

113TH CONGRESS
1ST SESSION

H. R. 1635

To establish the National Commission on Federal Marijuana Policy.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2013

Mr. COHEN (for himself, Mr. POLIS, Mr. BLUMENAUER, Mr. FARR, and Mr. MORAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, Financial Services, and Foreign Affairs, 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 National Commission on Federal Marijuana Policy.

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 “National Commission
5 on Federal Marijuana Policy Act of 2013”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) In 1971, Congress created the National
2 Commission on Marihuana and Drug Abuse, led by
3 Governor Raymond P. Shafer, known as the Shafer
4 Commission.

5 (2) The Shafer Commission undertook a com-
6 prehensive review of the nature and scope of mari-
7 juana use, its effects, the relationship of marijuana
8 use to other behavior, and the efficacy of existing
9 law.

10 (3) The final report of the Shafer Commission
11 recommended that marijuana be decriminalized.

12 (4) Since the Shafer Commission, the Federal
13 Government has expanded its “War on Drugs” and
14 continued to prohibit the use of marijuana.

15 (5) The District of Columbia and 18 States
16 have legalized and regulated the use of marijuana
17 for medicinal purposes.

18 (6) Since 1973, 15 States have decriminalized
19 marijuana for personal use, in some cases based on
20 the Shafer Commission recommendations.

21 (7) Since 1973, 2 States have legalized and reg-
22 ulated marijuana for personal use.

23 (8) Since the Shafer Commission, the Federal
24 Government has not undertaken a similar review of
25 its policy toward marijuana.

1 (9) The Federal Government must reconcile its
2 prohibition of marijuana with the laws of the States
3 where marijuana is legal for some purposes and the
4 likelihood that more States will follow in this path.

5 **SEC. 3. ESTABLISHMENT.**

6 There is established a commission to be known as the
7 National Commission on Federal Marijuana Policy (in this
8 Act referred to as the “Commission”).

9 **SEC. 4. DUTIES.**

10 The Commission shall undertake a comprehensive re-
11 view of the state and efficacy of current policies of the
12 Federal Government toward marijuana in light of the
13 growing number of States in which marijuana is legal for
14 medicinal or personal use, including—

15 (1) how Federal policy should interact with
16 State laws that make marijuana legal for medicinal
17 or personal use;

18 (2) the cost of marijuana prohibition and poten-
19 tial State and Federal regulation of marijuana, as
20 well as the potential revenue generated by taxation
21 of marijuana;

22 (3) the impact of Federal banking and tax laws
23 on businesses operating in compliance with State
24 laws related to marijuana;

1 (4) the health impacts, both benefits and risks,
2 related to marijuana use, and in comparison to alco-
3 hol and tobacco use;

4 (5) the domestic and international public safety
5 effects of marijuana prohibition and the impact that
6 regulation and control of marijuana has on public
7 safety;

8 (6) the impact of marijuana prohibition on
9 criminal justice, including any racial disparities, and
10 the collateral consequences of prosecution for mari-
11 juana possession, including lack of access to hous-
12 ing, education, and employment;

13 (7) recommending the appropriate placement of
14 marijuana in the schedule of the Controlled Sub-
15 stances Act (21 U.S.C. 801 et seq.); and

16 (8) the effects of marijuana prohibition or fu-
17 ture regulation and control of marijuana on inter-
18 national relationships and treaty obligations.

19 **SEC. 5. MEMBERSHIP.**

20 (a) NUMBER AND APPOINTMENT.—The Commission
21 shall be composed of 13 members appointed as follows:

22 (1) Five individuals appointed by the President,
23 one of whom the President shall designate as a co-
24 chair of the Commission.

1 (2) Two individuals appointed by the Speaker
2 of the House of Representatives, one of whom the
3 Speaker shall designate as a co-chair of the Commis-
4 sion only if the Speaker is not of the same political
5 party of the President.

6 (3) Two individuals appointed by the minority
7 leader of the House of Representatives, one of whom
8 the minority leader shall designate as a co-chair of
9 the Commission only if the minority leader is not of
10 the same political party of the President.

11 (4) Two individuals appointed by the majority
12 leader of the Senate.

13 (5) Two individuals appointed by the minority
14 leader of the Senate.

15 (b) QUALIFICATIONS.—The members of the Commis-
16 sion shall be individuals with distinguished reputations for
17 integrity and nonpartisanship who are nationally recog-
18 nized for expertise, knowledge, or experience in one or
19 more of the following areas:

20 (1) Criminal justice.

21 (2) Public health.

22 (3) Social policy.

23 (4) Economics.

24 (5) International law.

1 (c) DISQUALIFICATION.—An individual may not be
2 appointed as a member of the Commission if—

3 (1) the individual possesses a personal financial
4 interest in the discharge of the duties of the Com-
5 mission; or

6 (2) the individual holds public office, serves as
7 an employee of a political party, is a public official
8 or candidate for office, or has filed and is running
9 as a candidate for election for public office.

10 (d) TERMS.—Members shall be appointed for the life
11 of the Commission.

12 (e) APPOINTMENT.—Members of the Commission
13 shall be appointed not later than 45 days after the date
14 of the enactment of this Act.

15 (f) VACANCIES.—Any vacancy in the Commission
16 shall not affect its powers, but shall be filled in the same
17 manner in which the original appointment was made. If
18 vacancies in the Commission occur on any day after 45
19 days after the date of the enactment of this Act, a quorum
20 shall consist of a majority of the members of the Commis-
21 sion.

22 (g) BASIC PAY.—

23 (1) IN GENERAL.—Members shall each be enti-
24 tled to receive the daily equivalent of level V of the
25 Executive Schedule for each day (including travel

1 time) during which they are engaged in the actual
2 performance of duties vested in the Commission.

3 (2) TRAVEL EXPENSES.—Each member shall
4 receive travel expenses, including per diem in lieu of
5 subsistence, in accordance with applicable provisions
6 under subchapter I of chapter 57 of title 5, United
7 States Code.

8 **SEC. 6. POWERS.**

9 (a) MEETINGS.—

10 (1) IN GENERAL.—The Commission shall meet
11 at the call of either of the co-chairs or a majority
12 of its members.

13 (2) FIRST MEETING.—The Commission shall
14 hold its first meeting on the date that is 60 days
15 after the date of enactment of this Act, or not later
16 than 30 days after the date on which funds are
17 made available for the Commission, whichever is
18 later.

19 (3) QUORUM.—Seven members of the Commis-
20 sion shall constitute a quorum for purposes of con-
21 ducting business, except that 2 members of the
22 Commission shall constitute a quorum for purposes
23 of receiving testimony.

24 (4) OPEN TO THE PUBLIC.—Meetings of the
25 Commission shall be open to the public. Interested

1 persons shall be permitted to appear at meetings
2 and present oral or written statements on the sub-
3 ject matter of the meeting. The Commission may ad-
4 minister oaths or affirmations to any person appear-
5 ing before it.

6 (5) NOTICE.—Meetings of the Commission shall
7 be preceded by timely public notice in the Federal
8 Register of the time, place, and subject of the meet-
9 ing.

10 (b) PUBLIC HEARINGS.—The Commission may, for
11 the purpose of carrying out this Act, hold hearings, sit
12 and act at times and places, take testimony, and receive
13 evidence as the Commission considers appropriate. The
14 Commission shall hold hearings in—

15 (1) at least 2 States in which marijuana is legal
16 for medicinal purposes;

17 (2) at least 2 States in which marijuana is legal
18 for personal use; and

19 (3) at least 2 States in which marijuana is not
20 legal for any purpose.

21 (c) COMMISSION PANELS.—The Commission may es-
22 tablish panels composed of less than the full membership
23 of the Commission, but any findings or determinations of
24 such panels are not considered findings and determina-

1 tions of the Commission unless approved by the Commis-
2 sion.

3 (d) DELEGATION.—Any member, agent, or staff of
4 the Commission may, if authorized by the co-chairs of the
5 Commission, take any action which the Commission is au-
6 thorized to take pursuant to this Act.

7 (e) FEDERAL ADVISORY COMMITTEE ACT.—The
8 Federal Advisory Committee Act (5 U.S.C. App.) shall not
9 apply to the Commission.

10 **SEC. 7. ADMINISTRATION.**

11 (a) DIRECTOR.—The Commission may appoint a Di-
12 rector to be paid the rate of basic pay for level V of the
13 Executive Schedule.

14 (b) STAFF APPOINTMENT AND COMPENSATION.—
15 With the approval of the Commission, the Director may
16 appoint and fix the pay of additional personnel as the Di-
17 rector considers appropriate. Such personnel may be ap-
18 pointed without regard to the provisions of title 5, United
19 States Code, governing appointments in the competitive
20 service, and may be paid without regard to the provisions
21 of chapter 51 and subchapter III of chapter 53 of that
22 title relating to classification and General Schedule pay
23 rates, except that an individual so appointed may not re-
24 ceive pay in excess of level V of the Executive Schedule.

1 (c) EXPERTS AND CONSULTANTS.—With the ap-
2 proval of the Commission, the Director may procure tem-
3 porary and intermittent services under section 3109(b) of
4 title 5, United States Code.

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

12 (e) OBTAINING OFFICIAL DATA.—The Commission
13 may secure directly from any department or agency of the
14 United States information necessary to enable it to carry
15 out this Act. Upon the request of a co-chair of the Com-
16 mission, the head of that department or agency shall fur-
17 nish that information to the Commission.

18 (f) MAILS.—The Commission may use the United
19 States mails in the same manner and under the same con-
20 ditions as other departments and agencies of the United
21 States.

22 (g) CONTRACTS.—The Commission is authorized to
23 enter into contracts with Federal and State agencies, pri-
24 vate firms, institutions, and individuals for the conduct of
25 activities necessary to the discharge of its duties and re-

1 sponsibilities. A contract, lease, or other legal agreement
2 entered into by the Commission may not extend beyond
3 the date of the termination of the Commission.

4 (h) GIFTS.—Subject to existing law, the Commission
5 may accept, use, and dispose of gifts or donations of serv-
6 ices or property.

7 (i) ADMINISTRATIVE ASSISTANCE.—The Adminis-
8 trator of General Services shall provide to the Commis-
9 sion, on a reimbursable basis, the administrative support
10 services necessary for the Commission to carry out its re-
11 sponsibilities under this Act. These administrative services
12 may include human resource management, budget, leas-
13 ing, accounting, and payroll services.

14 **SEC. 8. REPORT.**

15 Not later than 1 year after the date on which funds
16 first become available to carry out this Act, the Commis-
17 sion shall submit to the President and Congress, and make
18 available to the public, a report containing the findings,
19 conclusions, and recommendations of the Commission.

20 **SEC. 9. TERMINATION.**

21 The Commission shall terminate 60 days after the
22 date of the submission of the report required under section
23 8.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated \$10,000,000 to carry out the purposes of this Act.

4 (b) LIMITATION ON USE.—Funds appropriated under
5 this Act may not be used for international travel.

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