

105TH CONGRESS  
1ST SESSION

# H. R. 1317

To establish the High Level Commission on International Narcotics Control.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 1997

Mr. KOLBE (for himself, Mr. DIAZ-BALART, and Mr. BARTON of Texas) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To establish the High Level Commission on International  
Narcotics Control.

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 “Counter-Narcotics Pol-  
5       icy Review Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

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

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

5           (3) The total eradication of international nar-  
6           cotics trafficking requires a long-term strategy that  
7           necessitates close international cooperation.

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

12                   (A) the process fails to enhance inter-  
13                   national cooperation;

14                   (B) the process reviews narcotics control  
15                   efforts only on an annual basis and fails to enu-  
16                   merate long-term goals and objectives;

17                   (C) the process is not a comprehensive re-  
18                   view of all countries that contribute to inter-  
19                   national narcotics trafficking; and

20                   (D) the process fails to account for the di-  
21                   vergent economic, political, and social cir-  
22                   cumstances of countries under review which can  
23                   influence the decision by the United States to  
24                   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   **SEC. 3. ESTABLISHMENT.**

8           There is established a commission to be known as the  
9   High Level Commission on International Narcotics Con-  
10   trol (hereinafter referred to as the “Commission”).

11   **SEC. 4. DUTIES.**

12          The Commission shall conduct a review of the annual  
13   certification process relating to international narcotics  
14   control under section 490 of the Foreign Assistance Act  
15   of 1961 (22 U.S.C. 2291j) to determine the effectiveness  
16   of such process in curtailing international drug traffick-  
17   ing, the effectiveness of such process in enhancing inter-  
18   national counter-narcotics cooperation, and the effective-  
19   ness of such process in reducing drug use and consump-  
20   tion within the United States.

21   **SEC. 5. MEMBERSHIP.**

22          (a) NUMBER AND APPOINTMENT.—The Commission  
23   shall consist of 12 members, as follows:

24               (1) The Secretary of State or the Secretary’s  
25               designee.

1           (2) The Secretary of the Treasury or the Sec-  
2       retary's designee.

3           (3) The Attorney General or the Attorney Gen-  
4       eral's designee.

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

7           (5) The Director of the Drug Enforcement Ad-  
8       ministration or the Director's designee.

9           (6) The Director of Central Intelligence or the  
10      Director's designee.

11          (7) The following Members of Congress ap-  
12      pointed not later than 30 days after the date of the  
13      enactment of this Act as follows:

14                (A)(i) 2 Members of the House of Rep-  
15                resentatives appointed by the Speaker of the  
16                House of Representatives.

17               (ii) 1 member of the House of Representa-  
18               tives appointed by the minority leader of the  
19               House of Representatives.

20               (B)(i) 2 Members of the Senate appointed  
21               by the majority leader of the Senate.

22               (ii) 1 member of the Senate appointed by  
23               the minority leader of the Senate.

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

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

4 (d) CHAIRPERSON.—The Director of the Office of  
5 National Drug Control Policy (or the Director's designee)  
6 shall serve as the Chairperson of the Commission until  
7 such time as the members of the Commission can elect  
8 a Chairperson.

9 (e) BASIC PAY.—Each member shall serve without  
10 pay. Each member shall receive travel expenses, including  
11 per diem in lieu of subsistence, in accordance with sections  
12 5702 and 5703 of title 5, United States Code.

13 (f) QUORUM.—A majority of the members shall con-  
14 stitute a quorum for the transaction of business.

15 (g) MEETINGS.—The Commission shall meet at the  
16 call of the chairperson.

17 **SEC. 6. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**  
18 **ANTS.**

19 (a) DIRECTOR.—The Commission shall have a direc-  
20 tor who shall be appointed by the chairperson subject to  
21 rules prescribed by the Commission.

22 (b) STAFF.—Subject to rules prescribed by the Com-  
23 mission, the chairperson may appoint and fix the pay of  
24 such additional personnel as the chairperson considers ap-  
25 propriate.

1       (c) APPLICABILITY OF CERTAIN CIVIL SERVICE  
2 LAWS.—The director and staff of the Commission may be  
3 appointed without regard to title 5, United States Code,  
4 governing appointments in the competitive service, and  
5 may be paid without regard to the requirements of chapter  
6 51 and subchapter III of chapter 53 of such title relating  
7 to classification and General Schedule pay rates, except  
8 that an individual so appointed may not receive pay in  
9 excess of the maximum annual rate of basic pay payable  
10 for GS–15 of the General Schedule.

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

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

22 **SEC. 7. POWERS.**

23       (a) OBTAINING OFFICIAL DATA.—The chairperson  
24 may secure directly from any Federal agency information  
25 necessary to enable the Commission to carry out its duties.

1 Upon request of the chairperson, the head of the agency  
2 shall furnish such information to the Commission to the  
3 extent such information is not prohibited from disclosure  
4 by law.

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

8 (c) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the  
9 request of the chairperson, the Administrator of General  
10 Services shall provide to the Commission, on a reimburs-  
11 able basis, the administrative support services necessary  
12 for the Commission to carry out its duties.

13 (d) **CONTRACT AUTHORITY.**—The chairperson may  
14 contract with and compensate government and private  
15 agencies or persons for the purpose of conducting re-  
16 search, surveys, and other services necessary to enable the  
17 Commission to carry out its duties.

18 **SEC. 8. REPORTS.**

19 (a) **INTERIM REPORT.**—Not later than 6 months  
20 after the date of the enactment of this Act, the Commis-  
21 sion shall prepare and submit to the President and the  
22 Congress an interim report on the following:

23 (1) The overall effectiveness of the annual cer-  
24 tification process relating to international narcotics  
25 control under section 490 of the Foreign Assistance

1 Act of 1961 (22 U.S.C 2291j) in curtailing inter-  
2 national drug trafficking.

3 (2) The impact of such annual certification  
4 process in enhancing international counternarcotics  
5 cooperation.

6 (3) The transparency and predictability of such  
7 annual certification process.

8 (b) FINAL REPORT.—Not later than 1 year after the  
9 date of the enactment of this Act, the Commission shall  
10 prepare and submit to the President and the Congress a  
11 final report that, at a minimum, contains the following:

12 (1) Information that meets the requirements of  
13 the information described in the initial report under  
14 subsection (a) and that has been updated since the  
15 date of the submission of the interim report, as ap-  
16 propriate.

17 (2) Recommendations for actions that are nec-  
18 essary—

19 (A) to eliminate international narcotics  
20 trafficking;

21 (B) to improve cooperation among coun-  
22 tries in efforts to curtail international narcotics  
23 trafficking, including necessary steps to identify  
24 all areas in which inter-American cooperation  
25 can be initiated and institutionalized; and



1 (C) to improve the transparency and pre-  
2 dictability of the annual certification process re-  
3 lating to international narcotics control under  
4 section 490 of the Foreign Assistance Act of  
5 1961 (22 U.S.C. 2291j).

6 (3) Any additional measures to win the war on  
7 drugs.

8 (5) Any other related information that the  
9 Commission considers to be appropriate.

10 (c) ADDITIONAL RECOMMENDATIONS.—In the event  
11 the Commission determines the annual certification proc-  
12 ess relating to international narcotics control under sec-  
13 tion 490 of the Foreign Assistance Act of 1961 (22 U.S.C.  
14 2291j) to be ineffective in curtailing international narcot-  
15 ics trafficking or in enhancing international cooperation  
16 to combat such trafficking, the Commission shall include  
17 in the final report under subsection (b) its recommenda-  
18 tion for alternatives to such process in either legislative  
19 or nonlegislative form that are designed to replace such  
20 process and to improve international cooperation in cur-  
21 tailing international narcotics trafficking.

22 **SEC. 9. TERMINATION.**

23 The Commission shall terminate 6 months after the  
24 date on which the Commission submits its final report  
25 under section 8(b).

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

2 (a) IN GENERAL.—There are authorized to be appro-  
3 priated such sums as may be necessary to carry out this  
4 Act.

5 (b) AVAILABILITY.—Amounts authorized to be appro-  
6 priated under subsection (a) are authorized to remain  
7 available until expended.

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