

111TH CONGRESS
1ST SESSION

H. R. 2134

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2009

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Western Hemisphere
3 Drug Policy Commission Act of 2009”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) According to the Substance Abuse and Men-
7 tal Health Services Administration’s (SAMHSA)
8 National Survey on Drug Use and Health, in 2008
9 in the United States, there were an estimated
10 25,768,000 users of marijuana, 5,255,000 users of
11 cocaine, 850,000 users of methamphetamine, and
12 453,000 users of heroin.

13 (2) Nearly 100 percent of the United States co-
14 caine supply originates in the Andean countries of
15 Bolivia, Colombia, and Peru and over 90 percent of
16 the United States heroin supply originates in Colom-
17 bia and Mexico.

18 (3) In those countries, the cultivation, produc-
19 tion and trafficking of cocaine and heroin generate
20 violence, instability and corruption.

21 (4) In the transit countries of Central America,
22 Mexico, Venezuela, Ecuador, Haiti, and other Carib-
23 bean countries, drug trafficking is central to the
24 growing strength of organized criminals to threaten
25 local and national law enforcement, political institu-

1 tions, citizen security, rule of law, and United States
2 security and interests.

3 (5) Drug-related violence is on the rise in Mex-
4 ico and along the United States-Mexico border.
5 5,661 people died in Mexico in 2008 alone as a re-
6 sult of drug-related violence. This is more than dou-
7 ble the 2007 total of 2,773.

8 (6) According to the Department of State’s
9 June 2009 Trafficking in Persons report, organized
10 criminal networks in Mexico also “traffic Mexican
11 women and girls into the United States for commer-
12 cial sexual exploitation”.

13 (7) Extremist groups and their supporters in
14 the Western Hemisphere, including the Revolu-
15 tionary Armed Forces of Colombia (FARC) and
16 Hezbollah, often use drug trafficking to finance ter-
17 rorist activities.

18 (8) From 1980–2008, United States counter-
19 narcotics assistance from the State and Defense De-
20 partments to Latin America and the Caribbean to-
21 taled about \$11,300,000,000.

1 **SEC. 3. ESTABLISHMENT OF WESTERN HEMISPHERE DRUG**
2 **POLICY COMMISSION.**

3 There is established an independent commission to be
4 known as the “Western Hemisphere Drug Policy Commis-
5 sion” (in this Act referred to as the “Commission”).

6 **SEC. 4. PURPOSE.**

7 The Commission shall review and evaluate United
8 States policy regarding illicit drug supply reduction and
9 interdiction, with particular emphasis on international
10 drug policies and programs directed toward the countries
11 of the Western Hemisphere, along with foreign and do-
12 mestic demand reduction policies and programs. The Com-
13 mission shall identify policy and program options to im-
14 prove existing international and domestic counternarcotics
15 policy.

16 **SEC. 5. DUTIES OF THE COMMISSION.**

17 (a) REVIEW OF ILLICIT DRUG SUPPLY REDUCTION
18 AND DEMAND REDUCTION POLICIES.—The Commission
19 shall conduct a comprehensive review of United States pol-
20 icy regarding illicit drug supply reduction, interdiction,
21 and demand reduction policies and shall, at a minimum,
22 address the following topics:

23 (1) An assessment of United States inter-
24 national illicit drug control policies in the Western
25 Hemisphere.

1 (2) An assessment of drug interdiction efforts,
2 crop eradication programs, and the promotion of
3 economic development alternatives to illicit drugs.

4 (3) The impact of the Andean Counterdrug Ini-
5 tiative (ACI), the Merida Initiative, the Caribbean
6 Basin Security Initiative, and other programs in
7 curbing drug production, drug trafficking, and drug-
8 related violence in the Western Hemisphere.

9 (4) An assessment of how to better deploy and
10 employ available technology to target major drug
11 cartels.

12 (5) An assessment of efforts to curb the traf-
13 ficking of chemical precursors for illicit drugs.

14 (6) An assessment of how the United States
15 drug certification process serves United States inter-
16 ests with respect to United States international il-
17 licit drug control policies.

18 (7) An assessment of the nature and extent of
19 the United States population's demand for illicit
20 drugs.

21 (8) An assessment of United States drug pre-
22 vention and treatment programs, including anti-drug
23 coalitions, drug courts, and programs aimed at pre-
24 venting recidivism.

1 (9) An assessment of the extent to which the
2 consumption of illicit drugs in the United States is
3 driven by individuals addicted to or abusive of illicit
4 drugs, and the most effective experiences in the
5 United States and throughout the world in treating
6 those individuals and reducing the damage to them-
7 selves and to society.

8 (10) Recommendations on how best to improve
9 United States policies aimed at reducing the supply
10 of and demand for illicit drugs.

11 (11) Assessing the value of supporting relevant
12 government entities and nongovernmental institu-
13 tions in other countries of the Western Hemisphere
14 in promoting the reduction of supply of and demand
15 for illicit drugs.

16 (12) An assessment of whether the proper indi-
17 cators of success are being used in United States il-
18 licit drug control policy.

19 (b) COORDINATION WITH GOVERNMENTS, INTER-
20 NATIONAL ORGANIZATIONS, AND NONGOVERNMENTAL
21 ORGANIZATIONS (NGOs) IN THE WESTERN HEMI-
22 SPHERE.—In conducting the review required under sub-
23 section (a), the Commission shall consult with—

24 (1) government, academic, and nongovern-
25 mental leaders, as well as leaders from international

1 organizations, from throughout the United States,
2 Latin America, and the Caribbean; and

3 (2) the Inter-American Drug Abuse Control
4 Commission (CICAD) to examine what changes
5 would increase its effectiveness.

6 (c) REPORT.—

7 (1) IN GENERAL.—Not later than 12 months
8 after the first meeting of the Commission, the Com-
9 mission shall submit to the Committee on Foreign
10 Affairs of the House of Representatives and the
11 Committee on Foreign Relations of the Senate, the
12 Committee on the Judiciary of the House of Rep-
13 resentatives and the Committee on the Judiciary of
14 the Senate, the Committee on Energy and Com-
15 merce of the House of Representatives and the Com-
16 mittee on Health, Education, Labor and Pensions of
17 the Senate, the Committee on Armed Services of the
18 House of Representatives and the Committee on
19 Armed Services of the Senate, the Secretary of
20 State, the Secretary of Defense, the Secretary of
21 Health and Human Services, the Attorney General,
22 and the Director of the Office of National Drug
23 Control Policy (ONDCP) a report that contains a
24 detailed statement of the recommendations, findings,
25 and conclusions of the Commission, including sum-

1 maries of the input and recommendations of the
2 leaders and organizations with which is consulted
3 under subsection (b).

4 (2) PUBLIC AVAILABILITY.—The report re-
5 quired under this subsection shall be made available
6 to the public.

7 **SEC. 6. MEMBERSHIP.**

8 (a) NUMBER AND APPOINTMENT.—The Commission
9 shall be composed of ten members, to be appointed as fol-
10 lows:

11 (1) The majority leader and minority leader of
12 the Senate shall each appoint two members.

13 (2) The Speaker and the minority leader of the
14 House of Representatives shall each appoint two
15 members.

16 (3) The President shall appoint two members.

17 (b) APPOINTMENTS.—The Commission may not in-
18 clude Members of Congress or other currently elected Fed-
19 eral, State, or local government officials.

20 (c) PERIOD OF APPOINTMENT.—Each member shall
21 be appointed for the life of the Commission. Any vacancies
22 shall not affect the power and duties of the Commission,
23 but shall be filled in the same manner as the original ap-
24 pointment.

1 (d) DATE.—Members of the Commission shall be ap-
2 pointed not later than 30 days after the date of the enact-
3 ment of this Act.

4 (e) INITIAL MEETING AND SELECTION OF CHAIR-
5 PERSON.—Not later than 60 days after the date of the
6 enactment of this Act, the Commission shall hold an initial
7 meeting to develop and implement a schedule for comple-
8 tion of the review and report required under section 5.
9 At the initial meeting, the Commission shall select a
10 Chairperson from among its members.

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

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

19 **SEC. 7. POWERS.**

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

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

1 (c) OTHER RESOURCES.—The Commission shall have
2 reasonable access to documents, statistical data, and other
3 such information the Commission determines necessary to
4 carry out its duties from the Library of Congress, the Of-
5 fice of National Drug Control Policy, the Department of
6 State, the Department of Health and Human Services, the
7 Department of Justice, the Drug Enforcement Adminis-
8 tration, the Department of Defense (including the United
9 States Southern Command), and other agencies of the ex-
10 ecutive and legislative branches of the Federal Govern-
11 ment. The Chairperson of the Commission shall make re-
12 quests for such access in writing when necessary. The
13 General Services Administration (GSA) shall make office
14 space available for day-to-day Commission activities and
15 for scheduled Commission meetings. Upon request, the
16 Administrator of General Services shall provide, on a re-
17 imburseable basis, such administrative support as the Com-
18 mission requests to fulfill its duties.

19 (d) AUTHORITY TO USE THE UNITED STATES
20 MAILS.—The Commission may use the United States
21 mails in the same manner and under the same conditions
22 as other departments and agencies of the United States.

23 (e) AUTHORITY TO CONTRACT.—Subject to the Fed-
24 eral Property and Administrative Services Act of 1949,
25 the Commission is authorized to enter into contracts with

1 Federal and State agencies, private firms, institutions,
2 and individuals for the conduct of activities necessary to
3 the discharge of its duties and responsibilities. A contract,
4 lease, or other legal agreement entered into by the Com-
5 mission may not extend beyond the date of termination
6 of the Commission.

7 **SEC. 8. STAFF.**

8 (a) **EXECUTIVE DIRECTOR.**—The Commission shall
9 have a staff headed by an Executive Director. The Execu-
10 tive Director and such staff as is needed shall be paid at
11 a rate not more than the rate of pay for level IV of the
12 Executive Schedule.

13 (b) **STAFF APPOINTMENT.**—With the approval of the
14 Commission, the Executive Director may appoint such
15 personnel as the Executive Director determines to be ap-
16 propriate. The Commission may appoint and fix the com-
17 pensation of such other personnel as may be necessary to
18 enable the Commission to carry out its duties, without re-
19 gard to the provisions of title 5, United States Code, gov-
20 erning appointments in the competitive service, and with-
21 out regard to the provisions of chapter 51 and subchapter
22 III of chapter 53 of such title relating to classification and
23 General Schedule pay rates, except that no rate of pay
24 fixed under this subsection may exceed the equivalent of

1 that payable to a person occupying a position at level V
2 of the Executive Schedule under section 5316 of such title.

3 (c) EXPERTS AND CONSULTANTS.—With the ap-
4 proval of the Commission, the Executive Director may
5 procure temporary and intermittent services under section
6 3109(b) of title 5, United States Code.

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

14 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There are authorized to be appro-
16 priated \$2,000,000 to carry out this Act.

17 (b) AVAILABILITY.—Amounts appropriated pursuant
18 to subsection (a) shall remain available, without fiscal year
19 limitation, until expended.

1 SEC. 10. SUNSET.

2 The Western Hemisphere Drug Policy Commission
3 shall terminate 60 days after the submission to Congress
4 of its report under section 5(c).

Passed the House of Representatives December 8,
2009.

Attest: LORRAINE C. MILLER,
Clerk.