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WESTERN HEMISPHERE DRUG POLICY COMMISSION ACT OF 2009

MARKUP

BEFORE THE

SUBCOMMITTEE ON
THE WESTERN HEMISPHERE

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

ON

H.R. 2134

OCTOBER 15, 2009

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WESTERN HEMISPHERE DRUG POLICY COMMISSION ACT OF 2009

THURSDAY, OCTOBER 15, 2009

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

The subcommittee met, pursuant to notice, at 2:17 p.m., in room 2172, Rayburn House Office Building, Hon. Eliot L. Engel (chairman of the subcommittee) presiding.

Mr. ENGEL. The subcommittee will come to order.

Pursuant to notice, I now call up H.R. 2134, the Western Hemisphere Drug Policy Commission Act of 2009. Without objection, the amendment in the nature of a substitute before the members will be considered as base text for purposes of amendment. It will be considered as read, and it will be open for amendment at any point.

[The information referred to follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 2134

To establish the Western Hemisphere Drug Policy Commission.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2009

Mr. ENGEL (for himself, Mr. MACK, Mr. BERMAN, Mrs. BONO MACK, Mr. DELAHUNT, Mr. BURTON of Indiana, Mr. WEXLER, and Mr. PIERLUISI) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary and Energy and Commerce, 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

---

A BILL

To establish the Western Hemisphere Drug Policy Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Western Hemisphere Drug Policy Commission Act of 2009".

SEC. 2. FINDINGS.

Congress finds the following:

(1) While the United States accounts for approximately 5 percent of world population, in 2007, an estimated 17.2 percent of the world's users of illegal drugs were from the United States.

(2) 100 percent of the United States cocaine supply and 90 percent of the United States heroin supply originates in the Andean countries of Bolivia, Colombia and Peru.

(3) In those source countries, the cultivation, production and trafficking of cocaine and heroin generate violence, instability and corruption.

(4) In the transit countries of Central America, Mexico, Ecuador, Haiti and other Caribbean nations, drug trafficking is central to the growing strength of organized criminal gangs that threaten local and national law enforcement, political institutions and citizen security.

(5) Organized criminal cartels in Mexico are engaged in a civil conflict with each other and a conflict with Mexican counterdrug security forces. These cartels control the wholesale of virtually all cocaine trafficked into major urban areas in the United States.

(6) Drug-related violence is on the rise in Mexico and along the United States-Mexico border.

5,661 people died in Mexico in 2008 alone as a result of drug-related violence. This is more than double the 2007 total of 2,773.

(7) From 1980–2008, United States counter-narcotics assistance from the State and Defense Departments to Latin America and the Caribbean totaled about $11,300,000,000. The Drug Enforcement Administration (DEA) has spent an additional $2,500,000,000 in the Western Hemisphere during the same period. In those same years, the number of lifetime drug users has steadily risen for marijuana, cocaine, and heroin. In 1982 there were an estimated 53,000 marijuana users, which doubled to over 100,000 in 2007. Similarly, there were fewer than 22,000 cocaine users and fewer than 2,000 heroin users in 1982, while today there are approximately 36,000 and 3,800, respectively.

SEC. 3. ESTABLISHMENT OF WESTERN HEMISPHERE DRUG POLICY COMMISSION.

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. PURPOSE.

The Commission shall review and evaluate United States illicit drug supply policy, with particular emphasis

on international drug policies and programs directed toward the countries of the Western Hemisphere and demand reduction policies and programs. The Commission shall identify policy and program options to improve existing international and domestic counternarcotics policy.

SEC. 5. DUTIES OF THE COMMISSION.

(a) REVIEW OF ILLICIT DRUG SUPPLY REDUCTION AND DEMAND REDUCTION POLICIES.—The Commission shall conduct a comprehensive review of United States illicit drug supply reduction and demand reduction policies and shall, at a minimum, address the following topics:

(1) An assessment of the effectiveness of United States international illicit drug control policies in the Western Hemisphere, including interdiction, crop eradication, and alternative development.

(2) The impact of Plan Colombia and the Merida Initiative in curbing drug trafficking and drug-related violence in the Andean region, Mexico, Central America, Haiti, and the Dominican Republic.

(3) An assessment of how to better use available technology to target major drug cartels.

(4) The impact of the United States drug certification process in achieving positive results with

respect to reducing drug production, cultivation, and trafficking.

(5) An assessment of the nature and extent of the United States demand for illicit drugs.

(6) An assessment of United States drug prevention and treatment programs, including drug courts and programs aimed at preventing recidivism.

(7) An assessment of the extent to which the consumption of illicit drugs in the United States is driven by individuals addicted to or abusive of illicit drugs, and the most effective experiences in the United States and throughout the world in treating those addicts.

(8) Recommendations on how best to improve United States illicit drug supply and demand reduction policies.

(b) COORDINATION WITH GOVERNMENTS, INTERNATIONAL ORGANIZATIONS, AND NONGOVERNMENTAL ORGANIZATIONS (NGOS) IN THE WESTERN HEMISPHERE.—The Commission shall consult with—

(1) government and nongovernmental leaders, as well as leaders from international organizations, from throughout Latin America and the Caribbean; and

(2) the Inter-American Drug Abuse Control Commission (CICAD) to examine what changes would increase its effectiveness.

(c) REPORT.—

(1) IN GENERAL.—Not later than 12 months after the first meeting of the Commission, the Commission shall submit to Congress, the Secretary of State, and the Director of the Office of National Drug Control Policy (ONDCP) a report that contains a detailed statement of the recommendations, findings, and conclusions of the Commission, including summaries of the input and recommendations of the leaders and organizations with which is consulted under subsection (b).

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

SEC. 6. MEMBERSHIP.

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

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

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

(3) The President shall appoint two members.

(b) APPOINTMENTS.—The Commission may not include Members of Congress or other currently elected Federal, State, or local government officials.

(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.—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 5. 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.

1 (g) TRAVEL EXPENSES.—Members shall receive trav-
2 el expenses, including per diem in lieu of subsistence, in
3 accordance with sections 5702 and 5703 of title 5, United
4 States Code, while away from their homes or regular
5 places of business in performance of services for the Com-
6 mission.

7 **SEC. 7. POWERS.**

8 (a) MEETINGS.—The Commission shall meet at the
9 call of the Chairperson or a majority of its members.

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

13 (c) OTHER RESOURCES.—The Commission shall have
14 reasonable access to materials, resources, statistical data,
15 and other such information the Commission determines
16 necessary to carry out its duties from the Library of Con-
17 gress, the Office of National Drug Control Policy, the De-
18 partment of State, the Department of Justice, the Drug
19 Enforcement Administration, the Department of Defense
20 (including the United States Southern Command), and
21 other agencies of the executive and legislative branches of
22 the Federal Government. The Chairperson of the Commis-
23 sion shall make requests for such access in writing when
24 necessary. The General Services Administration (GSA)
25 shall make office space available for day-to-day Commis-

1 sion activities and for scheduled Commission meetings.
2 Upon request, the Administrator of General Services shall
3 provide, on a reimbursable basis, such administrative sup-
4 port as the Commission requests to fulfill its duties.

5 (d) AUTHORITY TO USE THE UNITED STATES
6 MAILS.—The Commission may use the United States
7 mails in the same manner and under the same conditions
8 as other departments and agencies of the United States.

9 (e) AUTHORITY TO CONTRACT.—Subject to the Fed-
10 eral Property and Administrative Services Act of 1949,
11 the Commission is authorized to enter into contracts with
12 Federal and State agencies, private firms, institutions,
13 and individuals for the conduct of activities necessary to
14 the discharge of its duties and responsibilities. A contract,
15 lease, or other legal agreement entered into by the Com-
16 mission may not extend beyond the date of termination
17 of the Commission.

18 **SEC. 8. STAFF.**

19 (a) EXECUTIVE DIRECTOR.—The Commission shall
20 have a staff headed by an Executive Director. The Execu-
21 tive Director and such staff as is needed shall be paid at
22 a rate not more than the rate of pay for level IV of the
23 Executive Schedule.

24 (b) STAFF APPOINTMENT.—With the approval of the
25 Commission, the Executive Director may appoint such

1 personnel as the Executive Director determines to be ap-
2 propriate. The Commission may appoint and fix the com-
3 pensation of such other personnel as may be necessary to
4 enable the Commission to carry out its duties, without re-
5 gard to the provisions of title 5, United States Code, gov-
6 erning appointments in the competitive service, and with-
7 out regard to the provisions of chapter 51 and subchapter
8 III of chapter 53 of such title relating to classification and
9 General Schedule pay rates, except that no rate of pay
10 fixed under this subsection may exceed the equivalent of
11 that payable to a person occupying a position at level V
12 of the Executive Schedule under section 5316 of such title.
13 (c) EXPERTS AND CONSULTANTS.—With the ap-
14 proval of the Commission, the Executive Director may
15 procure temporary and intermittent services under section
16 3109(b) of title 5, United States Code.
17 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
18 the request of the Commission, the head of any Federal
19 agency may detail, without reimbursement, any of the per-
20 sonnel of such agency to the Commission to assist in car-
21 rying out the duties of the Commission. Any such detail
22 shall not interrupt or otherwise affect the civil service sta-
23 tus or privileges of the personnel.

1 **SEC. 9. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
2 **MITTEE ACT.**

3 The Federal Advisory Committee Act (5 U.S.C. App.)
4 shall not apply to the Commission.

5 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated $2,000,000 to carry out this Act.

8 (b) AVAILABILITY.—Amounts appropriated pursuant
9 to subsection (a) shall remain available, without fiscal year
10 limitation, until expended.

11 **SEC. 11. SUNSET.**

12 The Western Hemisphere Drug Policy Commission
13 shall terminate 60 days after the submission to Congress
14 of its report under section 5(c).

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2134 OFFERED BY MR. ENGEL OF NEW YORK

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Western Hemisphere
3 Drug Policy Commission Act of 2009".

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) While the United States accounts for ap-
7 proximately 5 percent of world population, in 2007,
8 an estimated 17.2 percent of the world's users of il-
9 legal drugs were from the United States.

10 (2) 100 percent of the United States cocaine
11 supply and as much as 90 percent of the United
12 States heroin supply originates in the Andean coun-
13 tries of Bolivia, Colombia and Peru.

14 (3) In those source countries, the cultivation,
15 production and trafficking of cocaine and heroin
16 generate violence, instability and corruption.

17 (4) In the transit countries of Central America,
18 Mexico, Ecuador, Haiti and other Caribbean na-

1 tions, drug trafficking is central to the growing
2 strength of organized criminal gangs that threaten
3 local and national law enforcement, political institu-
4 tions and citizen security.
5 (5) Organized criminal cartels in Mexico are en-
6 gaged in a violent conflict, with each other for con-
7 trol over drug trafficking routes, and with Mexican
8 counternarcotic security forces that have stepped up
9 their enforcement efforts. These cartels control the
10 wholesale of all cocaine trafficked into major urban
11 areas in the United States.
12 (6) Drug-related violence is on the rise in Mex-
13 ico and along the United States-Mexico border.
14 5,661 people died in Mexico in 2008 alone as a re-
15 sult of drug-related violence. This is more than dou-
16 ble the 2007 total of 2,773.
17 (7) According to the Department of State's
18 June 2009 Trafficking in Persons report, organized
19 criminal networks in Mexico also "traffic Mexican
20 women and girls into the United States for commer-
21 cial sexual exploitation".
22 (8) From 1980-2008, United States counter-
23 narcotics assistance from the State and Defense De-
24 partments to Latin America and the Caribbean to-
25 taled about $11,300,000,000 . The Drug Enforce-

1 ment Administration (DEA) has spent an additional
2 $2,500,000,000 in the Western Hemisphere during
3 the same period.

4 **SEC. 3. ESTABLISHMENT OF WESTERN HEMISPHERE DRUG**
5 **POLICY COMMISSION.**

6 There is established an independent commission to be
7 known as the "Western Hemisphere Drug Policy Commis-
8 sion" (in this Act referred to as the "Commission").

9 **SEC. 4. PURPOSE.**

10 The Commission shall review and evaluate United
11 States policy regarding illicit drug supply reduction and
12 interdiction, with particular emphasis on international
13 drug policies and programs directed toward the countries
14 of the Western Hemisphere, along with foreign and do-
15 mestic demand reduction policies and programs. The Com-
16 mission shall identify policy and program options to im-
17 prove existing international and domestic counternarcotics
18 policy.

19 **SEC. 5. DUTIES OF THE COMMISSION.**

20 (a) REVIEW OF ILLICIT DRUG SUPPLY REDUCTION
21 AND DEMAND REDUCTION POLICIES.—The Commission
22 shall conduct a comprehensive review of United States pol-
23 icy regarding illicit drug supply reduction, interdiction,
24 and demand reduction policies and shall, at a minimum,
25 address the following topics:

1 (1) An assessment of the effectiveness of
2 United States international illicit drug control poli-
3 cies in the Western Hemisphere, including interdic-
4 tion, crop eradication, and promotion of economic
5 development alternatives.
6 (2) The impact of Plan Colombia and the
7 Merida Initiative in curbing drug trafficking and
8 drug-related violence in the Andean region, Mexico,
9 Central America, Haiti, and the Dominican Repub-
10 lic.
11 (3) An assessment of how to better use avail-
12 able technology to target major drug cartels.
13 (4) The impact of the United States drug cer-
14 tification process in achieving positive results with
15 respect to reducing drug production, cultivation, and
16 trafficking.
17 (5) An assessment of the nature and extent of
18 the United States demand for illicit drugs.
19 (6) An assessment of United States drug pre-
20 vention and treatment programs, including anti-drug
21 coalitions, drug courts, and programs aimed at pre-
22 venting recidivism.
23 (7) An assessment of the extent to which the
24 consumption of illicit drugs in the United States is
25 driven by individuals addicted to or abusive of illicit

1 drugs, and the most effective experiences in the
2 United States and throughout the world in treating
3 those addicts and reducing the damage to themselves
4 and to society.
5 (8) Recommendations on how best to improve
6 United States policies aimed at reducing the supply
7 of and demand for illicit drugs.
8 (9) Assessing the value of supporting relevant
9 government entities and nongovernmental institu-
10 tions in other countries of the Western Hemisphere
11 in promoting the reduction of supply of and demand
12 for illicit drugs.
13 (10) An assessment of whether the proper indi-
14 cators of success are being used in United States il-
15 licit drug control policy.
16 (b) COORDINATION WITH GOVERNMENTS, INTER-
17 NATIONAL ORGANIZATIONS, AND NONGOVERNMENTAL
18 ORGANIZATIONS (NGOS) IN THE WESTERN HEMI-
19 SPHERE.—In conducting the review required under sub-
20 section (a), the Commission shall consult with—
21 (1) government, academic, and nongovern-
22 mental leaders, as well as leaders from international
23 organizations, from throughout the United States,
24 Latin America, and the Caribbean; and

1 (2) the Inter-American Drug Abuse Control
2 Commission (CICAD) to examine what changes
3 would increase its effectiveness.
4 (c) REPORT.—
5 (1) IN GENERAL.—Not later than 12 months
6 after the first meeting of the Commission, the Com-
7 mission shall submit to Congress, the Secretary of
8 State, the Secretary of Health and Human Services,
9 and the Director of the Office of National Drug
10 Control Policy (ONDCP) a report that contains a
11 detailed statement of the recommendations, findings,
12 and conclusions of the Commission, including sum-
13 maries of the input and recommendations of the
14 leaders and organizations with which is consulted
15 under subsection (b).
16 (2) PUBLIC AVAILABILITY.—The report re-
17 quired under this subsection shall be made available
18 to the public.
19 **SEC. 6. MEMBERSHIP.**
20 (a) NUMBER AND APPOINTMENT.—The Commission
21 shall be composed of ten members, to be appointed as fol-
22 lows:
23 (1) The majority leader and minority leader of
24 the Senate shall each appoint two members.

1 (2) The Speaker and the minority leader of the
2 House of Representatives shall each appoint two
3 members.
4 (3) The President shall appoint two members.
5 (b) APPOINTMENTS.—The Commission may not in-
6 clude Members of Congress or other currently elected Fed-
7 eral, State, or local government officials.
8 (c) PERIOD OF APPOINTMENT.—Each member shall
9 be appointed for the life of the Commission. Any vacancies
10 shall not affect the power and duties of the Commission,
11 but shall be filled in the same manner as the original ap-
12 pointment.
13 (d) DATE.—Members of the Commission shall be ap-
14 pointed not later than 30 days after the date of the enact-
15 ment of this Act.
16 (e) INITIAL MEETING AND SELECTION OF CHAIR-
17 PERSON.—Not later than 60 days after the date of the
18 enactment of this Act, the Commission shall hold an initial
19 meeting to develop and implement a schedule for comple-
20 tion of the review and report required under section 5.
21 At the initial meeting, the Commission shall select a
22 Chairperson from among its members.
23 (f) QUORUM.—Six members of the Commission shall
24 constitute a quorum.

1 (g) TRAVEL EXPENSES.—Members shall receive trav-
2 el expenses, including per diem in lieu of subsistence, in
3 accordance with sections 5702 and 5703 of title 5, United
4 States Code, while away from their homes or regular
5 places of business in performance of services for the Com-
6 mission.

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9 call of the Chairperson or a majority of its members.

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11 hearings and undertake such other activities as the Com-
12 mission determines necessary to carry out its duties.

13 (c) OTHER RESOURCES.—The Commission shall have
14 reasonable access to materials, resources, statistical data,
15 and other such information the Commission determines
16 necessary to carry out its duties from the Library of Con-
17 gress, the Office of National Drug Control Policy, the De-
18 partment of State, the Department of Health and Human
19 Services, the Department of Justice, the Drug Enforce-
20 ment Administration, the Department of Defense (includ-
21 ing the United States Southern Command), and other
22 agencies of the executive and legislative branches of the
23 Federal Government. The Chairperson of the Commission
24 shall make requests for such access in writing when nec-
25 essary. The General Services Administration (GSA) shall

1 make office space available for day-to-day Commission ac-
2 tivities and for scheduled Commission meetings. Upon re-
3 quest, the Administrator of General Services shall provide,
4 on a reimbursable basis, such administrative support as
5 the Commission requests to fulfill its duties.

6 (d) AUTHORITY TO USE THE UNITED STATES
7 MAILS.—The Commission may use the United States
8 mails in the same manner and under the same conditions
9 as other departments and agencies of the United States.

10 (e) AUTHORITY TO CONTRACT.—Subject to the Fed-
11 eral Property and Administrative Services Act of 1949,
12 the Commission is authorized to enter into contracts with
13 Federal and State agencies, private firms, institutions,
14 and individuals for the conduct of activities necessary to
15 the discharge of its duties and responsibilities. A contract,
16 lease, or other legal agreement entered into by the Com-
17 mission may not extend beyond the date of termination
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19 **SEC. 8. STAFF.**

20 (a) EXECUTIVE DIRECTOR.—The Commission shall
21 have a staff headed by an Executive Director. The Execu-
22 tive Director and such staff as is needed shall be paid at
23 a rate not more than the rate of pay for level IV of the
24 Executive Schedule.

1 (b) STAFF APPOINTMENT.—With the approval of the
2 Commission, the Executive Director may appoint such
3 personnel as the Executive Director determines to be ap-
4 propriate. The Commission may appoint and fix the com-
5 pensation of such other personnel as may be necessary to
6 enable the Commission to carry out its duties, without re-
7 gard to the provisions of title 5, United States Code, gov-
8 erning appointments in the competitive service, and with-
9 out regard to the provisions of chapter 51 and subchapter
10 III of chapter 53 of such title relating to classification and
11 General Schedule pay rates, except that no rate of pay
12 fixed under this subsection may exceed the equivalent of
13 that payable to a person occupying a position at level V
14 of the Executive Schedule under section 5316 of such title.
15 (c) EXPERTS AND CONSULTANTS.—With the ap-
16 proval of the Commission, the Executive Director may
17 procure temporary and intermittent services under section
18 3109(b) of title 5, United States Code.
19 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
20 the request of the Commission, the head of any Federal
21 agency may detail, without reimbursement, any of the per-
22 sonnel of such agency to the Commission to assist in car-
23 rying out the duties of the Commission. Any such detail
24 shall not interrupt or otherwise affect the civil service sta-
25 tus or privileges of the personnel.

1 **SEC. 9. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
2 **MITTEE ACT.**

3 The Federal Advisory Committee Act (5 U.S.C. App.)
4 shall not apply to the Commission.

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6 (a) IN GENERAL.—There are authorized to be appro-
7 priated $2,000,000 to carry out this Act.

8 (b) AVAILABILITY.—Amounts appropriated pursuant
9 to subsection (a) shall remain available, without fiscal year
10 limitation, until expended.

11 **SEC. 11. SUNSET.**

12 The Western Hemisphere Drug Policy Commission
13 shall terminate 60 days after the submission to Congress
14 of its report under section 5(c).

Mr. ENGEL. I recognize myself for 5 minutes to explain the amendment in the nature of a substitute.

Billions of U.S. taxpayer dollars have been spent over the years to fight the drug trade in Latin America and the Caribbean. In spite of our efforts, drug use in the United States has increased. According to the Brookings Institution, since the peak of the heroin and cocaine epidemics of the mid-1980s, consumption rates for these narcotics have remained more or less stable at approximately 1 million heroin users and 3.3 million cocaine users. At the same time, methamphetamine use has spread, resulting in a combined prevalence rate of more than 6 million users.

Clearly, the time has come to reexamine our counternarcotics efforts here at home and throughout the Americas. H.R. 2134 does just that by creating an independent commission to evaluate U.S. policies and programs aimed at reducing illicit drug supply in the Americas and the demand for these drugs here at home. This bipartisan bill will assess all aspects of the illegal drug trade, including prevention and treatment programs in the United States.

The Western Hemisphere Drug Policy Commission will be charged with conducting a comprehensive review of U.S. illicit drug supply and demand reduction policies. The commission will be required to submit recommendations on future U.S. drug policy to Congress, the Secretary of State, the Director of the White House Office of National Drug Control Policy, and the Secretary of Health and Human Services.

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 the drug war for years and the citizens of our great country who deal every day with illegal drugs on their streets deserve no less.

I urge all of my colleagues to support this legislation; and I now turn to the ranking member, Mr. Mack, to express his views on this legislation.

Mr. MACK. Thank you, Mr. Chairman; and I want to thank you for your leadership for introducing H.R. 2134. The Western Hemisphere Drug Policy Commission Act of 2009 is a positive step toward evaluating U.S. policy.

I also want to thank Chairman Engel and his staff for working in a bipartisan manner with my office and Republican members of the subcommittee. Chairman Engel worked closely to ensure that the concerns and requests of Republican Members were adequately addressed.

As we mark up H.R. 2134 and continue on to the hearing on U.S. Drug Policy in the Americas, I want to emphasize my belief that the best way to attack the problem of illicit drugs is to take an all-encompassing approach to the problem. Some will focus on treatment or better education. Others will focus on supply and the law enforcement aspect of the problem. We must attack the problem from all angles and all perspectives.

Thank you, Mr. Chairman, for your leadership and for your hard work; and I want to urge my colleagues to support the Western Hemisphere Drug Policy Commission Act of 2009 and to vote yes on the chairman's amendment.

Mr. ENGEL. Well, thank you very much, Mr. Mack, and thank you for your cooperation and for your input into this bill. It is very much appreciated by me and by all of us. I thank you.

Are there any amendments?

Any members want to make a statement?

Mr. SMITH. Mr. Chairman?

Mr. ENGEL. Yes, Mr. Smith.

Mr. SMITH. I would ask that my full statement be made part of the record, and I want to take a moment to highlight the connection between organized crime that is flourishing on drug money and human trafficking, particularly sex trafficking of women and girls.

I do want to thank you and Mr. Mack for including language that shows the nexus between drug trafficking and sex trafficking. We know that one of the ways that women are exploited in trafficking includes getting them hooked on narcotics and other dangerous drugs, so that even when they are liberated many of these women go back to traffickers because of their addiction. It is also a way of two commodities being sold, reducing the woman to a commodity as well as obviously the commodity of drugs.

So I appreciate you including that language in the bill. It is a great bill, and I hope all members support it.

I yield back.

Mr. ENGEL. Thank you, Mr. Smith.

Ms. Lee.

Ms. LEE. Thank you very much, Chairman Engel, and also Ranking Member Mack. Thank you for convening this hearing and also for this bill.

Of course, I am very pleased that, for once, we are beginning to look at both the supply and demand for illicit drugs. Many of our communities have felt the brunt, unfortunately, of drug addiction and many of the difficulties that ensue as a result of drug addiction and the damage that has been caused to communities and to individuals and society.

Also, the commission, I am very pleased to note, is required to carry out, investigate, and comprehensively look at best practices around the world that target specifically and directly the societal devastation caused by illicit drug markets and drug use, from the spread of infectious diseases like HIV and AIDS to the surge of crime and violence. So this is one of the first times that I have seen the establishment of any drug policy commission that really is going to look at this in a comprehensive way to accomplish what we all want to accomplish, and that is really wiping illicit drugs, from cocaine to heroin, from the face of the earth.

So thank you again, Mr. Chairman, and thank you for the bill.

Mr. ENGEL. Thank you, Ms. Lee.

If no other member wishes——

Mr. PAUL. Mr. Chairman?

Mr. ENGEL. Yes, Mr. Paul.

Mr. PAUL. Thank you, Mr. Chairman. I have just a brief comment.

I think it is about time we looked at this subject. I am very glad you are doing this. I think it is a start.

We are dealing with the Western Hemisphere, but I think the overall drug policy in this country, the drug war should be looked at. But, as a physician, I wanted to particularly emphasize the importance of looking at people who are addicted to drugs as being involved with a disease rather than criminals. Every time we criminalize all this activity we compound our problem. So I am delighted that you are looking at this problem and studying it, and I hope the commission will pay attention to the fact that there are different ways of treating people who are addicted.

And I yield back.

Mr. ENGEL. Thank you, Mr. Paul.

If there are no further comments, the question occurs on the amendment in the nature of a substitute. All in favor will vote aye. Aye. All opposed will vote no.

The ayes have it, and the amendment is agreed to.

The chairman is prepared to receive a motion.

Mr. Sires?

Mr. SIRES. I move the favorable recommendation of H.R. 2134, as amended, to the full committee.

Mr. ENGEL. The question occurs on the motion of the gentleman to report H.R. 2134, as amended, favorably to the full committee. All in favor will say aye. Aye. All opposed say no.

The ayes have it, and the motion is adopted.

Without objection, the bill will be reported as a single amendment in the nature of a substitute incorporating the amendments adopted by the committee, and the staff is directed to make any technical and conforming amendments.

[Whereupon, at 2:26 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

SUBCOMMITTEE ON THE WESTERN HEMISPHERE
Eliot L. Engel (D-NY), Chairman

October 8, 2009

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN markup, to be followed by a hearing of the Subcommittee on the Western Hemisphere, to be held in Room 2172 of the Rayburn House Office Building:

DATE: Thursday, October 15, 2009

TIME: 2:00 p.m.

MARKUP OF: H.R. 2134, Western Hemisphere Drug Policy Commission Act of 2009

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 as noted above.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *The Western Hemisphere* **MEETING**

Day *Thursday* **Date** *10/15/09* **Room** *2172 RHOB*

Starting Time *2:17 pm* **Ending Time** *2:26 p.m.*

Recesses [ ] (____ to ____)

Presiding Member(s) *Eliot L. Engel*

CHECK ALL OF THE FOLLOWING THAT APPLY:

Open Session [✓]
Executive (closed) Session [ ]
Televised [ ]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING or BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

H.R.2134, Western Hemisphere Drug Policy Commission Act of 2009

SUBCOMMITTEE MEMBERS PRESENT:

Engel, Mack, Smith, Sires, Giffords, Paul, Lee

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not Members of HIRC.)*

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Smith

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

Amendement in the nature of a subsitute adopted and referred back to full committee

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

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *2:26 pm*

Subcommittee Staff Director

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

October 15, 2009

U.S. Drug Policy in Latin America
Western Hemisphere Subcommittee
House Foreign Affairs Committee

Good Afternoon. Thank you all for being here this afternoon to discuss an issue that is critical to security in our hemisphere, as well as to the protection of human rights. I would just like to take a moment to highlight the connection between the organized crime that is flourishing on drug money and human trafficking, particularly sex trafficking of women and girls.

The Subcommittee just marked-up H.R. 2134. I thank the Chairman and the Ranking member for the inclusion of a finding on trafficking in the Engle-Mack amendment to H.R. 2134, The Western Hemisphere Drug Policy Commission Act. Specifically, the finding cites the Department of State's June 2009 Trafficking in Persons Report, stating that organized criminal networks in Mexico also, "Traffic Mexican women and girls into the United States for commercial sexual exploitation." The State Trafficking in Persons report, which this Committee created through the Trafficking Victims Protection Act nine years ago, also points to the connection in Colombia, recognizing that the relatives of criminal organization members are particularly vulnerable to trafficking within Colombia.

For a long time, we have also known of another connection between organized crime, drugs, and human trafficking. Specifically, traffickers keep women and girls in sexual slavery through forced addiction to illegal drugs. It is a horrible trafficking method, but effective and easy when drugs are readily available. Even girls who are freed and returned home often go back to their traffickers because of the deep addiction forced on them through heroin and cocaine, and the lack of rehabilitative services when they are freed from their slavery.

So much is at stake in the fight against organized crime in Latin America. Failure is not an option.