

Calendar No. 29

105TH CONGRESS
1ST Session

H. J. RES. 58

JOINT RESOLUTION

Disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

MARCH 18, 1997

Read the second time and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

MARCH 17, 1997

Received and read the first time

MARCH 18, 1997

Read the second time and placed on the calendar

JOINT RESOLUTION

Disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

1 **SECTION 1. CONGRESSIONAL FINDINGS; DECLARATION OF**
2 **POLICY.**

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

5 (1) International drug traffickers, aided by in-
6 dividuals in the United States and across the West-
7 ern Hemisphere who sell and distribute deadly
8 drugs, pose the largest threat to Americans since the
9 end of the Cold War.

10 (2) The United States is faced with a supply of
11 drugs that is cheaper, more potent, and more avail-
12 able than at any time in our history.

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

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

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

21 (C) The United States Government must set
22 forth a comprehensive strategy that dedicates the re-
23 sources necessary to decisively win the war on drugs.

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

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

10 (B) Specifically, illicit drug use among 8th and
11 10th graders has doubled in the last 5 years. 8 per-
12 cent of 6th graders, 23 percent of 7th graders, and
13 33 percent of 8th graders have tried marijuana.
14 Since 1993, the number of 8th graders using mari-
15 juana has increased 146 percent and overall teen
16 drug use is up 50 percent.

17 (2) Rising casual teenage drug use is closely
18 correlated with rising juvenile violent crime, as re-
19 ported by the Department of Justice.

20 (3) If rising teenage drug use and the close cor-
21 relation with violent juvenile crime continue to rise
22 on their current path, the United States will experi-
23 ence a doubling of violent crime by 2010, according
24 to the Department of Justice's Office of Juvenile
25 Justice and Delinquency Prevention.

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

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

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

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

15 (1) United States Government strategy has dra-
16 matically shifted precious antidrug resources away
17 from United States priorities set in the 1980's—
18 away from the prior emphasis on drug prevention
19 for children, drug interdiction, and international
20 source country programs.

21 (2) United States Government strategy has
22 been weak in responding to statutory deadlines, has
23 been characterized by an absence of statutorily man-
24 dated measurable goals, lack of effective coordina-
25 tion and program accountability, and often

1 untargeted and insufficient funding, from the small-
2 est agencies involved in the drug war up to and in-
3 cluding the White House Drug Policy Office.

4 (3) It has been reported that United States
5 Government policy reduced the national security pri-
6 ority placed on international drug trafficking from
7 the top tier (number 3) to the bottom tier (number
8 29).

9 (4) United States Government policy has em-
10 phasized additional funding for unproven drug treat-
11 ment techniques at the expense of accountable drug
12 prevention programs that effectively teach a right-
13 wrong distinction.

14 (5) The United States Government has failed to
15 assess the outcomes of \$3,000,000,000 spent per
16 year in drug rehabilitation and has failed to shift re-
17 sources from ineffective programs to programs that
18 save lives.

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

23 (7) United States Government strategy has not
24 properly emphasized the important, increased role
25 that can legitimately be played by the National

1 Guard, the United States military, and United
2 States intelligence agencies in confronting the rising
3 drug trafficking threat.

4 (8) United States Government strategy under-
5 emphasizes community and parental actions and the
6 need to engage children at an early age in preven-
7 tion activities.

8 (9) For the past four years, United States Gov-
9 ernment strategy has failed to use the media to com-
10 municate a consistent, intense antidrug message to
11 young people.

12 (d) DECLARATION OF POLICY.—The Congress de-
13 clares that—

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

16 (2) the establishment of a commission on inter-
17 national narcotics control in accordance with section
18 6 will assist in such review.

19 **SEC. 2. DISAPPROVAL OF DETERMINATION OF PRESIDENT**
20 **REGARDING MEXICO.**

21 (a) IN GENERAL.—Pursuant to subsection (d) of sec-
22 tion 490 of the Foreign Assistance Act of 1961 (22 U.S.C.
23 2291j), effective 90 days after the date of the enactment
24 of this joint resolution Congress disapproves the deter-
25 mination of the President with respect to Mexico for fiscal

1 year 1997 that is contained in the certification (transmit-
2 tal no. 97–18) submitted to Congress by the President
3 under subsection (b) of that section on February 28, 1997.

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

9 (1) obtaining authorization from the Govern-
10 ment of Mexico to allow additional agents of the
11 Drug Enforcement Administration, or other United
12 States law enforcement agents (as of February 28,
13 1997), for critical narcotics control operations in
14 Mexico, including authorization of appropriate privi-
15 leges and immunities for such agents;

16 (2) obtaining authorization from the Govern-
17 ment of Mexico to allow United States law enforce-
18 ment agents in Mexico to carry firearms for self-de-
19 fense in areas where required to cooperate with the
20 Government of Mexico on narcotics control efforts;

21 (3) obtaining assurances of substantial progress
22 by, and commitments from, the Government of Mex-
23 ico that the Government will take concrete measures
24 to find and eliminate law enforcement corruption in
25 Mexico and will cooperate fully with United States

1 law enforcement personnel on narcotics control mat-
2 ters;

3 (4) obtaining assurances of substantial progress
4 by, and commitments from, the Government of Mex-
5 ico that the Government will extradite Mexican na-
6 tionals wanted by the United States Government for
7 drug trafficking and other drug-related offenses;

8 (5) obtaining assurances from the Government
9 of Mexico that the Government is making substan-
10 tial progress in securing aircraft overflight and re-
11 fueling rights that are necessary for full cooperation
12 with the United States on narcotics control efforts,
13 including adequate aircraft radar coverage to mon-
14 itor and detect all aircraft entering and transiting
15 through Mexico that are suspected of involvement in
16 drug trafficking; and

17 (6) obtaining assurances from the Government
18 of Mexico that the Government is making substan-
19 tial progress toward a permanent maritime agree-
20 ment with the United States to allow vessels of the
21 United States Coast Guard and other appropriate
22 vessels to halt and hold drug traffickers pursued
23 into Mexican waters.

1 **SEC. 3. WAIVER OF REQUIREMENT TO WITHHOLD ASSIST-**
2 **ANCE FOR MEXICO.**

3 (a) WAIVER.—Notwithstanding subsections (e) and
4 (f) of section 490 of the Foreign Assistance Act of 1961,
5 the requirement to withhold United States assistance and
6 to vote against multilateral development bank assistance
7 contained in such subsection (e) shall not apply with re-
8 spect to Mexico until March 1, 1998, if at any time after
9 the date of the enactment of this joint resolution, the
10 President submits to Congress a determination and certifi-
11 cation described in subsection (b) of this section.

12 (b) DETERMINATION AND CERTIFICATION.—A deter-
13 mination and certification described in this subsection is
14 a determination and certification consistent with section
15 490(b)(1)(B) of the Foreign Assistance Act of 1961 that
16 the vital national interests of the United States require
17 that the assistance withheld pursuant to section 490(e)(1)
18 of such Act be provided for Mexico and that the United
19 States not vote against multilateral development bank as-
20 sistance for Mexico pursuant to section 490(e)(2) of such
21 Act.

22 **SEC. 4. RULE OF CONSTRUCTION.**

23 For purposes of section 490(d) of the Foreign Assist-
24 ance Act of 1961, this joint resolution shall be deemed
25 to have been enacted within 30 calendar days after Feb-
26 ruary 28, 1997.

1 **SEC. 5. CONSULTATIONS WITH THE CONGRESS.**

2 (a) CONSULTATIONS.—The President shall consult
3 with the Congress on the status of counter-narcotics co-
4 operation between the United States and each major illicit
5 drug producing country or major drug-transit country.

6 (b) PURPOSE.—

7 (1) IN GENERAL.—The purpose of the consulta-
8 tions under subsection (a) shall be to facilitate im-
9 proved discussion and understanding between the
10 Congress and the President on United States
11 counter-narcotics goals and objectives with regard to
12 the countries described in subsection (a), including
13 the strategy for achieving such goals and objectives.

14 (2) REGULAR AND SPECIAL CONSULTATIONS.—
15 In order to carry out paragraph (1), the President
16 (or senior officials designated by the President who
17 are responsible for international narcotics programs
18 and policies) shall meet with Members of Congress—

19 (A) on a quarterly basis for discussions
20 and consultations; and

21 (B) whenever time-sensitive issues arise.

22 **SEC. 6. HIGH LEVEL COMMISSION ON INTERNATIONAL**
23 **NARCOTICS CONTROL.**

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

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

4 (2) Despite the dedicated and persistent efforts
5 of the United States and other nations, international
6 narcotics trafficking and consumption remains a se-
7 rious problem.

8 (3) The total eradication of international nar-
9 cotics trafficking requires a long-term strategy that
10 necessitates close international cooperation.

11 (4) The annual certification process relating to
12 international narcotics control under section 490 of
13 the Foreign Assistance Act of 1961 (22 U.S.C.
14 2291j) is flawed because—

15 (A) the process addresses only whether or
16 not the source country is cooperating with Unit-
17 ed States narcotics control efforts and does not
18 take into account all underlying factors;

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

21 (C) the process fails to account for the di-
22 vergent economic, political, and social cir-
23 cumstances of countries under review which can
24 influence the decision by the United States to
25 decertify a foreign nation, thereby leading to

1 unpredictability, non-transparency, and lack of
2 international credibility in the process.

3 (5) The problem of international narcotics traf-
4 ficking is not being effectively addressed by the an-
5 nual certification process under section 490 of the
6 Foreign Assistance Act of 1961 (22 U.S.C. 2291j).

7 (b) ESTABLISHMENT.—There is established a com-
8 mission to be known as the High Level Commission on
9 International Narcotics Control (hereinafter referred to as
10 the “Commission”).

11 (c) DUTIES.—The Commission shall conduct a review
12 of the annual certification process relating to international
13 narcotics control under section 490 of the Foreign Assist-
14 ance Act of 1961 (22 U.S.C. 2291j) to determine the ef-
15 fectiveness of such process in curtailing international drug
16 trafficking, and the effectiveness of such process in reduc-
17 ing drug use and consumption within the United States.

18 (d) MEMBERSHIP.—

19 (1) NUMBER AND APPOINTMENT.—The Com-
20 mission shall consist of 14 members, as follows:

21 (A) The Secretary of State or the Sec-
22 retary’s designee.

23 (B) The Secretary of the Treasury or the
24 Secretary’s designee.

1 (C) The Attorney General or the Attorney
2 General's designee.

3 (D) The Director of the Office of National
4 Drug Control Policy or the Director's designee.

5 (E) The Governors of the States of Ari-
6 zona, California, New Mexico, and Texas, or
7 their designees.

8 (F) The following Members of Congress
9 appointed not later than 30 days after the date
10 of the enactment of this joint resolution as fol-
11 lows:

12 (i)(I) 2 Members of the House of Rep-
13 resentatives appointed by the Speaker of
14 the House of Representatives.

15 (II) 1 member of the House of Rep-
16 resentatives appointed by the minority
17 leader of the House of Representatives.

18 (ii)(I) 2 Members of the Senate ap-
19 pointed by the majority leader of the Sen-
20 ate.

21 (II) 1 member of the Senate ap-
22 pointed by the minority leader of the Sen-
23 ate.

24 (2) TERMS.—Each member of the Commission
25 shall be appointed for the life of the Commission.

1 (3) VACANCIES.—A vacancy in the Commission
2 shall be filled in the manner in which the original
3 appointment was made.

4 (4) CHAIRPERSON.—The Chairperson of the
5 Commission shall be elected by the members.

6 (5) BASIC PAY.—Each member shall serve with-
7 out pay. Each member shall receive travel expenses,
8 including per diem in lieu of subsistence, in accord-
9 ance with sections 5702 and 5703 of title 5, United
10 States Code.

11 (6) QUORUM.—A majority of the members shall
12 constitute a quorum for the transaction of business.

13 (7) MEETINGS.—The Commission shall meet at
14 the call of the chairperson.

15 (e) DIRECTOR AND STAFF; EXPERTS AND CONSULT-
16 ANTS.—

17 (1) DIRECTOR.—The Commission shall have a
18 director who shall be appointed by the chairperson
19 subject to rules prescribed by the Commission.

20 (2) STAFF.—Subject to rules prescribed by the
21 Commission, the chairperson may appoint and fix
22 the pay of such additional personnel as the chair-
23 person considers appropriate.

24 (3) APPLICABILITY OF CERTAIN CIVIL SERVICE
25 LAWS.—The director and staff of the Commission

1 may be appointed without regard to title 5, United
2 States Code, governing appointments in the competi-
3 tive service, and may be paid without regard to the
4 requirements of chapter 51 and subchapter III of
5 chapter 53 of such title relating to classification and
6 General Schedule pay rates, except that an individ-
7 ual so appointed may not receive pay in excess of
8 the maximum annual rate of basic pay payable for
9 GS-15 of the General Schedule.

10 (4) EXPERTS AND CONSULTANTS.—The chair-
11 person may procure temporary and intermittent
12 services under section 3109(b) of title 5, United
13 States Code, at rates for individuals not to exceed
14 the daily equivalent of the maximum annual rate of
15 basic pay payable for GS-15 of the General Sched-
16 ule.

17 (5) STAFF OF FEDERAL AGENCIES.—Upon re-
18 quest of the chairperson, the head of any Federal
19 agency may detail, on a reimbursable basis, any of
20 the personnel of the agency to the Commission to as-
21 sist the Commission in carrying out its duties.

22 (f) POWERS.—

23 (1) OBTAINING OFFICIAL DATA.—The chair-
24 person may secure directly from any Federal agency
25 information necessary to enable the Commission to

1 carry out its duties. Upon request of the chair-
2 person, the head of the agency shall furnish such in-
3 formation to the Commission to the extent such in-
4 formation is not prohibited from disclosure by law.

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

8 (3) **ADMINISTRATIVE SUPPORT SERVICES.**—
9 Upon the request of the chairperson, the Adminis-
10 trator of General Services shall provide to the Com-
11 mission, on a reimbursable basis, the administrative
12 support services necessary for the Commission to
13 carry out its duties.

14 (4) **CONTRACT AUTHORITY.**—The chairperson
15 may contract with and compensate government and
16 private agencies or persons for the purpose of con-
17 ducting research, surveys, and other services nec-
18 essary to enable the Commission to carry out its du-
19 ties.

20 (g) **REPORTS.**—

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

1 (A) The overall effectiveness of the annual
2 certification process relating to international
3 narcotics control under section 490 of the For-
4 eign Assistance Act of 1961 (22 U.S.C 2291j)
5 in curtailing international drug trafficking.

6 (B) The impact of such annual certifi-
7 cation process in enhancing international
8 counternarcotics cooperation.

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

12 (D) Recommendations for actions that are
13 necessary—

14 (i) to eliminate international narcotics
15 trafficking;

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

22 (iii) to improve the transparency and
23 predictability of the annual certification
24 process relating to international narcotics

1 control under section 490 of the Foreign
2 Assistance Act of 1961 (22 U.S.C. 2291j).

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

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

10 (A) Information that meets the require-
11 ments of the information described in the initial
12 report under paragraph (1) and that has been
13 updated since the date of the submission of the
14 interim report, as appropriate.

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

17 (h) TERMINATION.—The Commission shall terminate
18 6 months after the date on which the Commission submits
19 its final report under subsection (g)(2).

20 (i) AUTHORIZATION OF APPROPRIATIONS.—

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

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

 Passed the House of Representatives March 13,
1997.

Attest:

ROBIN H. CARLE,

Clerk.