

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4640

To establish the Western Hemisphere Drug Policy Commission.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2014

Mr. ENGEL (for himself, Mr. SALMON, Mr. SIRES, Ms. ROS-LEHTINEN, and Mr. O'ROURKE) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## 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           (c) 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 (c) 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

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).

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