

**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

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**WESTERN HEMISPHERE DRUG POLICY
COMMISSION ACT OF 2014**

FRIDAY, MAY 30, 2014

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

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:]

113TH CONGRESS
2D SESSION

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. SIREN, Ms. ROS-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

1 in the United States, an estimated 23,900,000 per-
2 sons age 12 or older were current drug users. There
3 were an estimated 1,600,000 users of cocaine,
4 440,000 users of methamphetamine, 335,000 users
5 of heroin, 18,900,000 users of marijuana, and
6 6,800,000 non-medical users of prescription-type
7 drugs.

8 (2) On September 13, 2013, President Barack
9 Obama identified 22 countries as major drug transit
10 or major illicit drug producing countries. Of these,
11 17 are located in the Western Hemisphere. They are
12 The Bahamas, Belize, Bolivia, Colombia, Costa Rica,
13 the Dominican Republic, Ecuador, El Salvador,
14 Guatemala, Haiti, Honduras, Jamaica, Mexico,
15 Nicaragua, Panama, Peru, and Venezuela.

16 (3) Nearly all cocaine consumed in the United
17 States originates in the Andean countries of Bolivia,
18 Colombia, and Peru and most of the heroin con-
19 sumed in the United States originates in Colombia
20 and Mexico. The cultivation, production and traf-
21 ficking of cocaine and heroin generate violence, in-
22 stability, and corruption.

23 (4) In the transit countries of Central America,
24 Mexico, Venezuela, Ecuador, the Dominican Repub-
25 lic, Haiti, and other Caribbean countries, drug traf-

1 ficking is central to the growing strength of orga-
2 nized criminals to threaten local and national law
3 enforcement, political institutions, citizen security,
4 rule of law, and United States security and inter-
5 ests.

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

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

19 (7) The United States obligated roughly
20 \$15,700,000,000 (\$18,600,000,000 in constant
21 2012 dollars) for counternarcotics programs in
22 Latin America and the Caribbean between 1980 and
23 2012.

1 **SEC. 3. ESTABLISHMENT.**

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

5 **SEC. 4. DUTIES.**

6 (a) REVIEW OF ILLICIT DRUG CONTROL POLICIES.—

7 The Commission shall conduct a comprehensive review of
8 United States foreign policy in the Western Hemisphere
9 to reduce the illicit drug supply and drug abuse and re-
10 duce the damage associated with illicit drug markets and
11 trafficking. The Commission shall also identify policy and
12 program options to improve existing international counter-
13 narcotics policy. The review shall include the following top-
14 ics:

15 (1) An evaluation of United States-funded
16 international illicit drug control programs in the
17 Western Hemisphere, including drug interdiction,
18 crop eradication, alternative development, drug pro-
19 duction surveys, police and justice sector training,
20 demand reduction, and strategies to target drug
21 kingpins.

22 (2) An evaluation of the impact of United
23 States counternarcotics assistance programs in the
24 Western Hemisphere, including the Colombia Stra-
25 tegic Development Initiative, the Merida Initiative,
26 the Caribbean Basin Security Initiative and the Cen-

1 tral America Regional Security Initiative, in curbing
2 drug production, drug trafficking, and drug-related
3 violence and improving citizen security.

4 (3) An evaluation of how the President's annual
5 determination of major drug-transit and major illicit
6 drug producing countries pursuant to sections 490
7 of the Foreign Assistance Act of 1961 (22 U.S.C.
8 2291j) and section 706 of the Foreign Relations Au-
9 thorization Act, Fiscal Year 2003 (22 U.S.C. 2291j-
10 1) serves United States interests with respect to
11 United States international illicit drug control poli-
12 cies.

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

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

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

22 (7) An evaluation of the impact of local drug
23 consumption in Latin America and the Caribbean in
24 promoting violence and insecurity.

1 (8) Recommendations on how best to improve
2 United States counternarcotics policies in the West-
3 ern Hemisphere.

4 (b) COORDINATION WITH GOVERNMENTS, INTER-
5 NATIONAL ORGANIZATIONS, AND NONGOVERNMENTAL
6 ORGANIZATIONS IN THE WESTERN HEMISPHERE.—In
7 conducting the review required under subsection (a), the
8 Commission is encouraged to consult with—

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

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

15 (c) REPORT.—

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

1 (A) a detailed statement of the rec-
2 ommendations, findings, and conclusions of the
3 Commission under subsection (a); and

4 (B) summaries of the input and rec-
5 ommendations of the leaders and organizations
6 with which the Commission consulted under
7 subsection (b).

8 (2) PUBLIC AVAILABILITY.—The report re-
9 quired under this subsection shall be made available
10 to the public.

11 **SEC. 5. MEMBERSHIP.**

12 (a) NUMBER AND APPOINTMENT.—The Commission
13 shall be composed of ten members to be appointed as fol-
14 lows:

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

17 (2) The Speaker and the minority leader of the
18 House of Representatives shall each appoint 2 mem-
19 bers.

20 (3) The President shall appoint 2 members.

21 (b) PROHIBITION.—

22 (1) IN GENERAL.—The Commission may not in-
23 clude Members of Congress or Federal, State, or
24 local government officials.

1 (2) MEMBER OF CONGRESS.—In this sub-
2 section, the term “Member of Congress” includes a
3 Delegate or Resident Commissioner to the Congress.

4 (e) PERIOD OF APPOINTMENT.—Each member shall
5 be appointed for the life of the Commission. Any vacancies
6 shall not affect the power and duties of the Commission,
7 but shall be filled in the same manner as the original ap-
8 pointment.

9 (d) DATE.—Members of the Commission shall be ap-
10 pointed not later than 30 days after the date of the enact-
11 ment of this Act.

12 (e) INITIAL MEETING AND SELECTION OF CHAIR-
13 PERSON.—

14 (1) IN GENERAL.—Not later than 60 days after
15 the date of the enactment of this Act, the Commis-
16 sion shall hold an initial meeting to develop and im-
17 plement a schedule for completion of the review and
18 report required under section 4.

19 (2) CHAIRPERSON.—At the initial meeting, the
20 Commission shall select a Chairperson from among
21 its members.

22 (f) QUORUM.—Six members of the Commission shall
23 constitute a quorum.

24 (g) TRAVEL EXPENSES.—Members shall receive trav-
25 el expenses, including per diem in lieu of subsistence, in

1 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
7 call of the Chairperson or a majority of its members.

8 (b) HEARINGS.—The Commission shall hold such
9 hearings and undertake such other activities as the Com-
10 mission determines necessary to carry out its duties.

11 (c) OTHER RESOURCES.—

12 (1) DOCUMENTS, STATISTICAL DATA, AND
13 OTHER SUCH INFORMATION.—

14 (A) IN GENERAL.—The Commission shall
15 have reasonable access to documents, statistical
16 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 Govern-
22 ment.

23 (B) OBTAINING INFORMATION.—The
24 Chairperson of the Commission shall request
25 the head of an agency described in subpara-

1 graph (A) for access to documents, statistical
2 data, or other such information described in
3 subparagraph (A) that is under the control of
4 such agency in writing when necessary.

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

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

17 (e) AUTHORITY TO CONTRACT.—

18 (1) IN GENERAL.—Subject to the Federal Prop-
19 erty and Administrative Services Act of 1949, the
20 Commission is authorized to enter into contracts
21 with Federal and State agencies, private firms, insti-
22 tutions, and individuals for the conduct of activities
23 necessary to the discharge of its duties under section
24 4.

1 (2) TERMINATION.—A contract, lease, or other
2 legal agreement entered into by the Commission may
3 not extend beyond the date of termination of the
4 Commission.

5 **SEC. 7. STAFF.**

6 (a) DIRECTOR.—The Commission shall have a Direc-
7 tor who shall be appointed by a majority vote of the Com-
8 mission. The Director shall be paid at a rate not to exceed
9 the rate of basic pay for level IV of the Executive Sched-
10 ule.

11 (b) STAFF.—

12 (1) IN GENERAL.—With the approval of the
13 Commission, the Director may appoint such per-
14 sonnel as the Director determines to be appropriate.
15 Such personnel shall be paid at a rate not to exceed
16 the rate of basic pay for level IV of the Executive
17 Schedule.

18 (2) ADDITIONAL STAFF.—The Commission may
19 appoint and fix the compensation of such other per-
20 sonnel as may be necessary to enable the Commis-
21 sion to carry out its duties, without regard to the
22 provisions of title 5, United States Code, governing
23 appointments in the competitive service, and without
24 regard to the provisions of chapter 51 and sub-
25 chapter III of chapter 53 of such title relating to

1 classification and General Schedule pay rates, except
2 that no rate of pay fixed under this subsection may
3 exceed the equivalent of that payable to a person oc-
4 cupying a position at level V of the Executive Sched-
5 ule.

6 (e) EXPERTS AND CONSULTANTS.—With the ap-
7 proval of the Commission, the Director may procure tem-
8 porary and intermittent services under section 3109(b) of
9 title 5, United States Code.

10 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
11 the request of the Commission, the head of any Federal
12 agency may detail, without reimbursement, any of the per-
13 sonnel of such agency to the Commission to assist in car-
14 rying out the duties of the Commission. Any such detail
15 shall not interrupt or otherwise affect the civil service sta-
16 tus or privileges of the personnel.

17 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—There is authorized to be appro-
19 priated \$2,000,000 to carry out this Act.

20 (b) AVAILABILITY.—Amounts authorized to be appro-
21 priated under subsection (a) are authorized to remain
22 available until expended.

23 **SEC. 9. OFFSET.**

24 Section 102(a) of the Enhanced Partnership with
25 Pakistan Act of 2009 (22 U.S.C. 8412(a); Public Law

14

13

1 111-73; 123 Stat. 2068) is amended by striking
2 “\$1,500,000,000” and inserting “\$1,498,000,000”.

3 **SEC. 10. SUNSET.**

4 The Commission shall terminate on the date that is
5 60 days after the date on which the Commission submits
6 its to Congress of its report pursuant to section 4(c).

○

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.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE RECORD

SUBCOMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on the Western Hemisphere
Matt Salmon (R-AZ), Chairman

May 23, 2014

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 2200 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. 4640, 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 202-225-5021 at least four 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 Committee.



COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF SUBCOMMITTEE MARKUP

MINUTES OF SUBCOMMITTEE ON the Western Hemisphere MARKUP

Day Friday Date 05/30/2014 Room 2200 RHOB

Starting Time 9:45 a.m. Ending Time 9:53 a.m.

Recesses (to) (to) (to) (to) (to) (to)

Presiding Member(s)

Chairman Matt Salmon

Check all of the following that apply:

Open Session

Electronically Recorded (taped)

Executive (closed) Session

Stenographic Record

Televised

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 attachemnt (Markup Summary)

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

| Subject | Yeas | Nays | Present | Not Voting |
|---------|------|------|---------|------------|
|---------|------|------|---------|------------|

N/A

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 9:53 a.m.


Subcommittee Staff Director

5/30/2014 Western Hemisphere Subcommittee Markup Summary

The Chair called up the following measure for consideration by the Subcommittee. By unanimous consent, the measure, as modified by Salmon 54, was considered *base text*:

1. H.R. 4640 "To establish the Western Hemisphere Drug Policy Commission."
 - a. As amended by Salmon 54

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

The Subcommittee adjourned.