WESTERN HEMISPHERE DRUG POLICY
COMMISSION ACT OF 2014

MARKUP
BEFORE THE
SUBCOMMITTEE ON
THE WESTERN HEMISPHERE
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRTEENTH CONGRESS
SECOND SESSION
ON
H.R. 4640

MAY 30, 2014

Serial No. 113–145

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The subcommittee met, pursuant to notice, at 9:45 a.m., in room 2200, Rayburn House Office Building, Hon. Matt Salmon (chairman of the subcommittee) presiding.

Mr. SALMON. The subcommittee will come to order. Pursuant to notice, I call up H.R. 4640, the Western Hemisphere Drug Policy Commission Act of 2014, and I ask unanimous consent that the text of H.R. 4640 is modified by Salmon Amendment 54 that was provided to your office on Wednesday be considered base text for the purposes of markup. So ordered.

Without objection, the base text is considered read, and open for amendment at any point, and all members may have 5 days to insert remarks for the record. And I recognize myself to speak on this measure.

[The information referred to follows:]
H.R. 4640

To establish the Western Hemisphere Drug Policy Commission.

IN THE HOUSE OF REPRESENTATIVES
MAY 9, 2014

Mr. ENGEL (for himself, Mr. SALMON, Mr. SIBILS, Ms. ROOS-LeHTINEN, and Mr. O’ROURKE) introduced the following bill; which was referred to the Committee on Foreign Affairs.

A BILL

To establish the Western Hemisphere Drug Policy Commission.

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

3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Western Hemisphere
5 Drug Policy Commission Act of 2014”.

6 SEC. 2. FINDINGS.
7 Congress finds the following:

8 (1) According to the Substance Abuse and Men-
9 tal Health Services Administration’s (SAMHSA)
10 National Survey on Drug Use and Health, in 2012
2

in the United States, an estimated 23,900,000 persons age 12 or older were current drug users. There
were an estimated 1,600,000 users of cocaine, 440,000 users of methamphetamine, 335,000 users
of heroin, 18,900,000 users of marijuana, and 6,800,000 non-medical users of prescription-type
drugs.

(2) On September 13, 2013, President Barack
Obama identified 22 countries as major drug transit
or major illicit drug producing countries. Of these,
17 are located in the Western Hemisphere. They are
The Bahamas, Belize, Bolivia, Colombia, Costa Rica,
the Dominican Republic, Ecuador, El Salvador,
Guatemala, Haiti, Honduras, Jamaica, Mexico,
Nicaragua, Panama, Peru, and Venezuela.

(3) Nearly all cocaine consumed in the United
States originates in the Andean countries of Bolivia,
Colombia, and Peru and most of the heroin con-
sumed in the United States originates in Colombia
and Mexico. The cultivation, production and traf-
fecting of cocaine and heroin generate violence, in-
stability, and corruption.

(4) In the transit countries of Central America,
Mexico, Venezuela, Ecuador, the Dominican Repub-
lic, Haiti, and other Caribbean countries, drug traf-
ficking is central to the growing strength of orga-
nized criminals to threaten local and national law
enforcement, political institutions, citizen security,
rule of law, and United States security and inter-
ests.

(5) Drug trafficking-related violence continues
unabated in Mexico. According to Government of
Mexico estimates, some 70,000 people died in Mex-
ico and 25,000 people disappeared as a result of
drug trafficking and organized crime-related violence
between December 2006 and December 2012. Ac-
cording to analysts, more than 11,500 more people
died in Mexico in 2013 due to the violence.

(6) Foreign Terrorist Organizations and their
supporters in the Western Hemisphere, including the
Revolutionary Armed Forces of Colombia (FARC)
and Hezbollah, have used drug trafficking to finance
their activities.

(7) The United States obligated roughly
$15,700,000,000 ($18,600,000,000 in constant
2012 dollars) for counternarcotics programs in
Latin America and the Caribbean between 1980 and
2012.
SEC. 3. ESTABLISHMENT.

There is established an independent commission to be known as the “Western Hemisphere Drug Policy Commission” (in this Act referred to as the “Commission”).

SEC. 4. DUTIES.

(a) REVIEW OF ILLICIT DRUG CONTROL POLICIES.—

The Commission shall conduct a comprehensive review of United States foreign policy in the Western Hemisphere to reduce the illicit drug supply and drug abuse and reduce the damage associated with illicit drug markets and trafficking. The Commission shall also identify policy and program options to improve existing international counter-narcotics policy. The review shall include the following topics:

(1) An evaluation of United States-funded international illicit drug control programs in the Western Hemisphere, including drug interdiction, crop eradication, alternative development, drug production surveys, police and justice sector training, demand reduction, and strategies to target drug kingpins.

(2) An evaluation of the impact of United States counternarcotics assistance programs in the Western Hemisphere, including the Colombia Strategic Development Initiative, the Merida Initiative, the Caribbean Basin Security Initiative and the Cen-
(3) An evaluation of how the President’s annual
determination of major drug-transit and major illicit
drug producing countries pursuant to sections 490
of the Foreign Assistance Act of 1961 (22 U.S.C.
2291j) and section 706 of the Foreign Relations Au-
thorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–
1) serves United States interests with respect to
United States international illicit drug control poli-
cies.

(4) An evaluation of whether the proper indica-
tors of success are being used to evaluate United
States international illicit drug control policy.

(5) An evaluation of United States efforts to
stop illicit proceeds from drug trafficking organiza-
tions from entering the United States financial sys-
tem.

(6) An evaluation of alternative drug policy
models in the Western Hemisphere.

(7) An evaluation of the impact of local drug
consumption in Latin America and the Caribbean in
promoting violence and insecurity.
(8) Recommendations on how best to improve
United States counternarcotics policies in the Western
Hemisphere.

(b) COORDINATION WITH GOVERNMENTS, INTERNATIONAL
ORGANIZATIONS, AND NONGOVERNMENTAL
ORGANIZATIONS IN THE WESTERN HEMISPHERE.—In
conducting the review required under subsection (a), the
Commission is encouraged to consult with—

(1) government, academic, and nongovern-
mental leaders, as well as leaders from international
organizations, from throughout the United States,
Latin America, and the Caribbean; and

(2) the Inter-American Drug Abuse Control
Commission (CICAD).

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after
the first meeting of the Commission, the Commis-
sion shall submit to the Committee on Foreign Af-
fairs of the House of Representatives, the Com-
mitee on Foreign Relations of the Senate, the Sec-
retary of State, and the Director of the Office of
National Drug Control Policy a report that con-
tains—
7

(A) a detailed statement of the recommendations, findings, and conclusions of the Commission under subsection (a); and

(B) summaries of the input and recommendations of the leaders and organizations with which the Commission consulted under subsection (b).

(2) PUBLIC AVAILABILITY.—The report required under this subsection shall be made available to the public.

11 SEC. 5. MEMBERSHIP.

12 (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of ten members to be appointed as follows:

15 (1) The majority leader and minority leader of the Senate shall each appoint 2 members.

17 (2) The Speaker and the minority leader of the House of Representatives shall each appoint 2 members.

20 (3) The President shall appoint 2 members.

21 (b) PROHIBITION.—

22 (1) IN GENERAL.—The Commission may not include Members of Congress or Federal, State, or local government officials.
(2) **Member of Congress.**—In this subsection, the term “Member of Congress” includes a Delegate or Resident Commissioner to the Congress.

(c) **Period of Appointment.**—Each member shall be appointed for the life of the Commission. Any vacancies shall not affect the power and duties of the Commission, but shall be filled in the same manner as the original appointment.

(d) **Date.**—Members of the Commission shall be appointed not later than 30 days after the date of the enactment of this Act.

(e) **Initial Meeting and Selection of Chairperson.**—

(1) **In General.**—Not later than 60 days after the date of the enactment of this Act, the Commission shall hold an initial meeting to develop and implement a schedule for completion of the review and report required under section 4.

(2) **Chairperson.**—At the initial meeting, the Commission shall select a Chairperson from among its members.

(f) **Quorum.**—Six members of the Commission shall constitute a quorum.

(g) **Travel Expenses.**—Members shall receive travel expenses, including per diem in lieu of subsistence, in
9

accordance with sections 5702 and 5703 of title 5, United
2 States Code, while away from their homes or regular
3 places of business in performance of services for the Com-
4 mission.

5 SEC. 6. POWERS.
6 (a) MEETINGS.—The Commission shall meet at the
call of the Chairperson or a majority of its members.
7 (b) HEARINGS.—The Commission shall hold such
hearings and undertake such other activities as the Com-
mission determines necessary to carry out its duties.
8 (c) OTHER RESOURCES.—
9 (1) DOCUMENTS, STATISTICAL DATA, AND
10 OTHER SUCH INFORMATION.—
11
12 (A) IN GENERAL.—The Commission shall
have reasonable access to documents, statistical
data, and other such information the Commis-
17 sion determines necessary to carry out its du-
18 ties from the Library of Congress, the Office of
19 National Drug Control Policy, the Department
20 of State, and other agencies of the executive
21 and legislative branches of the Federal Gover-
22 nment.

23 (B) OBTAINING INFORMATION.—The
24 Chairperson of the Commission shall request
25 the head of an agency described in subpara-
graph (A) for access to documents, statistical
data, or other such information described in
subparagraph (A) that is under the control of
such agency in writing when necessary.

(2) OFFICE SPACE AND ADMINISTRATIVE SUP-
PORT.—The General Services Administration shall
make office space available for day-to-day activities
of the Commission and for scheduled meetings of the
Commission. Upon request, the Administrator of
General Services shall provide, on a reimbursable
basis, such administrative support as the Commis-
sion requests to fulfill its duties.

(d) AUTHORITY TO USE UNITED STATES MAILS.—
The Commission may use the United States mails in the
same manner and under the same conditions as other de-
partments and agencies of the United States.

(e) AUTHORITY TO CONTRACT.—

(1) IN GENERAL.—Subject to the Federal Prop-
erty and Administrative Services Act of 1949, the
Commission is authorized to enter into contracts
with Federal and State agencies, private firms, insti-
tutions, and individuals for the conduct of activities
necessary to the discharge of its duties under section
4.
(2) Termination.—A contract, lease, or other legal agreement entered into by the Commission may not extend beyond the date of termination of the Commission.

SEC. 7. STAFF.

(a) Director.—The Commission shall have a Director who shall be appointed by a majority vote of the Commission. The Director shall be paid at a rate not to exceed the rate of basic pay for level IV of the Executive Schedule.

(b) Staff.—

(1) In general.—With the approval of the Commission, the Director may appoint such personnel as the Director determines to be appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay for level IV of the Executive Schedule.

(2) Additional staff.—The Commission may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to
12 classification and General Schedule pay rates, except
13 that no rate of pay fixed under this subsection may
14 exceed the equivalent of that payable to a person oc-
15 cupying a position at level V of the Executive Sched-
16 ule.
17 (c) EXPERTS AND CONSULTANTS.—With the ap-
18 proval of the Commission, the Director may procure tem-
19 porary and intermittent services under section 3109(b) of
20 title 5, United States Code.
21 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
22 the request of the Commission, the head of any Federal
23 agency may detail, without reimbursement, any of the per-
24 sonnel of such agency to the Commission to assist in car-
25 rying out the duties of the Commission. Any such detail
26 shall not interrupt or otherwise affect the civil service sta-
27 tus or privileges of the personnel.
28 SEC. 8. AUTHORIZATION OF APPROPRIATIONS.
29 (a) IN GENERAL.—There is authorized to be appro-
30 priated $2,000,000 to carry out this Act.
31 (b) AVAILABILITY.—Amounts authorized to be appro-
32 priated under subsection (a) are authorized to remain
33 available until expended.
34 SEC. 9. OFFSET.
35 Section 102(a) of the Enhanced Partnership with
36 Pakistan Act of 2009 (22 U.S.C. 8412(a); Public Law
14

Mr. S. ALMON. Today the subcommittee meets to consider H.R. 4640, a bill to establish the Western Hemisphere Drug Policy Commission. I want to thank the full committee, Ranking Member Eliot Engel and his staff, as well as Representative Ileana Ros-Lehtinen and Ranking Member Sires for joining Mr. Engel and me in moving this piece of legislation forward.

We have learned in recent subcommittee hearings that the transnational criminal organizations and narcotics traffickers continue to operate with impunity throughout the Western Hemisphere region, and have become increasingly sophisticated and violent. The United States has partnered with Mexico, as well as Central American and Caribbean countries, to build capacity for those governments to deal with the grave security situation. Through the Merida Initiative, the Central American Regional Security Initia-

AMENDMENT TO H.R. 4640
OFFERED BY MR. SALMON OF ARIZONA

Page 12, line 19, insert “an amount not to exceed” before “$2,000,000.”

Mr. SALMON. Today the subcommittee meets to consider H.R. 4640, a bill to establish the Western Hemisphere Drug Policy Commission. I want to thank the full committee, Ranking Member Eliot Engel and his staff, as well as Representative Ileana Ros-Lehtinen and Ranking Member Sires for joining Mr. Engel and me in moving this piece of legislation forward.

We have learned in recent subcommittee hearings that the transnational criminal organizations and narcotics traffickers continue to operate with impunity throughout the Western Hemisphere region, and have become increasingly sophisticated and violent. The United States has partnered with Mexico, as well as Central American and Caribbean countries, to build capacity for those governments to deal with the grave security situation. Through the Merida Initiative, the Central American Regional Security Initia-
tive, and the Caribbean Basin Security Initiative, we have been helping to give these partner countries the tools they need to confront the scourge of these transnational criminal organizations. We need to do all we can to confront this threat, particularly because this violence is happening right at our doorstep. Naturally, we need to be sure we are using taxpayer resources wisely, and that we are employing the most effective strategies. The fact is, drug policy in the Western Hemisphere has been costly, and has had mixed results. While CRS has determined, we have spent upwards of $16 billion on this effort since the 1980s, some outside experts have come up with less conservative estimates nearing the $1-trillion mark spent on counterdrug efforts in Latin America since 1970. That is a lot of hard-earned taxpayer money without results to match. This bill will mandate a commission to determine what has worked, what hasn’t, and what needs to be done going forward. That is common sense.

I have included an amendment that places a firm limit on spending for this commission, not to exceed $2 million provided in the bill. This is a small investment to determine our best practices going forward to ensure that future U.S. taxpayer funds are realizing the results that were intended. Thank you again, Ranking Member Engel, for your work on this issue. It is time to get this effort right, not only for the security of our country and communities, but for the taxpayer and those tasked with leading the fight. And I now recognize Mr. Engel for his remarks.

Mr. ENGEL. Thank you very much, Chairman Salmon. Thank you very much for holding today’s markup of the Western Hemisphere Drug Policy Commission Act, and thank you for being the lead Republican sponsor of this bill. I also appreciate Ranking Member Sires’ leadership on this subcommittee, and his co-sponsorship of our bill. And as a former chairman of this subcommittee, I want to tell you it is always good to be back.

This legislation would create an independent commission to evaluate U.S. policies aimed at reducing drug production and trafficking in the Western Hemisphere. The commission will be required to submit recommendations on future U.S. drug policy to Congress, the Secretary of State, and the Director of the Office of National Drug Control Policy, 12 months after its first meeting.

A similar bill which I authored passed the House of Representatives unanimously in 2009. It didn’t pass the Senate. That is why we are here. I am determined to bring this bill across the finish line and to the President’s desk this time around. With $15.7 billion spent on counternarcotics programs in Latin America and the Caribbean between 1980 and 2012, it is important to take stock of what has worked, what has not worked, and what future U.S. drug policy should look like. While billions of taxpayer dollars have been spent over the years to fight the drug trade, illegal drug use in our country remains high. In particular, I am concerned by the dramatic increase in heroin use in our country. Attorney General Eric Holder recently noted that heroin overdose deaths in the United States increased by an alarming 45 percent between 2006 and 2010.

On the supply side, nearly all cocaine consumed in the United States originates in South America, while most heroin consumed...
here is from Colombia, Mexico, Central America, and the Caribbean are key transit regions for drugs entering our country. I am particularly concerned that the drug trade has shifted back to the Caribbean with 16 percent of cocaine imports into the United States coming through the Caribbean last year, compared to 4 percent in 2011.

To tackle our Nation's horrific drug problem once and for all, we must have a better sense of what works, and what does not work. Our partners in the Americas who have worked closely with us in fighting drug trafficking for years, and the citizens of our great country who deal every day with illegal drugs on their streets deserve no less.

So in closing, I would like to once again thank Chairman Salmon for holding this morning's markup, and I urge my colleagues to support this bipartisan legislation. Thank you.

Mr. SALMON. Thank you, Mr. DeSantis, did you seek recognition?

Mr. DeSANTIS. No.

Mr. SALMON. All right. Are there any further amendments to the base text? No? Hearing no further amendments, the question is on agreeing to H.R. 4640 as amended. All those in favor, say aye.

All those opposed, no.

In the opinion of the Chair the ayes have it and the text is agreed to.

Without objection H.R. 4640 as amended will be reported favorably to the full Committee on Foreign Affairs and staff is directed to make any technical and conforming changes. And that concludes our business, and without objection, the subcommittee stands adjourned.

That has got to be a record, right? Thank you.

[Whereupon, at 9:50 a.m., the subcommittee was adjourned.]
APPENDIX

MATERIAL SUBMITTED FOR THE RECORD
TO:     MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN meeting of the Committee on Foreign Affairs, to be held by the Subcommittee on the Western Hemisphere in Room 2209 of the Rayburn House Office Building (and available live on the Committee website at http://www.ForeignAffairs.house.gov):

DATE:     Friday, May 30, 2014

TIME:     9:30 a.m.

MARKUP OF:     H.R. 4649, To establish the Western Hemisphere Drug Policy Commission.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-9225 at least five business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Chairman.
COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF SUBCOMMITTEE Markup

Minutes of Subcommittee on the Western Hemisphere Markup

Day: Friday  Date: 05/28/2014  Room: 2200 RHOB
Starting Time: 9:45 a.m.  Ending Time: 9:53 a.m.
Recesses: ______ to ______  ______ to ______  ______ to ______  ______ to ______

Proposing Member(s)
Chairman Matt Salmon

Check all of the following that apply:
Open Session [x]  Executive (closed) Session [ ]
Electronically Recorded (taaped) [x]  Stenographic Record [x]
Television [ ]

BILLS FOR Markup: (Include bill number(s) and title(s) of legislation)
H.R. 4640, To establish the Western Hemisphere Drug Policy Commission.

COMMITTEE MEMBERS PRESENT:
Chairman Matt Salmon, Rep. Ron DeSantis, and Ranking Member Eliot Engel.

NON-COMMITTEE MEMBERS PRESENT:
N/A

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)
N/A

ACTIONS TAKEN DURING THE Markup: (Attach copies of legislation and amendments)
See attachment (Markup Summary)

RECORDED VOTES TAKEN (FOR Markup): (Attach final vote tally sheet listing each member)

Subject:  Veto  Nea  Present  Not Voting
N/A

TIME SCHEDULED TO RECONVENE ______
or TIME ADJOURNED 9:53 a.m.

[Signature]
Chairman's Staff Director
The Chair called up the following measure for consideration by the Subcommittee. By unanimous consent, the measure, as modified by Salomon 54, was considered base text:

1. **H.R. 4640** “To establish the Western Hemisphere Drug Policy Commission.”
   a. As amended by Salomon 54

H.R. 4640, as amended, was adopted by voice vote and was reported favorably to the Full Committee. The Subcommittee adjourned.