act of 1961;

"(B) provides the Director's assessment of whether each country identified under subparagraph (A) has cooperated fully with the United States or has taken adequate steps on its own to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and otherwise has assisted in reducing the supply of illicit drugs to the United States; and

"(C) provides the Director's assessment of whether application of procedures set forth in section 490(a) through (h) of the Foreign As-

sistance Act of 1961, as provided in section 706 of the Department of State Authorization Act for Fiscal Year 2003, is warranted with respect to countries the Director assesses have not cooperated fully; and

''(12) appoint a United States Interdiction Coordinator under subsection (i).''.

(f) UNITED STATES INTERDICTION COORDINATOR.—Section 704 (21 U.S.C. 1703) is further amended by adding at the end the following:

''(i) UNITED STATES INTERDICTION COORDINATOR.—

''(1) IN GENERAL.—There shall be in the Office a United States Interdiction Coordinator, who shall be appointed by the Director and shall perform duties determined by the Director with respect to coordination of efforts to interdict illicit drugs from the United States.

''(2) APPOINTMENT.—

''(A) IN GENERAL.—Notwithstanding any other provision of law (except subparagraph (B)), the Director may appoint any individual to serve as the United States Interdiction Coordinator.

"(B) LIMITATION.—The Director may not appoint to such position any individual who concurrently serves as the head of any other Federal department or agency or any subdivision thereof with responsibility for narcotics interdiction activities, except the counter-narcotics officer of the Department of Homeland Security appointed under section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458).".

(g) REQUIREMENT FOR SOUTH AMERICAN HEROIN STRATEGY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to the Congress a comprehensive strategy that addresses the increased threat from South American heroin, and in particular Colombian heroin.

(2) CONTENTS.—The strategy shall—

(A) include opium eradication efforts to eliminate the problem at the source to prevent it from reoccurring before the heroin enters the stream of commerce;

(B) interdiction and precursor chemical controls;

(C) demand reduction and treatment;

(D) provisions that ensure the maintenance at current levels of efforts to eradicate coca in Colombia; and

(E) assessment of the level of additional funding and resources necessary to simultaneously address the threat from South American heroin and the threat from Columbian coca.

SEC. 4. AMENDMENTS RELATING TO COORDINATION WITH OTHER AGENCIES.

Section 705 (21 U.S.C. 1704) is amended—

(1) in subsection (a)(1)(A), by striking ''abuse'';

(2) by amending paragraph (3) of subsection (a) to read as follows:

''(3) REQUIRED REPORTS.—

''(A) SECRETARIES OF THE INTERIOR AND AGRICULTURE.—The Secretaries of Agriculture and Interior shall, by July 1 of each year, jointly submit to the Director and the authorizing Committees of Congress for the Office an assessment of the quantity of illegal drug cultivation and manufacturing in the United States on

lands owned or under the jurisdiction of the Federal Government for the preceding year.

"(B) ATTORNEY GENERAL.—The Attorney General shall, by July 1 of each year, submit to the Director and the authorizing Committees of Congress for the Office information for the preceding year regarding the number and type of—

"(i) arrests for drug violations;

"(ii) prosecutions for drug violations by United States Attorneys; and

"(iii) the number and type of seizures of drugs by each component of the Department seizing drugs, as well as statistical information on the geographic areas of such seizures.

"(C) SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall, by July 1 of each year, submit to the Director and the authorizing Committees of Congress for the Office information for the preceding year regarding—

"(i) the number and type of seizures of drugs by each component of the Department seizing drugs, as well as statistical

information on the geographic areas of such seizures; and

"(ii) the number of air and maritime patrol hours undertaken by each component of the Department primarily dedicated to drug supply reduction missions.

"(D) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by July 1 of each year, submit to the Director and the authorizing Committees of Congress for the Office information for the preceding year regarding the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Defense."; and

(3) in subsection (b)(2)(B), by striking "Program." and inserting "Strategy.".

SEC. 5. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

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

"SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

"(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

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

"(2) CONTENTS.—

"(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include—

"(i) comprehensive, research-based, long-range, and quantifiable goals for reducing illicit drug use and the consequences of illicit drug use in the United States;

"(ii) annual objectives and strategy for demand reduction, supply reduction,

and law enforcement activities, specific targets to accomplish long-range quantifiable reduction in illicit drug use as determined by the Director, and specific measurements to evaluate progress toward the targets and strategic goals;

''(iii) a strategy to reduce the availability and purity of illegal drugs and the level of drug-related crime in the United States;

''(iv) an assessment of Federal effectiveness in achieving the National Drug Control Strategy for the previous year, including—

''(I) a specific evaluation of whether the objectives and targets for reducing illicit drug use for the previous year were met and reasons for the success or failure of the previous year's Strategy; and

''(II) an assessment of the availability and purity of illegal drugs and the level of drug-related crime in the United States;

"(v) notification of any program or budget priorities that the Director expects to significantly change from the current Strategy over the next five years;

"(vi) a review of international, State, local, and private sector drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government;

"(vii) such statistical data and information as the Director deems appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences thereof, supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy; and

"(viii) a supplement reviewing the activities of each individual National Drug Control Program agency during the previous year with respect to the National Drug Control Strategy and the Director's assessment of the progress of each National Drug Control Program agency in

meeting its responsibilities under the National Drug Control Strategy.

"(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involve information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

"(C) SELECTION OF DATA AND INFORMATION.—In selecting data and information for inclusion under subparagraph (A), the Director shall ensure—

"(i) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and

"(ii) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

"(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—

"(A) CONSULTATION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

"(i) shall consult with—

"(I) the heads of the National Drug Control Program agencies;

"(II) Congress;

"(III) State and local officials;

"(IV) private citizens and organizations with experience and expertise in demand reduction;

"(V) private citizens and organizations with experience and expertise in supply reduction;

"(VI) private citizens and organizations with experience and expertise in law enforcement; and

"(VII) appropriate representatives of foreign governments;

"(ii) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific

tasks or projects to implement the National Drug Control Strategy;

"(iii) with the concurrence of the Director of Central Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to implement the National Drug Control Strategy; and

"(iv) may make recommendations to the Secretary of Health and Human Services on research that supports or advances the National Drug Control Strategy.

"(B) RECOMMENDATIONS.—Recommendations under subparagraph (A)(iv) may include recommendations of research to be performed at the National Institutes of Health, including the National Institute on Drug Abuse, or any other appropriate agency within the Department of Health and Human Services.

"(C) INCLUSION IN STRATEGY.—The National Drug Control Strategy under this subsection shall include a list of each entity consulted under subparagraph (A)(i).

"(4) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised Na-

tional Drug Control Strategy that meets the requirements of this section—

"(A) at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; or

"(B) if a new President or Director takes office.

"(b) PERFORMANCE MEASUREMENT SYSTEM.—Not later than February 1 of each year, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that includes performance measures for the National Drug Control Strategy and activities of National Drug Control Program agencies related to the National Drug Control Strategy.".

SEC. 6. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

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

"SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

"(a) ESTABLISHMENT.—There is established in the Office a program to be known as the High Intensity Drug

Trafficking Areas Program (in this section referred to as the 'Program').

"(b) PURPOSES.—The purposes of the Program are the following:

"(1) To reduce drug availability and facilitate cooperative efforts between Federal, State, and local law enforcement agencies in areas with significant drug trafficking problems that harmfully impact other parts of the Nation.

"(2) To provide assistance to agencies to come together to assess regional threats, design coordinated strategies to combat those threats, share intelligence, and develop and implement coordinated initiatives to implement the strategies.

"(c) DESIGNATION.—The Director, upon consultation with the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, heads of the National Drug Control Program agencies, and the Governor of each applicable State, may designate any specified area of the United States as a high intensity drug trafficking area.

"(d) FACTORS FOR CONSIDERATION.—

"(1) IN GENERAL.—In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall con-

sider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

"(A) the area is a major center of illegal drug production, manufacturing, importation, or distribution for the United States as compared to other areas of the United States;

"(B) State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

"(C) drug-related production, manufacturing, importation, or distribution in the area is having a significant harmful impact in other areas of the United States; and

"(D) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

"(2) CONSIDERATIONS.—For purposes of paragraph (1)(A), in considering whether an area is a major center of illegal drug production, manufacturing, importation, or distribution as compared to other areas of the United States, the Director shall consider—

"(A) the quantity of illicit drug traffic entering or transiting the area originating in foreign countries;

"(B) the quantity of illicit drugs produced in the area;

"(C) the number of Federal, State, and local arrests, prosecutions, and convictions for drug trafficking and distribution offenses in the area;

"(D) the degree to which the area is a center for the activities of national drug trafficking organizations; and

"(E) such other criteria as the Director considers appropriate.

"(e) SOUTHWEST BORDER.—The Director may not designate any county contiguous to the international land border with Mexico as part of any high intensity drug trafficking area other than as part of a single Southwest Border high intensity drug trafficking area.

"(f) REMOVAL FROM DESIGNATION.—The Director may remove an area or portion of an area from designation as a high intensity drug trafficking area under this section upon determination that the area or portion of an area no longer is a high intensity drug trafficking area, considering the factors in subsections (d) and (e) in addi-

tion to such other criteria as the Director considers to be appropriate.

"(g) AUTHORITY OF THE DIRECTOR.—After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

"(1) obligate such sums as appropriated for the Program, in accordance with subsection (h);

"(2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel; and

"(3) take any other action authorized under section 704 to provide increased Federal assistance to those areas.

"(h) ALLOCATION OF FUNDING.—In obligating sums appropriated for the Program, the Director shall comply with the following:

"(1) 30 PERCENT SET ASIDE.—The Director shall expend no less than 30 percent of the amounts appropriated under this section in the seven high intensity drug trafficking areas (excluding the Southwest Border high intensity drug trafficking area) for which the Director determines that Program activities with respect to such areas will have the greatest

impact on reducing overall drug traffic in the United States.

"(2) 25 PERCENT SET ASIDE.—The Director shall expend no less than 25 percent of the amounts appropriated under this section in nine other high intensity drug trafficking areas (excluding the Southwest Border high intensity drug trafficking area) for which the Director determines that Program activities with respect to such areas will have the next greatest impact on reducing overall drug traffic in the United States.

"(3) SOUTHWEST BORDER AREA.—

"(A) 20 PERCENT SET ASIDE.—The Director shall expend no less than 20 percent of the amounts appropriated under this section in the Southwest Border high intensity drug trafficking area.

"(B) REALLOCATION WITHIN AREA.—The executive committee of the Southwest Border high intensity drug trafficking area may reallocate up to five percent of the total funds allocated to that area among its components, with the approval of the Director.

"(4) REMAINING AREAS.—The Director shall expend no less than 10 percent of the amounts ap-

propriated under this section in the remaining high intensity drug trafficking areas.

"(5) DISCRETIONARY EXPENDITURES.—

"(A) IN GENERAL.—In addition to the amounts allocated under paragraphs (1) through (4) the Director may expend 15 percent of the amounts appropriated under this section on a discretionary basis.

"(B) CONSIDERATION OF IMPACT.—In allocating funds under this paragraph, the Director shall consider—

"(i) the impact of activities funded on reducing overall drug traffic in the United States;

"(ii) performance measures of effectiveness; and

"(iii) such other criteria as the Director considers appropriate.

"(i) USE OF FUNDS.—

"(1) LIMITATION.—No funds appropriated for the Program shall be expended for drug prevention or drug treatment programs.

"(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply with respect to the Balti-

more/Washington high intensity drug trafficking area.

"(j) TERRORISM ACTIVITIES.—

"(1) ASSISTANCE AUTHORIZED.—The Director may authorize use of resources available for the Program to assist Federal, State, and local law enforcement agencies in investigations and activities related to terrorism and prevention of terrorism, especially but not exclusively where such investigations are related to drug trafficking.

"(2) LIMITATION.—The Director shall ensure—

"(A) that assistance provided under paragraph (1) remains incidental to the purpose of the Program to reduce drug availability and carry out drug-related law enforcement activities; and

"(B) that significant resources of the Program are not redirected to activities exclusively related to terrorism.

"(k) BOARD REPRESENTATION.—None of the funds appropriated under this section may be expended for any high intensity drug trafficking area, or for a partnership under the Program, if the executive board or equivalent governing committee with respect to such area or partnership is not comprised of equal voting representation be-

tween representatives of Federal law enforcement agencies and representatives of State and local law enforcement agencies.

"(l) ROLE OF DRUG ENFORCEMENT ADMINISTRATION.—The Director, in consultation with the Attorney General, shall ensure that a representative of the Drug Enforcement Administration is included in the Intelligence Support Center for each high intensity drug trafficking area.

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

"(1) $230,000,000 for fiscal year 2004;

"(2) $240,000,000 for each of fiscal years 2005 and 2006; and

"(3) $250,000,000 for each of fiscal years 2007 and 2008.".

(b) REVIEW OF CURRENT AREAS.—Within one year after the date of enactment of this Act, the Director of National Drug Control Policy shall—

(1) review each of the areas currently designated as a high intensity drug trafficking area to determine whether it continues to warrant designation as a high intensity drug trafficking area, considering the factors in section 707(d) of the Office

of National Drug Control Policy Reauthorization Act of 1998, as amended by this section, in addition to such other criteria as the Director considers to be appropriate; and

(2) terminate such description for an area or portion of an area determined to no longer warrant designation.

SEC. 7. FUNDING FOR CERTAIN HIGH INTENSITY DRUG TRAFFICKING AREAS.

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

(b) FINDINGS.—Congress finds the following:

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

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

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

(4) In all phases of counter-narcotics law enforcement—from prevention to investigation to pros-

ecution to reentry—the voluntary cooperation of ordinary citizens is a critical component.

(5) Voluntary cooperation is difficult for law enforcement officials to obtain when citizens feel that cooperation carries the risk of violent retaliation by illegal drug trafficking organizations and their affiliates.

(6) Public confidence that law enforcement is doing all it can to make communities safe is a prerequisite for voluntary cooperation among people who may be subject to intimidation or reprisal (or both).

(7) Witness protection programs are insufficient on their own to provide security because many individuals and families who strive every day to make distressed neighborhoods livable for their children, other relatives, and neighbors will resist or refuse offers of relocation by local, State, and Federal prosecutorial agencies and because, moreover, the continued presence of strong individuals and families is critical to preserving and strengthening the social fabric in such communities.

(8) Where (as in certain sections of Baltimore City) interstate trafficking of illegal drugs has severe ancillary local consequences within areas designated

as high intensity drug trafficking areas, it is important that supplementary High Intensity Drug Trafficking Areas Program funds be committed to support initiatives aimed at making the affected communities safe for the residents of those communities and encouraging their cooperation with local, State, and Federal law enforcement efforts to combat illegal drug trafficking.

(c) FUNDING FOR CERTAIN HIGH INTENSITY DRUG TRAFFICKING AREAS.—Section 707 (21 U.S.C. 1706) is further amended in subsection (h) by adding at the end the following new paragraph:

"(6) SPECIFIC PURPOSES.—

"(A) IN GENERAL.—The Director shall ensure that, of the amounts appropriated for a fiscal year for the Program, at least $1,000,000 is used in high intensity drug trafficking areas with severe neighborhood safety and illegal drug distribution problems.

"(B) REQUIRED USES.—The funds used under subparagraph (A) shall be used—

"(i) to ensure the safety of neighborhoods and the protection of communities, including the prevention of the intimida-

tion of potential witnesses of illegal drug distribution and related activities; and

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

SEC. 8. AMENDMENTS RELATING TO COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

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

(1) in the heading by striking "DIRECTOR OF TECHNOLOGY.—" and inserting "CHIEF SCIENTIST.—"; and

(2) by striking "Director of Technology," and inserting "Chief Scientist,".

(b) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 708(c) (21 U.S.C. 1707(c)) is amended to read as follows:

"(c) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—

"(1) IN GENERAL.—The Director, acting through the Chief Scientist shall—

"(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local law enforcement agencies relating to drug enforcement, including—

"(i) advanced surveillance, tracking, and radar imaging;

"(ii) electronic support measures;

"(iii) communications;

"(iv) data fusion, advanced computer systems, and artificial intelligence; and

"(v) chemical, biological, radiological (including neutron, electron, and graviton), and other means of detection;

"(B) identify demand reduction (including drug prevention) basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

"(i) improving treatment through neuroscientific advances;

"(ii) improving the transfer of biomedical research to the clinical setting; and

"(iii) in consultation with the National Institute on Drug Abuse and the

Substance Abuse and Mental Health Services Administration, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

''(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Program;

''(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments;

''(E) oversee and coordinate a technology transfer program for the transfer of technology to State and local law enforcement agencies; and

''(F) pursuant to the authority of the Director of National Drug Control Policy under section 704, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

"(2) PRIORITIES IN TRANSFERRING TECHNOLOGY.—In transferring technology under the authority of paragraph (1)(E), the Chief Scientist shall give priority, in transferring technologies most likely to assist in drug interdiction and border enforcement, to State, local, and tribal law enforcement agencies in southwest border areas and northern border areas with significant traffic in illicit drugs.

"(3) LIMITATION ON AUTHORITY.—The authority granted to the Director under this subsection shall not extend to the award of contracts, management of individual projects, or other operational activities.".

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

SEC. 9. REPEALS.

The following provisions are repealed:

(1) Sections 709 and 711 (21 U.S.C. 1708 and 1710).

(2) Section 6073 of the Asset Forfeiture Amendments Act of 1988 (21 U.S.C. 1509).

SEC. 10. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

(a) IN GENERAL.—The Act is further amended by inserting after section 708 the following:

"SEC. 709. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

"(a) IN GENERAL.—The Director shall conduct a national media campaign in accordance with this section for the purpose of reducing and preventing illicit drug use among young people in the United States, through mass media advertising.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—Amounts made available to carry out this section for the media campaign may only be used for the following:

"(A) The purchase of media time and space.

"(B) Creative and talent costs.

"(C) Advertising production costs.

"(D) Testing and evaluation of advertising.

"(E) Evaluation of the effectiveness of the media campaign.

"(F) The negotiated fees for the winning bidder on requests for proposals issued either by the Office or its designee for purposes otherwise authorized in this section.

"(G) Partnerships with community, civic, and professional groups and government organizations related to the media campaign.

"(H) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

"(I) Operational and management expenses.

"(2) SPECIFIC REQUIREMENTS.—

"(A) CREATIVE SERVICES.—

"(i) In using amounts for creative and talent costs under paragraph (1)(B), the Director shall use creative services donated at no cost to the Government wherever feasible and may only procure creative services for advertising—

"(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

"(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

"(ii) No more than $1,000,000 may be expended under this section each fiscal year on creative services, except that the Director may expend up to $2,000,000 in a fiscal year on creative services to meet urgent needs of the media campaign with advance approval from the Committee on Appropriations of the House of Representatives and of the Senate upon a showing of the circumstances causing such urgent needs of the media campaign.

"(B) TESTING AND EVALUATION OF ADVERTISING.—In using amounts for testing and evaluation of advertising under paragraph (1)(D), the Director shall test all advertisements prior to use in the media campaign to ensure that the advertisements are effective and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this section in an fiscal year and no more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign

needs or the advertisements will not be widely utilized in the media campaign.

"(C) EVALUATION OF EFFECTIVENESS OF MEDIA CAMPAIGN.—In using amounts for the evaluation of the effectiveness of the media campaign under paragraph (1)(E), the Director shall—

"(i) designate an independent entity to evaluate annually the effectiveness of the national media campaign based on data from—

"(I) the 'Monitoring the Future Study' published by the Department of Health and Human Services;

"(II) the Attitude Tracking Study published by the Partnership for a Drug Free America;

"(III) the National Household Survey on Drug Abuse; and

"(IV) other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and

"(ii) ensure that the effectiveness of the media campaign is evaluated in a manner that enables consideration of whether the media campaign has contributed to reduction of illicit drug use among youth and such other measures of evaluation as the Director determines are appropriate.

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

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

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

"(c) ADVERTISING.—In carrying out this section, the Director shall devote sufficient funds to the advertising portion of the national media campaign to meet the goals of the campaign.

"(d) PROHIBITIONS.—None of the amounts made available under subsection (b) may be obligated or expended for any of the following:

"(1) To supplant current antidrug community-based coalitions.

"(2) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

"(3) For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

"(4) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations.

"(5) To fund advertising that does not contain a primary message intended to reduce or prevent illicit drug use.

"(6) To fund advertising containing a primary message intended to promote support for the media campaign or private sector contributions to the media campaign.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Amounts made available under subsection (b) shall be matched by an equal amount of non-Federal funds for the media campaign, or be matched with in-kind contributions of the same value.

"(2) NO-COST MATCH ADVERTISING DIRECT RELATIONSHIP REQUIREMENT.—The Director shall ensure that at least 70 percent of no-cost match advertising provided directly relates to substance abuse prevention consistent with the specific purposes of the media campaign, except that in any fiscal year in which less than $125,000,000 is appropriated to the media campaign, the Director shall ensure that at least 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the media campaign.

"(3) NO-COST MATCH ADVERTISING NOT DIRECTLY RELATED.—The Director shall ensure that no-cost match advertising that does not directly re-

1 late to substance abuse prevention includes a clear
2 antidrug message. Such message is not required to
3 be the primary message of the match advertising.
4 "(f) FINANCIAL AND PERFORMANCE ACCOUNT-
5 ABILITY.—The Director shall cause to be performed—
6 "(1) audits and reviews of costs of the media
7 campaign pursuant to section 304C of the Federal
8 Property and Administrative Services Act of 1949
9 (41 U.S.C. 254d); and
10 "(2) an audit of the cost of the media campaign
11 described in section 306 of such Act (41 U.S.C.
12 256).
13 "(g) STRATEGIC GUIDANCE AND DONATIONS.—The
14 Partnership for a Drug Free America shall serve as the
15 primary outside strategic advisor to the media campaign
16 and be responsible for coordinating donations of creative
17 and other services to the campaign, except with respect
18 to advertising created using funds permitted in subsection
19 (b). The Director shall inform the Partnership for a Drug
20 Free America of the strategic goals of the campaign and
21 consider advice from the Partnership for a Drug Free
22 America on media campaign strategy.
23 "(h) REPORT TO CONGRESS.—The Director shall
24 submit on an annual basis a report to Congress that
25 describes—

"(1) the strategy of the media campaign and whether specific objectives of the media campaign were accomplished;

"(2) steps taken to ensure that the media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the media campaign;

"(3) plans to purchase advertising time and space;

"(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

"(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the media campaign.

"(i) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use amounts made available under this section for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

"(j) PREVENTION OF MARIJUANA USE.—

"(1) FINDINGS.—The Congress finds the following:

"(A) 60 percent of adolescent admissions for drug treatment are based on marijuana use.

"(B) Potency levels of contemporary marijuana, particularly hydroponically grown marijuana, are significantly higher than in the past, rising from under 1 percent of THC in the mid-1970s to as high as 30 percent today.

"(C) Contemporary research has demonstrated that youths smoking marijuana early in life may be up to five times more likely to use hard drugs.

"(D) Contemporary research has demonstrated clear detrimental effects in adolescent educational achievement resulting from marijuana use.

"(E) Contemporary research has demonstrated clear detrimental effects in adolescent brain development resulting from marijuana use.

"(F) An estimated 9,000,000 Americans a year drive while under the influence of illegal drugs, including marijuana.

"(G) Marijuana smoke contains 50 to 70 percent more of certain cancer causing chemicals than tobacco smoke.

"(H) Teens who use marijuana are up to four times more likely to have a teen pregnancy than teens who have not.

"(I) Federal law enforcement agencies have identified clear links suggesting that trade in hydroponic marijuana facilitates trade by criminal organizations in hard drugs, including heroin.

"(J) Federal law enforcement agencies have identified possible links between trade in marijuana and financing for terrorist organizations.

"(2) EMPHASIS ON PREVENTION OF YOUTH MARIJUANA USE.—In conducting advertising and activities otherwise authorized under this section, the Director may emphasize prevention of youth marijuana use.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office to carry out this section, $195,000,000 for each of fiscal years 2004 and 2005 and $210,000,000 for each of fiscal years 2006 through 2008.".

(b) REPEAL OF SUPERSEDED PROVISIONS.—The Drug-Free Media Campaign Act of 1998 (21 U.S.C. 1801 et seq.) is repealed.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 714 (21 U.S.C. 1711) is amended—

(1) by striking ''title,'' and inserting ''title, except activities for which amounts are otherwise specifically authorized by this title,''; and

(2) by striking ''1999 through 2003'' and inserting ''2004 through 2008''.

SEC. 12. EXTENSION OF TERMINATION DATE.

Section 715(a) is amended by striking ''September 30, 2003, this title and the amendments made by this title are repealed'' and inserting ''September 30, 2008, this title is repealed''.

Chairman SENSENBRENNER. The Chair recognizes the gentleman from North Carolina, Mr. Coble, for 5 minutes to explain the bill.

Mr. COBLE. I thank the Chairman. Mr. Chairman and Members of the Committee, H.R. 2086, the "Office of National Drug Control Policy Reauthorization Act of 2003" reauthorizes the Office of National Drug Control Policy, ONDCP, within the Executive Office of the President for 5 years through the end of fiscal year 2008. The office was originally created in 1988 and is the President's principal advisor with respect to drug control policy development and program oversight. ONDCP's current statutory mission is to guide the Nation's efforts to both reduce the use, manufacturing and trafficking of illegal drugs, and to reduce the associated violent crime, violence and health consequences of illegal drug use. Since its inception the ONDCP has been the cornerstone of Federal drug policy in America, improving the lives of all Americans by reducing the impact of drugs and the consequences of their abuse in our society and communities. Congress established the office through the Anti-Drug Abuse Act of 1988, and the current statutory authorization will expire this September.

The Director advises the President on national and international drug control policies and strategies, formulates the national drug control strategy, reviews and certifies the budgets of the National Drug Control Program agencies, and works to ensure the effective coordination of drug programs by the National Drug Control Program agencies.

The Director reviews the annual budget request for each Federal Department and Agency charged with implementing a Federal drug control program, and is empowered to require funding levels and initiatives the Director believes are sufficient for those goals. An edition of the National Drug Control strategy is submitted to Congress annually to coordinate the Nation's anti-drug efforts and establish programs, budgets and guidelines for cooperation among Federal, State and local entities.

Finally, ONDCP also administers approximately $500 million in programs including the high-intensity drug trafficking areas (HIDTA) program which provides assistance for State and local law enforcement to work with Federal agents to stop drug traffic in critical areas of the country, impacting national drug traffic, the National Youth Anti-Drug Video Campaign that supports the area of anti-drug television and print ads, the Drug Free Communities Grant program, and the Counter Drug Technology Assessment Center.

Mr. Chairman, the Office of National Drug Control Policy is an extremely important component of our Nation's war on drugs and I urge my colleagues to support this legislation and yield back.

Chairman SENSENBRENNER. There are three votes pending on the House floor, two of 15 minutes in length and one of 5 minutes. The Chair will recess the Committee promptly and ask that Members return right after the votes, and the first order will be the recognition of Mr. Scott of Virginia for an opening statement.

The Committee is recessed until immediately after the third vote.

[Recess.]

Chairman SENSENBRENNER. The Committee will be in order. When the Committee recessed we were having opening statements

on H.R. 2086, the drug control bill, and the Chair now recognizes the gentleman from Virginia, Mr. Scott, for an opening statement.

Mr. SCOTT. Thank you, Mr. Chairman, for scheduling a markup on the bill. I support your decision to assert the Committee's jurisdiction over the matter, although I'm not sure how much jurisdiction we have or what provisions are under our jurisdiction. What I am sure of is that despite all the billions of dollars that are spent on illegal drug use abatement, illegal drug use is still rampant in this country.

I believe that the primary reason for this is that we have not maximized the impact of the dollars that we have spent. While we must spend a portion of money appropriated to fight illegal drug use on enforcement of the laws against it, we should also take cognizance of the fact that all of the credible studies show that drug treatment is many times more effective at reducing illegal drug use, and much less costly than law enforcement. And while we need to spend money on both, we spend many times more money on law enforcement, the least effective means, than on drug treatment, the most effective means to combat illegal drug use.

The Office of National Drug Control Policy is the office of the so-called drug czar for our Nation. Therefore, we should be able to look at that office for leadership in promoting the best use of scarce dollars. Unfortunately, this bill does not direct that kind of leadership. Even though mandatory minimum drug sentencing laws have been shown to be a waste of money, distort sentencing and discriminate against minorities, the bill does not direct to drug czar to review the efficacy of such sentences and make recommendations to Congress. And although almost everyone recognizes that the 100 to 1 disparity in sentencing between crack cocaine and powder cocaine offenses is unfair and racially discriminatory, there's nothing in the bill directing the drug czar to come up with recommendations for addressing that problem, nor is there anything which directs the drug czar to examine whether the relative effectiveness of Charitable Choice programs which allow uncredentialed individuals to provide drug treatment, nor is there anything in the bill which evaluates the policy of allowing hiring discrimination based on religion rather than merit in federally-funded programs. There's nothing in the bill to evaluate that either. This kind of leadership is what we'd be looking for from the drug czar, and that is not reflected in the bill.

Perhaps we could have explored some of these issues had the bill gone through the regular process of subcommittee hearing and markup, but here we are seeing the bill for the first time at full Committee markup with the expectation that we will pass it on to the floor.

Mr. Chairman, we were given insufficient time for that, and that is no fault of your own. We have to use the time we were given, but I will hopefully confer with the gentleman from North Carolina, the Subcommittee Chairman on Crime, to explore some of these issues further.

Thank you, Mr. Chairman. I yield back the balance of my time.

Chairman SENSENBRENNER. Without objection, all Members' opening statements will be placed in the record. At this point are there amendments?

Mr. COBLE. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Coble.

Mr. COBLE. I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 2086, to the Committee Print, offered by Mr. Coble, page 25, line 7——

Mr. COBLE. Mr. Chairman——

Chairman SENSENBRENNER. Without objection, the amendment is considered as read, and the gentleman is recognized for 5 minutes.

[The amendment of Mr. Coble follows:]

H.R. 2086

AMENDMENT TO THE COMMITTEE PRINT

OFFERED BY MR. COBLE

Page 25, line 7, strike ", in accordance with subsection (h)".

Page 25, strike line 15 and all that follows through page 27, line 18 (and redesignate the subsequent quoted subsections (i) through (m) accordingly).

Page 32, line 13, strike "(6)" and insert "(3)".

Mr. COBLE. I thank the Chair. Mr. Chairman and Members, this amendment will strike the allocation of funding language in section 6 of the bill, relating to the High-Intensity Drug Trafficking Areas, properly referred to as HIDTA, Program. The amendment does not strike the funding for the program, simply the mechanism which takes away the discretion of the Director of ONDCP.

On May 22 of this year, John Walters, the Director of ONDCP, testified before the Committee on Government Reform about this provision and described it as problematic. Mr. Walters stated that by imposing specific percentages of appropriated funds to a set number of areas, the provision limits the Director's discretion to manage the program using performance information along with threat intensity. Mr. Walters further testified that in order to maximize the program's effectiveness, that the Director needs the authority to integrate performance and budget throughout the program and have the flexibility to respond to the changing nature of the domestic drug threat.

This amendment, Mr. Chairman, would remove the artificial funding restrictions on the bill and restore the Director's discretion so that funds could be distributed wherever he determines they can best be used to deal with the threat of drugs in this country.

I urge my colleagues to support——

Mr. NADLER. Would the gentleman yield for a question?

Mr. COBLE. I will.

Mr. NADLER. Thank you. I'm trying to understand the effect of this amendment. Are you saying, sir, that right now there's a limit, you said a two-tier system so that certain areas are considered high intensity, and a certain amount of the funding is sent there, and if your amendment passed, less of the funding would mandatorily go to these high-intensity areas and the Director would have more discretion to spread it further around? Is that what you're saying?

Mr. COBLE. Well, it would confer to the Director the discretion.

Mr. NADLER. The discretion to spread the money further around as opposed to concentrating the money or a certain percentage of the money in high-intensity drug areas?

Mr. COBLE. Just within the HIDTA areas.

Mr. NADLER. As I understand it, there are two tiers of high-intensity areas, and this would enable him to spread it around so that—so all high-intensity areas, so that the highest intensity areas might very well get less than they do now. Is that the point of the amendment?

Mr. COBLE. Well, I think that would depend upon the Director.

Mr. NADLER. But he would have the ability to send less there than he does now?

Mr. COBLE. Could get more.

Mr. NADLER. Or it could get less?

Mr. COBLE. Yeah, correct.

Mr. NADLER. Thank you.

Ms. WATERS. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose——

Ms. WATERS. I move to strike the last word.

Mr. COBLE. I yield back.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, I tend to want to support the gentleman's amendment for a lot of reasons. I tend to want to support this amendment because I never thought the HIDTA areas made good sense anyway. And I'm not so sure that the money should have been controlled and directed in the way that it was. But before coming to that conclusion, I would like to ask the gentleman, if he would entertain a question from me, whether or not he could support directing more of the money in this authorization to prevention and treatment along with the elimination of the HIDTA areas? Is this something that you think you could support?

Mr. COBLE. If the gentlelady would yield?

Ms. WATERS. Yes, I yield.

Mr. COBLE. I would not support the elimination of HIDTA areas.

Ms. WATERS. What is it you're advocating?

Mr. COBLE. I'm advocating simply that the discretion be in the Director's hands and he be allowed to make that decision.

Ms. WATERS. That he be allowed to eliminate the HIDTA areas or just to change the amount of funding in the various HIDTA areas?

Mr. COBLE. No. Just to decide the amount of funding that would be forthwith.

Ms. WATERS. For each of the HIDTA areas as they are defined now?

Mr. COBLE. That's correct. At his discretion. He would have that discretion which the Government Reform proposal did not give him that.

Ms. WATERS. Well, let me just say this. I misunderstood somewhat what you're attempting to do. I thought you were going a little bit further than you tend to be going.

Since I have the floor, let me just say this. This war on drugs is not worth the paper that it's written on. If we really wanted to do something we would eliminate this authorization all together, and direct funds toward rehabilitation and treatment. This is a joke. And I think we've gone along with this long enough. I haven't even gone through this bill except to say these false HIDTA areas that really don't cover some of the high-intensity areas as it's supposed to do, and this dumb advertising program that we've had for so long, where we have these ads that come on at 2:00 a.m. in the morning, and nobody understands what they're saying anyway. It's just a waste of money and time, and I just think that we ought to take a fresh approach to dealing with drug eradication and get away from this so-called war on drugs and the expenditure of all of this money that's not really doing very much for anybody. So I'm not going to support your amendment if you're just doing a little bit of patchwork here, and you're simply saying a little bit more discretion within the HIDTA areas as they are defined. But if anybody—and I have some amendments coming down to look at some of this in a few minutes—but if anybody on the other side of the aisle wanted to get together and try to have a bipartisan piece of legislation that wipes out all of this dumb funding and just redirects money towards treatment, I would like to be a part of that.

Mr. NADLER. Mr. Chairman?

Chairman SENSENBRENNER. The gentlewoman yield back?

Ms. WATERS. I yield back the balance of my time.

Chairman SENSENBRENNER. The gentleman from New York, Mr. Nadler.

Mr. NADLER. Thank you, Mr. Chairman. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. NADLER. Mr. Chairman, I think some of the comments of the gentlelady from California are well taken. There is a provision in the bill that I just found out about that amends the law to say none of the funds herein authorized may be used for prevention or treatment. I don't see why we want to put that in the law. It's not in the existing law. I'm preparing an amendment now to delete that provision, and maybe someone will explain why we want to change the law to say we should have no treatment. I don't know how much treatment we have now, but maybe we have too little, maybe we have too much, but why we would want to say that the Administration has no authority to use any of these funds for treatment from now on, I don't know why we would want to do that.

But addressing the amendment pending before us, as I understand—I must oppose the amendment, because as I understand it right now, this money which is used mostly for enforcement, is directed by law with some discretion to the administrator to areas where the problem is greatest. Presumably you want to direct the funds where the problem is greatest. As I understand the amendment, it would remove some of the mandate to direct funds to the highest tier of the two tiers of high-intensity areas, and presumably the purpose of that really is so that the Director can spread the funds around, and we know the political imperative to send a little money to every congressional district no matter what the program is.

I complained on the floor once that my district of Manhattan doesn't get any of the wheat subsidy, but I wasn't serious about it, obviously, since we don't grow any wheat in my district, but I wouldn't mind them. But the fact is—we have them upstate. But the fact is, the money should go where the need is, as with any program, and right now, there are two tiers of high-intensity districts and a certain percentage of the money is mandated to go to the highest intensity, and this amendment would remove that. I don't know why we would want to do that except to spread it around for political purposes, and I don't think that that makes a heck of a lot of sense.

So I hope that people will join me in voting against the amendment so that the existing law——

Ms. WATERS. Would the gentleman yield?

Mr. NADLER. One second. So the existing law will continue so that the funds, as much as we make available, go to the maximum extent practicable, with some discretion to the administrator as is granted now, to where the need is greatest.

I'll yield.

Ms. WATERS. I think it would be instructive if someone could read to us how the high-intensive drug areas are defined and where they are, and so you can make a determination about this so-called going where the need is. The last time I looked at it—and I have to admit, it has been some time—it did not appear that

those high drug intensity areas matched up with where the needs are.

Mr. NADLER. Reclaiming my time. Presumably—and I'm not an expert on this, but presumably the high-intensity drug areas are where the need is. If they are not, then they ought to be redefined, and maybe we should do that, and we should take a look at that. But meanwhile, we should still direct the money to the high-intensity areas where presumably the need is, and if they're not properly defined, redefine them. But I don't think a mistake in geography at this point ought to mean we just give total discretion to spread the money around for political or other purposes. I yield back.

Chairman SENSENBRENNER. The question is on the amendment offered by the gentleman from North Carolina, mr. Coble. Those in favor will say aye.

Opposed, no.

The aye appears to have it—the aye appears to——

Mr. NADLER. Mr. Chairman?

Chairman SENSENBRENNER. The aye has——

Mr. NADLER. Mr. Chairman, could I observe that you seem to be inviting a request for a rollcall?

Chairman SENSENBRENNER. The gentleman knows what his prerogatives are. The aye has it.

Mr. NADLER. I'll ask for a rollcall vote.

Chairman SENSENBRENNER. rollcall vote. The question is on the Coble amendment. Those in favor will as your names are called answer aye; those opposed, no, and the clerk will call the roll.

The CLERK. Mr. Hyde?

[No response.]

The CLERK. Mr. Coble?

Mr. COBLE. Aye.

The CLERK. Mr. Coble, aye. Mr. Smith?

Mr. SMITH. Aye.

The CLERK. Mr. Smith, aye. Mr. Gallegly?

Mr. GALLEGLY. Aye.

The CLERK. Mr. Gallegly, aye. Mr. Goodlatte?

[No response.]

The CLERK. Mr. Chabot?

[No response.]

The CLERK. Mr. Jenkins?

Mr. JENKINS. Aye.

The CLERK. Mr. Jenkins, aye. Mr. Cannon?

[No response.]

The CLERK. Mr. Bachus?

[No response.]

The CLERK. Mr. Hostettler?

Mr. HOSTETTLER. Aye.

The CLERK. Mr. Hostettler, aye. Mr. Green?

Mr. GREEN. Aye.

The CLERK. Mr. Green, aye. Mr. Keller?

[No response.]

The CLERK. Ms. Hart?

[No response.]

The CLERK. Mr. Flake?

[No response.]

The CLERK. Mr. Pence?
[No response.]
The CLERK. Mr. Forbes.
Mr. FORBES. Aye.
The CLERK. Mr. Forbes, aye. Mr. King?
Mr. KING. Aye.
The CLERK. Mr. King, aye. Mr. Carter?
[No response.]
The CLERK. Mr. Feeney?
Mr. FEENEY. Aye.
The CLERK. Mr. Feeney, aye. Mrs. Blackburn?
[No response.]
The CLERK. Mr. Conyers?
[No response.]
The CLERK. Mr. Berman?
[No response.]
The CLERK. Mr. Boucher?
[No response.]
The CLERK. Mr. Nadler?
Mr. NADLER. No.
The CLERK. Mr. Nadler, no. Mr. Scott?
Mr. SCOTT. No.
The CLERK. Mr. Scott, no. Mr. Watt?
[No response.]
The CLERK. Ms. Lofgren?
Ms. LOFGREN. No.
The CLERK. Ms. Lofgren, no. Ms. Jackson Lee?
Ms. JACKSON LEE. No.
The CLERK. Ms. Jackson Lee, no. Ms. Waters?
Ms. WATERS. No.
The CLERK. Ms. Waters, no. Mr. Meehan?
[No response.]
The CLERK. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
Ms. BALDWIN. No.
The CLERK. Ms. Baldwin, no. Mr. Weiner?
[No response.]
The CLERK. Mr. Schiff?
[No response.]
The CLERK. Ms. Sánchez?
Ms. SÁNCHEZ. No.
The CLERK. Ms. Sánchez, no. Mr. Chairman?
Chairman SENSENBRENNER. Aye.
The CLERK. Mr. Chairman, aye.
Chairman SENSENBRENNER. Members who wish to cast or change their votes? The gentleman from Florida, Mr. Keller?
Mr. KELLER. Aye.
The CLERK. Mr. Keller, aye.
Chairman SENSENBRENNER. Gentlewoman from Pennsylvania, Ms. Hart.
Ms. HART. Aye.
The CLERK. Ms. Hart, aye.

Chairman SENSENBRENNER. Gentleman from Virginia, Mr. Goodlatte.

Mr. GOODLATTE. Aye.

The CLERK. Mr. Goodlatte, aye.

Chairman SENSENBRENNER. Gentleman from California, Mr. Schiff.

Mr. SCHIFF. No.

The CLERK. Mr. Schiff, no.

Chairman SENSENBRENNER. Further Members who wish to cast or change their vote? If not, the clerk will report.

The gentleman from North Carolina, Mr. Watt.

Mr. WATT. No.

The CLERK. Mr. Watt, no.

Chairman SENSENBRENNER. The clerk will report.

The CLERK. Mr. Chairman, there are 13 ayes and 9 noes.

Chairman SENSENBRENNER. And the amendment is agreed to.

* * * * *

Chairman SENSENBRENNER. We will now resume consideration of H.R. 2086. Are there further amendments?

Ms. JACKSON LEE. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from New York, Mr. Nadler.

Mr. NADLER. Thank you. Mr. Chairman, I have an amendment, No. 5, which we have just given to the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to the Committee Print to H.R. 2086, offered by Mr. Nadler. Page 27, strike line 19 and all that follows through line 2 on page 28.

[The amendment of Mr. Nadler follows:]

Amendment to HR 2086
Offered by Mr. Nadler

Page 27, strike line 19 and all that follows through line 2 on Page 28.

Chairman SENSENBRENNER. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Thank you. Mr. Chairman, this is a simple amendment. We're simply striking a paragraph from the bill. The paragraph reads: "No funds appropriated for the program shall be expended for drug prevention or drug treatment programs." And then there's a limitation that that doesn't apply to Washington and Baltimore for some reason. But basically what my amendment says is why should we change the law? Under current law the Administration is permitted to use some of these funds—I don't know how many it does—but some of these funds for drug prevention and drug treatment. This bill is drafted, for some reason which I can't fathom, says, "No funds may be used for drug prevention or drug treatment." I think anybody familiar with the whole drug problem

knows that there's a role for enforcement, and there's a role for prevention, and there's a role for treatment. And if you want an effective drug program to reduce drug addiction in our society, you want some combination of all three. Now, we can all fight about what proportion. Some people think more drug treatment, more drug prevention, less enforcement, more enforcement, less prevention. Whatever the appropriate mix is, is not for me to say at this point, but to say no funds shall be expended for prevention and treatment, that 100 percent of reliability should be on law enforcement, I don't think you'll find any professional in the field of drug prevention and treatment and rehab and enforcement who would say that that makes any sense at all.

So I don't know why this provision got in this bill. It's a new provision. The existing law permits the Administration—and I'm not suggesting that it should be some left-winger from some Committee—it's the Bush administration we're talking about that should have the discretion of what proportion of these funds should be used for enforcement, and what for prevention and what for treatment? So I'm simply, my amendment simply retains for the Bush administration and subsequent Administrations, if any, the discretion to use some of these funds for prevention and treatment, and I would hope that no one would object to this amendment.

Ms. LOFGREN. Would the gentleman yield?

Mr. NADLER. Yes, I'll yield.

Ms. LOFGREN. Just in support of the amendment, I think it's a wise one, and I would note for Californians that the voters of California, by an overwhelming margin, approved a ballot initiative that directed drug treatment first for nonviolent drug addicts, and that has actually—you know, it's a grand social experiment, but it seems to be working. And in fact, the amount of drug crime seems to be reducing since the voters approved that initiative. So like the gentleman, I believe there is very definitely a role for enforcement, but to preclude treatment and prevention is a huge mistake.

And I thank the gentleman for yielding.

Mr. NADLER. Well, thank you. I'll simply make one other observation. The second paragraph of the language, which I'm eliminating, says: "Paragraph 1 shall not apply with respect to the Baltimore-Washington high-intensity drug trafficking area," and that language is in there, I understand, because in Baltimore and Washington they have found that prevention and treatment funds have been very effective in cutting down on the problem, and someone had the political influence to put the carve out in this provision of the bill. And such programs may be very effective in Washington and Baltimore and Boston and Los Angeles, Chicago, who knows? So again, let the Administration have the discretion to choose how much of these funds shall be used for enforcement, for prevention, for treatment, and to simply say no funds for treatment or prevention frankly makes no sense at all. I can't imagine who put this in there.

I will yield back.

Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Coble?

Mr. COBLE. Mr. Chairman, I oppose the amendment.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. COBLE. Well, I won't take 5 minutes. The bill already provides for drug treatment programs. The amendment, as I read it, would strike the provision of the bill that limits the use of HIDTA monies for law enforcement and, Mr. Nadler, I just don't agree with you about that, and I oppose the amendment.

Ms. WATERS. Mr. Chairman?

Chairman SENSENBRENNER. Does the gentleman yield back?

Ms. WATERS. Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentlewoman from California, Ms. Waters, is recognized for 5 minutes.

Ms. WATERS. Well, I started out earlier talking about the fact that this bill should be totally for prevention and rehabilitation. The fact of the matter is, Mr. Chairman, again, our approaches have not been working, and we have people crying out for money to rehabilitate themselves, money to deal with prevention, and it does not matter whether we are talking about poor communities, upper-middle class communities, white communities, black communities, Latino communities. People are crying out for prevention and care, rehabilitation all over this country. It would be absolutely unconscionable for this Committee to pass this so-called drug prevention legislation with any language that would prevent resources from being spent on prevention rehabilitation and care.

I would hope that we would expand the ability, certainly not be prevented from spending money on prevention and care, but I would hope that we would turn this entire bill into a prevention and rehab resources bill. So I would not like to see this as a partisan thing. I would like to see a bipartisan effort to send a real strong message to the citizens of this country that we are willing to get off the dime and do something a little bit different. What we have been doing has not been working.

We are going to continue to fill up our jails and our prisons with first-time offenders, with five grams of crack cocaine, 19- and 20-year-old college students who could be involved with some appropriate penalties, but not the kind of penalties that we are witnessing. We can do better than this, and I just hope that somebody on the opposite side of the aisle will not go along with this madness because I am sure that no matter where you come from, you know somebody either in your own families, in your neighborhood, in your friends' families who are really the victims of drug addiction or who have gotten involved at a young age with some kind of problem. We are not taking care of this problem in America, and I will yield to the gentleman from New York.

Mr. NADLER. Thank you. I certainly agree with the gentlelady, and I think her for yielding, that we need more money for prevention and treatment. I will not go so far as she does and say we shouldn't have enforcement. I think you need all of it. You need money for law enforcement, you need money for prevention and treatment, but I do think that even though there is money for prevention and treatment in other titles, perhaps, there is no reason to take this program, which the Administration can now use partly for prevention and treatment, partly for law enforcement and tie its hands and say it can't use a nickel of it for prevention and treatment.

Obviously, circumstances differ from place-to-place, circumstances differ from time-to-time, and why not let the Adminis-

tration have the flexibility to deal with the problem as it sees most effective. I don't think the DEA people and the Bush administration are really thought to be soft on drugs.

I don't think that is the problem generally viewed in this country, and I would let them have a little discretion, as they do under current law, to use these funds, as well as other funds, for treatment and prevention and for law enforcement. Why we would want to tie their hands—I mean, has anyone done a study that says that the propagate spenders in the Bush administration are spending too much money on treatment and prevention and not enough on law enforcement and that is why we are doing this? I am not aware of any such study. I just don't see why this amendment has to tie their hands of the DEA and whatever the acronym people, the ONDCP or whatever it is, in the Administration here.

And so I urge the passage of this amendment to retain the current law and let the Administration have the flexibility to use this pot of money, as it sees fit, for law enforcement, prevention, treatment, whatever is most effective in the judgment of the Bush administration.

I thank the gentlelady, and I yield back to her.

Chairman SENSENBRENNER. The gentleman from Virginia, Mr. Scott?

Mr. SCOTT. Thank you, Mr. Chairman. Just very briefly, my distinguished colleague from North Carolina indicated this is a law enforcement bill. My reading of the title is that it is to reauthorize the Office of National Drug Control Policy. This is a policy bill, and a suggestion that policy would exclude prevention I think goes in the face of all of the research that we have seen. I would hope that we would at least allow the possibility that we would pursue prevention as part of our National Drug Control Policy, and therefore would hope that the amendment would be adopted.

Chairman SENSENBRENNER. Will the gentleman yield back?

The gentleman from North Carolina, Mr. Watt?

Mr. WATT. Thank you, Mr. Chairman. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. WATT. Mr. Chairman, I have been in and out of this discussion, and I am a little confused, and maybe my dear friend from North Carolina can help me a little bit. I always presume that his motivations are good, and for the life of me I can't figure out what the rationale of this provision is, and if there is a rationale for it, why that same rationale would not also be applicable to the Baltimore-Washington High Intensity Drug Trafficking Area or to, on Page 24, the Southwest border, anything that adjoins Mexico.

What is the rationale for excluding prevention that would not also, first of all, what is the rationale for putting this provision in the bill? And if there is a rationale, why would that same rationale not also apply in the other areas that I just referenced that are exempted from the provisions here.

I yield to my good friend from North Carolina.

Mr. COBLE. If the gentleman would yield.

Mr. Watt, the Chairman said that your assumption that my motives are always good is a rebuttable presumption, so that may——

[Laughter.]

Mr. WATT. Well, I am trying to give you, I am trying to make that a conclusive presumption by giving you an opportunity to explain this because right now you are swimming against my presumption.

Mr. COBLE. Well, and where all of this is a case of first impression for all of us because this had, as Mr. Scott said, this hadn't gone through the subcommittee process, but the bill funds——

Mr. WATT. Why didn't it go through the subcommittee process?

Mr. COBLE. It is a sequential referral from Government Reform, I think.

Mr. WATT. Go ahead. I am sorry.

Mr. COBLE. The bill funds three priorities: stopping drug use before it starts; healing drug users, which of course is the rehabilitation process; and disrupting drug markets, which is the law enforcement.

Now, HIDTA, as I understand it, is exclusive to law enforcement, except for Baltimore and Washington.

Mr. WATT. What about the provision, line 15 through 19 on Page 24, which excludes everything along the Southwest border, everything adjacent to Mexico. What is the rationale for——

Mr. COBLE. Put that question to me again, if you will, Mr. Watt.

Mr. WATT. If you look on Page 24 of the bill, lines 15 through 19, "The Director may not designate any county contiguous to the international land border with Mexico as part of any High Intensity Drug Trafficking Area other than as part of a single Southwest border High Intensity Drug Traffic," what is the rationale for—I assume that means that you could use funds for prevention in that area, and you can use it in Baltimore-Washington area. I mean——

Mr. COBLE. If the gentleman would yield.

Mr. WATT. Yes, I will yield.

Mr. COBLE. I think the rationale would be to assure that the Southwest quadrant would be in toto and not split up is the way I would interpret that.

Mr. WATT. For prevention or for enforcement or——

Mr. COBLE. Well, for enforcement, primarily, since it is a HIDTA area, but maybe prevention as well.

Mr. WATT. I will yield to the gentlelady from California. I am confused.

Ms. WATERS. Thank you very much. The gentleman has not answered the question. The areas that you identify are areas where you can do prevention. You can use this money for prevention, and it is not, as you have described, that these are areas that you can only use money for law enforcement in. The gentleman's question is a very reasonable question. Why do you have exclusions for some areas when there are other areas who would like to have money spent on prevention and rehabilitation also?

Mr. WATT. Can I reclaim my time and take this one step further. Actually, if you look at the line just before that on page 24, lines 13 and 14, the Director actually could designate any place in America as a HIDTA area, in which case you couldn't have any prevention program anywhere because it says that the criteria for designation is such other criteria as the Director considers appropriate. So, yes, I am——

Mr. NADLER. So, in other words, even if my——

Mr. WATT. I ask unanimous consent for two additional minutes, Mr. Chairman.

Chairman SENSENBRENNER. Without objection.

Mr. NADLER. So, in other words, even if my amendment that is pending now passes, which removes the language that says, "No funds appropriated for the program shall be expended for drug prevention or drug treatment programs," even if that amendment passes, the language you have just read on Page 24, is it?

Mr. WATT. Page 24.

Mr. NADLER. On Page 24, gives the Director the ability to say that no funds can be used for drug prevention or drug treatment programs in any specified area in the country or in the entire country, which means that that——

Mr. WATT. That is certainly the way I would read this.

Mr. NADLER. Which means, even if my amendment passes, if the Director for some reason thinks that this is intelligent policy, the Bush administration has the power, even with my amendment, to do exactly what the bill would do without the amendment. So the amendment would seem to be, at the least, harmless, and it basically gives them more discretion, and again——

Mr. WATT. If I can just reclaim my time just long enough to say that a sequential referral puts us under time pressure. It shouldn't put us under intellectual common-sense pressure, and this, just by virtue of common sense and intellectual recognition that we all understand, should not be the policy. I mean, this doesn't make any sense.

Mr. COBLE. Who has the time? Mr. Nadler?

Mr. WATT. I will yield to the gentleman.

Mr. COBLE. Mr. Watt——

Mr. WATT. I ask unanimous consent for one additional minute, and I will yield to Mr. Coble.

Chairman SENSENBRENNER. Without objection.

Mr. WATT. Let me reiterate my first answer to you, which I still believe is correct, and I think the provision to which you refer addresses itself exclusively to establishing one contiguous HIDTA area in the Southwest quadrant, and I don't think it has anything, I bet you, any other issue other than that.

Mr. NADLER. Would the gentleman yield for a second?

Mr. WATT. Let me just reclaim my time.

Mr. COBLE. Mr. Watt antihistamines the time.

Mr. WATT. This provision says that the only place you can do prevention is in either Baltimore, Washington or a non-HIDTA area. So you can't do prevention under this provision, as I understand it, using this money anywhere along the Mexican border.

Chairman SENSENBRENNER. The time of the gentleman has once again expired.

The question is on the amendment offered by the gentleman from New York, Mr. Nadler.

Those in favor will say aye.

Opposed, no.

The ayes appear to have it.

Mr. COBLE. rollcall.

Chairman SENSENBRENNER. rollcall is requested. Those in favor of the Nadler amendment will, as your names are called, answer aye; those opposed, no; and the clerk will call the roll.

The CLERK. Mr. Hyde?
[No response.]
The CLERK. Mr. Coble?
Mr. COBLE. No.
The CLERK. Mr. Coble, no. Mr. Smith?
Mr. SMITH. No.
The CLERK. Mr. Smith, no. Mr. Gallegly?
Mr. GALLEGLY. No.
The CLERK. Mr. Gallegly, no. Mr. Goodlatte?
Mr. GOODLATTE. No.
The CLERK. Mr. Goodlatte, no. Mr. Chabot?
Mr. CHABOT. No.
The CLERK. Mr. Chabot, no. Mr. Jenkins?
[No response.]
The CLERK. Mr. Cannon?
[No response.]
The CLERK. Mr. Bachus?
[No response.]
The CLERK. Mr. Hostettler?
Mr. HOSTETTLER. No.
The CLERK. Mr. Hostettler, no. Mr. Green?
Mr. GREEN. No.
The CLERK. Mr. Green, no. Mr. Keller?
Mr. KELLER. No.
The CLERK. Mr. Keller, no. Ms. Hart?
[No response.]
The CLERK. Mr. Flake?
[No response.]
The CLERK. Mr. Pence?
Mr. PENCE. No.
The CLERK. Mr. Pence, no. Mr. Forbes?
Mr. FORBES. No.
The CLERK. Mr. Forbes, no. Mr. King?
Mr. KING. No.
The CLERK. Mr. King, no. Mr. Carter?
Mr. CARTER. No.
The CLERK. Mr. Carter, no. Mr. Feeney?
Mr. FEENEY. No.
The CLERK. Mr. Feeney, no. Mrs. Blackburn?
Mrs. BLACKBURN. No.
The CLERK. Mrs. Blackburn, no. Mr. Conyers?
Mr. CONYERS. Aye.
The CLERK. Mr. Conyers, aye. Mr. Berman?
[No response.]
The CLERK. Mr. Boucher?
[No response.]
The CLERK. Mr. Nadler?
Mr. NADLER. Aye.
The CLERK. Mr. Nadler, aye. Mr. Scott?
Mr. SCOTT. Aye.
The CLERK. Mr. Scott, aye. Mr. Watt?
Mr. WATT. Aye.
The CLERK. Mr. Watt, aye. Ms. Lofgren?
Ms. LOFGREN. Aye.
The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?

Ms. JACKSON LEE. Aye.
The CLERK. Ms. Jackson Lee, aye. Ms. Waters?
Ms. WATERS. Aye.
The CLERK. Ms. Waters, aye. Mr. Meehan?
[No response.]
The CLERK. Mr. Delahunt?
[No response.]
Chairman SENSENBRENNER. How did the clerk record Mr. Meehan?
The CLERK. Mr. Meehan, aye. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
Ms. BALDWIN. Aye.
The CLERK. Ms. Baldwin, aye. Mr. Weiner?
[No response.]
The CLERK. Mr. Schiff?
Mr. SCHIFF. Aye.
The CLERK. Mr. Schiff, aye. Ms. Sánchez?
Ms. SÁNCHEZ. Aye.
The CLERK. Ms. Sánchez, aye. Mr. Chairman?
Chairman SENSENBRENNER. No.
The CLERK. Mr. Chairman, no.
Chairman SENSENBRENNER. Members in the chamber who wish to cast or change their vote?
The gentleman from Tennessee, Mr. Jenkins?
Mr. JENKINS. No.
The CLERK. Mr. Jenkins, no.
Chairman SENSENBRENNER. The gentlewoman from Pennsylvania, Ms. Hart?
Ms. HART. No.
The CLERK. Ms. Hart, no.
Chairman SENSENBRENNER. Any further Members who wish to cast or change their vote?
[No response.]
Chairman SENSENBRENNER. If not, the clerk will report.
The CLERK. Mr. Chairman, there are 11 ayes and 17 noes.
Chairman SENSENBRENNER. And the amendment is not agreed to.
Are there further amendments?
Ms. JACKSON LEE. Mr. Chairman?
Chairman SENSENBRENNER. The gentlewoman from Texas, Ms. Jackson Lee.
Ms. JACKSON LEE. Thank you very much, Mr. Chairman. I have Jackson Lee 102 at the desk, please.
Chairman SENSENBRENNER. The clerk will report Jackson Lee 102.
The CLERK. Amendment to the Committee print on H.R. 2086 offered by Ms. Jackson Lee of Texas, Page 7, line 7, strike or——
Chairman SENSENBRENNER. Without objection, the amendment is considered as——
Ms. JACKSON LEE. Mr. Chairman? Mr. Chairman, here I am over here.

Chairman SENSENBRENNER. Is this amendment germane? The clerk will continue to report.

The CLERK. Page 7, line 22, strike the punctuation and insert a semicolon.

Page 7, after line 22, insert the following: VIII, request funding for the substantive——

Chairman SENSENBRENNER. Without objection, the amendment is considered as read.

[The amendment of Ms. Jackson Lee follows:]

H.R. 2086

AMENDMENT TO THE COMMITTEE PRINT OFFERED BY MS. JACKSON-LEE OF TEXAS

Page 7, line 7, strike "or".

Page 7, line 22, strike the punctuation and insert a semicolon.

Page 7, after line 22, insert the following:

1 "(viii) requests funding for the Sub-
2 stance Abuse Prevention and Treatment
3 Block Grant program (including any suc-
4 cessor to such program administered by
5 the Substance Abuse and Mental Health
6 Services Administration) in an amount
7 that is not greater than the amount appro-
8 priated for the current fiscal year; or
9 "(ix) requests funding for the Tar-
10 geted Capacity Expansion grant program
11 in an amount that is not greater than the
12 amount appropriated for the current fiscal
13 year.";

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

I think there is a line of reason here that I would like to continue to pursue.

First of all, Mr. Chairman, let me thank you for exerting jurisdiction over this legislation. I think it is important for the Judiciary Committee to have jurisdiction. All of us have been engaged in this question of a national drug policy that would work, and might I add my acknowledgement of the work of Mr. Souder, and the reason is because I have traveled with him on some of his efforts with respect to the Caribbean on drug interdiction and as well drug intervention, as well as it relates to our borders, and so there is good work being done.

My amendment is simple in that it again expresses the concern and need for treatment and that this legislation should not prohibit the idea of there being treatment as it relates to programs in reducing drug and alcohol use, crime and risky behaviors, in particular, that relate to the overall question of, if you will, of consumption. Consumption plays a very large part in the drug market.

Let me cite for you an example that the largest killer of African Americans between 25 and 44 is HIV. Part of that is by way of being—part of the issue deals with the utilization of intravenous drug use, and so we have a continuing problem that is almost like a cycle, drug use, health issues, death. All of these folk contribute to the cycle of consumerism, which then contributes to the advantage that drug dealers have, both in terms of selling the product and also as money launderers. And so I think that the idea of treatment is a very strong component, and I am concerned and confused whether my good friend from North Carolina, Mr. Coble, would not consider this an element of our responsibility.

What we are trying to do is put a knife in the heart of drug use and drug crime in this Nation, and as we know, the supporting areas that provide drugs to this country. When we have gone overseas or we have gone into the Caribbean to complain about the cycle of drugs, of course what they will say to us is you are the biggest consumer. Well, how do we put a pin in the consumer balloon? You deal with prevention and treatment.

So my amendment is simple. It deals with this fact, and might I just point my colleagues to this whole question of the Baltimore-Washington area, and that is an amazing phenomenon from my perspective. Certainly, I want the capital to shine, and I certainly think Baltimore has a very severe problem, but if we are going to rely upon that as a basis or at least give them an exception, why don't we refer to the Steps to Success Baltimore Drug and Alcohol Treatment Outcome Study, where this report, which I would ask unanimous consent to submit into the record——

Chairman SENSENBRENNER. Without objection.

[The material referred to follows:]

STEPS TO SUCCESS

Baltimore Drug and Alcohol Treatment Outcomes Study

A report submitted to Baltimore Substance Abuse Systems, Inc.

January 24, 2002

January 24, 2002

The report you are about to read, commissioned by Baltimore Substance Abuse Systems, Inc. (BSAS), shows conclusively that drug treatment is effective in Baltimore City. It is tempting, when presented with research of this caliber, to trumpet its findings with great fanfare; but addiction is nothing to celebrate. Many addicted Baltimore residents lead lives of quiet desperation, shielded from public view except when drug-related crime makes the front page of the morning paper.

For years, Baltimore has cited national studies on the effectiveness of drug treatment. Three years ago, we began our DrugStat program to closely monitor treatment program outcomes in order to strengthen performance. Now we have the first system-wide analysis demonstrating that, in Baltimore City, treatment works. In 1999, Baltimore City and the Maryland General Assembly began a partnership to substantially increase investment in drug treatment. This commitment, if fulfilled, would increase by $25 million funding for Baltimore City's treatment system. Any wise investor would seek evidence that his/her dollars are well spent. This new data is proof of the logic and public health benefit of making treatment available "on demand."

This study shows that, as we continue to invest in drug treatment, we can expect dramatic reductions in crime, overdose deaths and drug-related emergency room visits. We are more confident than ever of the effectiveness of drug treatment and are armed with findings that prove what treatment practice and common sense have told us. As a result, we must redouble our efforts to provide drug treatment for all who need it.

We are indebted to the University of Maryland, Johns Hopkins University, and Morgan State University for their collaboration and commitment to excellence. Finally, I would like to offer a special thank you to the treatment providers of Baltimore City who labor long hours to meet incredible demand.

And yet, we cannot pause long to celebrate nor indulge much in congratulation, for with this data comes a public health responsibility to make "treatment on demand" a reality. I am heartened to open this new year, a fresh legislative session before us, with the much-anticipated release of the Baltimore Drug and Alcohol Treatment Outcomes Study. May it strengthen our convictions that our work makes a difference.

Peter L. Beilenson, M.D., M.P.H.
Baltimore City Health Commissioner
Chairman of BSAS Board of Directors

The Baltimore Drug and Alcohol Treatment Outcomes Study

A Report Submitted to Baltimore Substance Abuse System by:

Jeannette L. Johnson, Ph.D.
Ashraf Ahmed, Ph.D.
Bradford Plemons, Ph.D.
Walter Powell
Hugh Carrington, Ph.D.
James Graham
Robert Hill, Ph.D.
Robert P. Schwartz, M.D.
Robert K. Brooner, Ph.D.

January 24, 2002

Evaluation Team

Jeannette L. Johnson, Ph.D.
Principal Investigator
Professor
School of Social Work
State University of New York at Buffalo
685 Baldy Hall
Buffalo, New York 14260
JJ44@acsu.buffalo.edu

As Principal Investigator, Dr. Johnson was responsible for the overall conduct of the study. Along with the evaluation team she participated in the design and methodology of the study. Dr. Johnson supervised the research assistants and data entry staff and was responsible for supervision of the data collection and data entry. She worked with Walter Powell and Jim Graham from Baltimore Substance Abuse Systems to create the data entry and transmission systems. She worked on the data analysis team with Bradford Plemons and Dr. Ashraf Ahmed. Finally, she was the principal author of this report.

Ashraf Ahmed, Ph.D.
Morgan State University
Institute for Urban Health
Baltimore, Maryland
Aahmed@moa.morgan.edu

Dr. Ahmed conducted all of the data analysis for this project along with Dr. Johnson and Mr. Plemons. He worked with Dr. Hill on obtaining data from the Maryland Department of Public Safety of Correctional Services. He helped to edit the final report.

Bradford Plemons, M.S.
University of Pittsburgh
Department of Psychology
405 Langley Hall
Pittsburgh, Pennsylvania 15206

Mr. Plemons assisted Dr. Johnson in the quality control of the data and in supervising the research assistant staff. He also played an integral role in the data analysis and wrote sections of the report.

Robert Schwartz, M.D.
Medical Director
Friends Research Institute
505 Baltimore Avenue
P.O. Box 10676
Baltimore, Maryland 21285
Rschwartz@friendsresearch.org

Dr. Schwartz, while at the University of Maryland, worked with the team in developing the study design, methodology and conceptualization of the data analysis. He also helped to write sections of the report based on the data analysis conducted by Dr. Johnson, Dr. Ahmed and Mr. Plemons.

Walter C. Powell
Database Administrator
Baltimore Substance Abuse Systems
One North Charles Street
Suite 1600
Baltimore, Maryland 21201
Wpowell@bsasinc.org

Mr. Powell created the data entry system and was responsible for the data transmission from the 16 participating treatment programs to BSAS and to Morgan State University and the University of Maryland for data analysis.

Hugh W. Carrington, Ph.D.
Director of Research and Evaluation
Baltimore Substance Abuse Systems
One North Charles Street
Suite 1600
Baltimore, Maryland 21201
Hcarrington@bsasinc.org

Dr. Carrington, while at the University of Maryland, assisted Dr. Johnson in supervising the research assistants and in monitoring follow up rates.

Robert Hill, Ph.D.
Sociologist
713 Delaware Avenue, S.W.
Washington, D.C. 20024
Rhill4459@aol.com

Dr. Hill, while at Morgan State University, helped to obtain the criminal justice data and assisted in editing the report.

James Graham
Executive Director
Johns Hopkins Bayview Medical Center
Addiction Treatment Services
5510 Nathan Shock Drive
Baltimore, Maryland 21224

Mr. Graham, while the Director of Management Information Systems at BSAS worked closely with Dr. Johnson as liaison to the participating drug treatment programs. He also worked closely with Mr. Powell in creating and operating the data entry and transmission system created for the project.

Robert K. Brooner, Ph.D.
Professor of Medical Psychology
Department of Psychiatry and Behavioral Sciences
Johns Hopkins University School of Medicine
Addiction Treatment Services, Suite 1500
5510 Nathan Shock Drive
Baltimore, Maryland 21224
Rkbrooner@aol.com

Dr. Brooner provided initial consultation on study design and methodology. In the first year of the project, he directed the assessment training for research staff and was responsible for developing the initial payment procedures for study participants. In the final stage of the project, he edited and wrote sections of the report, based on the final set of data analyses provided by Drs. Johnson and Ahmed and Mr. Plemons.

Acknowledgements

We thank the hundreds of treatment participants who gave their time to this study. We wish them success in confronting their alcohol and drug problems. We salute Dr. Peter Beilenson and former Mayor Kurt Schmoke whose vision galvanized Baltimore to support treatment on demand and who initiated this project with Baltimore Substance Abuse Systems to evaluate and continually monitor and improve treatment efforts in the city.

The Directors of the participating treatment programs and their staff deserve great credit for supporting this work in their clinics. Baltimore Substance Abuse Systems (BSAS) was an outstanding research partner. We extend our heartfelt thanks to Andrea Evans, Bonnie Cypull, Jim Graham and Walter Powell and the many others who, while at BSAS, moved the project forward with grace and competence.

Finally, we offer our thanks to Mayor Martin O'Malley for continuing support for these treatment efforts and to the many State officials who have made support for treatment throughout Maryland a top priority in order to save lives and money, prevent disease, reduce crime, and improve the quality of the lives of our citizens, families and communities.

Executive Summary

Introduction

The Baltimore Drug and Alcohol Treatment Outcomes Study is the largest and most rigorously conducted drug treatment outcomes study that focuses on a single city. It is one of the key components of Baltimore's strategy to rigorously evaluate and continuously improve the public treatment system, as it expands to meet the needs of the city's uninsured citizens. Overall, the study found a marked reduction in drug and alcohol use, crime, risky health behaviors and depression among participants who voluntarily entered publicly funded outpatient drug and alcohol programs in Baltimore City. This comprehensive study is the result of an unprecedented collaboration among the University of Maryland, Johns Hopkins University and Morgan State University, with the cooperation of 16 treatment programs and nearly 1,000 treatment participants. Baltimore Substance Abuse Systems, the agency responsible for publicly funded treatment in the city, funded the study.

Methodology

The data included in these analyses represent findings from 991 uninsured Baltimore City residents who voluntarily entered outpatient drug and alcohol treatment through 16 publicly funded programs from 1998-1999. Two kinds of programs are included in the study, those that treat heroin addicted individuals with methadone and counseling and those that treat alcohol, heroin, cocaine and other drug users with counseling only. All study participants provided informed consent and completed an initial assessment; the 991 reported in detail here also returned for at least one treatment session. Since this subset of 991 participants may have received as few as one treatment session, treatment outcomes represent conservative estimates of the benefits of treatment. In keeping with the methodology of earlier national studies, participants' self-reported behaviors at treatment entry were compared with those reported at one, six, and 12 months thereafter. While self-reports under confidential research conditions have been shown to be generally valid, investigators also examined objective measures of drug use and crime, including urine drug tests and official arrest and imprisonment records.

Participants

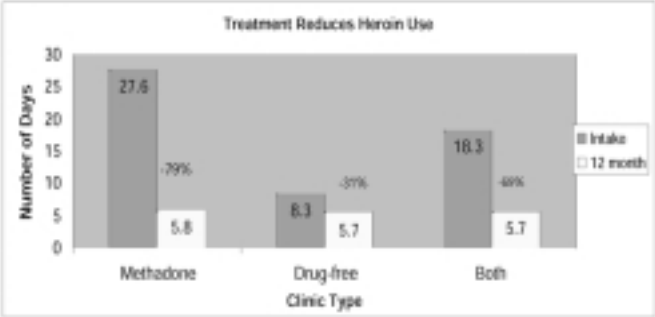
The average participant in the Baltimore Drug and Alcohol Treatment Outcomes Study was 37 years old. Nearly 50 percent were women and 85 percent were African-American. Three-quarters of the clients treated were unemployed and had an average annual income well below the poverty line, indicating that the public treatment system is fulfilling its mission to serve individuals who otherwise could not afford to enter drug treatment. On average, participants reported using heroin on 18 of the 30 days prior to entering treatment entry, using cocaine on six of 30 days and drinking to intoxication on four of 30 days. Given the difficulty women often face in entering treatment, the large proportion of women who participated in the study indicates that stigma surrounding substance abuse is not an insurmountable barrier to seeking treatment.

Reduction in Drug Use

Overall drug use among participants was significantly reduced as early as 30 days after treatment and remained below the pre-treatment levels at 12 months. These reductions in drug use are consistent with those found in large multi-city trials that have been conducted over the past 20 years. Urine drug testing confirmed over 70 percent of the self-reports of cocaine abstinence and over 75 percent of the self-reports of heroin abstinence. Those high rates of agreement between self-reported drug use and urine results are also consistent with earlier studies and support the accuracy of self-report data.
Heroin Use

Heroin use declined at statistically significant rates for all treatment participants. Over the first 30 days of treatment, heroin use declined by 72 percent. This improvement was sustained at 12 months after intake (69 percent). Clients enrolled in methadone programs used heroin three times more frequently in the month prior to intake than clients enrolled in drug-free treatment. The decline in heroin use was greater for those enrolled in methadone programs at the one, six and 12 month follow-up interviews than for those enrolled in drug-free treatment.

Despite the widely recognized difficulty associated with discontinuing heroin use, drug treatment was associated with a remarkable and sustained reduction in heroin use up to one year from treatment entry. Heroin use contributes significantly to overdose death, emergency room visits and associated infections such as hepatitis B and C and HIV. The proven effectiveness of heroin treatment underscores the need for treatment capacity in those programs.

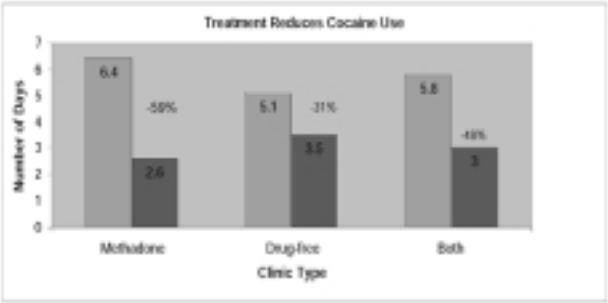


This Figure shows the average number of days clients used heroin within the past 30 days prior to intake assessment and 12 months after initiating treatment services.

Cocaine Use

There was a statistically significant decrease in participants' cocaine use over the 12 months following treatment entry. Cocaine use declined by 64 percent at 30 days from intake, 43 percent at six months and 48 percent at 12 months. Clients enrolled in methadone treatment had a higher baseline level of cocaine use (6.4 days) than those enrolled in drug-free treatment (5.1 days). There was a greater decrease in cocaine use among participants in drug-free programs compared to participants in methadone programs over the first 30 days of treatment (70 percent vs. 59 percent). Although both groups maintain improvement at six and 12 months, cocaine use declined at a lower rate among participants in drug-free treatments than among those in methadone clinics.

The erosion in improvement for drug-free clients is probably due to the higher dropout rate seen in these clinics compared to methadone programs. Treatment retention has repeatedly been linked to improved outcomes. Efforts by Baltimore to improve treatment retention, such as its Drug Stat Program in which outcomes are reviewed monthly by the treatment program directors, BSAS staff and the Health Commissioner to hold programs accountable and improve performance, are therefore critical to increased success.

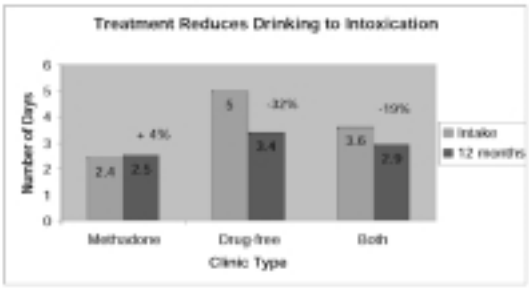


This figure shows the average number of days clients used cocaine within the 30 days prior to intake assessment and the 12 months after initiating treatment services.

Reduction in Alcohol Use

The study finds a statistically significant reduction in overall alcohol use during the 12 months following treatment entry. The average number of days of drinking to intoxication declined by 64 percent at one month after intake and 34 percent at six months. By 12 months after intake, participants reported drinking to intoxication 19

percent less than they had at intake. These findings indicate that treatment significantly reduces heavy drinking over the first month of treatment and, though the improvement attenuates over time, heavy drinking remains considerably less frequent (19 percent) even after one full year after the start of treatment. Participants treated in drug-free programs had greater alcohol problems at baseline and showed greater and more sustained improvement than those participants enrolled in methadone treatment.

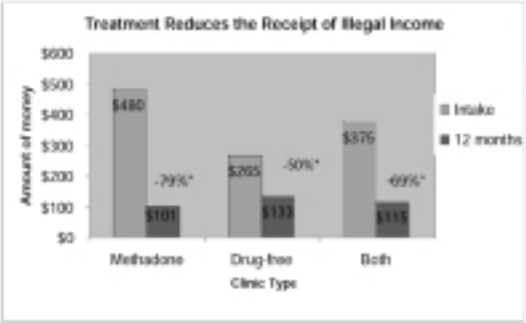


This figure shows the average number of days clients drank to intoxication within the 30 days prior to intake assessment and the 12 months after initiating treatment services.

Reduction in Crime

Researchers and law enforcement experts have linked the illegal nature of behaviors associated with drug addiction to crime. The legal problems of study participants improved significantly over the 12-month study follow up period, confirming previous national studies that indicate that addiction-related crime decreases significantly as a result of effective treatment.

Participants engaged in illegal activities 64 percent less at 12 months after treatment entry. Participants also significantly reduced the amount of illegal income they received by 77 percent at one month after treatment entry. At 12 months after treatment entry, the amount of illegal income remained low at 69 percent below levels at the start of treatment. This decrease occurred among participants in both kinds of treatment, although the methadone participants started at a higher level of illicit income and improved more markedly than the drug-free clients. The other self-reported drops in crime days, illegal income and drug use all underscore the importance of drug treatment as a key part of Baltimore's crime reduction strategy.



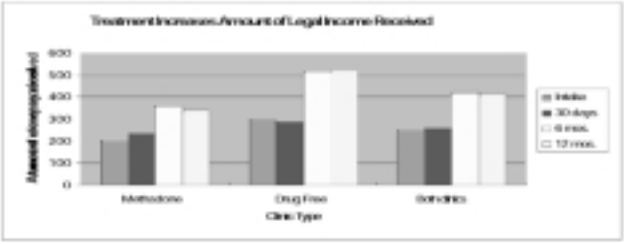
This figure shows the amount of illegal income received by the clients in the 30 days prior to intake and the 12 months after initiating treatment services.

Official arrest records show a 38 percent decline in the number of treatment participants whose arrest led to an imprisonment in the 12 months prior to treatment (289 participants) compared to the 12 months after treatment entry (179 participants). These data must be considered preliminary, as there is often a time lag for sentencing, which results in an underreporting of the number of imprisonments during the follow-up period. Future reports, using additional data will update these preliminary findings.

The preliminary data in this figure are restricted to a subgroup of clients who were found guilty of crimes that led to imprisonment by the Division of Corrections.

Increased Earned Income

Treatment participants worked 52 percent more and earned 67 percent higher wages in the 30 days prior to the 12-month follow-up interview than they did in the 30 days prior to entering treatment. These improvements included "off the books" employment, which constitute an important source of income for marginalized populations. This informal labor market does not include illegal income but is characterized by a lack of health and other benefits, poor job stability and low pay. Though participants' income increased to an average of $415 per month, it remained considerably below the poverty level.



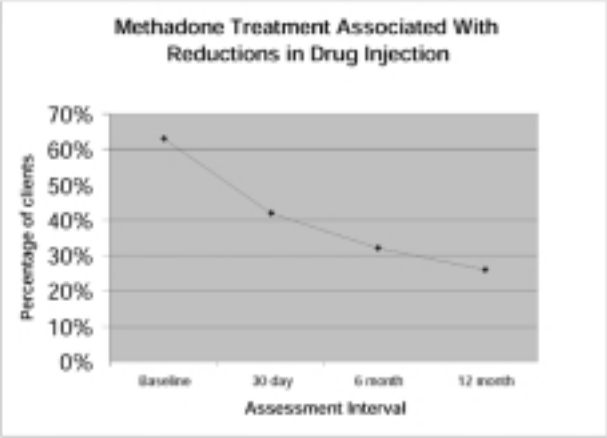
This figure shows the increase in the average amount of money earned within the past 30 days at each assessment period, separated by the type of clinic the client attended; then, both clinics are combined for an average of the clinics.

Decreased Depression

A substantial minority of people enrolling in drug and alcohol treatment had symptoms of depression at treatment entry. Study findings show a statistically significant decrease in depression scores across the study's follow-up intervals. Participants enrolled in methadone programs had more severe depression and more marked improvement than people treated in drug-free clinics. While many symptoms of depression improve with abstinence from drugs or alcohol, it is important to have anti-depressant medications and psychotherapy available for those clients whose depression does not spontaneously remit after drug and alcohol treatment alone.

Reduction in HIV Risk Behavior

Alcohol and drug dependence increases the risk of transmitting HIV, Hepatitis B and C and other sexually transmitted diseases through sharing injection equipment and unsafe sex. Study findings show a 59 percent reduction in drug injection among methadone clients at 12 months from the start of treatment. These robust reductions in drug injection reduce the risk of disease transmission.



This figure shows data from methadone clinics and is based on the response to the question, "Have you injected drugs in the past 30 days?" All time points cover the 30 days immediately preceding the evaluation.

Shooting galleries are buildings in which intravenous drug users congregate. They are a site of the spread of HIV, hepatitis and other sexually transmitted diseases through sharing of needles and other drug paraphernalia, as well as through trading sex for drugs. There was a statistically significant decline in the number of participants frequenting shooting galleries over the 12 months after entering treatment.

Benefits of Treatment- on-Demand

The benefits of treatment-on-demand for alcohol and drug dependent people can be measured by comparing participants' behaviors during the 30 days before they entered treatment with those reported in the first 30 days after entering treatment. Based on the average drop in drug use and crime in the first 30 days of treatment compared to the 30 days prior to treatment entry, treatment of an additional 1,000 people per year avoids: 164,000 days of heroin use, 45,600 days of cocaine use, 63,600 days of crime and $3.2 million in illegal income.

Negative Impacts on People and Society Resulting from Delays in the Onset of Treatment Services (for 1,000 people)

Behavioral Domain	30-Day Delay	6-Month Delay	12-Month Delay
Additional Drug Use			
Days of Heroin Use	13,700	82,200	164,400
Days of Cocaine Use	3,800	22,800	45,600
Additional Crime			
Days of Crime	5,300	31,800	63,600
Illegal Income	$267,850	$1,607,100	$3,214,200

Conclusions

The finding of Baltimore Drug and Alcohol Treatment Outcome Study are compelling as they confirm and build upon the results of other nationwide studies and upon documented trends in the past year in Baltimore (e.g., decrease in drug-related emergency room visits, overdose deaths and crime). Even after one year from treatment entry, participants significantly reduced their heroin, cocaine and alcohol use, decreased the number of crimes they committed, improved their psychological functioning, increased their legal income and reduced their risk of getting and transmitting life threatening diseases such as HIV and hepatitis. These findings support the efforts of the City of Baltimore and the State of Maryland to expand and improve the city's treatment system. Expanding the capacity of the public system will enable all city residents to have rapid access to high quality treatment services resulting in improved health and well-being for them, and their families and communities.

Ms. JACKSON LEE. This report emphasizes that that is on the right track. The report you are about to read, commissioned by the Baltimore Substance Abuse Systems, et cetera, draws conclusively that drug treatment is effective in Baltimore City. Baltimore City happens to be one of the highest drug use areas in the Nation, as I understand it, and this report goes on to indicate that we have a first systemwide analysis demonstrating that in Baltimore City treatment works. In 1999, Baltimore City and the Maryland General Assembly began a partnership to substantially increase investment in drug treatment.

This commitment, if fulfilled, would increase by $25 million funding for Baltimore City treatment system. And this report goes on to suggest and prove that drug usage has gone down, that prevention and treatment have actually worked. I don't want to read it in its entirety. But if we can make an exception in this legislation for the Baltimore-Washington area, then I would simply ask that this amendment, which allows for monies to be requested to be increased in the prevention and treatment area as part of the overall drug policy.

Then, I believe that our Committee should support such an approach because it is a cycle, it is a circle, and you cannot have drug crime without drug consumerism, and we have got it all over the Nation. We particularly have it in African-American communities and other minority communities, and I am not understanding the sense of this legislation that has HIDTA areas with no treatment, but has a Baltimore-Washington, D.C., exception. And as my colleague from North Carolina, Mr. Watt has said, there seems to be an exception on the Southwest border or places that are not targeted.

So I would ask my colleagues to consider drug policy as a circle.

Chairman SENSENBRENNER. The gentlewoman's time has expired.

Ms. JACKSON LEE. And should include drug treatment. I ask my colleagues to support the amendment.

Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Coble?

Mr. COBLE. Let me speak with some background in opposition and then offer a proposal to the gentlelady from Texas.

The amendment would require the Director of ONDCP to deny any budget request, as I read it, that does not require increased funding every year for the substance abuse prevention and treatment block grant program and the targeted capacity expansion grant program.

I oppose this because I believe the current language in the bill adequately deals with the funding levels for the Federal drug treatment programs. The current language of the bill prohibits certification of drug treatment activities that, "Do not adequately support and enhance Federal drug treatment programs and capacity, as determined by the Director."

In its Committee report, the Government Reform Committee noted that this provision is a variation of language proposed by Representative Cummings and that the language is primarily intended to apply to the substance abuse prevention and treatment block grant program, and the targeted capacity expansion grant program, which are critical to drug treatment in the United States.

The report language went on to state that in considering the factors included in the bill incident to budget certification for drug treatment, the Director should consider whether adequate funding has been maintained for those programs or if adequate compensation in other programs has been substituted for any reduction in funding. I would be happy to work with the gentlelady from Texas to ensure that similar language be included in our Committee report that this Committee files on this bill, but for the moment I will oppose the amendment in its present form.

Ms. JACKSON LEE. Would the gentleman yield?

Mr. COBLE. I will yield.

Ms. JACKSON LEE. First of all, let me thank the gentleman for attempting to work with us cooperatively on this very important point. Report language certainly goes a long way, but I am wondering if the gentleman can work with us to get language that might more adequately address what I think is a cycle of drug use and drug crime. I understand the gentleman's interpretations that my amendment wants to deny people funding. I do not think my ultimate interpretation of the amendment would do that.

What we are trying to do is to ensure that in the request for funding that there is requests with respect to treatment, and we are suggesting that drug policy includes treatment in order to stamp out drug crime and drug abuse. If we can work together on language that you would be comfortable with that would be actually in the bill, I think it would strengthen both our positions. I do not want to deny anyone resources or funding, but I don't believe we can be successful in the HIDTA targeted areas or nontargeted areas on this drug question if we do not have, in fact, some component of treatment.

Now, I understand my friends in Government Reform tried to put a similar amendment in, and the language that is in now just does not adequately ensure that we have focused on, Mr. Coble, on treatment. You know yourself, I mean, none of us, no State is pristine, if you will, and not without the devastation of drugs. So North Carolina, South Carolina, Texas, wherever you are, you need to have treatment or otherwise we are not going to get to the source of the problem.

Mr. COBLE. Let me reclaim my time and say to the gentlelady, I still believe that the bill adequately deals with the proper funding levels for the Federal drug treatment programs. I think that is adequately addressed, but I reiterate my offer to work with you on report language.

Yield back.

Ms. JACKSON LEE. Mr. Chairman, I have some suggested language that I am trying to——

Chairman SENSENBRENNER. Well, the question is on the Jackson Lee amendment, and the gentleman from North Carolina controls the time.

Ms. JACKSON LEE. I understand. Let me ask the gentleman to, just for a moment, if he would yield just for a moment. Mr. Coble?

Chairman SENSENBRENNER. The gentleman yields back the balance of his time.

Mr. CONYERS. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Michigan, Mr. Conyers?

Mr. CONYERS. Mr. Chairman, could I just take a moment to——

Chairman SENSENBRENNER. The gentleman is recognized for five minutes.

Mr. CONYERS.—the subcommittee Chairman, our friend, to recap what his problem is with regard to the Jackson Lee discussion here. Maybe I am missing something, and I would love to yield to him to give me a little clear view of what the difference is between his position and Ms. Jackson Lee's.

Mr. COBLE. If my friend from Michigan would yield.

Mr. CONYERS. Yes.

Mr. COBLE. Mr. Conyers, as I have determined, it would provide for increased funding each year, which is a red flag in my eyes, summarily increasing funding every year. And I think that the bill otherwise addresses, that the variation of the language proposed by Representative Cummings in Government Reform, I think addresses the problem, at least to my satisfaction, but it is the increased funding, the annual increased funding that bothers me.

Mr. CONYERS. Is the subcommittee Chairman aware that there are more people in prisons, Federal and State today, because of the nonviolent possession or use of drugs than any other single offense?

Mr. COBLE. I do know that, and I think that may be, Mr. Conyers, why crime is reducing or has shown a reduced rate in recent years.

Mr. CONYERS. Okay. Then, that means that the more people we lock up the lower the drug use rate becomes. All in favor, raise your hands.

Mr. COBLE. Well, the crime rate I was referring to.

Mr. CONYERS. The crime rate goes down as the prison rate goes up, right?

Well, let's take a couple minutes on this. Is it the subcommittee Chairman's position that the reason that the crime rate is going down is because the prison rate is going up?

Mr. COBLE. Well, I don't know that that would be my position. I just indicated that it does appear clear that the crime rate has decreased, and that could be a contributing factor. I don't know that that is solely the case.

Mr. CONYERS. Well, that is a legitimate point of view. A lot of conservatives in America feel very strongly about that. Lock them up. Here is my dear friend, Mr. Keller, not only is shaking his—Mr. Green—not only shaking his head, but raising his hand, and this is a very legitimate position which I respect.

This just in, Subcommittee Chairman, the crime rate is going up in the last 2 years. Wait a minute. That means you have to lock up more. You are not locking up enough.

I yield to the subcommittee chair. Let's talk about this.

Mr. COBLE. Repeat your question. I have been talking over here.

Mr. CONYERS. Contrary to my misunderstanding, the crime rate is going up the last 2 years, so that would mean——

Mr. COBLE. Well, I misstated then. If the crime rate is going up—I thought it was going down.

Mr. CONYERS. I did, too, but now that it is going up——

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. CONYERS. We are locking up——

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. CONYERS. Of course.

Chairman SENSENBRENNER. Maybe that is because of all of the downward departures that the Federal judges have been granting when sentencing people who have been convicted by a jury of their peers.

Mr. CONYERS. That is a possibility. Hey, look, let's consider all of the things on a realistic basis. Soft judges, and then with the crime rate going up and incarceration rate going up, that means we have got to lock up more, right, Mr. Green?

I yield.

Mr. GREEN. I thank the distinguished gentleman for yielding.

I can say this, those who are locked up are not committing any more of the crimes.

Mr. CONYERS. Well, no, that is not true either. The primary——

Mr. GREEN. That is one thing we do know. You are right. The biggest difficulty—that is one point I am confident of.

Mr. CONYERS. The crime rate in the prisons are going up. Did you know that drug use in the prisons are going up, too?

Ms. LOFGREN. Would the gentleman yield?

Mr. CONYERS. Did you know that, Mr. Green? The drug use in side the prisons——

Mr. GREEN. If the gentleman will yield, I will wait and see if that is true. The last time you said something about the rates and crime, a few minutes later we had to adjust it.

Mr. CONYERS. Let me let you use your own intelligence to respond to my question. I use my staff to help me. What do you do?

Chairman SENSENBRENNER. The time of the gentleman has expired. The question is on the Jackson——

Ms. LOFGREN. Mr. Chairman?

Chairman SENSENBRENNER. The gentlewoman from California, Ms. Lofgren?

Ms. LOFGREN. Thank you, Mr. Chairman. I move to strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. LOFGREN. I believe, maybe wrongly, that if we were to spend a few more minutes discussing this, that we might actually reach an accommodation on I know that Ms. Jackson Lee is trying to come up with some language that addresses the concern expressed by the Chairman, and I think that that would be a good thing if we came together today on something that would benefit the country.

I will say that I am one who believes that there very much is a need for enforcement in the drug area. When I go home and visit with, for example, the DEA that is going after the meth labs, I want to make sure that they continue to go after the meth labs. It is very dangerous and needs to happen.

But in our community, in Santa Clara County, the crime rate is going down, and we know, we can actually trace it to the investment we have made in prevention and treatment. And we also have law enforcement, but who is on board on that is not just the do-gooders. It is the chief of police, it is the district attorney because you need to have more than just one answer.

I think our drug courts have been put together with the help of to district attorney, the sheriff, the Department of Corrections, the

chief of police and the judges. So we need to use all of the tools, and I would yield to the gentlelady from Texas.

Ms. JACKSON LEE. I thank the distinguished gentlelady very much, and I thank her for the support of the amendment. We are seeking a collaboration, and I believe my good friend from North Carolina will offer an amendment to the Jackson Lee amendment, which I am going to ask unanimous consent to be accepted, but in any event, to help clarify the point, and I would simply add that I support his amendment before he begins to speak on it, on this point. We should reach an accommodation on this. This is a question of the national drug policy, and I don't know, even my good friend, Mr. Green, whether anyone can deny that our crisis in drugs, the large cartels, the crime is based upon the consumerism of it, the taking in of the drugs.

Let me just make this personal point. I don't know how many of you have visited your own Federal penitentiaries. Maybe I have to visit them because I have got a large number of constituents in the Federal penitentiary. When you go there, the sizeable population are African Americans and Hispanics, but more importantly, if you talk to the director of Prison Bureaus, particular the Federal Prison Bureau, you will find that we are falling apart at the seams. We are overloaded. We have a huge, largest numbers of incarcerated persons in the Western civilization. Many of those young people how are in there are on petty drug crimes. When I say "petty," they are under mandatory sentencing, they are under Federal crime, so they are in there. But they are in there partly because they were users, not conspirators, not part of the cartel.

You have got to be able to do something about this, and that is what this amendment speaks to.

Ms. LOFGREN. Reclaiming my time, I would yield to the gentleman from North Carolina, Mr. Watt.

Mr. WATT. I yield back and will request my own time.

Ms. LOFGREN. All right. Then, I would yield back.

Mr. WATT. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from North Carolina.

Mr. WATT. I have an amendment to the Jackson Lee amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Watt amendment to the Jackson Lee amendment to the Committee print to H.R. 2086——

Mr. WATT. I ask unanimous consent the amendment be considered as read.

Chairman SENSENBRENNER. Without objection, so ordered.

[The amendment of Mr. Watt follows:]

H.L.C.

H.R. 2086 Watt Amendment to

AMENDMENT TO THE COMMITTEE PRINT

OFFERED BY MS. JACKSON-LEE OF TEXAS

Page 7, line 7, strike "or".

Page 7, line 22, strike the punctuation and insert a semicolon.

Page 7, after line 22, insert the following:

1 "(viii) requests funding to provide adequate funding for the Sub-
2 stance Abuse Prevention and Treatment
3 Block Grant program (including any suc-
4 cessor to such program administered by
5 the Substance Abuse and Mental Health
6 Services Administration); ~~in an amount~~
7 ~~that is not greater than the amount appro-~~
8 ~~priated for the current fiscal year;~~ or
9 "(ix) requests funding to provide adequate funding for the Tar-
10 geted Capacity Expansion grant program,
11 ~~in an amount that is not greater than the~~
12 ~~amount appropriated for the current fiscal~~
13 ~~year;~~

Chairman SENSENBRENNER. And if you will propose it as a modification, I think it can be agreed to.

Mr. WATT. I was trying to get it in front of the Committee so everybody could understand it.

Chairman SENSENBRENNER. Without objection, the modification is agreed to.

Hearing none, so ordered.

The question now is on the Jackson Lee amendment as modified by Mr. Watt.

Those in favor will say aye.

Opposed, no.

The noes appear to have it, the noes have it, and——

Mr. WATT. Mr. Chairman, I ask for a recorded vote.

Chairman SENSENBRENNER. A recorded vote is requested. The question is agreeing to the amendment offered by the gentlewoman from Texas, Ms. Jackson Lee, as modified by the gentleman from North Carolina, Mr. Watt.

Those in favor will, as your names are called, answer aye; those opposed, no; and the clerk will call the roll.

The CLERK. Mr. Hyde?

[No response.]

The CLERK. Mr. Coble?

Mr. COBLE. No.

The CLERK. Mr. Coble, no. Mr. Smith?

Mr. SMITH. No.

The CLERK. Mr. Smith, no. Mr. Gallegly?

Mr. GALLEGLY. No.

The CLERK. Mr. Gallegly, no. Mr. Goodlatte?

Mr. GOODLATTE. No.

The CLERK. Mr. Goodlatte, no. Mr. Chabot?

Mr. CHABOT. No.

The CLERK. Mr. Chabot, no. Mr. Jenkins?

Mr. JENKINS. No.

The CLERK. Mr. Jenkins, no. Mr. Cannon?

Mr. CANNON. No.

The CLERK. Mr. Cannon, no. Mr. Bachus?

[No response.]

The CLERK. Mr. Hostettler?

Mr. HOSTETTLER. No.

The CLERK. Mr. Hostettler, no. Mr. Green?

Mr. GREEN. No.

The CLERK. Mr. Green, no. Mr. Keller?

Mr. KELLER. No.

The CLERK. Mr. Keller, no. Ms. Hart?

[No response.]

The CLERK. Mr. Flake?

[No response.]

The CLERK. Mr. Pence?

[No response.]

The CLERK. Mr. Forbes?

[No response.]

The CLERK. Mr. King?

Mr. KING. No.

The CLERK. Mr. King, no. Mr. Carter?

Mr. CARTER. No.

The CLERK. Mr. Carter, no. Mr. Feeney?

Mr. FEENEY. No.

The CLERK. Mr. Feeney, no. Mrs. Blackburn?

Mrs. BLACKBURN. No.

The CLERK. Mrs. Blackburn, no. Mr. Conyers?

Mr. CONYERS. Aye.

The CLERK. Mr. Conyers, aye. Mr. Berman?

[No response.]

The CLERK. Mr. Boucher?

[No response.]

The CLERK. Mr. Nadler?

Mr. NADLER. Aye.

The CLERK. Mr. Nadler, aye. Mr. Scott?

Mr. SCOTT. Aye.
The CLERK. Mr. Scott, aye. Mr. Watt?
Mr. WATT. Aye.
The CLERK. Mr. Watt, aye. Ms. Lofgren?
Ms. LOFGREN. Aye.
The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?
Ms. JACKSON LEE. Aye.
The CLERK. Ms. Jackson Lee, aye. Ms. Waters?
Ms. WATERS. Aye.
The CLERK. Ms. Waters, aye. Mr. Meehan?
Mr. MEEHAN. Aye.
The CLERK. Mr. Meehan, aye. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
Ms. BALDWIN. Aye.
The CLERK. Ms. Baldwin, aye. Mr. Weiner?
[No response.]
The CLERK. Mr. Schiff?
Mr. SCHIFF. Aye.
The CLERK. Mr. Schiff, aye. Ms. Sánchez?
Ms. SÁNCHEZ. Aye.
The CLERK. Ms. Sánchez, aye. Mr. Chairman?
Chairman SENSENBRENNER. No.
The CLERK. Mr. Chairman, no.
Chairman SENSENBRENNER. Members in the chamber who wish to cast or change their vote?
The gentleman from Virginia, Mr. Forbes?
Mr. FORBES. No.
The CLERK. Mr. Forbes, no.
Chairman SENSENBRENNER. Further Members who wish to cast or change their vote? If not, the clerk will report.
The gentlewoman from Pennsylvania, Ms. Hart?
Ms. HART. No.
The CLERK. Ms. Hart, no.
Chairman SENSENBRENNER. The clerk will report.
The CLERK. Mr. Chairman, there are 11 ayes and 17 noes.
Chairman SENSENBRENNER. The amendment is not agreed to.
Are there further amendments?
The gentleman from New York, Mr. Nadler?
Mr. NADLER. Thank you. Having done Amendment No. 5, I will ask that Amendment No. 4 be called up.
Chairman SENSENBRENNER. The clerk will report Amendment No. 4.
The CLERK. Amendment to the Committee print on H.R. 2086 offered by Mr. Nadler. Page 7, after line 22, insert the following: And redesignate accordingly. VIII, request funding for any——
Chairman SENSENBRENNER. Without objection, the amendment is considered as read.
[The amendment of Mr. Nadler follows:]

HR 2086
Amendment to the Committee Print
Offered by
Mr. Nadler

Page 7, after line 22, insert the following (and redesignate accordingly):

"(viii) requests funding from any agency to enforce any federal law in a state or local area contrary to the public policy of that state or local government in relation to the use of marijuana for medical purposes.";

Chairman SENSENBRENNER. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. This is perhaps controversial, but simple. The language on Page 5, which is not included in the amendment, says, "The Director shall not confirm the adequacy of any budget request that—" and then it continues with the language I propose to delete. "—requests funding from any agency to enforce any Federal law in a State or local area, contrary to the public policy of that State or local Government in the relation to the use of marijuana for medical purposes."

What this amendments says is that in certain States, certain areas—and the only one that I am familiar with is California—they have passed, the legislatures or city council's have passed laws permitted the use of marijuana under certain conditions for medical purposes.

The Federal Government has sought to interfere and say that, nonetheless, no matter the vote of the California legislature or the decisions of local people, the Federal Government will stop and arrest anyone who tries to use marijuana for medical purposes.

Now, there has been plenty of evidence that marijuana is useful in certain cases with AIDS, with other ailments in dampening down nausea, in dampening down pain and other things, and we should not be in the business of second-guessing doctors and physicians and saying that they can't use something that is medically indicated to be used.

Now, what this amendment says simply is that the funds from this bill cannot be used to interfere with the State that permits the use of marijuana for medical purposes. Now, some of the people may say, and this is an argument that I have heard, that this is a stocking horse for legalization of marijuana. The fact is the question of legalization or decriminalization of marijuana is a completely separate question.

We recognize the use of various controlled substances for medical purposes. Morphine is a controlled substance. You can't sell morphine on the private market. You are not allowed to use it, but morphine can be used by a physician in pain control, in surgery or other things, and there is no reason that the Federal Government should interfere with physicians or certainly with States that have determined, as public policy, to permit the use of marijuana for pain control or other medical purposes.

And that is what this amendment says; namely, that no funds subject to this bill shall be used to enforce Federal law against the

policy of a State that permits the use of marijuana for medical purposes under physicians who——

Ms. LOFGREN. Would the gentleman yield?

Mr. NADLER. Yes, I will.

Ms. LOFGREN. I just would like to note that the California State policy on medical marijuana was not approved by the legislature, it was the voters of California, in an initiative, who voted overwhelmingly to allow that use.

Now, it is true that some of the proponents probably are supportive of legalizing marijuana. I am not. And I think my fellow Californians who voted for the use of marijuana dispensed by a physician for a medical condition are also not for legalizing marijuana, but I have never been able to understand why it is okay for a doctor to give morphine to someone in pain, but not to dispense something else that is probably less addictive to deal with this issue.

And I just recall so well a friend of mine, who has now passed away, who had cancer, and he couldn't eat. He couldn't keep anything down. He had no appetite, and he actually had to go out and hang out, and he bought marijuana on the street and was able to, after he took the marijuana, was actually able to eat. And he eventually did die. It was a terminal condition, but I always felt how humiliating that was for that fine person to have to do that when he should have been able to go to his doctor and get the medicine that he needed.

So I appreciate the gentleman's amendment, and I hope that we might be able to do this, and I yield back to the gentleman.

Mr. NADLER. Thank you. Reclaiming my time. I just want to make two other comments:

One, the *Times-CNN* poll last year said 80 percent of the public in the country as a whole thinks adults should be able to use marijuana for medical purposes, pursuant to medical supervision or dispensation;

And, secondly, we use morphine and other things. I don't see why doctors, especially where the local Government or the State has decided, shouldn't be able to use marijuana or anything else under proper medical supervision for medical purposes.

Chairman SENSENBRENNER. The gentleman's time has expired.

Mr. NADLER. Can I ask unanimous consent for 30 additional seconds?

Chairman SENSENBRENNER. Without objection.

Mr. NADLER. One other objection has been made over the years to this, and that is that there haven't been adequate scientific studies that show the medical use of marijuana, and I simply want to say that may be true, that I have seen claims on both sides, but the DEA has made sure to make sure that nobody will fund, until very recently—I think there are some studies going on now, that there has been a sustained policy in the Federal Government to make sure that no one would fund any such studies to show the evidence.

We have plenty of anecdotal evidence, such as the gentlelady from California just said, the voters have spoken by initiative and referendum in California, and the Federal Government should not interfere with the people of California and with medical supervision. And so I hope this amendment would be adopted.

I thank the gentleman, and I yield back.

Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Coble?

Mr. COBLE. Very briefly.

Chairman SENSENBRENNER. The gentleman is recognized.

Mr. COBLE. The gentleman from New York has very clearly stated the purport of his amendment. It simply would deny funding to enforce Federal marijuana laws, and I therefore would oppose the amendment.

Chairman SENSENBRENNER. The question is on the amendment offered by the gentleman from New York, Mr. Nadler.

Those in favor will say aye.

Opposed, no.

The noes appear to have it. A rollcall will be ordered. Those in favor of the Nadler amendment will, as your names are called, answer aye; those opposed no; and the clerk will call the roll.

The CLERK. Mr. Hyde?

[No response.]

The CLERK. Mr. Coble?

Mr. COBLE. No.

The CLERK. Mr. Coble, no. Mr. Smith?

[No response.]

The CLERK. Mr. Gallegly?

Mr. GALLEGLY. No.

The CLERK. Mr. Gallegly, no. Mr. Goodlatte?

[No response.]

The CLERK. Mr. Chabot?

Mr. CHABOT. No.

The CLERK. Mr. Chabot, no. Mr. Jenkins?

[No response.]

The CLERK. Mr. Cannon?

Mr. CANNON. No.

The CLERK. Mr. Cannon, no. Mr. Bachus?

[No response.]

The CLERK. Mr. Hostettler?

Mr. HOSTETTLER. No.

The CLERK. Mr. Hostettler, no. Mr. Green?

Mr. GREEN. No.

The CLERK. Mr. Green, no. Mr. Keller?

Mr. KELLER. No.

The CLERK. Mr. Keller, no. Ms. Hart?

Ms. HART. No.

The CLERK. Ms. Hart, no. Mr. Flake?

[No response.]

The CLERK. Mr. Pence?

[No response.]

The CLERK. Mr. Forbes?

Mr. FORBES. No.

The CLERK. Mr. Forbes, no. Mr. King?

Mr. KING. No.

The CLERK. Mr. King, no. Mr. Carter?

Mr. CARTER. No.

The CLERK. Mr. Carter, no. Mr. Feeney?

Mr. FEENEY. No.

The CLERK. Mr. Feeney, no. Mrs. Blackburn?

Mrs. BLACKBURN. No.
The CLERK. Mrs. Blackburn, no. Mr. Conyers?
Mr. CONYERS. Aye.
The CLERK. Mr. Conyers, aye. Mr. Berman?
[No response.]
The CLERK. Mr. Boucher?
[No response.]
The CLERK. Mr. Nadler?
Mr. NADLER. Aye.
The CLERK. Mr. Nadler, aye. Mr. Scott?
Mr. SCOTT. Aye.
The CLERK. Mr. Scott, aye. Mr. Watt?
Mr. WATT. Aye.
The CLERK. Mr. Watt, aye. Ms. Lofgren?
Ms. LOFGREN. Aye.
The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?
Ms. JACKSON LEE. Aye.
The CLERK. Ms. Jackson Lee, aye. Ms. Waters?
Ms. WATERS. Aye.
The CLERK. Ms. Waters, aye. Mr. Meehan?
Mr. MEEHAN. Aye.
The CLERK. Mr. Meehan, aye. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
Ms. BALDWIN. Aye.
The CLERK. Ms. Baldwin, aye. Mr. Weiner?
[No response.]
The CLERK. Mr. Schiff?
Mr. SCHIFF. Aye.
The CLERK. Mr. Schiff, aye. Ms. Sánchez?
Ms. SÁNCHEZ. Aye.
The CLERK. Ms. Sánchez, aye. Mr. Chairman?
Chairman SENSENBRENNER. No.
The CLERK. Mr. Chairman, no.
Chairman SENSENBRENNER. Members in the chamber who wish to cast or change their vote.
The gentleman from Tennessee, Mr. Jenkins?
Mr. JENKINS. No.
The CLERK. Mr. Jenkins, no.
Chairman SENSENBRENNER. The gentleman from Virginia, Mr. Goodlatte?
Mr. GOODLATTE. No.
The CLERK. Mr. Goodlatte, no.
Chairman SENSENBRENNER. Further Members?
The gentleman from Texas, Mr. Smith?
Mr. SMITH. Mr. Chairman, I vote no.
The CLERK. Mr. Smith, no.
Chairman SENSENBRENNER. Further Members who wish to cast or change their vote?
If not, the clerk will report.
The CLERK. Mr. Chairman, there are 11 ayes and 17 noes.
Chairman SENSENBRENNER. The amendment is not agreed to.
Are there further amendments?

The gentlewoman from California, Ms. Waters?

Ms. WATERS. Thank you very much, Mr. Chairman.

I have Amendment No. 3 at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to the Committee print on H.R. 2086 offered by Ms. Waters. Strike Page 37, line 1, through Page 47, line 17. Page 47, line 20, strike this section and insert "treatment and prevention programs."

[The amendment of Ms. Waters follows:]

Amendment to H.R. 2086 [Committee Print] offered by Congresswoman Waters

(#3)

Strike Page 37, line 1 through page 47, line 17.

Page 47, line 20, strike "this section" and insert "treatment and prevention programs".

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. WATERS. Thank you very much.

Mr. Chairman and Members, at the beginning of the hearing of this bill, I attempted to articulate my very, very strong disagreement with the approaches that are being taken to deal with drug problems in this country. I think that we have wasted an awful lot of money. Our efforts have not been effective.

We continue to have rising drug problems, more young people involved with drugs. We are filling up our prisons. We don't have enough prevention and rehabilitation, and I sincerely think that we should be about the business of developing public policy that will deal with prevention and treatment.

As a matter of fact, several Members sitting on this Committee today have attempted, in more than one way, to try and get a bipartisan effort going to deal with prevention and treatment. As my colleague from North Carolina said, it is absolutely unconscionable that we would talk about developing public policy and develop public policy that would deny treatment and prevention.

It was also pointed out that there is some contradiction in this bill while we have these HIDTA areas that are areas by which this policy that we have is implemented, we are prevented from having treatment and prevention in most of the HIDTA areas, and we have some special treatment for a couple of the areas. So it just doesn't make good sense.

What I have done with this amendment is strike everything that referenced advertising, production, cartoons, whatever it is we do. It seems to me that, with all of the tax breaks that we are giving to the big advertising firms, that we ought to be able to get more volunteerism, more free public service time and not spend what I think is in this bill, $195 million, on these ineffective ads.

I noticed in this bill that there is language that talks about evaluation and some assessment of the media programs that we have put together, the ads, but I never see anything come back, determining whether or not these ads are effective or ineffective, and nobody on this Committee probably can tell you that they have read anything that was in the last bill that talked about doing some kind of an assessment of whether or not these ads are effective. Nobody here knows whether those ads are effective or not, whether or not the studies were done, whether or not the reports were given to Congress. This is a joke. This is $195 million that we are throwing out of the window that could be used for treatment and prevention programs.

And so my amendment would strike Page 37, lines 1 through 47, and the other lines that I have referenced. It just strikes out this silly, stupid advertising program, where we are getting ripped off by somebody probably in some proposals that somebody has got some discretion to fund to make up these dumb ads that do nothing to deter involvement by drugs by our youth. This would strike all of that, and it would spend the money on treatment and prevention. That is $195 million that I think could be a lot better spent.

I would ask my colleagues to give this some consideration. It seems as if we haven't done a very good job here today in convincing our colleagues on the opposite side of the aisle that there is a need for treatment and prevention, but this is another effort to do it, not only to say we should do it, but point out where we have got some money that could be used to do it, and I would ask for support for this amendment, and I yield back the balance of my time.

Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Coble?

Mr. COBLE. Mr. Chairman, the gentlelady from California has clearly stated the purport of her amendment. It would delete the provisions funding the National Youth Anti-Drug Media Campaign and redirect those monies to prevention and treatment programs.

And as I said before, there are already provisions in the bill that addresses treatment and prevention programs, and I therefore oppose the amendment.

Chairman SENSENBRENNER. Does the gentleman yield back?

Mr. COBLE. I yield back.

Chairman SENSENBRENNER. The question is on the Waters amendment.

Those in favor will say aye.

Opposed, no.

The noes appear to have it, the noes have it, and the amendment is not agreed to.

Are there further amendments?

Mr. SCOTT. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Virginia, Mr. Scott?

Mr. SCOTT. Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to the Committee print to H.R. 2086 offered by Mr. Scott. On Page 7, on line 22, following the word "assistance," strike both the period and end quotation mark and insert a semicolon. On——

Chairman SENSENBRENNER. Without objection, the amendment is considered as read.

[The amendment of Mr. Scott follows:]

Amendment #1 offered by Mr. Scott
to HR 2086, the "Office of National Drug Control Policy
Reauthorization Act of 2003"

On Page 7, on line 22, following the word "assistance" strike both the period and end quotation mark, and insert a semicolon.

On Page 7, following line 22, insert:

"(viii) fails to provide funding for adequate research on the relative efficacy of strategies to reduce drug use."

Chairman SENSENBRENNER. The gentleman from Virginia is recognized for 5 minutes.

Mr. SCOTT. Thank you, Mr. Chairman.

The rest of the amendment would add essentially that the budget presented by the Drug Czar shall not be approved if it fails to provide funding for adequate research on the relative efficacy of strategies to reduce drug use.

Mr. Chairman, this amendment would simply require the Office of National Drug Control Policy to provide adequate funding for research on which strategies are most successful in reducing drug use.

According to the Substance Abuse Mental Health Services Administration, 15.9 million Americans 12 years of age or older, that is 7 percent of that population reported using an illicit drug the month prior to the survey and 12 percent reported illegal drug use during the previous year.

We are all aware of the amount of time, effort and money we have devoted to enforcement of drug policies. Traditionally, the U.S. has spent about two-thirds of the drug budget on interdiction and law enforcement and one-third on treatment and prevention, and our efforts to date have not been particularly successful in decreasing drug usage, particularly among our youth.

The drug problem remains, and we need to spend some effort determining the best and most effective ways to address it. Quite simply, we need to figure out what works and what does not work, and this is what my amendment seeks to do.

If you review, Mr. Chairman, what we just did, we defeated the amendment by the gentlelady from California. We don't know if

those ads do any good or not. Well, this would just ask for an adequate amount of research to be done to figure out what we are doing.

I would hope, Mr. Chairman, that on this amendment, my good friend and colleague on the Crime Subcommittee, Mr. Coble, could at least help us find out what works and what doesn't work.

I yield back.

Chairman SENSENBRENNER. The gentleman from North Carolina?

Mr. COBLE. I regret having to oppose my friend from Virginia with that beguiling smile, but let me just say a word or two.

I oppose the amendment, Mr. Scott, because I don't believe it is necessary. The amendment would require the Director of ONDCP to deny any budget request that fails to provide funding for adequate research of the relative efficacy of strategies to reduce drug use. I don't believe that we should be diverting money for research that could be best used to attack the problem of drug use by funding the drug control strategy contained in the bill.

We have had several witnesses, as you know, Bobby and others, who testified before the Subcommittee on Crime, Terrorism, and Homeland Security over the last few years that the best strategy to reduce drug use is to attack the problem with a well-rounded or holistic approach.

That is precisely, it seems to me, what this bill does. It funds three priorities: stopping the drug use before it commences; healing drug use or, that is, treatment; and disrupting drug markets—law enforcement.

The bill supports funding for education and awareness programs to keep kids off drugs before they begin using them and ensure that Federal drug treatment programs are adequately funded, and the bill also funds the HIDTA program, which is a crucial component of the Nation's strategy to reduce the availability of illicit drugs, and for those reasons, I oppose the gentleman's amendment.

Ms. WATERS. Will the gentleman yield?

Mr. COBLE. I will yield.

Ms. WATERS. Could you point to where in this bill there is money designated for drug treatment. You keep talking about this holistic approach, the three-pronged approach for enforcement, prevention and treatment. Could you help me out. Will you show me where, in this bill, monies are directed for treatment and rehabilitation.

Mr. COBLE. If you will suspend for a minute, Ms. Waters, let me get my papers in line here, if I can find them.

[Pause.]

Mr. COBLE. If the gentlelady will yield.

Ms. WATERS. Yes.

Mr. COBLE. This was the language, Ms. Waters, that I said earlier that was the variation of language that was introduced by Representative Cummings before the Government Reform Committee, and I will get the specific page number for you in the bill.

Ms. WATERS. Is the gentleman referring to the language that gave a special exclusion for the Washington-Baltimore area?

Mr. COBLE. No.

[Pause.]

Chairman SENSENBRENNER. Where are we at, folks?

Mr. COBLE. I think I have this, Ms. Waters. Starting at Page 5 on the bill through the middle of Page 7.

Ms. WATERS. Starting on Page 5?

Mr. COBLE. That is correct.

Ms. WATERS. I don't see anything on Page 5 that says prevention or rehabilitation. Would you be specific about where it is. What line are you referring to?

Mr. COBLE. Starting on I think it is line 20, starting on line 20.

Ms. WATERS. Starting on line 20 of Page 5, says, allowing new—subparagraph—and then it goes on to talk about specific requests, "The Director shall not confirm the adequacy of any budget request that requests funding for Federal law enforcement activities that do not adequately compensate for transfers of drug enforcement —"

I don't see it.

Mr. COBLE. Subsection 6 on Page 7 I think would address it.

Ms. WATERS. Page 7, what line?

Mr. COBLE. Line 3.

Ms. WATERS. "Request funding for drug treatment activities that do not adequately support and enhance Federal drug treatment programs and capacity, as determined by the Director."

So you are saying that the Director has some discretion here.

Mr. COBLE. Yes.

Ms. WATERS. To make some determination.

Chairman SENSENBRENNER. The time of the gentleman from North Carolina has expired.

The question is on——

Mr. WATT. Mr. Chairman?

Chairman SENSENBRENNER. The other gentleman from North Carolina.

Mr. WATT. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. WATT. I yield to the gentleman from Virginia.

Mr. SCOTT. Thank you. I thank the gentleman from North Carolina.

As I read what was just read, all that says is you have to spend some money to support treatment. The fact is Mr. Chairman, all prevention programs don't work. They don't prevent anything. Some so-called prevention programs are a waste of money. Some save more money than they cost. We would like to know which ones work and which ones do not work.

The Chairman of the subcommittee mentioned the holistic approach. We just voted against an amendment that would have allowed, in some cases, prevention funding. All this asks is find out what works, and I hope it doesn't hurt the feelings of the majority if we find out what works. I mean, is that a problem?

Yield back.

Chairman SENSENBRENNER. The question is on the Scott amendment.

Those in favor will say aye.

Opposed, no.

The noes appear to have it.

Mr. SCOTT. Rollcall.

Chairman SENSENBRENNER. A rollcall will be ordered.

Those in favor of the Scott amendment will, as your names are called, answer aye; those opposed, no; and the clerk will call the roll.

The CLERK. Mr. Hyde?

[No response.]

The CLERK. Mr. Coble?

Mr. COBLE. No.

The CLERK. Mr. Coble, no. Mr. Smith?

Mr. SMITH. No.

The CLERK. Mr. Smith, no. Mr. Gallegly?

Mr. GALLEGLY. No.

The CLERK. Mr. Gallegly, no. Mr. Goodlatte?

[No response.]

The CLERK. Mr. Chabot?

Mr. CHABOT. No.

The CLERK. Mr. Chabot, no. Mr. Jenkins?

Mr. JENKINS. No.

The CLERK. Mr. Jenkins, no. Mr. Cannon?

[No response.]

The CLERK. Mr. Bachus?

Mr. BACHUS. No.

The CLERK. Mr. Bach——

Mr. CANNON. Mr. Cannon, no.

The CLERK. Mr. Cannon, no. Mr. Bachus?

Mr. BACHUS. No.

The CLERK. Mr. Bachus, no. Mr. Hostettler?

Mr. HOSTETTLER. No.

The CLERK. Mr. Hostettler, no. Mr. Green?

Mr. GREEN. No.

The CLERK. Mr. Green, no. Mr. Keller?

Mr. KELLER. No.

The CLERK. Mr. Keller, no. Ms. Hart?

Ms. HART. No.

The CLERK. Ms. Hart, no. Mr. Flake?

[No response.]

The CLERK. Mr. Pence?

[No response.]

The CLERK. Mr. Forbes?

Mr. FORBES. No.

The CLERK. Mr. Forbes, no. Mr. King?

Mr. KING. No.

The CLERK. Mr. King, no. Mr. Carter?

Mr. CARTER. No.

The CLERK. Mr. Carter, no. Mr. Feeney?

Mr. FEENEY. No.

The CLERK. Mr. Feeney, no. Mrs. Blackburn?

Mrs. BLACKBURN. No.

The CLERK. Mrs. Blackburn, no. Mr. Conyers?

Mr. CONYERS. Aye.

The CLERK. Mr. Conyers, aye. Mr. Berman?

Mr. BERMAN. Aye.

The CLERK. Mr. Berman, aye. Mr. Boucher?

[No response.]

The CLERK. Mr. Nadler?

Mr. NADLER. Aye.

The CLERK. Mr. Nadler, aye. Mr. Scott?
Mr. SCOTT. Aye.
The CLERK. Mr. Scott, aye. Mr. Watt?
Mr. WATT. Aye.
The CLERK. Mr. Watt, aye. Ms. Lofgren?
Ms. LOFGREN. Aye.
The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?
[No response.]
The CLERK. Ms. Waters?
Ms. WATERS. Aye.
The CLERK. Ms. Waters, aye. Mr. Meehan?
Mr. MEEHAN. Aye.
The CLERK. Mr. Meehan, aye. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
Ms. BALDWIN. Aye.
The CLERK. Ms. Baldwin, aye. Mr. Weiner?
[No response.]
The CLERK. Mr. Schiff?
Mr. SCHIFF. Aye.
The CLERK. Mr. Schiff, aye. Ms. Sánchez?
Ms. SÁNCHEZ. Aye.
The CLERK. Ms. Sánchez, aye. Mr. Chairman?
Chairman SENSENBRENNER. No.
The CLERK. Mr. Chairman, no.
Chairman SENSENBRENNER. Further Members who wish to cast or change their vote?
The gentleman from Virginia, Mr. Goodlatte?
Mr. GOODLATTE. No.
The CLERK. Mr. Goodlatte, no.
Chairman SENSENBRENNER. The gentlewoman from Texas, Ms. Jackson Lee?
Ms. JACKSON LEE. How am I recorded?
The CLERK. Mr. Chairman, Ms. Jackson Lee is not recorded.
Ms. JACKSON LEE. Aye.
The CLERK. Ms. Jackson Lee, aye.
Chairman SENSENBRENNER. Further Members who wish to cast or change their votes?
If not, the clerk will report.
The CLERK. Mr. Chairman, there are 12 ayes and 18 noes.
Chairman SENSENBRENNER. The amendment is not agreed to.
Are there further amendments?
The gentleman from New York, Mr. Nadler?
Mr. NADLER. Mr. Chairman, I now, have done 5 and 4, call up Amendment No. 3.
Chairman SENSENBRENNER. The clerk will report Amendment No. 3.
The CLERK. Amendment to the Committee print to H.R. 2086 offered by Mr. Nadler. Page 5, after line 8, insert the following: And redesignate accordingly. Two, in paragraph 12, by adding at the end the following: "except that the Director shall not take action to oppose any attempt to legalize the use of marijuana for medical purposes."

[The amendment of Mr. Nadler follows:]

H.L.C.

H.R. 2086

AMENDMENT TO THE COMMITTEE PRINT

OFFERED BY MR. NADLER

Page 5, after line 8, insert the following (and redesignate accordingly):

1 (2) in paragraph (12), by adding at the end the
2 following:
3 "except that the Director shall not take action to op-
4 pose any attempt to legalize the use of marijuana for
5 medical purposes;";

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. NADLER. Thank you, Mr. Chairman.

This amendment, as did my last one, addresses the question of the medical use of marijuana. This, however, does not, as Mr. Coble objected to, say that the Director cannot use funds to enforce the law. The last amendment didn't quite say that. It said it couldn't use funds to enforce the law on medical marijuana against the wishes of the local State.

What this simply says is that the Drug Czar should not spend his time and resources, in effect, lobbying State and local Governments on this question of medical use of marijuana. I think we should focus our efforts to address the drug problem in this country first on treatment and prevention of drug abuse and on prosecution and incarceration of hard-core drug dealers. We should not spend time going after people who use marijuana for medicinal purposes, especially when they are suffering from cancer or AIDS.

This amendment would free the staff of the Drug Czar to pursue hard-core dealers and leave the States to decide on their own whether or not they want to legalize or not the use of marijuana for medical purposes.

I must add that this is a very unusual situation. I know of no other area in the law where a Federal Government agent is di-

rected, by law, to lobby State Governments and local Governments on any particular question, to try to prevent a State from enacting a law that does this, that or the other thing.

All this amendment does is simply reverse that and say that this is none of the Director's business. "The Director shall not take action to oppose any attempt to legalize the use of marijuana."

He can enforce the law—legalize the use of marijuana for medical purposes. He can enforce the law. Mr. Coble should not object on the same grounds he did the other amendment. This does not prevent him from enforcing the law. It says he should not spend his time and resources going to the legislature of this, that or the other State and arguing what they should or shouldn't do on the question of medical use of marijuana.

And, again, all of the other facts are the same. Eighty-percent of the American public supports the medical use of marijuana under physician supervision. We just voted on the amendment by the Republicans, a Republican amendment to give the Director more discretion, and all we are saying here is that he can enforce the law, but it is not his business, it is, frankly, not the Government's business to be lobbying State legislatures or, for that matter, city councils on any question, and particularly not on this question.

I yield back.

Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Coble?

Mr. COBLE. Well, I would say to my good friend from New York, you are right, it is not the same reason I objected earlier, but I think, Mr. Nadler and colleagues, to tell the Director of ONDCP, who is the Nation's Drug Czar and the principal adviser to the President on drug control policy, that he would not be able to oppose drug legalization, I just don't think is well founded.

Mr. NADLER. Would the gentleman yield?

Mr. COBLE. I yield.

Mr. NADLER. First of all, it says nothing about drug legalization. It says for medical use of marijuana. So let us keep them—they are very different questions.

Mr. COBLE. Reclaiming my time. That may well be subject to interpretation.

Mr. NADLER. Would the gentleman yield again?

Mr. COBLE. I will yield.

Mr. NADLER. I don't know what you mean by "subject to interpretation." It says "to legalize the use of marijuana for medical purposes." That is not subject, I mean, that is very clear.

But, again, where does the Government, generally, and the law actually says he must do this, where else do we know where a Director of a Government agency is directed by law to lobby a State legislature for or against anything? He can certainly make speeches, but to lobby a State legislature, which is what we are talking about here?

Mr. COBLE. Let me reclaim my time.

We obviously have disagreement on this, Mr. Nadler, and I yield back.

Chairman SENSENBRENNER. Does the gentleman yield back?

Mr. COBLE. I yield back.

Chairman SENSENBRENNER. The question is on the Nadler amendment.

Those in favor will say aye.

Opposed, no.

The noes appear to have it, the noes have it, and the amendment is not agreed to.

Are there further amendments?

Mr. NADLER. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from New York?

Mr. NADLER. Thank you. I now call up Amendment No. 2. There is no Amendment No. 1, Mr. Chairman.

Chairman SENSENBRENNER. Thank you.

The clerk will report Amendment No. 2.

The CLERK. Amendment to the Committee print on H.R. 2086 offered by Mr. Nadler. Page 5——

Mr. NADLER. Mr. Chairman, I ask unanimous consent that the reading of the amendment be dispensed with.

Chairman SENSENBRENNER. Without objection, so ordered.

[The amendment of Mr. Nadler follows:]

H.L.C.

H.R. 2086

AMENDMENT TO THE COMMITTEE PRINT

OFFERED BY Mr. Nadler

Page 5, after line 8, insert the following (and redesignate accordingly):

1 (2) in paragraph (12), by adding at the end the
2 following:
3 "except that the Director is not required to take ac-
4 tion to oppose any attempt to legalize the use of
5 marijuana for medical purposes;";

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. NADLER. Mr. Chairman, this is a follow-on to the last amendment and should meet Mr. Coble's objection to that amendment.

This simply says that the Director is not required to take action to oppose any attempt to legalize the use of marijuana for medical

purposes. He may, at his discretion, under this amendment, lobby State legislatures, but this removes the mandate in the law, the very unusual, and as far as I know, unique mandate in the law that a Director of a Government agency oppose a particular action by State legislatures.

This doesn't say he can't do it. It doesn't say he must do it, which the current law does. This simply says that he is not required, in effect, to lobby State and local Governments on the question of legalization of marijuana for medical purposes. I would think that we could leave that to the judgment of the Director of Drug Enforcement Policy. I presume, under this Administration, he would do it anyway, but maybe they will have better sense in some future year, who knows.

But there is no legitimate reason why the law should mandate that the Federal Government lobby for or against a particular policy, especially a policy, which you may think is a good or bad idea, legalizing the use of marijuana for medical purposes. Again, we allow the use of much harder drugs, like morphine, for medical purposes, when indicated. I don't know why we would single this out in law. We should leave it up to, frankly, leave it up to Government, not by law, leave it up to the executive.

And this would say that the Director can, if he wants to, if he thinks it is a good idea, lobby local Governments and State legislatures, but he doesn't have to, and we shouldn't mandate him one way or the other.

So I yield back.

Chairman SENSENBRENNER. The gentleman from North Carolina?

Mr. COBLE. I commend my friend from New York. At least he is drafting, he is getting nearer to me each time, but I still oppose this. I see nothing wrong with requiring the national Drug Czar to oppose legalization of illegal drugs.

Mr. Chairman, I yield back.

Chairman SENSENBRENNER. The question is on Nadler No. 2.

Those in favor will say aye.

Opposed, no.

The noes appear to have it, the noes have it, and the amendment is not——

Mr. NADLER. Mr. Chairman, could I ask for a recorded vote.

Chairman SENSENBRENNER. A recorded vote is ordered.

Those in favor of Nadler Amendment No. 2 will, as your names are called, answer aye; those opposed, no; and the clerk will call the roll.

The CLERK. Mr. Hyde?

[No response.]

The CLERK. Mr. Coble?

Mr. COBLE. No.

The CLERK. Mr. Coble, no. Mr. Smith?

Mr. SMITH. No.

The CLERK. Mr. Smith, no. Mr. Gallegly?

[No response.]

The CLERK. Mr. Goodlatte?

[No response.]

The CLERK. Mr. Chabot?

[No response.]

The CLERK. Mr. Jenkins?
Mr. JENKINS. No.
The CLERK. Mr. Jenkins, no. Mr. Cannon?
[No response.]
The CLERK. Mr. Bachus?
Mr. BACHUS. No.
The CLERK. Mr. Bachus, no. Mr. Hostettler?
Mr. HOSTETTLER. No.
The CLERK. Mr. Hostettler, no. Mr. Green?
Mr. GREEN. No.
The CLERK. Mr. Green, no. Mr. Keller?
Mr. KELLER. No.
The CLERK. Mr. Keller, no. Ms. Hart?
[No response.]
The CLERK. Mr. Flake?
[No response.]
The CLERK. Mr. Pence?
[No response.]
The CLERK. Mr. Forbes?
Mr. FORBES. No.
The CLERK. Mr. Forbes, no. Mr. King?
Mr. KING. No.
The CLERK. Mr. King, no. Mr. Carter?
Mr. CARTER. No.
The CLERK. Mr. Carter, no. Mr. Feeney?
[No response.]
The CLERK. Mrs. Blackburn?
Mrs. BLACKBURN. No.
The CLERK. Mrs. Blackburn, no. Mr. Conyers?
Mr. CONYERS. Aye.
The CLERK. Mr. Conyers, aye. Mr. Berman?
Mr. BERMAN. Aye.
The CLERK. Mr. Berman, aye. Mr. Boucher?
[No response.]
The CLERK. Mr. Nadler?
Mr. NADLER. Aye.
The CLERK. Mr. Nadler, aye. Mr. Scott?
Mr. SCOTT. Aye.
The CLERK. Mr. Scott, aye. Mr. Watt?
[No response.]
The CLERK. Ms. Lofgren?
Ms. LOFGREN. Aye.
The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?
Ms. JACKSON LEE. Aye.
The CLERK. Ms. Jackson Lee, aye. Ms. Waters?
Ms. WATERS. Aye.
The CLERK. Ms. Waters, aye. Mr. Meehan?
Mr. MEEHAN. Aye.
The CLERK. Mr. Meehan, aye. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
Ms. BALDWIN. Aye.
The CLERK. Ms. Baldwin, aye. Mr. Weiner?

[No response.]

The CLERK. Mr. Schiff?

Mr. SCHIFF. Aye.

The CLERK. Mr. Schiff, aye. Ms. Sánchez?

Ms. SÁNCHEZ. Aye.

The CLERK. Ms. Sánchez, aye. Mr. Chairman?

Chairman SENSENBRENNER. No.

The CLERK. Mr. Chairman, no.

Chairman SENSENBRENNER. Members who wish to cast or change their vote?

The gentleman from Ohio, Mr. Chabot?

Mr. CHABOT. No.

The CLERK. Mr. Chabot, no.

Chairman SENSENBRENNER. The gentleman from Utah, Mr. Cannon?

Mr. CANNON. No.

The CLERK. Mr. Cannon, no.

Chairman SENSENBRENNER. The gentleman from Florida, Mr. Feeney.

Mr. FEENEY. No.

The CLERK. Mr. Feeney, no.

Chairman SENSENBRENNER. The gentleman from Virginia, Mr. Goodlatte?

Mr. GOODLATTE. No.

The CLERK. Mr. Goodlatte, no.

Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Watt?

Mr. WATT. Aye.

The CLERK. Mr. Watt, aye.

Chairman SENSENBRENNER. Further Members who wish to cast or change their votes?

If not, the clerk will report.

The CLERK. Mr. Chairman, there are 12 ayes and 16 noes.

Chairman SENSENBRENNER. And the amendment is not agreed to.

Are there further amendments?

The gentlewoman from Texas, Ms. Jackson Lee?

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk, Jackson Lee 103.

Chairman SENSENBRENNER. That doesn't mean that you have 102 left, does it? [Laughter.]

Chairman SENSENBRENNER. The clerk will report the amendment.

Ms. JACKSON LEE. Mr. Chairman, you know how much we like to spend our time with each other, I am considering it. [Laughter.]

The CLERK. Amendment to the Committee print to H.R. 2086 offered by Ms. Jackson Lee of Texas.

Page 13, line 9, before the semicolon insert, "broken down according to the race, ethnicity, gender and age of individuals arrested."

Page 13, line 11, before the semicolon——

Chairman SENSENBRENNER. Without objection, the amendment is considered as read.

[The amendment of Ms. Jackson Lee follows:]

H.L.C.

H.R. 2086

AMENDMENT TO THE COMMITTEE PRINT

OFFERED BY MS. JACKSON-LEE OF TEXAS

Page 13, line 9, before the semicolon insert ", broken down according to the race, ethnicity, gender, and age of individuals arrested".

Page 13, line 11, before the semicolon insert ", broken down according to the race, ethnicity, gender, and age of individuals prosecuted".

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE. I thank you very much, Mr. Chairman.

Let me note for my colleagues how much I appreciate the Chairman's willingness a few amendments back to accept my amendment, as modified by Congressman Watt. I am disappointed that my friends and colleagues on the other side of the aisle did not choose to take the leadership of the Chairman, as they have done in the past.

Now, I hope I have not set a trap for myself, but I do believe that this amendment should draw the collaborative support of Chairman Coble and I hope the Ranking Member of the Crime Subcommittee, Mr. Scott.

Mr. WATT. Would the gentlelady yield just so I can clarify?

Ms. JACKSON LEE. I would be happy to yield.

Mr. WATT. I think the gentlelady may have misunderstood, as I did, what the Chairman was saying. I thought the Chairman was accepting my amendment, too, but he did not do that, and he and I talked about that. But he didn't—the Committee followed his leadership in rejecting even what I had submitted.

Ms. JACKSON LEE. I thank you for clarifying. That means I am back in the same pit that I was before. I heard the same thing you did. I didn't get it clarified. I heard "we will accept the modification."

But in any event, let me hope that the amendment that we are offering at this point is a simple one to be instructive. Again, I go back to my theory that this is a national drug policy legislative initiative that has to look at the circle: consumerism, if you will, the crime aspect of it, and the victims who are impacted.

Many of those that are under mandatory sentencing by way of enforcement legislation come from certain communities. Part of their victimization or their incarceration is based upon the fact that they are users. In order to be instructive on how we can provide more intervention, more interdiction, more treatment, I think we need to know who is being targeted.

So for the colleagues' information, my amendment asks the Attorney General to submit drug arrest prosecution violation statistics, broken down by race, ethnicity, gender and age, to determine where to focus drug control efforts and resources to most affected populations, identify the High Intensity Drug Trafficking Areas, the HIDTA, and as well to further evidence of any, if you will, targeting or any focus in one community versus another.

Now, this is not a prison bill, but for my colleagues' information, under the Bureau of Prisons, the total inmate population at this time—and I am not sure if this is, this is June 2003—169,676 individuals, 143 million in out facilities, and 14,000 or 15,000 are in privately managed; male, 157,000; female, 11,000.

There are 40-percent black, that is 68,585; and Hispanic, 54,000, that is 32 percent. So between black and Hispanic, there are 72 percent, if I am reading this correctly—probably not because Hispanic will cover black, white, in terms of race. But the numbers are huge.

And so I would suggest that, with the heavy burden in the minority community, it is clearly important for us to have this information. I would ask my colleagues to look at this from the instructive perspective. You certainly can't refute the fact that the numbers are very high. There has to be a reason. Some of these cases are based upon drug cases. Some of these cases are there because we have no alternative in the Federal system. We have a system where we have incarceration over treatment and prevention.

I believe this information would be very important, although it is asking the Attorney General, because it is on the prosecution end, to know just what we are doing with respect to the individuals that ultimately fall victim to drug usage, and then drug arrest, and drug prosecution.

I would ask my colleagues to support this amendment, and I would also refer them to the incarceration numbers in the Bureau of Prisons, which are literally tragic, absolutely tragic.

Let me just say two other things on this. With respect to the type of offenses in the Federal system, drug offenses, 83,676, which are 54 percent of those incarcerated. I would imagine that some of those could have been avoided by intervention, prevention and treatment of individuals.

Because we have mandatory sentencing, we will find that close to half of these individuals are in for 3 to 5, 5 to 10, 10 to 15, and 15 to 20. So we're incarcerating people for drug usage because of the mandatory sentencing——

Chairman SENSENBRENNER. The gentlewoman's time has expired

Ms. JACKSON LEE.—and I believe we need the information to make a difference.

Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Coble.

Ms. JACKSON LEE. I'd ask for support of this amendment.

Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Coble.

Mr. COBLE. I thank the Chairman.

Mr. Chairman, this amendment would amend the provision of the bill that requires the Attorney General to submit a report to the Director of ONDCP regarding the number and types of arrests for drug violation and prosecution of drug violation by U.S. Attorneys. The amendment would require the Attorney General to break down that report according to the race, ethnicity, gender, and age of the individuals arrested and prosecuted.

I oppose the amendment for the following reasons: I think the amendment is unnecessary because the stated purpose of the section that the gentlelady is attempting to amend is to obtain statistics that will allow better evaluation of resource allocation for drug control activities within individual agencies. The reason this was included in the bill was due to concern over the impact that the possible diversion of drug control assets to unrelated missions might have on the war on drug.

The author of the bill believes that the mandated reporting will significantly assist in oversight and monitoring in that respect. Requiring the report to be broken down by race, ethnicity, gender, and age I don't believe will assist the Director of ONDCP in determining whether or not the diversion of drug control assets to unrelated missions is having a significant impact. Because I think it is unnecessary, it would be unduly burdensome, it seems to me, for the Attorney General to collect these statistics when they will not serve the intended purpose of the report.

Finally, this reporting requirement would be duplicative in some ways since these types of statistics are already being collected on a regular basis by the United States Sentencing Committee—Commission for individuals who have been convicted of drug offenses.

For these reasons, Mr. Chairman, I oppose the amendment.

Ms. JACKSON LEE. Would the gentleman yield?

Mr. COBLE. Yes.

Ms. JACKSON LEE. If we are speaking to establishing a national drug policy, I believe this information under this particular legislation is important. It is not overly burdensome if in other instances the Department of Justice has already—has collected them as well.

Would the gentleman not—and let me just pose a question. Would the gentleman not think it would be helpful to understand whether certain populations are more heavily either victimized or, if you will, susceptible to either incarceration or prosecution or use under a national drug policy legislative initiative?

Mr. COBLE. If the gentlelady would yield, I don't agree with that. I think the drug policy ought to be race-neutral.

Ms. JACKSON LEE. Well, unfortunately, the sentencing and the incarceration is not really race-neutral. I wish it was myself. But it's heavily noted in certain communities. We have already seen a study—if you would yield, we've already seen a study where, in Baltimore, we have proven that where you have an exemption for

prevention and treatment, it works. You have areas where you don't have that, and so you have high numbers of minorities being incarcerated. Those numbers would be helpful to us, Mr. Chairman. I think it would not hurt this bill to have that in there.

Mr. COBLE. Well, I'll reclaim my time, and I'm not in agreement with the lady, and I yield back my time.

Chairman SENSENBRENNER. The question is on the Jackson Lee amendment. Those in favor will say aye? Opposed, no?

The noes appear to——

Ms. JACKSON LEE. rollcall.

Chairman SENSENBRENNER. A rollcall is ordered. Those in favor of Jackson Lee amendment number 103 will as your names are called answer aye, those opposed no, and the clerk will call the roll.

The CLERK. Mr. Hyde?

[No response.]

The CLERK. Mr. Coble?

Mr. COBLE. No.

The CLERK. Mr. Coble, no. Mr. Smith?

Mr. SMITH. No.

The CLERK. Mr. Smith, no. Mr. Gallegly?

[No response.]

The CLERK. Mr. Goodlatte?

Mr. GOODLATTE. No.

The CLERK. Mr. Goodlatte, no. Mr. Chabot?

[No response.]

The CLERK. Mr. Jenkins?

Mr. JENKINS. No.

The CLERK. Mr. Jenkins, no. Mr. Cannon?

[No response.]

The CLERK. Mr. Bachus?

Mr. BACHUS. No.

The CLERK. Mr. Bachus, no. Mr. Hostettler?

Mr. HOSTETTLER. No.

The CLERK. Mr. Hostettler, no. Mr. Green?

Mr. GREEN. No.

The CLERK. Mr. Green, no. Mr. Keller?

[No response.]

The CLERK. Ms. Hart?

Ms. HART. No.

The CLERK. Ms. Hart, no. Mr. Flake?

[No response.]

The CLERK. Mr. Pence?

[No response.]

The CLERK. Mr. Forbes?

Mr. FORBES. No.

The CLERK. Mr. Forbes, no. Mr. King?

Mr. KING. No.

The CLERK. Mr. King, no. Mr. Carter?

Mr. CARTER. No.

The CLERK. Mr. Carter, no. Mr. Feeney?

Mr. FEENEY. No.

The CLERK. Mr. Feeney, no. Mrs. Blackburn?

Mrs. BLACKBURN. No.

The CLERK. Mrs. Blackburn, no. Mr. Conyers?

Mr. CONYERS. Aye.

The CLERK. Mr. Conyers, aye. Mr. Berman?
Mr. BERMAN. Aye.
The CLERK. Mr. Berman, aye. Mr. Boucher?
[No response.]
The CLERK. Mr. Nadler?
Mr. NADLER. Aye.
The CLERK. Mr. Nadler, aye. Mr. Scott?
Mr. SCOTT. Aye.
The CLERK. Mr. Scott, aye. Mr. Watt?
Mr. WATT. Aye.
The CLERK. Mr. Watt, aye. Ms. Lofgren?
Ms. LOFGREN. Aye.
The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?
Ms. JACKSON LEE. Aye.
The CLERK. Ms. Jackson Lee, aye. Ms. Waters?
Ms. WATERS. Aye.
The CLERK. Ms. Waters, aye. Mr. Meehan?
Mr. MEEHAN. Aye.
The CLERK. Mr. Meehan, aye. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
Ms. BALDWIN. Aye.
The CLERK. Ms. Baldwin, aye. Mr. Weiner?
[No response.]
The CLERK. Mr. Schiff?
Mr. SCHIFF. Aye.
The CLERK. Mr. Schiff, aye. Ms. Sánchez?
[No response.]
The CLERK. Mr. Chairman?
Chairman SENSENBRENNER. No.
The CLERK. Mr. Chairman, no.
Chairman SENSENBRENNER. Further Members who wish to cast or change their vote? The gentleman from Florida, Mr. Keller?
Mr. KELLER. No.
The CLERK. Mr. Keller, no.
Chairman SENSENBRENNER. The gentleman from Utah, Mr. Cannon?
Mr. CANNON. No.
The CLERK. Mr. Cannon, no.
Chairman SENSENBRENNER. The gentleman from Ohio, Mr. Chabot?
Mr. CHABOT. No.
The CLERK. Mr. Chabot, no.
Chairman SENSENBRENNER. The gentlewoman from California, Ms. Sánchez?
Ms. SÁNCHEZ. Aye.
The CLERK. Ms. Sánchez, aye.
Chairman SENSENBRENNER. Further Members who wish to cast or change their vote? If not, the clerk will report.
The CLERK. Mr. Chairman, there are 12 ayes and 17 noes.
Chairman SENSENBRENNER. And the amendment is not agreed to.

Are there further amendments? The gentlewoman from California, Ms. Waters.

Ms. WATERS. Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to the Committee print to H.R. 2086, offered by Ms. Waters. Strike the bill, page 1, line 1 through page 48, line 12.

[The amendment of Ms. Waters follows:]

Amendment to H.R. 2086 [Committee Print] offered by Congresswoman Waters

(#2)

Strike the bill. Page 1, line 1 through page 48, line 12.

Ms. WATERS. Well, Mr. Chairman and Members——

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. WATERS. I take this extraordinary action because I think it is important that we at least—those of us who are opposed to what is happening with this so-called war on drugs, that we take a stand and that stand be recorded in this record today.

I consider that my amendment is the mother of all amendments because it would do away with this bill, period. It would strike page 1, line 1 through page 48, line 12. Remember what I said when I first came into the Committee today? This bill is not worth the paper that it is written on.

I believe that the drug czar's office is wasteful, ineffective, and unworthy of using the taxpayers' money to fund. I was opposed to the drug czar's office in the last Administration, and I remain opposed to the way this office is organized. We spend $521 million on the drug czar's office. That's not to include the billions of dollars that are being spent, being thrown away, thrown down the drain in this so-called war on drugs. We're spending money on meaningless media campaigns and ineffective ads. And the audacity of the Chairman of the subcommittee to resist even a study or research to guide the expenditures of these dollars, despite the fact that there is no evidence of crime reduction in the HIDTA areas, where more law enforcement money supposedly is being spent, there is no prevention in the bill.

I ask the Chairman to guide me to the language that mandated any kind of prevention and rehabilitation. We saw some vague language with some discretionary authority, and we even saw language that would prevent the use of prevention and treatment money in these HIDTA areas.

Given all of that, I do not wish this bill to serve as a reauthorization for the drug czar's office. Now, if we don't reauthorize the bill, the Appropriations Committee will probably fund it anyway. But

should they not fund it, that would be the greatest signal to us to assume some responsibility for coming up with decent drug policy to deal with what is probably one of the biggest criminal problems in America today.

Mr. Chairman and Members, I and some other progressives in this Congress are oftentimes referred to as "the tax-and-spend liberals." Well, here is one liberal today who do not wish to spend another dime on the drug czar's office and would eliminate this expenditure entirely, unless it was converted into prevention and treatment. I can recall hearing my friends on the opposite side of the aisle say to us time and time again that money was spent, they say, on the war on poverty by these tax-and-spend liberals and that the programs were not effective, we didn't prove anything, and, therefore, these programs should not be funded anymore.

Well, you have the greatest example of an ineffective program. It may be a public relations effort so that politicians can go back and say that they're doing something about drugs. But we are doing nothing. We are not preventing. We are not curing. We're not treating. And to tell you the truth, we're not even doing a good job with crime enforcement.

As a matter of fact, at the local level you have your police officers on the front line. You have your DAs. They're arresting. They're indicting. You have your so-called DEA. You have the FBI. This is all beside the money that we're talking about spending in the drug czar's office.

If we really want to do something, we would strike this bill and rewrite a bill—rewrite a bill to deal with some real prevention and treatment. And I don't mind putting some more money into law enforcement as indicated. But who's got the proof of what's been happening with this additional money that we have been spending in these HIDTAs? How many more arrests have been made? What are we doing?

I submit to you that we're doing nothing, and it is shameful that we sit here and throw away additional money year after year in something called a drug czar's office that's doing nothing to keep drugs off our street and stop our young——

Chairman SENSENBRENNER. The gentlewoman's time has expired.

Ms. WATERS.—people from being involved in drugs.

Chairman SENSENBRENNER. The gentleman from North Carolina——

Ms. WATERS. I have no more time, so you can have whatever it is I don't have left.

Mr. COBLE. Mr. Chairman, I oppose the gentlelady's striking amendment.

Mr. CONYERS. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Michigan.

Mr. CONYERS. I want to thank the Chair of this Committee for leading us in a more candid discussion about drugs and crime and how they are treated in the Federal level than we've had in a long time. And I must say that I think it has been important. It has been candid, and if it hasn't been noticed, it's been done with a minimum of rancor or any personal attacks on each other. And for that I think this is a very important circumstance that ought to be acknowledged.

The gentlelady from California observed that we could move forward without an authorization, and she happens to be quite right. It just so happened that the authorization for the Department of Justice didn't occur for many, many years. As a matter of fact, until recently, up until 1979—or from 1979, there had never been an authorization. There was just a friendly old Chairman in their Appropriations Committee that did it all for us. We didn't even have to do anything. So supporting the notion of ending this bill is not unheard of or is not without precedence.

There is something else that should be added to the close of this discussion. This measure about drugs and the criminal justice system, which sends more citizens charged with non-violent crimes to the Federal and State prisons than any other item in the Federal criminal code and the State criminal codes, has been brought forward without a single hearing at the subcommittee level or the full Committee level. There have been no markups by the subcommittee. And it would seem to me that the gentlelady's amendment ought to be supported if for no other reason that we would get a chance to further discuss these issues that have been brought to this level in a rather hasty manner.

There are more African American men in prisons about non-violent drug offenses than there are in the colleges and universities of the United States.

Now, it seems to me that this has to—we have to begin to examine more carefully the judicial criminal justice procedure by which they end up occupying these prisons in greater and greater numbers. This is not a subject in which things are getting better. They're getting worse. So merely going through the same motions is not adequate. And I would urge that all of us, regardless of what our positions are on this subject, give the amendment the consideration to which it is due.

And I return any time.

Mr. CHABOT. [Presiding] The gentleman's time has expired.

The gentleman from New York is recognized.

Mr. NADLER. Thank you, Mr. Chairman.

Mr. Chairman, I'm going to support this amendment, and if it doesn't pass, I'm going to vote against the bill, not because I think that there's no function for drug enforcement in the United States. Obviously I don't agree with that. I think there is a major function for drug enforcement. But there's also a function for drug treatment and prevention.

The drug czar's office, which this reauthorizes, by the terms of this bill and since several amendments were defeated, for the first time this bill in reauthorizing the drug czar's office would say that no funds may be spent for treatment and prevention. In other words, what this bill says is the only legitimate—the only thing we ought to do to fight the problem of drugs is law enforcement and incarceration. Anybody who knows anything about the subject—and there may be funds elsewhere in Government for drug treatment. Fine. But to say—but the clear message of this bill with a new provision for which no one has given any justification whatsoever, a new provision that says no funds herein appropriated or herein authorized may be spent for prevention or treatment, is saying—is a clear message that the only way to solve the drug—forget

about treatment, forget about prevention, 100 percent of our efforts ought to be on incarceration and law enforcement.

Anybody who knows anything about the problem knows that that's, in fact, insanity. It's straight insanity. You can debate the proportion of treatment, how much money should be spent on treatment, how much on enforcement, how much on prevention. Nobody can say that treatment and prevention—nobody intelligently and honestly can say that enforcement—I'm sorry, that treatment and prevention have no role in solving this problem. That's what this bill now says. It's a great step backwards. Other than the force majeure of 18 votes of automatons on that side of the aisle who don't listen to the merits of any proposal and just vote no on everything, I've heard no justification for why we would suddenly want to say no provision—no funds may be spent on prevention and treatment. It's insane to be saying that, so I hope this amendment which simply eliminates the bill is passed, and failing that, I hope the bill is not voted for. And I frankly would think that anybody in the country—I mean, it's a heck of a statement that this Committee and maybe eventually the House will be making, that we don't believe in drug prevention, we don't believe in drug treatment, all we want the drug czar to do is spend 100 percent of his time and effort and money not only on making sure that people who are terminally ill and deathly can't get medical marijuana, if that's what the doctors say they need, but making sure that the maximum number of people are thrown in jail and to heck with treatment and prevention.

That's not what we ought to be saying. That's frankly insanity, and I'm going to, therefore, vote for this amendment and against the bill as a whole.

I thank you and I yield back.

Chairman SENSENBRENNER. The question——

Mr. WATT. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Watt.

Mr. WATT. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. WATT. Thank you, Mr. Chairman.

I have not offered any amendments today except to try to reconcile differences between people who have been offering amendments and the Chairman of the subcommittee that I thought made sense. And part of the reason is that I just had trouble getting connected to this bill.

There is absolutely no issue about which I get asked more in my congressional district and about which I am more embarrassed when I have to answer than about the Federal drug policy. As Mr. Conyers has indicated, there are more African American men in jail on drug charges than there are in college. And that is an embarrassment. The studies suggest that drug use in the African American community is no higher than it is in other communities, yet drug arrests are higher. That gets you up to—if I remember the statistics, you start with about 25 percent of the drug users being African American, and then about 50 percent of the people being charged with drug offenses are African American, and then about 60-some percent of the people being convicted of drug offenses are

African American, and the discrimination and embarrassment runs throughout the system. And our drug policy, our Federal drug policy, has been a dismal failure. We tried to call it a war. If we operated a war in the traditional military sense like we operate the drug war, we would have dismantled the Department of Defense.

And yet when this bill comes to us, somehow it is offensive to our Committee Members that we should sit here and debate a matter of this magnitude. There's an impatience about it. We got a sequential referral; therefore, we didn't have time to go through the subcommittee process.

When a reasonable, logical amendment is offered, which a number have been today, such as the amendment to document that some of the stuff that we are doing and spending money actually works, my colleagues on the other side prefer to get along and go along with their leadership rather than to confront the issue that is before us, stick their heads in the sand, and we should be happy about this. I am embarrassed. I'm embarrassed about the process by which this bill got here. I'm embarrassed about our drug policy in this country. I'm embarrassed that we would call this a war and do nothing to even research the effectiveness of it. And I'm embarrassed about the impact that it's having in my community.

We should be ashamed. This is the only amendment that I can really get excited about. You've probably noticed that I haven't even been involved in the debate.

Mr. CHABOT. [Presiding] The gentleman's time has expired.

Mr. WATT. I ask unanimous consent for 2 additional minutes.

Mr. CHABOT. Without objection.

Mr. WATT. Maybe I can make up some of the time that I've given you for not being involved in the debate earlier.

We should be ashamed to consider a bill of this magnitude in the Judiciary Committee of the House of Representatives with as little regard as we have given to this bill, to put ourselves on autopilot and go along with whatever some other Committee sent over here and defer to them when it's impacting every single one of our communities.

And so I really don't have any alternative but to support the gentlelady's amendment. It's the only one—it's the only part—the bill doesn't make any sense. To say that we're going to stop doing prevention and just start doing more enforcement, that's what the problem is now. We've got all these people in jail. If you look at who's in jail on drug charges, 68 percent of our Federal prison population is there on drug offenses. It's draining humongous amounts of resources.

And I just got something handed to me saying, well, we got this bill referred to us the same day it was referred to the Government Reform Committee.

Mr. CHABOT. The gentleman's time has once again expired.

Mr. WATT. I ask for 2 more minutes, unanimous consent.

Mr. CHABOT. Without objection, the gentleman is granted an additional 2 minutes.

Mr. WATT. So if we think we are doing something that's valuable other than just drawing a paycheck, we ought to send this bill back to the subcommittee and have some hearings about what's causing this demand for drugs, disparity in arrests, disparity in charges, disparity in convictions. Is there some kind of—as my friend

Kongufu from New York said, is there really a conspiracy to destroy black boys in this country, to put them in jail? Because if you look at the statistics, you'll get there.

Mr. Chairman, I hate to vent on you all, but this is serious business in my community. And I haven't seen any indication that this Committee is inclined to take it seriously. I think we should delay this bill, send it back to the subcommittee, have some hearings, and get serious about the Federal drug policy if we are going to do our job in this Committee. And I——

Mr. CHABOT. The gentleman's time has again expired.

Mr. WATT. In the absence of that, I will support the gentlelady's amendment, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chairman?

Mr. CHABOT. The gentleman's time has expired.

Does any other Member seek——

Ms. JACKSON LEE. Mr. Chairman?

Mr. CHABOT. The gentlelady from Texas is——

Ms. JACKSON LEE. I move to strike the last word.

Mr. CHABOT.—recognized for 5 minutes.

Ms. JACKSON LEE. What I'm disappointed most in, Mr. Chairman—and thank you for convening or being in the chair—is the absence of my good friends and the lateness of the hour when we're discussing such a monumental decision.

I quarrel with my decision on this amendment because I do believe there is some value to the partnership between treatment, prevention, and enforcement. But I think we have heard this debate over and over again now—I want to say 20 years, but maybe it's shorter than 20 years because we've had a war on drugs now—I'm not sure how many Presidents have claimed a war on drugs. And as it relates to the Federal prison system, we certainly are not making a dent.

And for some reason or other, when I read these numbers from the Federal Bureau of Prisons, nobody seemed to flinch, and these are stark numbers. And the reason why I read them is because it wasn't too long ago, as I said, that I was visiting one of my Federal prisons in the Beaumont area. And so the numbers became more than statistical. They were reality. The sea of faces that I saw was overwhelming, emotionally charging, if you will. And I'm disappointed this is not the social work/psychology Committee, somebody is probably saying. This is the Judiciary Committee.

And I think my colleague makes the point when he says that we are just getting this without hearings. And we have an opportunity in 2003 maybe to correct the mistakes that we've made over the last decade on this war on drugs. We have focused on imposing sentencing so that neighbors of mine have young people that were incarcerated 10, 20 years ago or 15 years ago at 17 for standing on the street corner with crack, and they're still incarcerated. These are sons of ministers, doctors, lawyers, Indian chiefs. These are sons of the poor, the middle class, the rich.

But in many instances, these are sons of a particular race of people. I've had this Committee reject the fact that there seems to be some racial profiling of sorts in the arrest and prosecution. The Federal judges have begged for discretion on mandatory sentencing as it relates to drugs. We have fought over and over again between

the distinction between cocaine and crack sentencing. We have not prevailed.

One of the first bills that I voted on coming to this Congress was to try and undo the mandatory sentencing under the U.S. Sentencing Commission, whose Commission has begged for relief. And I remember that vote, some skinny number of 80-something, both sides of the aisle running for the hills, frightened that they would be accused of befriending drug dealers and users.

Well, that's almost 8 years or so ago, and I don't think we have made any advancement, and here we go again. And I want to again, because I have traveled with him on these issues, respect the work of Congressman Souder because I know his intensity and sincerity about drug intrusion into this country. But how can we as a Judiciary Committee that has the oversight over the Department of Justice that has juvenile prevention, Office of Juvenile Programs, and a number of other issues, how can we ignore these numbers?

And then I would just say to my colleagues, it's interesting that we would sit here with a bill like this and we have the Federal Bureau of Prisons literally doors almost being closed because people are standing in line overloaded in this system. And when we look at 54 percent of these folk who are in there on drug offenses—and I don't know how many barons and cartel heads that we have in there. It looks like we've just got grandmothers' sons and mamas' babies that are lined up there that could hopefully have done something better with their life, but because we had no intervention, we couldn't get them to do anything better with their lives.

So on someone who believes that there should be a partnership in enforcement where we could have had a collaborative response from this Committee, my friends on the other side of the aisle have not just gone in a rote fashion, not listened to some of our arguments or even help us modify some of the amendments. There's no pride of authorship. We have listened to the gentlelady from California who'd raised her concerns about whether or not we could work through some of these issues. I just think that we are collapsing on our own sword. And these numbers are appalling. The mandatory sentencing numbers are appalling.

So you've left us no place to go. And the only place to go——

Mr. CHABOT. The gentlelady's time has expired.

Ms. JACKSON LEE.—is to—I'd ask for an additional 1 minute.

Mr. CHABOT. Without objection, the gentlelady is given an additional minute.

Ms. JACKSON LEE. Our only place to go, Mr. Chairman, is to look at this amendment seriously and not to look at those of us who feel that there is no out in a serious manner. I don't know if any of this will get out to the Government Reform Committee. I'm sure they're moving this forward. But it's shame on us that we couldn't find ourselves in a bipartisan manner. And I have the greatest respect for the Chairman of the Crime Subcommittee. I'm on that Committee, but I'm disappointed that—I don't know, maybe he's listening to us in the back room—that we couldn't have found a more collaborative way to deal with these numbers.

And, Mr. Chairman, I would ask unanimous consent to put a document by the name of "Federal Bureau of Prisons Quick Facts" that indicates the Federal Bureau of Prisons population, the ethnic

breakdown, the percentage of drug offenses, and the fact that more than half of those incarcerated in our system are black and Hispanic and as well that the largest percentage of those incarcerated are incarcerated because of drug usage. I think that clearly points out, Mr. Chairman, as I conclude——

Mr. CHABOT. Without objection, and that will be included in the record.

[The material referred to follows:]

Federal Bureau of Prisons QUICK FACTS

June 2003

Note: *Data presented here are from BOP automated information systems. Percentages may not add to 100 due to rounding.*

1. Number of Institutions
2. Total Population
3. Inmates by Security Level
4. Inmates by Gender
5. Inmates by Race
6. Inmates by Ethnicity
7. Inmates by Citizenship
8. Average Inmate Age
9. Sentence Imposed
10. Type of Offense
11. BOP Population Over Time/Drug Offenders as a Percentage of All Sentenced Offenders
12. Staff by Gender
13. Staff by Race/Ethnicity

NUMBER OF INSTITUTIONS: 103

TOTAL INMATE POPULATION: 169,676

In BOP facilities: 143,779

In privately managed secure facilities: 14,825

Includes inmates housed in privately operated secure facilities under contract with the BOP or with a state or local government that has an Intergovernmental Agreement (IGA) with the BOP.

In other non-BOP facilities: 11,072

Includes inmates in facilities operated by a state or locality that is either under contract or under an Intergovernmental Agreement (IGA) with the BOP. Primarily includes inmates housed in jail/short-term detention, contract juveniles, home confinement, and community corrections centers.

Sentenced population: 151,300

These figures are as of June 1, 2003. See the most recent weekly population figures for updates and for individual BOP institutions.

INMATES BY SECURITY LEVEL (BOP facilities only)

Minimum: 19.6%

Low: 38.8%

Medium: 24.6%

High: 10.8%

6.2% of inmates have not been assigned a security level.

INMATES BY GENDER

Male: 157,974 (93.1%)

Female: 11,702 (6.9%)

INMATES BY RACE

White: 95,846 (56.5%)

Black: 68,585 (40.4%)

Asian: 2,582 (1.5%)

Native American: 2,663 (1.6%)

Black Inmates 68,585
Hispanic Inmates 54,218
122,803

ETHNICITY

Hispanic: 54,218 (32.0%)

CITIZENSHIP

United States: 120,109 (70.8%)

Mexico: 27,754 (16.4%)

Colombia: 3,712 (2.2%)

Cuba: 2,619 (1.5%)

Dominican Republic: 3,392 (2.0%)

Other/Unknown: 12,090 (7.1%)

AVERAGE INMATE AGE: 37

SENTENCE IMPOSED (calculated for those with sentencing information available)

Less than 1 year: 3,677 (2.4%)

1-3 years: 22,861 (14.9%)

3-5 years: 24,736 (16.1%)

5-10 years: 44,493 (29.0%)

10-15 years: 26,256 (17.1%)

15-20 years: 12,707 (8.3%)

More than 20 years: 13,609 (8.8%)

Life: 5,062 (3.3%)

Death: 24

TYPES OF OFFENSES (calculated for those with offense-specific information available)

Drug Offenses: 83,676 (54.6%)

Weapons, Explosives, Arson: 16,635 (10.8%)

Immigration: 16,241 (10.6%)

Robbery: 10,216 (6.7%)

Burglary, Larceny, Property Offenses: 7,167 (4.7%)

Extortion, Fraud, Bribery: 7,066 (4.6%)

Homicide, Aggravated Assault, and Kidnapping Offenses: 5,195 (3.4%)

Miscellaneous: 2,841 (1.9%)

Sex Offenses 1,575 (1.0%)

Banking and Insurance, Counterfeit, Embezzlement: 1,050 (0.7%)

Courts or Corrections: (e.g., Obstructing Justice) 763 (0.5%)

Continuing Criminal Enterprise: 628 (0.4%)

National Security: 86 (0.1%)

Federal Prison Population Over Time/Drug Offenders in BOP-Operated Facilities

Year	Total sentenced and unsentenced population	Total sentenced population	Total sentenced drug offenders	Percentage of sentenc prisoners who are dru offenders
1970	21,266	20,686	3,384	16.3%
1971	20,891	20,529	3,495	17.0%
1972	22,090	20,729	3,523	16.9%
1973	23,336	22,038	5,652	25.6%
1974	23,690	21,769	6,203	28.4%
1975	23,566	20,692	5,540	26.7%
1976	27,033	24,135	6,425	26.6%
1977	29,877	25,673	6,743	26.2%
1978	27,674	23,501	5,981	25.4%
1979	24,810	21,539	5,468	25.3%
1980	24,252	19,023	4,749	24.9%
1981	26,195	19,765	5,076	25.6%
1982	28,133	20,938	5,518	26.3%
1983	30,214	26,027	7,201	27.6%
1984	32,317	27,622	8,152	29.5%

1985	36,042	27,623	9,491	34.3%
1986	37,542	30,104	11,344	37.7%
1987	41,609	33,246	13,897	41.8%
1988	41,342	33,758	15,087	44.7%
1989	47,568	37,758	18,852	49.9%
1990	54,613	46,575	24,297	52.2%
1991	61,026	52,176	29,667	56.9%
1992	67,768	59,516	35,398	59.5%
1993	76,531	68,183	41,393	60.7%
1994	82,269	73,958	45,367	61.3%
1995	85,865	76,947	46,669	60.7%
1996	89,672	80,872	49,096	60.7%
1997	95,513	87,294	52,059	59.6%
1998	104,507	95,323	55,984	58.7%
1999	115,024	104,500	60,399	57.8%
2000	123,141	112,329	63,898	56.9%
2001	131,419	120,829	67,037	55.5%
2002	139,183	128,090	70,009	54.7%

Note: Data for 1970 to 1976 are for June 30; data for 1977 onwards are for September 30. Data are for inmates in BOP facilities only (i.e., do not include inmates in contract facilities).

STAFF BY GENDER

Male: 24,048 (71.6%)

Female: 9,529 (28.4%)

STAFF BY RACE/ETHNICITY

White (Non-Hispanic):	21,593 (64.3%)
African American:	7,125 (21.2%)
Hispanic:	3,667 (10.9%)
Asian:	688 (2.0%)
Native American:	494 (1.5%)
Other:	10

Mr. CHABOT. The gentlelady's time has——

Ms. JACKSON LEE. That our policy——

Mr. CHABOT. I'll grant an additional 15 seconds.

Ms. JACKSON LEE. That's all, that our policy has failed, Mr. Chairman, and I'd ask for this amendment to be considered seriously and voted on by my colleagues.

Mr. CHABOT. The gentlelady's time has expired.

Ms. JACKSON LEE. Thank you, Mr. Chairman.

Mr. CHABOT. Does any other Member seek time? If not, the question occurs on the amendment. All in favor say aye? All those opposed, say nay?

Mr. CONYERS. A record vote.

Mr. CHABOT. A record vote is ordered, and the clerk will call the roll.

The CLERK. Mr. Hyde?

[No response.]

The CLERK. Mr. Coble?

[No response.]

The CLERK. Mr. Smith?

Mr. SMITH. No.

The CLERK. Mr. Smith, no. Mr. Gallegly?

[No response.]

The CLERK. Mr. Goodlatte?

Mr. GOODLATTE. No.

The CLERK. Mr. Goodlatte, no. Mr. Chabot?

Mr. CHABOT. No.

The CLERK. Mr. Chabot, no. Mr. Jenkins?

Mr. JENKINS. No.

The CLERK. Mr. Jenkins, no. Mr. Cannon?

[No response.]

The CLERK. Mr. Bachus?

Mr. BACHUS. No.

The CLERK. Mr. Bachus, no. Mr. Hostettler?

Mr. HOSTETTLER. No.

The CLERK. Mr. Hostettler, no. Mr. Green?

[No response.]

The CLERK. Mr. Keller?

[No response.]

The CLERK. Ms. Hart?

Ms. HART. No.

The CLERK. Ms. Hart, no. Mr. Flake?

[No response.]

The CLERK. Mr. Pence?

Mr. PENCE. No.

The CLERK. Mr. Pence, no. Mr. Forbes?

Mr. FORBES. No.

The CLERK. Mr. Forbes, no. Mr. King?

Mr. KING. No.

The CLERK. Mr. King, no. Mr. Carter?

Mr. CARTER. No.

The CLERK. Mr. Carter, no. Mr. Feeney?

Mr. FEENEY. No.

The CLERK. Mr. Feeney, no. Mrs. Blackburn?

Mrs. BLACKBURN. No.

The CLERK. Mrs. Blackburn, no. Mr. Conyers?

Mr. CONYERS. Aye.
The CLERK. Mr. Conyers, aye. Mr. Berman?
Mr. BERMAN. Aye.
The CLERK. Mr. Berman, aye. Mr. Boucher?
[No response.]
The CLERK. Mr. Nadler?
Mr. NADLER. Aye.
The CLERK. Mr. Nadler, aye. Mr. Scott?
Mr. SCOTT. Aye.
The CLERK. Mr. Scott, aye. Mr. Watt?
Mr. WATT. Aye.
The CLERK. Mr. Watt, aye. Ms. Lofgren?
[No response.]
The CLERK. Ms. Jackson Lee?
Ms. JACKSON LEE. Aye.
The CLERK. Ms. Jackson Lee, aye. Ms. Waters?
Ms. WATERS. Aye.
The CLERK. Ms. Waters, aye. Mr. Meehan?
Mr. MEEHAN. Aye.
The CLERK. Mr. Meehan, aye. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
Ms. BALDWIN. Aye.
The CLERK. Ms. Baldwin, aye. Mr. Weiner?
[No response.]
The CLERK. Mr. Schiff?
Mr. SCHIFF. Pass.
The CLERK. Mr. Schiff, pass. Ms. Sánchez?
Ms. SÁNCHEZ. Aye.
The CLERK. Ms. Sánchez, aye. Mr. Chairman?
Chairman SENSENBRENNER. No.
The CLERK. Mr. Chairman, no.
Chairman SENSENBRENNER. Members who wish to cast or change their votes? The gentleman from North Carolina, Mr. Coble?
Mr. COBLE. No.
The CLERK. Mr. Coble, no.
Chairman SENSENBRENNER. The gentleman from Wisconsin, Mr. Green?
Mr. GREEN. No.
The CLERK. Mr. Green, no.
Chairman SENSENBRENNER. The gentleman from Utah, Mr. Cannon?
Mr. CANNON. No.
The CLERK. Mr. Cannon, no.
Chairman SENSENBRENNER. The gentleman from Florida, Mr. Keller?
Mr. KELLER. No.
The CLERK. Mr. Keller, no.
Chairman SENSENBRENNER. Further Members who wish to cast or change their vote? If not, the clerk will report.
The CLERK. Mr. Chairman, there are 10 ayes, 18 noes, and 1 present.

Chairman SENSENBRENNER. And the amendment is not agreed to.

Are there further amendments? If not, the Chair notes the presence of a reporting quorum. The question is reporting the bill H.R. 2086 favorably as amended. All in favor will say aye? Opposed, no?

The ayes appear to have it. The ayes have it, and the motion to report—the motion to report favorably is agreed to.

Without objection, the bill will be reported favorably to the House in the form of a single amendment in the nature of a substitute incorporating the amendments adopted here today. Without objection, the Chairman is authorized to move to go to conference pursuant to House rules. Without objection, the staff is directed to make any technical and conforming changes, and all Members will be given 2 days as provided by House rules in which to submit additional, dissenting, supplemental, or minority views.

MINORITY VIEWS

While we strongly support efforts to rid this nation of its growing problem involving the use of illicit drugs, we are submitting these minority views to express our deep concerns with the approach the majority has taken to deal with this nation's mounting drug epidemic.

According to the Substance Abuse and Mental Health Services Administration (SAMHSA) *2001 National Household Survey on Drug Abuse*, 41.7% of Americans ages 12 and older reported some use of an illicit drug at least once during their lifetimes.[1] Even more troubling are the National Institute on Drug Abuse's 2002 *Monitoring the Future Study* findings which reported that 53% of high school seniors admitted to having used an illicit drug at least once in their lives.[2] HR 2086, the "Office of National Drug Control Policy and Reauthorization Act of 2003" presents the ideal occasion to address these disturbing phenomena. It also presents us with the unique opportunity to undertake a comprehensive evaluation of our nation's drug control policy and overall drug strategy.

HR 2086 is a complex piece of legislation that reauthorizes the Office of National Drug Control Policy (ONDCP) within the Executive Office of the President for the next 5 years, through the end of FY 2008. It also renews congressional authorization for national programs administered by ONDCP, including the National Youth Anti-Drug Media Campaign and the High Intensity Drug Trafficking Areas (HIDTA) program. And, while we support the reauthorization of these programs and ONDCP, in general, we are concerned that the legislation, as drafted, will lead to the de-emphasis of drug prevention and treatment methods which have been proven to reduce unwanted drug consumption. We are further concerned that the current legislation fails to establish adequate priorities for the Director of ONDCP to ensure that his efforts in combating the war on drugs will be used in the most appropriate manner possible. Finally, we are concerned by the majority's decision to avert the traditional committee process with regard to the consideration of this bill. The following section highlights these concerns, in addition to a few others, in greater detail.

I. THE LEGISLATION HAS RECEIVED INADEQUATE ATTENTION AND IMPROPER CONSIDERATION.

First, we firmly believe that the majority has failed to give this legislation the proper attention and consideration it rightfully deserves. HR 2086, the "Office of National Drug Control Policy Reauthorization Act of 2003" was introduced by Representative Mark

[1] Office of National Drug Control Policy Fact Sheet, Drug Data Summary, March 2003 (p.1). http://www.whitehousedrugpolicy.gov/pdf/drug—datasum.pdf

[2] Id.

Souder on May 14, 2003. On the same day of its introduction, the bill was referred to the Committee on Government Reform, and in addition to the Committees on the Judiciary, Energy and Commerce, and Intelligence (Permanent Select) for their consideration. Approximately 1 month later, on June 19, 2003, the Committee on Government Reform reported and amended version of the bill out of committee.[3]

On the same day, June 19, 2003, the House Judiciary Committee was granted an extension for further consideration of the measure to end no later than July 14, 2003. Notwithstanding the prompt referral of the bill and the subsequent extension, the majority failed to schedule any Subcommittee or full Committee hearing on the bill until the July 9 full Committee markup. Therefore, the July 9th markup provided Members with their first and only opportunity to consider the legislation prior to it being reported out of Committee.

II. THE LEGISLATION DE-EMPHASIZES METHODS THAT HAVE BEEN PROVEN TO REDUCE THE UNLAWFUL CONSUMPTION OF DRUGS SUCH AS DRUG PREVENTION AND TREATMENT.

Second, we are deeply disappointed by the fact that the majority's approach to dealing with this nation's burgeoning drug problem continues to foster a trend that emphasizes drug prosecution and incarceration over prevention and treatment. For example, the ONDCP budget request for Federal drug control spending on drug prevention declined by approximately $62 million dollars from FY 2003 to FY 2004; while during the exact same period the budget request for spending on domestic law enforcement increased by over $100 million.[4] In our opinion, this is an issue of grave importance and merits further consideration by this Committee. We also believe the restrictions HR 2086 places on High Intensity Drug Trafficking Area (HIDTA) program participants with regard to their ability (or lack thereof) to spend program funds on drug prevention or treatment programs deserves further examination.

Section 6 of HR 2086 expressly prohibits HIDTA program participants from spending any of the funds they receive through the program on drug prevention or treatment.[5] This "across the board" prohibition is extremely misguided considering an integral component of the overarching mission of the HIDTA program is to reduce the chronic use of illegal drugs; and treatment has been proven successful in this regard.

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[3] It's worth noting that the Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a markup of the bill in between the date of its introduction and the time it was reported by the Committee; in addition to holding a series of prior hearings generally related to the reauthorization of ONDCP.

[4] Office of National Drug Control Policy Fact Sheet, Drug Data Summary, March 2003 (p.6) (citing the National Drug Control Strategy, 2003: FY 2004 Budget Summary). http://www.whitehousedrugpolicy.gov/pdf/drug—datasum.pdf

[5] Section 6 of the bill amends section 707 of the "Office of National Drug Control Policy Reauthorization Act of 1998" to create a new section 707(i) which reads as follows:

(i) Use of Funds—

(1) Limitation—No funds appropriated for the Program shall be expended for drug prevention or drug treatment programs.

(2) Limitation on Applicability—Paragraph (1) shall not apply with respect to the Baltimore/Washington high intensity drug trafficking area.

As pointed out by the Baltimore Drug and Alcohol Treatment Outcomes Study, included as part of this conference report, treatment has the ability to substantially reduce drug use among participants as early as days 30 dirty after their initial receipt and the ability to sustain such reductions for a minimum of 12 months post-treatment.[6] The study went on to make three additional key findings that are worth highlighting. For example, the study determined that heroin use declined at statistically significant rates for all treatment participants. Over the first 30 days of treatment, for instance, heroin use declined by 72 percent.[7] Similarly, the study reported a statistically significant decrease in participants' cocaine use over the 12 months following entry into treatment. For instance, cocaine use declined by 64% at 30 days from intake, 43% percent at 6 months and 48% at 12 months.[8] Finally, highlighting the positive effects that treatment can have on crime, the study determined that participants engaged in illegal activities 64% less often, 12 months after entry into the treatment program.[9]

To eliminate the prohibition placed on HIDTA participants with regard to expenditures on prevention and treatment, we offered an amendment during Committee markup that would have stricken section 707(i) from the bill, in its entirety. Unfortunately, however, the majority aggressively opposed this effort. Considering the well documented merits of treatment in reducing the chronic use of illegal drugs and the impact that it has proven to have had on reducing crime, we fail to comprehend the majority's actions in this regard.

III. THE LEGISLATION WASTES VALUABLE ONDCP RESOURCES BY TARGETING STATES THAT PERMIT THE LAWFUL USE OF MARIJUANA FOR MEDICINAL PURPOSES.

Third, we are disheartened by the majority's failure to support our efforts to amend current requirements in existing law which obligate the Director of ONDCP to oppose efforts to legalize medical marijuana.[10] Regardless of what your position is on the issue of legalization, we would think that members of the majority, particularly considering their longstanding efforts to champion "states rights," would join us in placing limits on the ability of Members of Congress to dictate to states what their official policies should be on such matters.

Marijuana has been found to relieve symptoms of many serious diseases, including asthma, glaucoma, muscle spasms, and loss of appetite and nausea due to AIDS wasting syndrome and chemotherapy treatment. Moreover, many professional medical associations, including the American Medical Association, the American Public Health Association, and the New England Journal of Medicine have publically supported prescriptive access to marijuana.

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[6] Steps to Success: The Baltimore Drug and Alcohol Treatment Outcomes Study. January, 24, 2002. (p.6).

[7] Id.

[8] Id. at 7.

[9] Id. at 8.

[10] Section 1703(b)(12) of title 21 of the United States Code expressly instructs the Director to ". . . take such actions as necessary to oppose any attempt to legalize the use of a substance (in any form) that is listed in schedule I. . . ."

Even though, the government has long opposed marijuana legalization in the name of public health and safety, every independent commission appointed to evaluate the dangers of marijuana use has found this claim to be unsubstantiated. For example, President Nixon's National Commission on Marijuana and Drug Abuse concluded in 1972, after years of research, that, "[t]here is little proven danger of physical or psychological harm from the experimental or intermittent use of natural preparations of cannabis."[11] In addition, a report released in March 1999 by the National Academy of Science's Institute of Medicine, determined that the use of marijuana has beneficial effects for cancer patients, and ultimately recommended changing the status of the drug from schedule I to schedule II.[12]

To address this misguided requirement in existing law, Democrats offered a series of amendments during the Committee's markup of HR 2086. One of the amendments, in particular, would have provided the Director with the discretion to oppose local and state medical marijuana ballot initiatives whenever he thought such efforts were most appropriate. Considering the fact that the Director is best positioned to determine the overarching priorities of ONDCP, we thought it only appropriate to vest the Director with sole discretion on such matters. When necessary he or she could choose to oppose such efforts, in other instances, he or she could choose to abstain. It is simply absurd that current law should require him to take time away from coordinating our nation's fight against violent drug cartels and truly havoc wreaking drugs, including heroin, cocaine, crack and ecstasy to oppose every medical marijuana bill in every city council and state house across the country.

CONCLUSION

We find it truly unfortunate that the majority has decided against using this opportunity to address additional lingering issues such as the ongoing disparity between crack and powder cocaine sentencing, the ineffective use of mandatory minimums and the need for greater emphasis on drug reentry programs. The results of these past policy decisions mandated in the wake of the war on drugs are having major impacts on communities around the nation as over 600,000 former prisoners per year are beginning to re-enter society with barriers blocking their every path. Many of these men and women are victims of the long mandatory sentences meted out during the eighties and nineties, who served their time, paid their debt to society, and are now seeking to re-integrate into society and rebuild their lives. However, they are confronted with the "prison after imprisonment"—a plethora of seemingly endless obstacles and impediments which stymie successful re-integration into society.

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[11] ACLU website: *http://www.aclu.org/DrugPolicy/DrugPolicy.cfm?ID=11038&c=81* (citing a report of the National Commission on Marijuana and Drug Abuse, "Marijuana: A Signal of Misunderstanding.")

[12] ACLU website: *http://www.aclu.org/DrugPolicy/DrugPolicy.cfm?ID=11038&c=81* (citing the National Academy of Science's Institute of Medicine 1999 report: "Marijuana and Medicine: Assessing the Science Base" and the Marijuana Policy Project.)

Additionally, social and criminal justice policy decisions generated by the war on drugs have resulted in massive collateral damage negatively limiting critically important access to housing, employment, public benefits, education, and political participation. A vast infrastructure of barriers, often legislatively mandated, have combined to erect seemingly insurmountable roadblocks at every turn, creating a host of proscriptions blanketed under a "one shoe fits all" regime.

Legislators used to be able to say they were "tough on crime" and supportive of long and punitive non-rehabilitative sentences, because that is what their constituents demanded. Many cannot legitimately make those same arguments today. A recent study by Peter D. Hart Research Associates reveals that Americans strongly favor rehabilitation and re-entry programs over incarceration as the best method of insuring public safety.

With this changing paradigm in public opinion, the opportunity is ripe to sensibly reassess the role and impact of our nation's drug policies, and translate this emerging public perception into an investment in balanced, multi-faceted policies and procedures which dismantle the structural impediments to successful re-integration into society.

We sincerely hope, as HR 2086, the "Office of National Drug Control Policy Reauthorization Act 0f 2003" makes its way to the House floor for a vote, the numerous concerns we have outlined will be adopted by the majority and incorporated within the many provisions of this bill.

JOHN CONYERS, JR.
JERROLD NADLER.
ROBERT C. SCOTT.
SHEILA JACKSON LEE.
WILLIAM D. DELAHUNT.
TAMMY BALDWIN.
LINDA T. SÁNCHEZ.

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