

114TH CONGRESS  
1ST SESSION

# H. R. 1812

To establish the Western Hemisphere Drug Policy Commission.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2015

Mr. ENGEL (for himself and Mr. SALMON) 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”.

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 2013  
11 in the United States, an estimated 24,573,000 per-

1 sons age 12 or older were current users of illicit  
2 drugs. There were an estimated 1,549,000 users of  
3 cocaine, 289,000 users of heroin, 1,330,000 users of  
4 hallucinogens, 19,810,000 users of marijuana, and  
5 6,484,000 non-medical users of prescription-type  
6 drugs.

7 (2) On September 15, 2014, President Barack  
8 Obama identified 22 countries as major drug transit  
9 or major illicit drug producing countries. Of these,  
10 17 are located in the Western Hemisphere. They are  
11 The Bahamas, Belize, Bolivia, Colombia, Costa Rica,  
12 the Dominican Republic, Ecuador, El Salvador,  
13 Guatemala, Haiti, Honduras, Jamaica, Mexico,  
14 Nicaragua, Panama, Peru, and Venezuela.

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

22 (4) In the transit countries of Central America,  
23 Mexico, Venezuela, Ecuador, the Dominican Repub-  
24 lic, Haiti, and other Caribbean countries, drug traf-  
25 ficking is central to the growing strength of orga-

1 nized criminals to threaten local and national law  
2 enforcement, political institutions, citizen security,  
3 rule of law, and United States security and inter-  
4 ests.

5 (5) Drug trafficking-related violence continues  
6 unabated in Mexico. According to Government of  
7 Mexico estimates, some 70,000 people died in Mex-  
8 ico and 25,000 people disappeared as a result of  
9 drug trafficking and organized crime-related violence  
10 between December 2006 and December 2012. Since  
11 that time, independent sources estimate that more  
12 than 18,000 people in Mexico have died in organized  
13 crime-related killings. In addition, since 2007, there  
14 have been 22,610 disappearances in Mexico.

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

20 (7) The United States obligated roughly  
21 \$15,700,000,000 (\$18,600,000,000 in constant  
22 2012 dollars) for counternarcotics programs in  
23 Latin America and the Caribbean between 1980 and  
24 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 the links between the ille-  
21     gal narcotics trade in the Western Hemisphere and  
22     terrorist activities around the world.

23              (7) An evaluation of United States efforts to  
24     combat narco-terrorism in the Western Hemisphere.

1           (8) An evaluation of the financing of foreign  
2 terrorist organizations by drug trafficking organiza-  
3 tions and an evaluation of United States efforts to  
4 stop such activities.

5           (9) An evaluation of alternative drug policy  
6 models in the Western Hemisphere.

7           (10) An evaluation of the impact of local drug  
8 consumption in Latin America and the Caribbean in  
9 promoting violence and insecurity.

10           (11) Recommendations on how best to improve  
11 United States counternarcotics policies in the West-  
12 ern Hemisphere.

13           (b) COORDINATION WITH GOVERNMENTS, INTER-  
14 NATIONAL ORGANIZATIONS, AND NONGOVERNMENTAL  
15 ORGANIZATIONS IN THE WESTERN HEMISPHERE.—In  
16 conducting the review required under subsection (a), the  
17 Commission is encouraged to consult with—

18           (1) government, academic, and nongovern-  
19 mental leaders, as well as leaders from international  
20 organizations, from throughout the United States,  
21 Latin America, and the Caribbean; and

22           (2) the Inter-American Drug Abuse Control  
23 Commission (CICAD).

24           (c) REPORT.—

1           (1) IN GENERAL.—Not later than 18 months  
2 after the first meeting of the Commission, the Com-  
3 mission shall submit to the Committee on Foreign  
4 Affairs of the House of Representatives, the Com-  
5 mittee on Foreign Relations of the Senate, the Sec-  
6 retary of State, and the Director of the Office of  
7 National Drug Control Policy a report that con-  
8 tains—

9           (A) a detailed statement of the rec-  
10 ommendations, findings, and conclusions of the  
11 Commission under subsection (a); and

12           (B) summaries of the input and rec-  
13 ommendations of the leaders and organizations  
14 with which the Commission consulted under  
15 subsection (b).

16           (2) PUBLIC AVAILABILITY.—The report re-  
17 quired under this subsection shall be made available  
18 to the public.

19 **SEC. 5. 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 2 members.

1           (2) The Speaker and the minority leader of the  
2           House of Representatives shall each appoint 2 mem-  
3           bers.

4           (3) The President shall appoint 2 members.

5           (b) PROHIBITION.—

6           (1) IN GENERAL.—The Commission may not in-  
7           clude—

8                   (A) Members of Congress; or

9                   (B) Federal, State, or local government of-  
10           ficials.

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

14           (c) APPOINTMENT OF INITIAL MEMBERS.—The ini-  
15           tial members of the Commission shall be appointed not  
16           later than 30 days after the date of the enactment of this  
17           Act.

18           (d) VACANCIES.—Any vacancies shall not affect the  
19           power and duties of the Commission, but shall be filled  
20           in the same manner as the original appointment. An ap-  
21           pointment required by subsection (a) should be made with-  
22           in 90 days of a vacancy on the Commission.

23           (e) PERIOD OF APPOINTMENT.—Each member shall  
24           be appointed for the life of the Commission.



1 (f) INITIAL MEETING AND SELECTION OF CHAIR-  
2 PERSON.—

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

8 (2) CHAIRPERSON.—At the initial meeting, the  
9 Commission shall select a Chairperson from among  
10 its members.

11 (g) QUORUM.—Six members of the Commission shall  
12 constitute a quorum.

13 (h) COMPENSATION.—Members of the Commission—

14 (1) shall not be considered to be a Federal em-  
15 ployee for any purpose by reason of service on the  
16 Commission; and

17 (2) shall serve without pay.

18 (i) TRAVEL EXPENSES.—Members shall receive trav-  
19 el expenses, including per diem in lieu of subsistence, in  
20 accordance with sections 5702 and 5703 of title 5, United  
21 States Code, while away from their homes or regular  
22 places of business in performance of services for the Com-  
23 mission.

1 **SEC. 6. POWERS.**

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

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

7 (c) OTHER RESOURCES.—

8 (1) DOCUMENTS, STATISTICAL DATA, AND  
9 OTHER SUCH INFORMATION.—

10 (A) IN GENERAL.—The Library of Con-  
11 gress, the Office of National Drug Control Pol-  
12 icy, the Department of State and any other  
13 Federal department or agency shall provide rea-  
14 sonable access to documents, statistical data,  
15 and other such information the Commission de-  
16 termines necessary to carry out its duties.

17 (B) OBTAINING INFORMATION.—The  
18 Chairperson of the Commission shall request  
19 the head of an agency described in subpara-  
20 graph (A) for access to documents, statistical  
21 data, or other such information described in  
22 subparagraph (A) that is under the control of  
23 such agency in writing when necessary.

24 (2) OFFICE SPACE AND ADMINISTRATIVE SUP-  
25 PORT.—The General Services Administration shall  
26 make office space available for day-to-day activities

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

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

10 (e) **AUTHORITY TO CONTRACT.**—

11 (1) **IN GENERAL.**—Subject to the Federal Prop-  
12 erty and Administrative Services Act of 1949, the  
13 Commission is authorized to enter into contracts  
14 with Federal and State agencies, private firms, insti-  
15 tutions, and individuals for the conduct of activities  
16 necessary to the discharge of its duties under section  
17 4.

18 (2) **TERMINATION.**—A contract, lease, or other  
19 legal agreement entered into by the Commission may  
20 not extend beyond the date of termination of the  
21 Commission.

22 **SEC. 7. STAFF.**

23 (a) **DIRECTOR.**—The Commission shall have a Direc-  
24 tor who shall be appointed by a majority vote of the Com-  
25 mission. The Director shall be paid at a rate not to exceed

1 the rate of basic pay for level IV of the Executive Sched-  
2 ule.

3 (b) STAFF.—

4 (1) IN GENERAL.—With the approval of the  
5 Commission, the Director may appoint such per-  
6 sonnel as the Director determines to be appropriate.  
7 Such personnel shall be paid at a rate not to exceed  
8 the rate of basic pay for level IV of the Executive  
9 Schedule.

10 (2) ADDITIONAL STAFF.—The Commission may  
11 appoint and fix the compensation of such other per-  
12 sonnel as may be necessary to enable the Commis-  
13 sion to carry out its duties, without regard to the  
14 provisions of title 5, United States Code, governing  
15 appointments in the competitive service, and without  
16 regard to the provisions of chapter 51 and sub-  
17 chapter III of chapter 53 of such title relating to  
18 classification and General Schedule pay rates, except  
19 that no rate of pay fixed under this subsection may  
20 exceed the equivalent of that payable to a person oc-  
21 cupying a position at level V of the Executive Sched-  
22 ule.

23 (c) EXPERTS AND CONSULTANTS.—With the ap-  
24 proval of the Commission, the Director may procure tem-

1 porary and intermittent services under section 3109(b) of  
2 title 5, United States Code.

3 (d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon  
4 the request of the Commission, the head of any Federal  
5 agency may detail, without reimbursement, any of the per-  
6 sonnel of such agency to the Commission to assist in car-  
7 rying out the duties of the Commission. Any such detail  
8 shall not interrupt or otherwise affect the civil service sta-  
9 tus or privileges of the personnel.

10 (e) **VOLUNTEER SERVICES.**—Notwithstanding sec-  
11 tion 1342 of title 31, United States Code, the Commission  
12 may accept and use voluntary and uncompensated services  
13 as the Commission determines necessary.

14 **SEC. 8. FUNDING.**

15 Of the amounts authorized to be appropriated to  
16 carry out section 23 of the Arms Export Control Act (22  
17 U.S.C. 2763) for fiscal year 2016, \$1,500,000 is author-  
18 ized to be appropriated to carry out this Act for such fiscal  
19 year.

20 **SEC. 9. SUNSET.**

21 The Commission shall terminate on the date that is  
22 60 days after the date on which the Commission submits  
23 its report to Congress pursuant to section 4(e).

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