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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

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A BILL

To establish the National Commission on Federal Marijuana Policy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Commission on Federal Marijuana Policy Act of 2013''.

SEC. 2. FINDINGS.

Congress finds the following:

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

(2) The Shafer Commission undertook a comprehensive review of the nature and scope of marijuana use, its effects, the relationship of marijuana use to other behavior, and the efficacy of existing law.

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

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

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

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

(7) Since 1973, 2 States have legalized and regulated marijuana for personal use.

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

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

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Federal Marijuana Policy (in this Act referred to as the ''Commission'').

SEC. 4. DUTIES.

The Commission shall undertake a comprehensive review of the state and efficacy of current policies of the Federal Government toward marijuana in light of the growing number of States in which marijuana is legal for medicinal or personal use, including—

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

(2) the cost of marijuana prohibition and potential State and Federal regulation of marijuana, as well as the potential revenue generated by taxation of marijuana;

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

(4) the health impacts, both benefits and risks, related to marijuana use, and in comparison to alcohol and tobacco use;

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

(6) the impact of marijuana prohibition on criminal justice, including any racial disparities, and the collateral consequences of prosecution for marijuana possession, including lack of access to housing, education, and employment;

(7) recommending the appropriate placement of marijuana in the schedule of the Controlled Substances Act (21 U.S.C. 801 et seq.); and

(8) the effects of marijuana prohibition or future regulation and control of marijuana on international relationships and treaty obligations.

SEC. 5. MEMBERSHIP.

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

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

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

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

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

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

(b) QUALIFICATIONS.—The members of the Commission shall be individuals with distinguished reputations for integrity and nonpartisanship who are nationally recognized for expertise, knowledge, or experience in one or more of the following areas:

(1) Criminal justice.

(2) Public health.

(3) Social policy.

(4) Economics.

(5) International law.

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

(1) the individual possesses a personal financial interest in the discharge of the duties of the Commission; or

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

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

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

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

(g) BASIC PAY.—

(1) IN GENERAL.—Members shall each be entitled to receive the daily equivalent of level V of the Executive Schedule for each day (including travel

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

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

SEC. 6. POWERS.

(a) MEETINGS.—

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

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

(3) QUORUM.—Seven members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

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

persons shall be permitted to appear at meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(5) NOTICE.—Meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

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

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

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

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

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

tions of the Commission unless approved by the Commission.

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

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

SEC. 7. ADMINISTRATION.

(a) DIRECTOR.—The Commission may appoint a Director to be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF APPOINTMENT AND COMPENSATION.—With the approval of the Commission, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of level V of the Executive Schedule.

(c) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(e) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon the request of a co-chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(f) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

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

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

(h) GIFTS.—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(i) ADMINISTRATIVE ASSISTANCE.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

SEC. 8. REPORT.

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

SEC. 9. TERMINATION.

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

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $10,000,000 to carry out the purposes of this Act.

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

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