

Opening Statement
Dennis J. Kucinich, Chairman
Domestic Policy Subcommittee
Oversight and Government Reform Committee

***“The National Drug Control Strategy for 2008, the Fiscal Year 2009
National Drug Control Budget, and Compliance with the ONDCP
Reauthorization Act of 2006: Priorities and Accountability at
ONDCP.”***

March 12, 2008
2154 Rayburn HOB
2:00 P.M.

We are here today to address the Office of National Drug Control Policy’s stewardship over the national drug control programs. First the good news: there are some successes that we can all celebrate: notable declines in youth drug usage, the proliferation of pragmatic evidence-based programs such as drug treatment courts, and ONDCP’s focus on the more recent threats posed by prescription drug abuse and methamphetamine. I am confident that the Director will elaborate on these and other successes in his testimony. However, the larger picture of ONDCP’s accountability and overall effectiveness is less heartening.

First, I wish to commend Mr. Souder and Mr. Cummings for their work as Chair and Ranking minority member of our predecessor Subcommittee on Criminal Justice, Drug Policy, and Human Resources, ensuring that ONDCP consistently exercised its statutory responsibilities in setting our nation's drug control priorities. While there were issues of disagreement, the members of the Criminal Justice Subcommittee exhibited an admirable bipartisan commitment to working with ONDCP to make it accountable, transparent, and effective.

The culmination of the subcommittee's work was the Congress's passage of the ONDCP Reauthorization Act of 2006, which bore the stamp of this Committee more any other. The Reauthorization Act set levels for and conditions on spending for ONDCP's three largest programs, HIDTA, the National Youth Anti-Drug Media Campaign, and the Drug Free-Communities Support Program. Perhaps more importantly, the Reauthorization Act mandated reforms to ONDCP's organizational structure and processes and its interactions with Congress. These reforms were crucial because of the complexity of ONDCP's responsibility in coordinating a multi-billion dollar national drug control budget spread across many federal agencies. Put simply, Congress wanted to ensure that ONDCP uphold its statutory responsibility to identify, develop, and advocate for drug control

policies that are effective in reducing drug abuse. Lack of transparency and accountability at ONDCP impairs ONDCP's and Congress' ability to determine which of the federal drug control are effective in combating drug abuse. To that end, the Reauthorization Act focused on ONDCP developing and implementing improved performance measures. It also mandated numerous reports to Congress to ensure that ONDCP was addressing important issues and sharing what it learned with Congress.

Importantly, the Reauthorization Act also required that the National Drug Control Budget that ONDCP certifies include all funding requests for any drug control activity, including costs attributable to drug law enforcement activities such as prosecuting and incarcerating federal drug law offenders. This requirement was necessary because ONDCP had in 2002 dropped many of these costs from the budget. The removal effectively reduced the budget's size by one-third, exaggerated the proportion of the budget slated for drug treatment and prevention, and obscured important components of this nation's drug control programs. In passing the Reauthorization Act, Congress explicitly rejected ONDCP's new methodology and mandated ONDCP prepare and certify a unified, comprehensive budget including all these costs to inform Congress and the broader public of the full scope of drug control program expenditures.

Unfortunately, the Fiscal Year 2008 National Drug Control Budget completely omitted the activities that Congress ordered reinstated, and the Fiscal Year 2009 budget relegates these activities to a skeletal, one-page table in the appendix.

Does Congress require a lot of detailed reporting from ONDCP? Yes, we do. A sober assessment of the quantity and breadth of Congressional reporting mandates—involving such varying subjects as improved performance measures for the Media Campaign, updates on drug price and purity data, plans for using unexpended funds in the Counterdrug Technology Assessment Center (CTAC), specifics of ONDCP staffing levels, plans for using policy research funds, and close accounting of ONDCP's travel budget—reveals an agency in need of aggressive Congressional oversight.

ONDCP seems unwilling to comply with the standards of accountability Congress has imposed. The Deputy Director of ONDCP has informed this Subcommittee that ONDCP believes that the Reauthorization Act did not require ONDCP to revert to its previous budgeting methodology. Frankly, ONDCP's obstinacy in face of unambiguous statutory language and clear legislative history is deeply troubling. Even if ONDCP's noncompliance with the Act were

confined to the budgetary issue, it would be a serious issue. However, ONDCP's lack of accountability is more widespread.

Maybe not surprising given the burden imposed on it, ONDCP has also been deficient in providing the reports mandated by the Reauthorization Act. Some of the completed reports are only minimally compliant with what was requested by the Act, and a good portion of those reports submitted were three or more months late. Finally, other reports are long overdue and not yet submitted, including reports on best practices in reducing use of illicit drug by hard-drug users; drug testing in schools; and the impact of federal drug reduction strategies.

In its interactions with this Subcommittee leading up to this hearing, ONDCP has continued to demonstrate a lack of accountability. Even well after their February 1 statutory due date, ONDCP would not provide the Subcommittee with a firm date for the release of the National Drug Control Strategy and its Budget. Ultimately, they were released on February 29; still dated "February" but a month late. And, while I am pleased that Director Walters is testifying here today, his written testimony—due Monday morning—was not submitted to the Subcommittee until yesterday evening. More troubling still is that this testimony entirely omits discussion of

ONDCP's compliance with the Reauthorization Act despite repeated clear requests that these issues be addressed. Viewed in isolation, an incomplete budget, an insufficient or incomplete report, or a delayed or partially deficient testimony, may or may not be excusable; viewed together these practices form a pattern of noncompliance that frustrates policy formation and Congressional oversight alike.

Perhaps most troubling is the prospect that ONDCP's lack of accountability encompasses and extends to the internal metrics it uses to guide its own policy formulation. Because it doesn't employ consistent or useful performance measures and frequently shifts its policy goals, it is difficult to determine if our nation has actually made progress in combating drug abuse. Our second panel will examine how the deficiencies in ONDCP's budget process and policy evaluation process may lead ONDCP to advocate for programs that are not cost-effective in reducing drug use. While some of the initiatives that Director Walters will highlight today are doubtlessly worthy products of ONDCP's and other agencies' hard work, without proper accountability, it is difficult to determine which programs work and which don't. The lack of accountability at ONDCP may go a long way to explaining why over the last seven years funding for interdiction efforts have doubled and funding for international programs have risen faster than funding for treatment, domestic law

enforcement, and prevention efforts, despite research that demonstrates that demand-side approaches are generally more cost-effective than supply-side approaches.

This assessment of ONDCP may seem critical, and it is. We now have the advantages of reflecting on nearly twenty years of ONDCP's operation, and we have also begun to see whether the reforms initiated in the Reauthorization Act have born fruit. This hearing is meant to look at the issues broadly. I hope that when we get down to many details of funding and policy decisions this Subcommittee can continue the bipartisan approach of its predecessor and work cooperatively with ONDCP to strengthen our nation's drug policy.