

105TH CONGRESS
1ST SESSION

H. R. 1345

To establish the Commission on National Drug Policy.

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 1997

Mr. CUMMINGS (for himself, Mr. CLAY, Mr. JEFFERSON, Mr. FOGLIETTA, Mr. FORD, Mr. DELLUMS, Ms. BROWN of Florida, Mr. FILNER, Mr. FROST, Ms. PELOSI, Mrs. MEEK of Florida, Mr. CLYBURN, Ms. CARSON, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. SCOTT, Mr. OWENS, and Mr. RUSH) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, 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 Commission on National Drug 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 Drug Policy
5 Act of 1997”.

1 **SEC. 2. ESTABLISHMENT.**

2 There is established a commission to be known as the
3 “Commission on National Drug Policy” (hereinafter in
4 this Act referred to as the “Commission”).

5 **SEC. 3. DUTIES OF COMMISSION.**

6 (a) **STUDY.**—The Commission shall conduct a com-
7 prehensive study of the unlawful production, distribution,
8 and use of controlled substances, including—

9 (1) an investigation into the various causes of
10 the unlawful use in the United States of controlled
11 substances and the relative significance of the var-
12 ious causes;

13 (2) an evaluation of the efficacy of existing
14 Federal laws regarding the unlawful production, dis-
15 tribution, and use of controlled substances, including
16 the efficacy of Federal minimum sentences for viola-
17 tions of the laws regarding the unlawful sale and use
18 of controlled substances;

19 (3) an analysis of the costs, benefits, risks, and
20 advantages of the present national policy regarding
21 controlled substances and of potential modifications
22 of that policy, including an analysis of what propor-
23 tion of the funds dedicated to combating the unlaw-
24 ful sale and use of controlled substances should be
25 devoted to—

1 (A) interdicting controlled substances en-
2 tering the United States unlawfully;

3 (B) enforcing Federal laws relating the un-
4 lawful production, distribution, and use of con-
5 trolled substances;

6 (C) education and other forms of prevent-
7 ing the unlawful use of controlled substances;
8 or

9 (D) rehabilitating individuals who use con-
10 trolled substances unlawfully; and

11 (4) an analysis of methods of rehabilitation, in-
12 cluding an evaluation of the efficacy of current
13 methods and suggestions for new methods.

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than 18 months
16 after the Commission first meets, the Commission
17 shall submit to the President and to Congress a re-
18 port which shall contain a detailed statement of the
19 findings and conclusions of the Commission, to-
20 gether with its recommendations for such legislative
21 and administrative actions as it considers appro-
22 priate.

23 (2) PUBLIC AVAILABILITY.—The Commission
24 shall make copies of the report available to the pub-
25 lic upon request.

1 **SEC. 4. MEMBERSHIP.**

2 (a) NUMBER AND APPOINTMENT.—The Commission
3 shall be composed of 13 members appointed from among
4 qualified individuals, as described in subsection (c), as fol-
5 lows:

6 (1) The President shall appoint 5 members, not
7 more than 3 of whom may be members of the same
8 political party.

9 (2) The majority leader of the Senate and the
10 minority leader of the Senate shall each appoint 2
11 members.

12 (3) The Speaker of the House of Representa-
13 tives and the minority leader of the House of Rep-
14 resentatives shall each appoint 2 members.

15 (b) DEADLINE.—The appointments under subsection
16 (a) shall be made not later than 60 days after the date
17 of the enactment of this Act.

18 (c) QUALIFICATIONS.—

19 (1) IN GENERAL.— For purposes of subsection
20 (a), qualified individuals are individuals who rep-
21 resent professions that deal with those involved in
22 the unlawful production, distribution, and use of
23 controlled substances, including—

24 (A) law enforcement officials,

25 (B) physicians,

26 (C) social workers,

1 (D) judges and attorneys,
2 (E) Drug Enforcement Agency staff,
3 (F) drug rehabilitation counselors,
4 (G) religious leaders,
5 (H) community leaders from inner-city
6 communities,
7 (I) educators, and
8 (J) individuals with academic expertise in
9 issues surrounding the unlawful production, dis-
10 tribution, and use of controlled substances.

11 (2) RESTRICTIONS.—An individual who holds an
12 elected Federal office is not eligible for appointment to
13 the Commission.

14 (d) TERMS.—Each member shall be appointed for the
15 life of the Commission.

16 (e) VACANCIES.—A vacancy in the membership of the
17 Commission shall be filled in the manner in which the
18 original appointment was made and shall not affect the
19 powers of the Commission.

20 (f) COMPENSATION; REIMBURSEMENT OF EX-
21 PENSES.—

22 (1) COMPENSATION.—Members of the Commis-
23 sion may not receive compensation for service on the
24 Commission, subject to paragraph (2).

1 (2) REIMBURSEMENT.—Members of the Com-
2 mission may be reimbursed, in accordance with
3 chapter 57 of title 5, United States Code, for travel,
4 subsistence, and other necessary expenses incurred
5 in carrying out the duties of the Commission.

6 (g) QUORUM.—A majority of the members of the
7 Commission shall constitute a quorum, but a lesser num-
8 ber may hold hearings.

9 (h) CHAIRPERSON; VICE CHAIRPERSON.—At the
10 time of appointment, the President shall designate 1 of
11 the members of the Commission as the chairperson and
12 1 of the members of the Commission as the vice chair-
13 person.

14 (i) MEETINGS.—

15 (1) IN GENERAL.—The Commission shall meet
16 at the call of the chairperson or a majority of the
17 members of the Commission.

18 (2) MONTHLY MEETING.—The Commission
19 shall meet not less frequently than once a month.

20 **SEC. 5. STAFF OF COMMISSION; EXPERTS AND CONSULT-**
21 **ANTS.**

22 (a) STAFF.—

23 (1) APPOINTMENT AND PAY.—The Commission
24 may appoint and fix the pay of personnel as it con-
25 siders appropriate.

1 (2) APPLICABILITY OF CERTAIN CIVIL SERVICE
2 LAWS.—The staff of the Commission may be ap-
3 pointed without regard to the provisions of title 5,
4 United States Code, governing appointments in the
5 competitive service and may be paid without regard
6 to the provisions of chapter 51 and subchapter III
7 of chapter 53 of that title relating to classification
8 and General Schedule pay rates, except that an indi-
9 vidual so appointed may not receive pay in excess
10 of the maximum annual rate of pay for grade GS-
11 15 of the General Schedule in effect under section
12 5332 of title 5, United States Code.

13 (b) EXPERTS AND CONSULTANTS.—The Commission
14 may procure temporary or intermittent services under sec-
15 tion 3109(b) of title 5, United States Code, at a rate of
16 pay not to exceed the daily equivalent of the maximum
17 annual rate of pay for grade GS-15 of the General Sched-
18 ule in effect under section 5332 of title 5, United States
19 Code.

20 (c) STAFF OF FEDERAL AGENCIES.—At the request
21 of the Commission, the head of any Federal department
22 or agency may detail, on a reimbursable basis, any of the
23 personnel of that department or agency to the Commission
24 to assist it in carrying out its duties under this Act.

1 **SEC. 6. POWERS OF COMMISSION.**

2 (a) **HEARINGS AND SESSIONS.**—

3 (1) **AUTHORITY.**—To carry out this Act, the
4 Commission may hold the hearings, sit and act at
5 the times and places, take the testimony, and receive
6 the evidence that the Commission considers appro-
7 priate.

8 (2) **OPEN MEETINGS.**—The Commission shall
9 be considered an agency for the purposes of section
10 552b of title 5, United States Code, relating to the
11 requirement that meetings of Federal agencies be
12 open to the public.

13 (3) **TRANSCRIPTS.**—Transcripts of a hearing
14 held under paragraph (1) shall be published and
15 shall be made available, upon request, to the public
16 within a reasonable time after the conclusion of the
17 hearing.

18 (b) **POWERS OF MEMBERS AND AGENTS.**—If author-
19 ized by the Commission, any member or agent of the Com-
20 mission may take any action that the Commission is au-
21 thorized to take by this section.

22 (c) **OBTAINING OFFICIAL INFORMATION.**—

23 (1) **AUTHORITY AND PROCEDURE FOR OBTAIN-**
24 **ING INFORMATION.**—The Commission may secure di-
25 rectly from any Federal agency information nec-
26 essary to enable it to carry out this Act. At the re-

1 quest of the chairperson of the Commission, the
2 head of the agency shall furnish the information to
3 the Commission.

4 (2) USE AND DISCLOSURE OF INFORMATION.—

5 The Commission shall be subject to the same restric-
6 tions regarding the use or disclosure of any informa-
7 tion obtained from any Federal agency under this
8 subsection as are applicable to the use or disclosure
9 of the information by the Federal agency from which
10 it is obtained.

11 (d) MAILS.—The Commission may use the United
12 States mails in the same manner and under the same con-
13 ditions as other Federal agencies.

14 (e) ADMINISTRATIVE SUPPORT SERVICES.—At the
15 request of the Commission, the Administrator of General
16 Services shall provide to the Commission, on a reimburs-
17 able basis, the administrative support services necessary
18 for the Commission to carry out this Act.

19 (f) EXPENDITURES AND CONTRACTS.—

20 (1) IN GENERAL.—The Commission may make
21 expenditures and enter into contracts for the pro-
22 curement of the supplies, services, and property the
23 Commission considers appropriate to carry out this
24 Act without regard to section 3709 of the Revised
25 Statutes (41 U.S.C. 5).

1 (2) **LIMITATION.**—The aggregate amount of
2 such expenditures and contracts may be made only
3 to the extent or in the amounts provided in appro-
4 priations Acts.

5 **SEC. 7. TERMINATION.**

6 The Commission shall terminate 60 days after the
7 submission of the report under section 3(b)(1).

8 **SEC. 8. DEFINITIONS.**

9 In this Act:

10 (1) **CONTROLLED SUBSTANCE.**—The term
11 “controlled substance” has the meaning given such
12 term in section 102(6) of the Controlled Substances
13 Act (21 U.S.C. 802(6)).

14 (2) **DISTRIBUTION.**—The term “distribution” is
15 the nominative form of the term “distribute” as that
16 term is defined in section 102(11) of the Controlled
17 Substances Act (21 U.S.C. 802(11)).

18 (3) **PRODUCTION.**—The term “production” has
19 the meaning given such term in section 102(22) of
20 the Controlled Substances Act (21 U.S.C. 802(22)).

21 (4) **FEDERAL AGENCY.**—The term “Federal
22 agency” has the meaning given such term in section
23 105 of title 5, United States Code.

○