

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4640
OFFERED BY MR. ENGEL OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Western Hemisphere
3 Drug Policy Commission Act of 2014”.

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 2012
9 in the United States, an estimated 23,900,000 per-
10 sons age 12 or older were current users of illicit
11 drugs. There were an estimated 1,600,000 users of
12 cocaine, 440,000 users of methamphetamine,
13 335,000 users of heroin, 18,900,000 users of mari-
14 juana, and 6,800,000 non-medical users of prescrip-
15 tion-type drugs.

16 (2) On September 13, 2013, President Barack
17 Obama identified 22 countries as major drug transit
18 or major illicit drug producing countries. Of these,

1 17 are located in the Western Hemisphere. They are
2 The Bahamas, Belize, Bolivia, Colombia, Costa Rica,
3 the Dominican Republic, Ecuador, El Salvador,
4 Guatemala, Haiti, Honduras, Jamaica, Mexico,
5 Nicaragua, Panama, Peru, and Venezuela.

6 (3) Nearly all cocaine consumed in the United
7 States originates in the Andean countries of Bolivia,
8 Colombia, and Peru and most of the heroin con-
9 sumed in the United States originates in Colombia
10 and Mexico. The cultivation, production and traf-
11 ficking of cocaine and heroin generate violence, in-
12 stability, and corruption.

13 (4) In the transit countries of Central America,
14 Mexico, Venezuela, Ecuador, the Dominican Repub-
15 lic, Haiti, and other Caribbean countries, drug traf-
16 ficking is central to the growing strength of orga-
17 nized criminals to threaten local and national law
18 enforcement, political institutions, citizen security,
19 rule of law, and United States security and inter-
20 ests.

21 (5) Drug trafficking-related violence continues
22 unabated in Mexico. According to Government of
23 Mexico estimates, some 70,000 people died in Mex-
24 ico and 25,000 people disappeared as a result of
25 drug trafficking and organized crime-related violence

1 between December 2006 and December 2012. Ac-
2 cording to analysts, more than 11,500 more people
3 died in Mexico in 2013 due to the violence.

4 (6) Foreign Terrorist Organizations and their
5 supporters in the Western Hemisphere, including the
6 Revolutionary Armed Forces of Colombia (FARC)
7 and Hezbollah, have used drug trafficking to finance
8 their activities.

9 (7) The United States obligated roughly
10 \$15,700,000,000 (\$18,600,000,000 in constant
11 2012 dollars) for counternarcotics programs in
12 Latin America and the Caribbean between 1980 and
13 2012.

14 **SEC. 3. ESTABLISHMENT.**

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

18 **SEC. 4. DUTIES.**

19 (a) REVIEW OF ILLICIT DRUG CONTROL POLICIES.—
20 The Commission shall conduct a comprehensive review of
21 United States foreign policy in the Western Hemisphere
22 to reduce the illicit drug supply and drug abuse and re-
23 duce the damage associated with illicit drug markets and
24 trafficking. The Commission shall also identify policy and
25 program options to improve existing international counter-

1 narcotics policy. The review shall include the following top-
2 ics:

3 (1) An evaluation of United States-funded
4 international illicit drug control programs in the
5 Western Hemisphere, including drug interdiction,
6 crop eradication, alternative development, drug pro-
7 duction surveys, police and justice sector training,
8 demand reduction, and strategies to target drug
9 kingpins.

10 (2) An evaluation of the impact of United
11 States counternarcotics assistance programs in the
12 Western Hemisphere, including the Colombia Stra-
13 tegic Development Initiative, the Merida Initiative,
14 the Caribbean Basin Security Initiative and the Cen-
15 tral America Regional Security Initiative, in curbing
16 drug production, drug trafficking, and drug-related
17 violence and improving citizen security.

18 (3) An evaluation of how the President's annual
19 determination of major drug-transit and major illicit
20 drug producing countries pursuant to sections 490
21 of the Foreign Assistance Act of 1961 (22 U.S.C.
22 2291j) and section 706 of the Foreign Relations Au-
23 thorization Act, Fiscal Year 2003 (22 U.S.C. 2291j-
24 1) serves United States interests with respect to

1 United States international illicit drug control poli-
2 cies.

3 (4) An evaluation of whether the proper indica-
4 tors of success are being used to evaluate United
5 States international illicit drug control policy.

6 (5) An evaluation of United States efforts to
7 stop illicit proceeds from drug trafficking organiza-
8 tions from entering the United States financial sys-
9 tem.

10 (6) An evaluation of the links between the ille-
11 gal narcotics trade in the Western Hemisphere and
12 terrorist activities around the world.

13 (7) An evaluation of United States efforts to
14 combat narco-terrorism in the Western Hemisphere.

15 (8) An evaluation of alternative drug policy
16 models in the Western Hemisphere.

17 (9) An evaluation of the impact of local drug
18 consumption in Latin America and the Caribbean in
19 promoting violence and insecurity.

20 (10) Recommendations on how best to improve
21 United States counternarcotics policies in the West-
22 ern Hemisphere.

23 (b) COORDINATION WITH GOVERNMENTS, INTER-
24 NATIONAL ORGANIZATIONS, AND NONGOVERNMENTAL
25 ORGANIZATIONS IN THE WESTERN HEMISPHERE.—In

1 conducting the review required under subsection (a), the
2 Commission is encouraged to consult with—

3 (1) government, academic, and nongovern-
4 mental leaders, as well as leaders from international
5 organizations, from throughout the United States,
6 Latin America, and the Caribbean; and

7 (2) the Inter-American Drug Abuse Control
8 Commission (CICAD).

9 (c) REPORT.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the first meeting of the Commission, the Commis-
12 sion shall submit to the Committee on Foreign Af-
13 fairs of the House of Representatives, the Com-
14 mittee on Foreign Relations of the Senate, the Sec-
15 retary of State, and the Director of the Office of
16 National Drug Control Policy a report that con-
17 tains—

18 (A) a detailed statement of the rec-
19 ommendations, findings, and conclusions of the
20 Commission under subsection (a); and

21 (B) summaries of the input and rec-
22 ommendations of the leaders and organizations
23 with which the Commission consulted under
24 subsection (b).

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

4 **SEC. 5. MEMBERSHIP.**

5 (a) NUMBER AND APPOINTMENT.—The Commission
6 shall be composed of ten members to be appointed as fol-
7 lows:

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

10 (2) The Speaker and the minority leader of the
11 House of Representatives shall each appoint 2 mem-
12 bers.

13 (3) The President shall appoint 2 members.

14 (b) PROHIBITION.—

15 (1) IN GENERAL.—The Commission may not in-
16 clude—

17 (A) Members of Congress or former Mem-
18 bers of Congress; or

19 (B) Federal, State, or local government of-
20 ficials.

21 (2) MEMBER OF CONGRESS.—In this sub-
22 section, the term “Member of Congress” includes a
23 Delegate or Resident Commissioner to the Congress.

24 (c) APPOINTMENT OF INITIAL MEMBERS.—The ini-
25 tial members of the Commission shall be appointed not

1 later than 30 days after the date of the enactment of this
2 Act.

3 (d) VACANCIES.— Any vacancies shall not affect the
4 power and duties of the Commission, but shall be filled
5 in the same manner as the original appointment. An ap-
6 pointment required by subsection (a) should be made with-
7 in 90 days of a vacancy on the Commission.

8 (e) PERIOD OF APPOINTMENT.—Each member shall
9 be appointed for the life of the Commission.

10 (f) INITIAL MEETING AND SELECTION OF CHAIR-
11 PERSON.—

12 (1) IN GENERAL.—Not later than 60 days after
13 the date of the enactment of this Act, the Commis-
14 sion shall hold an initial meeting to develop and im-
15 plement a schedule for completion of the review and
16 report required under section 4.

17 (2) CHAIRPERSON.—At the initial meeting, the
18 Commission shall select a Chairperson from among
19 its members.

20 (g) QUORUM.—Six members of the Commission shall
21 constitute a quorum.

22 (h) TRAVEL EXPENSES.—Members shall receive trav-
23 el expenses, including per diem in lieu of subsistence, in
24 accordance with sections 5702 and 5703 of title 5, United
25 States Code, while away from their homes or regular

1 places of business in performance of services for the Com-
2 mission.

3 **SEC. 6. POWERS.**

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

6 (b) HEARINGS.—The Commission shall hold such
7 hearings and undertake such other activities as the Com-
8 mission determines necessary to carry out its duties.

9 (c) OTHER RESOURCES.—

10 (1) DOCUMENTS, STATISTICAL DATA, AND
11 OTHER SUCH INFORMATION.—

12 (A) IN GENERAL.—The Library of Con-
13 gress, the Office of National Drug Control Pol-
14 icy, the Department of State and any other
15 Federal department or agency shall provide rea-
16 sonable access to documents, statistical data,
17 and other such information the Commission de-
18 termines necessary to carry out its duties.

19 (B) OBTAINING INFORMATION.—The
20 Chairperson of the Commission shall request
21 the head of an agency described in subpara-
22 graph (A) for access to documents, statistical
23 data, or other such information described in
24 subparagraph (A) that is under the control of
25 such agency in writing when necessary.

1 (2) OFFICE SPACE AND ADMINISTRATIVE SUP-
2 PORT.—The General Services Administration shall
3 make office space available for day-to-day activities
4 of the Commission and for scheduled meetings of the
5 Commission. Upon request, the Administrator of
6 General Services shall provide, on a reimbursable
7 basis, such administrative support as the Commis-
8 sion requests to fulfill its duties.

9 (d) AUTHORITY TO USE UNITED STATES MAILS.—
10 The Commission may use the United States mails in the
11 same manner and under the same conditions as other de-
12 partments and agencies of the United States.

13 (e) AUTHORITY TO CONTRACT.—

14 (1) IN GENERAL.—Subject to the Federal Prop-
15 erty and Administrative Services Act of 1949, the
16 Commission is authorized to enter into contracts
17 with Federal and State agencies, private firms, insti-
18 tutions, and individuals for the conduct of activities
19 necessary to the discharge of its duties under section
20 4.

21 (2) TERMINATION.—A contract, lease, or other
22 legal agreement entered into by the Commission may
23 not extend beyond the date of termination of the
24 Commission.

1 **SEC. 7. STAFF.**

2 (a) DIRECTOR.—The Commission shall have a Direc-
3 tor who shall be appointed by a majority vote of the Com-
4 mission. The Director shall be paid at a rate not to exceed
5 the rate of basic pay for level IV of the Executive Sched-
6 ule.

7 (b) STAFF.—

8 (1) IN GENERAL.—With the approval of the
9 Commission, the Director may appoint such per-
10 sonnel as the Director determines to be appropriate.
11 Such personnel shall be paid at a rate not to exceed
12 the rate of basic pay for level IV of the Executive
13 Schedule.

14 (2) ADDITIONAL STAFF.—The Commission may
15 appoint and fix the compensation of such other per-
16 sonnel as may be necessary to enable the Commis-
17 sion to carry out its duties, without regard to the
18 provisions of title 5, United States Code, governing
19 appointments in the competitive service, and without
20 regard to the provisions of chapter 51 and sub-
21 chapter III of chapter 53 of such title relating to
22 classification and General Schedule pay rates, except
23 that no rate of pay fixed under this subsection may
24 exceed the equivalent of that payable to a person oc-
25 cupying a position at level V of the Executive Sched-
26 ule.

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 personnel.

12 (e) VOLUNTEER SERVICES.—Notwithstanding sec-
13 tion 1342 of title 31, United States Code, the Commission
14 may accept and use voluntary and uncompensated services
15 as the Commission determines necessary.

16 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated an amount not to exceed \$1,500,000 to carry out
19 this Act.

20 (b) AVAILABILITY.—Amounts authorized to be appro-
21 priated under subsection (a) are authorized to remain
22 available until expended.

23 **SEC. 9. OFFSET.**

24 Section 102(a) of the Enhanced Partnership with
25 Pakistan Act of 2009 (22 U.S.C. 8412(a); Public Law

1 111-73; 123 Stat. 2068) is amended by striking
2 “\$1,500,000,000” and inserting “\$1,498,500,000”.

3 **SEC. 10. SUNSET.**

4 The Commission shall terminate on the date that is
5 60 days after the date on which the Commission submits
6 its report to Congress pursuant to section 4(c).

