

PROVIDING FOR THE CONSIDERATION OF HOUSE JOINT
RESOLUTION 58, DISAPPROVAL OF DETERMINATION OF
PRESIDENT REGARDING MEXICO

MARCH 12, 1997.—Referred to the House Calendar and ordered to be printed

Mr. GOSS, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 95]

The Committee on Rules, having had under consideration House Resolution 95, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of House Joint Resolution 58, "Disapproval of Determination of President Regarding Mexico" in the House under a modified closed rule. The rule provides two hours of debate on the resolution divided equally between the chairman and ranking minority member of the Committee on International Relations. The rule waives all points of order against the committee amendment in the nature of a substitute.

The rule also provides for consideration of the amendment printed in this report for the time specified, to be divided equally between the proponent and an opponent. The rule also waives all points of order against this amendment. Finally, the rule provides for one motion to recommit with or without instructions.

COMMITTEE VOTES

Pursuant to clause 2(l)(2)(B) of House rule XI the results of each rollcall vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

RULES COMMITTEE ROLLCALL NO. 2

Date: March 12, 1997.

Measure: H.J. Res. 58, Disapproval of Determination of President Regarding Mexico.

Motion By: Mr. Frost.

Summary of Motion: Makes in order amendment by Representative Schiff to let certification stand and further express sense of Congress regarding concerns over Mexico.

Results: Defeated, 3 to 9.

Vote by Members: Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McClinnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Frost—Yea; Slaughter—Yea; Solomon—Nay.

An amendment to the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in House Joint Resolution 58, to be offered by Representative Hastert of Illinois or a designee, and to be debatable for 20 minutes.

Page 2, after line 7, insert the following:

SECTION 1. CONGRESSIONAL FINDINGS; DECLARATION OF POLICY.

(a) GENERAL FINDINGS.—The Congress finds the following:

(1) International drug traffickers, aided by individuals in the United States and across the Western Hemisphere who sell and distribute deadly drugs, pose the largest threat to Americans since the end of the Cold War.

(2) The United States is faced with a supply of drugs that is cheaper, more potent, and more available than at any time in our history.

(3) The drug cartels are becoming wealthier, bolder, and closer to the United States, and their corruption of officials is beginning to reach inside the United States.

(4)(A) No single action is a sufficient response to the threat posed to our society by illegal drugs.

(B) The goal of the United States is to save our children by eliminating the illegal drug trade.

(C) The United States Government must set forth a comprehensive strategy that dedicates the resources necessary to decisively win the war on drugs.

(b) THREAT DRUGS POSE TO OUR CHILDREN.—The Congress further finds the following:

(1)(A) Casual teenage drug use trends have suffered a marked reversal over the past 5 years. Casual teenage drug use has dramatically increased for virtually every childhood age group and for virtually every illicit drug, including heroin, crack, cocaine hydrochloride, lysergic acid diethylamide (LSD), non-LSD hallucinogens, methamphetamine, inhalants, stimulants, and marijuana (often laced with phencyclidine (PCP) and cocaine).

(B) Specifically, illicit drug use among 8th and 10th graders has doubled in the last 5 years. 8 percent of 6th graders, 23 percent of 7th graders, and 33 percent of 8th graders have tried marijuana. Since 1993, the number of 8th graders using marijuana has increased 146 percent and overall teen drug use is up 50 percent.

(2) Rising casual teenage drug use is closely correlated with rising juvenile violent crime, as reported by the Department of Justice.

(3) If rising teenage drug use and the close correlation with violent juvenile crime continue to rise on their current path, the United States will experience a doubling of violent crime by 2010, according to the Department of Justice's Office of Juvenile Justice and Delinquency Prevention.

(4) The nature of casual teenage drug use is changing, such that annual or infrequent teenage experimentation with illegal drugs is being replaced by regular, monthly, or addictive teenage drug use.

(5) Nationwide, drug-related emergencies are at an all-time high, having risen for 5 straight years by increments of between 10 and 30 percentage points per year for each drug measured.

(6) The nationwide street price for most illicit drugs is lower than at any time in recent years, and the potency of those same drugs, particularly heroin, crack and marijuana, is higher.

(c) THE FAILED ANTIDRUG POLICY.—The Congress further finds the following:

(1) United States Government strategy has dramatically shifted precious antidrug resources away from United States priorities set in the 1980's—away from the prior emphasis on drug prevention for children, drug interdiction, and international source country programs.

(2) United States Government strategy has been weak in responding to statutory deadlines, has been characterized by an absence of statutorily mandated measurable goals, lack of effective coordination and program accountability, and often untargeted and insufficient funding, from the smallest agencies involved in the drug war up to and including the White House Drug Policy Office.

(3) It has been reported that United States Government policy reduced the national security priority placed on international drug trafficking from the top tier (number 3) to the bottom tier (number 29).

(4) United States Government policy has emphasized additional funding for unproven drug treatment techniques at the expense of accountable drug prevention programs that effectively teach a right-wrong distinction.

(5) The United States Government has failed to assess the outcomes of \$3,000,000,000 spent per year in drug rehabilitation and has failed to shift resources from ineffective programs to programs that save lives.

(6) United States Government policy has not offered sufficient flexibility to local and State law enforcement agencies to combat drug abuse through measures such as additional block grant funding.

(7) United States Government strategy has not properly emphasized the important, increased role that can legitimately be played by the National Guard, the United States military, and United States intelligence agencies in confronting the rising drug trafficking threat.

(8) United States Government strategy underemphasizes community and parental actions and the need to engage children at an early age in prevention activities.

(9) For the past four years, United States Government strategy has failed to use the media to communicate a consistent, intense antidrug message to young people.

(d) DECLARATION OF POLICY.—The Congress declares that—

(1) a thorough review of the United States counternarcotics strategy is urgently needed; and

(2) the establishment of a commission on international narcotics control in accordance with section 6 will assist in such review.

Page 2, line 8, strike “**section 1**” and insert “**sec. 2**”.

Page 2, line 10, strike “Pursuant to” and insert “(a) IN GENERAL.—Pursuant to”.

Page 2, line 11, insert before “Congress” the following: “effective 90 days after the date of the enactment of this joint resolution”.

Page 2, after line 16, insert the following:

(b) EXCEPTION.—Subsection (a) shall not take effect if, within 90 days after the date of the enactment of this joint resolution, the President determines and reports in writing to the Congress that the President has obtained reliable assurances of substantial progress toward—

(1) obtaining authorization from the Government of Mexico to allow additional agents of the Drug Enforcement Administration, or other United States law enforcement agents (as of February 28, 1997), for critical narcotics control operations in Mexico, including authorization of appropriate privileges and immunities for such agents;

(2) obtaining authorization from the Government of Mexico to allow United States law enforcement agents in Mexico to carry firearms for self-defense in areas where required to cooperate with the Government of Mexico on narcotics control efforts;

(3) obtaining assurances of substantial progress by, and commitments from, the Government of Mexico that the Government will take concrete measures to find and eliminate law enforcement corruption in Mexico and will cooperate fully with United States law enforcement personnel on narcotics control matters;

(4) obtaining assurances of substantial progress by, and commitments from, the Government of Mexico that the Government will extradite Mexican nationals wanted by the United States Government for drug trafficking and other drug-related offenses;

(5) obtaining assurances from the Government of Mexico that the Government is making substantial progress in securing aircraft overflight and refueling rights that are necessary for full cooperation with the United States on narcotics control efforts, including adequate aircraft radar coverage to monitor and detect all aircraft entering and transiting through Mexico that are suspected of involvement in drug trafficking; and

(6) obtaining assurances from the Government of Mexico that the Government is making substantial progress toward a

permanent maritime agreement with the United States to allow vessels of the United States Coast Guard and other appropriate vessels to halt and hold drug traffickers pursued into Mexican waters.

Page 2, line 17, strike “**sec. 2**” and insert “**sec. 3**”.

Page 3, line 12, strike “**sec. 3**” and insert “**sec. 4**”.

Page 3, line 17, strike “**sec. 4**” and insert “**sec. 5**”.

Page 4, after line 12, add the following:

SEC. 6. HIGH LEVEL COMMISSION ON INTERNATIONAL NARCOTICS CONTROL.

(a) **FINDINGS.**—The Congress finds the following:

(1) The consumption of narcotics in the United States is a serious problem that is ravaging the United States, especially America’s youth.

(2) Despite the dedicated and persistent efforts of the United States and other nations, international narcotics trafficking and consumption remains a serious problem.

(3) The total eradication of international narcotics trafficking requires a long-term strategy that necessitates close international cooperation.

(4) The annual certification process relating to international narcotics control under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) is flawed because—

(A) the process addresses only whether or not the source country is cooperating with United States narcotics control efforts and does not take into account all underlying factors;

(B) the process reviews narcotics control efforts only on an annual basis; and

(C) the process fails to account for the divergent economic, political, and social circumstances of countries under review which can influence the decision by the United States to decertify a foreign nation, thereby leading to unpredictability, non-transparency, and lack of international credibility in the process.

(5) The problem of international narcotics trafficking is not being effectively addressed by the annual certification process under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j).

(b) **ESTABLISHMENT.**—There is established a commission to be known as the High Level Commission on International Narcotics Control (hereinafter referred to as the “Commission”).

(c) **DUTIES.**—The Commission shall conduct a review of the annual certification process relating to international narcotics control under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) to determine the effectiveness of such process in curtailing international drug trafficking, the impact of such process on financial markets, and the effectiveness of such process in reducing drug use and consumption within the United States.

(d) **MEMBERSHIP.**—

(1) **NUMBER AND APPOINTMENT.**—The Commission shall consist of 14 members, as follows:

(A) The Secretary of State or the Secretary’s designee.

- (B) The Secretary of the Treasury or the Secretary's designee.
- (C) The Attorney General or the Attorney General's designee.
- (D) The Director of the Office of National Drug Control Policy or the Director's designee.
- (E) The Governors of the States of Arizona, California, New Mexico, and Texas, or their designees.
- (F) The following Members of Congress appointed not later than 30 days after the date of the enactment of this joint resolution as follows:
- (i)(I) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives.
 - (II) 1 member of the House of Representatives appointed by the minority leader of the House of Representatives.
 - (ii)(I) 2 Members of the Senate appointed by the majority leader of the Senate.
 - (II) 1 member of the Senate appointed by the minority leader of the Senate.
- (2) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.
- (3) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.
- (4) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members.
- (5) BASIC PAY.—Each member shall serve without pay. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.
- (6) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.
- (7) MEETINGS.—The Commission shall meet at the call of the chairperson.
- (e) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—
- (1) DIRECTOR.—The Commission shall have a director who shall be appointed by the chairperson subject to rules prescribed by the Commission.
 - (2) STAFF.—Subject to rules prescribed by the Commission, the chairperson may appoint and fix the pay of such additional personnel as the chairperson considers appropriate.
 - (3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The director and staff of the Commission may be appointed without regard to title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the requirements of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable for GS-15 of the General Schedule.
 - (4) EXPERTS AND CONSULTANTS.—The chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to

exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-15 of the General Schedule.

(5) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties.

(f) POWERS.—

(1) OBTAINING OFFICIAL DATA.—The chairperson may secure directly from any Federal agency information necessary to enable the Commission to carry out its duties. Upon request of the chairperson, the head of the agency shall furnish such information to the Commission to the extent such information is not prohibited from disclosure by law.

(2) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(3) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the chairperson, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties.

(4) CONTRACT AUTHORITY.—The chairperson may contract with and compensate government and private agencies or persons for the purpose of conducting research, surveys, and other services necessary to enable the Commission to carry out its duties.

(g) REPORTS.—

(1) INTERIM REPORT.—Not later than 6 months after the date of the enactment of this joint resolution, the Commission shall prepare and submit to the President and the Congress an interim report on the following:

(A) The overall effectiveness of the annual certification process relating to international narcotics control under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) in curtailing international drug trafficking.

(B) The impact of such annual certification process on currency markets, international financial markets, and merchandise trade flows.

(C) The transparency and predictability of such annual certification process in curtailing international drug trafficking.

(D) Recommendations for actions that are necessary—

(i) to eliminate international narcotics trafficking;

(ii) to improve cooperation among countries in efforts to curtail international narcotics trafficking, including necessary steps to identify all areas in which inter-American cooperation can be initiated and institutionalized; and

(iii) to improve the transparency and predictability of the annual certification process relating to international narcotics control under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j).

(E) Any additional measures to win the war on drugs.

(2) FINAL REPORT.—Not later than 1 year after the date of the enactment of this joint resolution, the Commission shall prepare and submit to the President and the Congress a final report that, at a minimum, contains the following:

(A) Information that meets the requirements of the information described in the initial report under paragraph (1) and that has been updated since the date of the submission of the interim report, as appropriate.

(B) Any other related information that the Commission considers to be appropriate.

(h) TERMINATION.—The Commission shall terminate 6 months after the date on which the Commission submits its final report under subsection (g)(2).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.