

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3100

To establish the Commission on National Drug Policy.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1993

Mr. EDWARDS of California introduced the following bill; which was referred jointly to the Committees on the Judiciary and Energy and Commerce

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## 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 1993”.

6       **SEC. 2. ESTABLISHMENT.**

7       There is established a commission to be known as the  
8 “Commission on National Drug Policy”.

9       **SEC. 3. DUTIES OF COMMISSION.**

10       (a) STUDY.—The Commission shall conduct a study  
11 of the unlawful production, distribution, and use of con-  
12 trolled substances, including—

1           (1) an investigation into the various causes of  
2 the unlawful use in the United States of controlled  
3 substances and the relative significance of the var-  
4 ious causes;

5           (2) an evaluation of the efficacy of existing  
6 Federal laws regarding the unlawful production, dis-  
7 tribution, and use of controlled substances, including  
8 the efficacy of Federal minimum sentences for viola-  
9 tions of the laws regarding the unlawful sale and use  
10 of controlled substances;

11           (3) an analysis of the costs, benefits, risks, and  
12 advantages of the present national policy regarding  
13 controlled substances and of potential modifications  
14 of that policy, including an analysis of what propor-  
15 tion of the funds dedicated to combating the unlaw-  
16 ful sale and use of controlled substances should be  
17 devoted to—

18                   (A) interdicting controlled substances en-  
19 tering the United States unlawfully;

20                   (B) enforcing Federal laws relating the un-  
21 lawful production, distribution, and use of con-  
22 trolled substances;

23                   (C) education and other forms of prevent-  
24 ing the unlawful use of controlled substances;

25           or

1 (D) rehabilitating individuals who use con-  
2 trolled substances unlawfully; and

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

6 (b) REPORT.—Within 18 months after the date on  
7 which funds first become available to carry out this Act,  
8 the Commission—

9 (1) shall submit to the President, the Speaker  
10 of the House of Representatives, and the President  
11 pro tempore of the Senate a comprehensive report  
12 on the study conducted under subsection (a), and

13 (2) shall make the report available to the public  
14 upon request.

15 The report shall include the Commission's conclusions and  
16 recommendations which at least a majority of the Commis-  
17 sion have agreed upon and the Commission's proposals for  
18 legislation and administrative action necessary to carry  
19 out the Commission's recommendations.

20 **SEC. 4. MEMBERSHIP.**

21 (a) NUMBER AND APPOINTMENT.—The Commission  
22 shall be composed of 13 members appointed as follows  
23 from among qualified individuals:

24 (1) BY THE PRESIDENT.—Five members ap-  
25 pointed by the President of the United States, not

1 more than 3 of whom may be members of the same  
2 political party.

3 (2) BY LEADERS OF THE SENATE.—Two mem-  
4 bers each appointed by the majority leader of the  
5 Senate and the minority leader of the Senate, not  
6 more than 2 of whom shall be members of the same  
7 political party.

8 (3) BY LEADERS OF THE HOUSE.—Two mem-  
9 bers each appointed by the Speaker of the House of  
10 Representatives and the minority leader of the  
11 House of Representatives, not more than 2 of whom  
12 shall be members of the same political party.

13 Appointments to the Commission shall be made not later  
14 than 60 days after the date of the enactment of this Act.

15 (b) QUALIFICATIONS.—For purposes of subsection  
16 (a), individuals representing the professions that deal with  
17 those who produce, distribute, and use controlled sub-  
18 stances unlawfully are qualified to be appointed to the  
19 Commission and individuals who hold an elected Federal  
20 office are not qualified for appointment to the Commis-  
21 sion. Each appointing authority named in subsection (a)  
22 should consider appointing individuals who are—

23 (1) law enforcement officials;

24 (2) physicians;

25 (3) social workers;

- 1 (4) judges and attorneys;
- 2 (5) Drug Enforcement Agency staff;
- 3 (6) drug rehabilitation counselors;
- 4 (7) religious leaders;
- 5 (8) community leaders from inner-city commu-
- 6 nities;
- 7 (9) educators; or
- 8 (10) individuals with academic expertise in is-
- 9 sues surrounding the unlawful production, distribu-
- 10 tion, and use of controlled substances.

11 (c) TERMS.—Each member shall be appointed for the  
12 life of the Commission.

13 (d) VACANCIES.—A vacancy on the Commission re-  
14 sulting from the death or resignation of a member shall  
15 not affect the powers of the Commission. If a vacancy oc-  
16 curs on the Commission, a new member shall be appointed  
17 in the same manner as the original member was ap-  
18 pointed.

19 (e) BASIC PAY.—

20 (1) RATES OF PAY.—Except as provided in  
21 paragraph (2), members of the Commission shall be  
22 paid at a rate not to exceed the daily equivalent of  
23 the maximum annual rate of pay for grade GS-15 of  
24 the General Schedule in effect under section 5332 of  
25 title 5, United States Code, for each day (including

1 travel time) during which they are engaged in the  
2 performance of the duties of the Commission.

3 (2) PROHIBITION OF COMPENSATION OF FED-  
4 ERAL EMPLOYEES.—Members of the Commission  
5 who are full-time officers or employees of the United  
6 States may not receive additional pay, allowances, or  
7 benefits by reason of their service on the Commis-  
8 sion, except as provided in paragraph (3).

9 (3) TRAVEL EXPENSES.—While away from  
10 their homes or regular places of business in the per-  
11 formance of the duties of the Commission, members  
12 of the Commission shall be allowed travel expenses,  
13 including a per diem allowance in lieu of subsistence,  
14 in the same manner as persons employed intermit-  
15 tently in Government service are allowed travel ex-  
16 penses under sections 5703 of title 5, United States  
17 Code.

18 (f) QUORUM.—Seven members of the Commission  
19 shall constitute a quorum, but a lesser number may hold  
20 hearings.

21 (g) CHAIRPERSON; VICE CHAIRPERSON.—At the  
22 time of appointment, the President shall designate 1 of  
23 the members of the Commission as the chairperson and  
24 1 of the members of the Commission as the vice chair-  
25 person.

1 (h) MEETINGS.—The Commission shall meet at the  
2 call of the chairperson or a majority of the members of  
3 the Commission but not less often than once a month.

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

6 (a) STAFF.—

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

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

22 (b) EXPERTS AND CONSULTANTS.—The Commission  
23 may procure temporary or intermittent services under sec-  
24 tion 3109(b) of title 5, United States Code, at a rate of  
25 pay not to exceed the daily equivalent of the maximum

1 annual rate of pay for grade GS-15 of the General Sched-  
2 ule in effect under section 5332 of title 5, United States  
3 Code.

4 (c) STAFF OF FEDERAL AGENCIES.—At the request  
5 of the Commission, the head of any Federal agency may  
6 detail, on a reimbursable basis, any of the personnel of  
7 that agency to the Commission to carry out this Act.

8 **SEC. 6. POWERS OF COMMISSION.**

9 (a) HEARINGS AND SESSIONS.—

10 (1) AUTHORITY.—To carry out this Act, the  
11 Commission may hold the hearings, sit and act at  
12 the times and places, take the testimony, and receive  
13 the evidence that the Commission considers appro-  
14 priate.

15 (2) OPEN MEETINGS.—The Commission shall  
16 be considered an agency for the purposes of section  
17 552b of title 5, United States Code, relating to the  
18 requirement that meetings of Federal agencies be  
19 open to the public.

20 (3) TRANSCRIPTS.—Transcripts of a hearing  
21 held under paragraph (1) shall be published and  
22 shall be made available, upon request, to the public  
23 within a reasonable time after the conclusion of the  
24 hearing.

1 (b) POWERS OF MEMBERS AND AGENTS.—If author-  
2 ized by the Commission, any member or agent of the Com-  
3 mission may take any action that the Commission is au-  
4 thorized to take by this section.

5 (c) OBTAINING OFFICIAL INFORMATION.—

6 (1) AUTHORITY AND PROCEDURE FOR OBTAIN-  
7 ING INFORMATION.—Notwithstanding section 552a  
8 of title 5 or any other restriction on the disclosure  
9 of information, the Commission may secure directly  
10 from any Federal agency information necessary to  
11 enable it to carry out this Act. At the request of the  
12 chairperson of the Commission, the head of the  
13 agency shall furnish the information to the Commis-  
14 sion.

15 (2) USE AND DISCLOSURE OF INFORMATION.—  
16 The Commission shall be subject to the same restric-  
17 tions regarding the use or disclosure of any informa-  
18 tion obtained from any Federal agency under this  
19 subsection as are applicable to the use or disclosure  
20 of the information by the Federal agency from which  
21 it is obtained.

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

1 (e) ADMINISTRATIVE SUPPORT SERVICES.—At the  
2 request of the Commission, the Administrator of General  
3 Services shall provide to the Commission, on a reimburs-  
4 able basis, the administrative support services necessary  
5 for the Commission to carry out this Act.

6 (f) EXPENDITURES AND CONTRACTS.—The Commis-  
7 sion may make expenditures and enter into contracts for  
8 the procurement of the supplies, services, and property the  
9 Commission considers appropriate to carry out this Act.  
10 The aggregate amount of such expenditures and contracts  
11 may be made only to the extent or in the amounts provided  
12 in appropriations Acts.

13 **SEC. 7. TERMINATION.**

14 The Commission shall terminate 60 days after sub-  
15 mitting the report required by section 3(b).

16 **SEC. 8. DEFINITIONS.**

17 For purposes of this Act:

18 (1) COMMISSION.—The term “Commission”  
19 means the Commission on National Drug Policy es-  
20 tablished by section 2.

21 (2) CONTROLLED SUBSTANCE.—The term  
22 “controlled substance” means a controlled substance  
23 as defined by section 102(6) of the Controlled Sub-  
24 stances Act (21 U.S.C. 802(6)).

1           (3) DISTRIBUTE.—The term “distribute”  
2 means distribute as defined by section 102(11) of  
3 the Controlled Substances Act (21 U.S.C. 802(11)).

4           (4) FEDERAL AGENCY.—The term “Federal  
5 agency” means an executive agency as defined by  
6 section 105 of title 5, United States Code.

7           (5) PRODUCTION.—The term “production”  
8 means production as defined by section 102(22) of  
9 the Controlled Substances Act (21 U.S.C. 802(22)).

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