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INTERNATIONAL NARCOTICS CONTROL ACT OF 1988

JUNE 22, 1988.—Ordered to be printed

Mr. FASCELL, from the Committee on Foreign Affairs,
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 4841 which on June 16, 1988, was referred jointly to the Committee on Foreign Affairs, the Committee on Banking, Finance and Urban Affairs, and the Committee on Ways and Means]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 4841) to control illicit narcotics production and trafficking, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

COMMITTEE ACTION

In May 1988 the Speaker of the House announced his intention for the House to take action on a new omnibus antinarcotics initiative to further implement the Anti-Drug Abuse Act of 1986. All committees with jurisdiction relevant to narcotics issues were asked to recommend appropriate legislation by June 21.

Following the Speaker's announcement, members of the Committee on Foreign Affairs drafted international narcotics control legislation. On June 15, the committee met to mark up a committee print, and ordered favorably reported a draft bill. H.R. 4841 was introduced on June 16, by Hon. Dante B. Fascell, chairman, with 36 committee members as cosponsors.

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ACQUISITIONS

BACKGROUND AND COMMITTEE COMMENT

H.R. 4841 is the latest in a long list of narcotics control legislation sponsored by the Committee on Foreign Affairs. A chronology of committee actions on this issue over the past 15 years, including narcotics-related legislation sponsored since passage of the 1986 Anti-Drug Abuse Act, is attached as appendix 1.

The committee has not only enacted legislation, but has carefully monitored the impact of that legislation as well as continuing developments in narcotics issues worldwide. Since passage of the omnibus Anti-Drug Abuse Act of 1986, the committee's Task Force on International Narcotics Control, chaired by Hon. Lawrence J. Smith and cochaired by Hon. Benjamin Gilman and Hon. Ed Feighan, has held 19 hearings on international narcotics control issues (see appendix 2). Many of the provisions contained in H.R. 4841 therefore stem directly from hearings held by the task force. The committee has also included in this legislation several recommendations made by a series of GAO reports on the international narcotics control program which were mandated in the 1986 Anti-Drug Abuse Act.

The committee's long and active history in narcotics control issues has led to the conclusion that there are no easy answers to the international problem of narcotics production, trafficking, and abuse. The committee over the years has authorized a variety of approaches to combat this problem, including crop substitution, training of host country personnel by Drug Enforcement Administration (DEA) and Customs officials, international visitor programs, the use of "poppy/coca bans" in Agency for International Development (AID) projects, increased foreign aid to cooperating narcotics-producing countries, sanctions against noncooperative narcotics-producing countries, provision of aircraft, herbicides, and technical assistance, contributions to international programs and organizations dedicated to narcotics control, and other measures. The committee has also emphasized the importance of updated extradition treaties, the negotiation of mutual legal assistance treaties (MLAT's), and the importance of information-sharing among relevant U.S. Government agencies, in particular to deny visas to drug traffickers.

The committee believes, however, that U.S. efforts to persuade other countries to increase their antinarcotics efforts are ultimately limited by the difficulty of dealing with sovereign countries, the boundaries of U.S. leverage, the impact of narcotics-related corruption, the competition of other U.S. national security interests, and by the lack of a persuasive U.S. domestic commitment and effort. The committee bill reflects this historical experience.

H.R. 4841 contains only \$36 million in new authorizations not previously approved by the House for fiscal year 1989, in light of the fact that funds for international narcotics control programs were doubled in the 1986 Anti-Drug Abuse Act. Roughly half of the bill consists of the narcotics-related provisions of H.R. 3100 (the foreign aid authorization for fiscal years 1988 and 1989) as passed by the House. Another quarter of the bill, in terms of the number of pages, consists largely of technical provisions designed to unify the

standards used in the certification process for bilateral and multi-lateral aid and for trade.

The remainder of the bill contains new initiatives. The most significant of these include the following:

Asking the Organization of American States (OAS) to review the need for a multinational regional antinarcotics force and regional strategy, with a hemispheric conference to follow if there is agreement on these concepts;

A special assistance package for Colombia;

Establishing a process for determining which countries are "major drug transit" countries for purposes of certification;

A limited waiver of the prohibition in section 660 of the Foreign Assistance Act on assistance to law enforcement agencies in order to allow weapons and ammunition to be provided to foreign antinarcotics police for antinarcotics purposes only;

Prohibiting economic and military aid to drug traffickers;

Speeding up the State Department's Bureau of International Narcotics Matters (INM) procurement process;

Waiving the Export-Import Bank's prohibition on financing military sales if the sales are for equipment to be used by democratic countries for antinarcotics purposes;

Making the Secretary of State the coordinator of, and reporter to Congress on, all U.S. Government overseas antinarcotics aid (as he is for antiterrorism aid);

Requiring the Secretary of State of revoke passports for convicted drug violators and authorizing him to stamp travel documents of drug violators; and

Authorizing funds to the State Department to develop machine-readable visas.

The initiatives contained in H.R. 4841, while modest, build on the committee's previous efforts. It is the committee's hope that other elements of the omnibus narcotics legislation will lend credibility to these initiatives by demonstrating an increased willingness to deal with the narcotics threat within our own borders.

JURISDICTIONAL ISSUES

The committee notes that several of the provisions contained in H.R. 4841 fall partially in the jurisdiction of other committees in the House. Inclusion of these provisions in the bill does not represent any attempt to circumvent the normal rules of the House, but rather reflects the unusual procedures necessary to formulate expeditiously an omnibus antinarcotics bill to which a dozen or more committees will contribute without lengthy referrals. The committee intends to seek the views of the appropriate committees on these provisions as they are incorporated into an omnibus bill.

SECTION-BY-SECTION ANALYSIS

Section 1—Short title

This act may be cited as the "International Narcotics Control Act of 1988".

Section 2—Table of contents

This section provides a table of contents for the bill.

Section 3—Definitions

As used in this act, the terms "drug" and "narcotic" mean narcotic and psychotropic drugs and other controlled substances as defined in section 481(i)(3) of the Foreign Assistance Act of 1961.

TITLE I—LATIN AMERICAN REGIONAL ANTINARCOTICS FORCE

Section 101—Need for a Latin American regional antinarcotics force

Section 101 states the sense of the Congress regarding the threat of illicit narcotics to the national security of the member nations of the Organization of American States (OAS), and the utility of establishing a multinational antinarcotics force in the region. It further specifies the purposes of this title is to authorize \$10 million for the U.S. share of the expenses of a Latin American regional antinarcotics force, to encourage agreement within the OAS on the establishment of such a force and a regional strategy, and to encourage establishment of regional antinarcotics forces in other regions of the world.

Section 102—Negotiations concerning a Latin American regional antinarcotics force

Section 102 requires the President to direct the U.S. representative to the OAS to seek the views of other member nations on the feasibility of establishing a Latin American regional antinarcotics force, and developing a comprehensive regional strategy for dealing with drug issues. It further directs the President, if the OAS responds positively to this proposal, to convene a meeting of the heads of government of the member states to conclude an agreement on the nature of the force and on the strategy referred to above.

This section urges the United States to undertake diplomatic initiatives relative to the establishment of a regional antinarcotics force, while recognizing that such a force cannot be imposed unilaterally on the region, but can only result from the agreement of the other nations of the region.

Section 103—U.S. assistance for a Latin American regional antinarcotics force

Section 103 directs the U.S. Secretary of Defense to provide appropriate assistance for the force if an agreement is reached by the OAS to establish such a force. It further authorizes \$10 million in new no-year funds for the U.S. share of the expenses of the force, including reimbursement to the Department of Defense for any assistance provided. Obligation of funds is subject to prior notification to the Congress, as specified in section 634A of the Foreign Assistance Act.

Section 104—Establishment of a regional antinarcotics training center in the Caribbean

Section 104 states the sense of the Congress that the Assistant Secretary of International Narcotics Matters should seek the establishment of a regional antinarcotics training center in the Caribbean, should contribute funds to such a center, and should seek contributions from other countries for such a center.

This section is the same as section 517 of H.R. 3100 as passed the House. It stems from task force hearings (May 1987) where it was established that the Caribbean Community (CARICOM) and other Caribbean leaders strongly support a regional antinarcotics training center. The Assistant Secretary of State for International Narcotics Matters, Hon. Ann Wroblewski, testified in favor of this concept. The overwhelming need in the Caribbean is for law enforcement training; given the number of small countries in the region, a regional training center would be more cost-effective than separate training in each country.

Section 105—U.S. effort to establish other regional antinarcotics forces

Section 105 urges the President to seek the establishment in each of the relevant regions of the world of multilateral regional antinarcotics forces similar to the proposed Latin American force.

TITLE II—FOREIGN ASSISTANCE PROGRAMS

SUBTITLE A—AUTHORIZATIONS AND EARMARKINGS OF ASSISTANCE

Section 201—Authorization for international narcotics control assistance

Section 201 authorizes \$101 million for fiscal year 1989 for international narcotics control programs. This amount is \$3 million higher than the amount authorized in H.R. 3100, and reflects the executive branch request for fiscal year 1989.

Section 202—Development of herbicides for aerial coca eradication

Section 202 earmarks \$500,000 in fiscal year 1989 narcotics control funds to finance testing and use of safe and effective herbicides for use in the aerial eradication of coca. It is the same as section 502 of H.R. 3100 as passed by the House, except that it drops a reference to research and development that is now obsolete and adds "use".

An effective, safe herbicide that can be applied to coca plants aerielly is crucial to any meaningful eradication effort, given the time, effort, and danger involved in manual eradication efforts.

Section 203—Procurement of weapons to defend aircraft involved in narcotics control efforts

Section 203 earmarks \$900,000 of fiscal year 1989 military assistance (MAP) funds to defensively arm aircraft used in narcotics control eradication or interdiction efforts, subject to prior notification to Congress.

This section is the same as section 503 of H.R. 3100 as passed the House.

This earmark has been in the law since 1985, in recognition of the danger antinarcotics aircraft face from hostile fire. Funds in prior years have been used to arm defensively two Colombian AC-47 transport planes with .50-caliber machine guns, as well as modern navigation and communications systems. While the purpose of this assistance is to enable personnel operating antinarcotics aircraft to defend themselves from hostile fire in countries such as Colombia the committee recognizes that the military faces a "narcoinsurgency" in which traffickers and insurgents are often one and the same. Drug laboratories raided are often under the control of the insurgent group FARC, for example. The committee nonetheless urges the executive branch to monitor closely the use of aircraft defensively equipped under this provision.

Section 204—Training for narcotics control activities

Section 204(a) earmarks \$2 million of fiscal year 1989 International Military Education and Training (IMET) funds for (1) education and training in the operation and maintenance of narcotics control equipment for countries in Latin America and the Caribbean, and (2) the expenses of deploying, upon the request of a foreign country, Department of Defense (DOD) mobile training teams in that foreign country to conduct relevant antinarcotics training.

Section 204(b) specifies that assistance provided under this section may be provided only for foreign law enforcement agencies, or other units that are organized for the specific purpose of narcotics enforcement.

Section 204(c) limits recipients of assistance provided under this section to countries which (1) are major illicit drug producing or major drug-transit countries (as defined in section 481(i) of the Foreign Assistance Act), (2) have democratic governments, and (3) whose law enforcement agencies do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act).

Section 204(d) specifies that assistance provided under this section is to be coordinated with assistance provided under the international narcotics control program.

Section 204(e) specifies that the prohibitions contained in section 660 of the Foreign Assistance Act of 1961 (relating to police training) are waived for assistance provided pursuant to this section.

This section is similar to section 504 of H.R. 3100 as passed the House, except that it clarifies which countries and law enforcement units may receive education and training under this provision.

This earmark originally appeared in the 1986 Antidrug Act and earmarked fiscal year 1987 funds for training of aircraft pilots and maintenance personnel. Due to the extremely strict language of the earmark, DOD's opposition to using the funds, they were often wasted. The earmark was therefore broadened in purpose beyond aircraft training so that other kinds of training could be done (for example, in support of vessels and other narcotics control equipment). In addition, the task force found that the use of mobile training teams in Bolivia to train antidrug units in map reading, compass use, and other basic skills was one of the few successful programs in that country in enhancing basic skills needed for laboratory raids and other interdiction activities. Such basic skills en-

hancement is needed in other countries in the region as well. The committee has, however, limited the countries eligible to receive assistance under this provision to those which meet the standards specified above so that possible abuses of the authorities provided are avoided.

In addition, the committee intends that the Defense Department, in cooperation with civilian authorities in beneficiary countries, will carefully screen participants for training programs to exclude any police or military officers who are known to have engaged in human right abuses, who have collaborated with death squads, or who themselves have been involved in drug trafficking.

Section 205—Military assistance for antinarcotics efforts

Section 205(a) states that assistance provided under this section shall be designed to enhance the ability of friendly governments to control illicit narcotics production and trafficking, to strengthen the bilateral ties of the United States with friendly governments by offering concrete assistance, and to strengthen respect for internationally recognized human rights and the rule of law in efforts to control illicit narcotics production and trafficking.

Section 205(b) specifies that section 660(a) of the Foreign Assistance Act shall not apply with respect to assistance provided under chapter 2 of part II of that act (relating to grant military assistance) to procure, for use in narcotics control, eradication, and interdiction efforts, weapons or ammunition for foreign law enforcement agencies or other units that are organized for the specific purpose of narcotics enforcement. This waiver is limited to countries which meet the standards set forth in section 205(c).

Section 205(c) specifies that assistance may be provided under this section only for countries (1) which are major illicit drug-producing or major drug-transit countries (as defined in section 481(i) of the Foreign Assistance Act), (2) which have democratic governments, and (3) whose law enforcement agencies do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act).

Section 205(d) specifies that assistance provided pursuant to this section is subject to the notification procedures contained in 634A of the Foreign Assistance Act, which requires a 15-day advance notification to the Congress. In addition, each such notification shall specify (1) the country to which the assistance is to be provided, (2) the type and value of the assistance to be provided, (3) the law enforcement agencies or other units that will receive the assistance, and (4) an explanation of how the proposed assistance will achieve the purposes specified in this section.

Section 205(e) specifies that section 502(c) of the Foreign Assistance Act (relating to country-specific human rights reports upon the request of the foreign affairs committees) applies with respect to countries which receive assistance under this section.

Section 205(f) specifies that assistance provided under this section shall be coordinated with assistance provided under the international narcotics control program.

Section 205(g) earmarks \$3.5 million in fiscal year 1989 military assistance program (MAP) funds to provide assistance under this section for countries in Latin America or the Caribbean.

This section is designed to permit the United States to provide weapons and ammunitions to foreign antinarcotics police units in countries which meet the standards specified above. This authority is granted in recognition of the high antinarcotics standards which countries are expected to meet under the certification process contained in section 481 of the Foreign Assistance Act. The committee recognizes that if the United States expects foreign police forces to pursue meaningful antinarcotics actions, it must be prepared to provide equipment to police forces which are, almost without exception, lacking in any equipment with which to defend themselves from narcotics traffickers who are extremely well armed. For example, the GAO has noted in reports mandated by the committee that the UMOPAR antinarcotics police in Bolivia and the PNCB antinarcotics police in Pakistan have no guns. However, the committee has also imposed strict conditions on the eligibility of countries and units which may receive such assistance in order to prevent possible human rights abuses.

The committee notes that in some Latin American countries, antinarcotics efforts are conducted simultaneously with counterinsurgency programs. The committee recognizes the interrelated nature of narcotics trafficking and insurgencies in such cases; however, the committee does not intend that the authorities granted in this section be used as a new spigot for counterinsurgency aid. The committee expects the executive branch to monitor closely the use of assistance provided under this section. Moreover, the committee recommends providing this assistance in the hope that it will strengthen the hand of civilian governments in their narcotics control efforts. To the maximum extent possible the assistance provided in this section should be funneled through civilian governments in order to prevent U.S. antinarcotics efforts from becoming military-to-military programs.

The committee notes that the Bureau of International Narcotics Matters (INM) sought to address the need of arming foreign antinarcotics units by requesting a repeal of section 482(b) of the Foreign Assistance Act, which prohibits that Bureau from providing weapons or ammunition to such units. The committee continues to believe that the existing prohibition is sound. INM has neither experience nor expertise in procuring and providing weapons. Further, the committee opposes opening a new military spigot through the Bureau in addition to normal military assistance programs authorized by the committee.

Section 206—Reallocation of funds withheld from countries which fail to take adequate steps to halt illicit drug production or trafficking

Section 206 amends chapter 8 of part I of the Foreign Assistance Act (relating to international narcotics control) by providing that if any security assistance funds allocated to a country are denied to that country due to failure to take adequate steps to halt illicit drug production or trafficking, the President shall reallocate those funds to cooperative narcotics producing or transit countries. Such

funds may either be transferred to the international narcotics control account, or reprogrammed within the account for which they were appropriated.

This section is the same as section 505 of H.R. 3100 as passed by the House.

Section 207—Increased funding for AID drug education programs

Section 207 provides that in addition to amounts otherwise authorized, \$1 million is authorized for additional activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

This section is the same as section 513 of H.R. 3100 as passed by the House.

SUBTITLE B—PROVISIONS RELATING TO SPECIFIC COUNTRIES

Section 221—Cooperative nonmajor drug-transit countries

Section 221 urges the Assistant Secretary for International Narcotics Matters to give greater attention, and provide more narcotics control aid, to cooperative drug transit countries which are not deemed to be major transit countries but which are cooperating with the United States in antinarcotics efforts. It further earmarks \$1 million in fiscal year 1989 INM funds for such countries.

This section is the same as section 512 of H.R. 3100 as passed by the House.

Continuing reviews by the committee's task force and by the committee staff have established that a number of countries which may not fall under the definition of "major drug transit countries" are nonetheless eager and willing to cooperate effectively with the United States in addressing this problem. The committee believes that in such countries, small amounts of U.S. narcotics control assistance may have more impact both substantively and politically than millions spent in uncooperative producing countries. Further, historical experience indicates that today's "minor" transit country may become tomorrow's "major" transit country if preventive action is not taken. Funds for such countries were cut in half from fiscal year 1987 to 1988 for the Asia/Africa regional program. The committee has therefore earmarked \$1 million for assistance to such countries. Examples of countries which the committee believes merit assistance include Greece, Egypt, Jordan, Mauritius, and Uruguay.

Section 222—Assistance for Bolivia

Section 222 states that security aid for fiscal year 1989 to Bolivia may be provided only if the President certifies to Congress that the Government of Bolivia has enacted legislation outlawing illicit coca production. It further requires that in order for the President to make the March 1, 1989 certification for Bolivia (as required by section 481(h)) of the Foreign Assistance Act, Bolivia must have fully achieved the eradication targets contained in its agreement with the United States, and have begun a program of forced eradication of illicit coca cultivation. This requirement may not be waived by the President. It further requires agreements for development assistance projects to be carried out in Bolivia in fiscal

year 1989 to contain a clause requiring that project activities be suspended if the Government fails to keep project areas free of illicit coca cultivation. Finally, this section repeals the \$15 million in fiscal year 1988 INM funds earmarked in the continuing resolution providing appropriations for fiscal year 1988.

This section is the same as section 509 of H.R. 3100 as passed by the House, except that it moves the conditions contained in section 509 for fiscal year 1988 back to fiscal year 1989, and contains a repeal of the \$15 million earmark.

The committee continues to be concerned over the failure of the Government of Bolivia to enact legislation which would make coca cultivation illegal outside of traditional growing areas. Such a law is crucial to any meaningful antinarcotics program in that country, as noted by the GAO in a draft report on antinarcotics efforts in Bolivia and Colombia.

The committee agreed to continue foreign assistance programs to Bolivia and to support a new narcotics control agreement with that country only on the condition that the full range of sanctions will be applied in fiscal year 1989 if by March 1, 1989 the Government of Bolivia has not fully met the requirements of the agreement signed with the United States. This section reflects the committee's agreement with the executive branch.

Section 223—Assistance for Peru

Section 223 requires the President, in making the certification for fiscal year 1989 pursuant to section 481(h) of the Foreign Assistance Act, to give foremost consideration to whether the Government of Peru made substantial progress in meeting its coca eradication targets during the previous year. It further prohibits any AID funding for development assistance in the Upper Huallaga Valley for fiscal year 1989 unless the AID Administrator determines and reports to Congress that such a project is effective in reducing and eradicating coca production.

This section is the same as section 510 of H.R. 3100 as passed by the House.

Section 224—Assistance for Mexico

Section 224(a) limits the amount of INM funding made available to Mexico to \$15 million for fiscal year 1989.

Section 224(b) requires that, of that \$15 million, \$1 million is withheld from expenditure until the President reports to the Congress that the Government of Mexico has fully investigated the 1985 torture and murder of DEA agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar, has fully investigated the 1986 detention and torture of DEA agent Victor Cortez, Jr., and has brought to trial and is effectively prosecuting those responsible for those actions.

Subsections (a) and (b) are the same as section 511 of H.R. 3100 as passed by the House. The committee has recommended that a ceiling of \$15 million be placed on the amount of narcotics control aid provided to Mexico due to concern that despite a rapid growth in such aid, there has been little evidence that it has been used effectively (see GAO report, "U.S.-Mexico Opium Poppy and Marijuana Aerial Eradication Program", January 1988). The committee

also notes its continued disappointment at the failure of the Government of Mexico to prosecute effectively those responsible for the torture and murder of Camarena and Zavala more than 3 years ago, as well as its failure to prosecute those responsible for the torture of Victor Cortez 2 years ago.

Section 224(c) requires the President, in making the fiscal year 1989 certification for Mexico required by section 481(h) of the Foreign Assistance Act, to consider whether the Government of Mexico has responded favorably to U.S. proposals to establish, and is making measurable progress toward implementing, a joint United States-Mexico airborne apprehension capability ("joint air operations"), and joint air surveillance operations ("joint crewing").

Commissioner of Customs William Von Raab has testified repeatedly as to the need to establish joint aerial programs with Mexico in order to avoid traffickers fleeing U.S. pursuit across the border. It is generally accepted that the U.S. is only able to interdict about 5 percent of the aerial supply of narcotics to the United States under current circumstances. While the committee recognizes the Government of Mexico's legitimate concerns about issues of sovereignty, the committee believes that appropriate safeguards for these concerns could be addressed were the Government to agree to such United States-Mexican programs. The United States is currently enjoying good success with a similar program in the Bahamas.

Section 224(d) states the encouragement of the Congress for the Government of Mexico, upon ratification of the Mutual Legal Assistance Treaty between that Government and the United States, to furnish banking information pursuant to that treaty which would permit the successful investigation and prosecution in the United States of major narcoterrorists who use Mexican financial institutions to "launder" their profits. To date, the Government of Mexico has been reluctant to provide such information. The current policy is not to furnish the needed information results from the 1981 interpretation of Mexican bank laws by the Mexican Banking Commission. The committee encourages a more liberal interpretation by the Banking Commissioner of the pending Mutual Legal Assistance Treaty, to furnish Mexican bank information to U.S. drug investigators.

Finally, the committee notes the assurances made by the Government of Mexico in a letter to the Speaker of the House regarding improvements in its antinarcotics efforts during 1988. Specifically, the Government of Mexico committed itself to improved eradication efforts against marijuana and opium production, as well as increased asset seizures and funds devoted to the antinarcotics efforts. The committee will review closely the implementation of the commitments made for 1988 when the certification process for 1989 occurs, and expects the executive branch to do the same.

The committee also notes that the U.S.-Mexico Intergovernmental Commission on Narcotics and Psychotropic Drug Abuse and Control contemplated in section 2024 of the Antidrug Abuse Act of 1986 has not been established. In the absence of the establishment of such a commission, the committee intends that the Mexico-United States Interparliamentary Group establish a subcommittee devoted to narcotics control issues.

Section 225—Assistance for Colombia

Section 225(a) adds Colombia to the list of countries exempted from the prohibition contained in section 515(c)(1) of the Foreign Assistance Act of 1961, which limits to no more than six the number of U.S. Armed Forces assigned to a foreign country to manage security assistance programs. Sixteen countries are currently exempted from this prohibition. This exemption is provided in order to enable the U.S. military group in Colombia to carry out the additional security assistance programs authorized by this section.

Section 225(b) authorizes, in addition to amounts otherwise authorized for grant military assistance (MAP) for fiscal year 1989, \$15 million to be made available only to provide defense articles to the armed forces of Colombia to support their efforts to combat illicit narcotics production and trafficking. This assistance is intended to respond to the urgent needs for military equipment as identified in a 1988 joint U.S.-Colombia review of the Colombian Armed Forces maintenance and logistics problems. At least \$30 million in military assistance is estimated to be needed to address that armed forces' most pressing needs. This section authorizes half of that amount.

Section 225(c) earmarks \$5 million in fiscal year 1989 economic support funds (ESF) to provide the Government of Colombia such assistance as it may request to provide protection against narcoterrorist attacks on judges, other government officials, and members of the press. Such assistance may be provided without regard to section 660 of the Foreign Assistance Act. All such assistance is subject to prior notification to Congress.

Subsection (c) is intended as a modest response to the dire threats Colombia currently faces from an increasingly vicious narcotics industry in its country, and is provided in recognition of the unusual and extraordinary circumstances that exist in Colombia and in response to that Government's valiant efforts to combat narcoterrorism. The \$5 million ESF earmark differs from the amount earmarked in section 764 of H.R. 3100 as passed the House in that section 764 earmarked \$6 million over 2 fiscal years. The United States shares the concerns of the Government of the Republic of Colombia in its efforts to gain complete control over elements of the left and the right in Colombia which are carrying out assassinations, kidnappings, torture, and disappearances. The committee requests that the executive branch give particular attention to these concerns in its annual report on human rights, and to include a description of the problems encountered by the Government of Colombia in its efforts to see that these abuses are eliminated, as well as a description of the steps being taken by the Colombian Government to improve the administration of justice in that country.

Section 226—Illicit drug production and trafficking in Pakistan

Section 226 requires the President, in making the certification required by section 481(h) of the Foreign Assistance Act of 1961 for Pakistan, to take into account the extent to which the Government of Pakistan is taking certain antinarcotics actions, including reduc-

tion of illicit narcotics cultivation, increase in drug seizures, suppression of the manufacture of illicit narcotics, destruction of illicit laboratories, the number of arrests and successful prosecutions of violators, changes in the Pakistani legal codes to enable more effective action against narcotics traffickers, and the expeditious processing of U.S. extradition requests relating to narcotics trafficking.

This section is the same as section 927 of H.R. 3100 as passed by the House.

The committee is particularly concerned at recent reports that the Government of Pakistan has failed to make even token efforts at suppression of illicit heroin laboratories or to prosecute those responsible for their operation. While the committee understands that Pakistan's ability to attack such laboratories is limited by its lack of control over tribal areas in the Northwest Frontier Province, the committee also notes that only one-third of illicit opium production is in the tribal areas. Further, not all nor even a majority of Pakistani traffickers are located in such areas. Illicit laboratories are now reportedly clustered by the side of highways which are clearly subject to control by Pakistani authorities. The committee intends to review progress in these areas during the certification process for 1989.

Section 227—U.S. reliance on licit opium gum from foreign sources

Section 227(a) requires the President to conduct a review of U.S. narcotics raw material policy to determine current needs for opium-derived products and the relative merits of meeting those needs through opium produced through the opium gum process versus the concentrated poppy straw process; whether the U.S. should continue to rely on a single foreign country for all its licit opium gum; whether it should be U.S. policy to encourage all countries which produce licit opium to use the concentrated poppy straw method of production; and what options are available to reduce U.S. reliance on licit opium gum from foreign sources. The results of the review are to be reported to Congress by December 31, 1988.

Section 227(b) requires the President, in making the fiscal year 1989 certification required for India pursuant to section 481(h) of the Foreign Assistance Act, to certify that country as fully cooperating only if the Government of India has taken steps to prevent significant diversion of its licit opium cultivation and production into the illicit market, to reduce its licit opium stockpile, and to eliminate illicit opium cultivation and production.

This section is the same as section 508 of H.R. 3100 as passed by the House, except that it moves the reporting date for the licit opium gum review from October back to December.

This section reflects the committee's concern over two separate but interrelated issues: The fact that the United States relies solely for its licit opium import on one country, India, and that India has not taken adequate steps to ensure that its licit opium production is not diverted into the illicit market. The committee notes that India is now the only country in the world which does not use the concentrated poppy straw (CPS) method of production for licit opium. That method effectively ensures that licit opium cannot be diverted into heroin. The United States has encouraged all other

licit opium-producing countries to use the CPS method and all have complied, except India. The result has been that India has profited commercially, while former opium gum producers, such as Turkey, which at the request of the United States switched to the CPS method, have suffered financially.

The committee recognizes that a change in U.S. policy on licit opium imports would have a significant impact on the international pharmaceutical market, which continues to have a legitimate need for opium gum products to produce painkilling medicines, as well as a possible impact on international agreements governing licit production. However, the committee believes that a policy review would be prudent to determine whether the United States should continue to rely on a sole foreign source of opium gum, and what other options are available. In particular, the committee believes that the use of *papaver bracteatum*, a nonopium natural source of numerous chemicals needed in the pharmaceutical industry, should be reviewed as a possible alternative to opium gum imports.

Section 228—Afghanistan as a heroin source

Section 228 contains a congressional finding that Afghanistan remains the source of most of the heroin exported from southwest Asia, and states the sense of the Congress that the United States Government should pursue efforts to press the Government of Afghanistan, and should work with the mujahadeen, to reduce production and trafficking in areas under their respective control, and to encourage drug eradication, interdiction, and crop substitution in Afghanistan. It further states that an initiative should be developed which could be put in place as the mujahadeen and successors to the present Kabul begin to exert more civil authority.

Section 229—Involvement of the Government of Laos in illicit drug production and trafficking

Section 229 requires a report on Laotian Government involvement in narcotics production and trafficking every 3 months. If the President finds that that Government, as a matter of government policy, encourages or facilitates the production or distribution of illegal drugs, or senior Government officials engage in, encourage, or facilitate the production or distribution of illegal drugs, the report shall describe the activities and identities of those officials. In addition, U.S. assistance to Laos shall be prohibited, and the U.S. representative to any multilateral development bank shall vote to oppose any loan for the benefit of Laos, unless the President certifies to the Congress that there are overriding vital national interests which require the provision of such assistance, and that such assistance would improve the prospects for cooperation with Laos in halting the flow of illegal drugs. Finally, the quarterly reports shall specify whether and the extent to which other governments in the region assist the distribution of illegal drugs from Laos.

The committee is disturbed by persistent reports that the Government of Laos is knowingly engaged in illicit narcotics production and trafficking, and that the Government of Vietnam may be assisting it in this effort. The committee has therefore included the requirement for a quarterly report on this issue, rather than a

semiannual report as required by current law (section 2013 of the 1986 Antidrug Abuse Act).

SUBTITLE C—ANNUAL REPORT AND CERTIFICATION PROCESS

Section 241—Expression in numerical terms of maximum achievable reductions in illicit drug production

Section 241 requires that the maximum reductions which are determined to be achievable by a foreign country in its illicit drug production, pursuant to section 481(e), be expressed in numerical terms.

This section is the same as section 520 of H.R. 3100 as passed by the House.

Section 242—Reports on assistance denied

Section 242 requires that the annual narcotics control report submitted to the Congress pursuant to section 481 contain a description of any U.S. aid denied to a major drug country.

This section is the same as section 521 of H.R. 3100 as passed by the House.

Section 243—Drug-related corruption by foreign government officials

Section 243 amends section 481(h) of the Foreign Assistance Act by adding a new requirement that in making certifications on full cooperation by major drug-producing and drug-transit countries, the President must determine that the government in question has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, corruption by government officials, with particular emphasis on the elimination of bribery.

This section amends the Foreign Assistance Act to establish the same certification requirements relating to corruption as that contained in section 802(b) of the Trade Act of 1974 (as amended by Public Law 100-204, the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989). This section, in conjunction with title IV of this act, is intended to unify the criteria required for consideration in the certification process for bilateral aid, multilateral aid, and trade benefits.

Section 244—Determining major drug-transit countries

Section 244 amends section 481 of the Foreign Assistance Act by adding a new subsection (k) which provides a method of determining which countries are major transit countries for the purposes of the certification process contained in that section. It first requires that for each calendar year, the Secretary of State, after consultation with the Congress, shall establish numerical standards and other guidelines for determining which countries are major drug-transit countries. Not later than September 1 of each year, the Secretary shall make a preliminary determination of the numerical standards and guidelines to be used for that year and notify the Congress of those standards. Not later than October 1 of each year, the Secretary shall notify the Congress of which countries appear likely, as of that date, to be determined to be major drug-transit countries for that year under that standards and guidelines previously described, and which countries appear likely to be deter-

mined to be major illicit drug producing countries for that year. Finally, it requires that the international narcotics control report submitted annually in March pursuant to section 481(e) describe any changes made, since the September notification on standards and guidelines, in those standards and guidelines in determining which countries were major drug-transit countries; and, any changes made, since the October notification, in the countries determined to be major drug-transit countries and the countries determined to be major illicit drug-producing countries.

This section is intended to eliminate the confusion which now exists in the narcotics certification process as to which countries are considered major drug-transit countries for the purposes of certification. While current law specifies numerical standards for major illicit narcotics-producing countries (500 metric tons of marijuana or coca leaf, and 5 metric tons of opium), there is no similar standard for determining major drug-transit countries. In the 2 years since the certification process was established, a number of countries which appear to be major drug-transit countries—such as Haiti, Honduras, Venezuela, and others—have not been so designated by the executive branch and therefore have not been subject to reporting requirements or to the certification process itself. This section therefore provides a process for determining major drug-transit countries. The nature of narcotics trafficking makes difficult any precise numerical standards, although seizures in-country and elsewhere clearly provide indications of trafficking activities. This section therefore requires numerical standards to be established while providing that other guidelines may also be used in order to determine major transit countries.

Section 245—Requirement for bilateral narcotics agreements

Section 245 amends section 481(h) of the Foreign Assistance Act to provide that any major drug producing or transit country may not be determined to be fully cooperating with the United States unless it has in place a bilateral narcotics agreement with the United States or a multilateral agreement which achieves the same objectives. A bilateral narcotics agreement is defined as an agreement in which the foreign country agrees to take specific activities, including efforts to reduce drug production, consumption, and trafficking within its territory, increase drug interdiction and enforcement, increase the identification and elimination of illicit drug laboratories and trafficking in precursor chemicals used for illegal drug production, increase cooperation with U.S. drug enforcement officials, and increase participation in extradition treaties, mutual legal assistance provisions, and other initiatives for cooperative drug enforcement.

This section essentially restates section 585 of the fiscal year 1988 continuing resolution, with technical and clarifying changes to further the objectives of that section.

The purpose of this section is to clarify the types of cooperation expected from other countries in the antinarcotics effort. Experience has shown that confusion and disagreement often arise as to the nature of cooperation expected from other countries in such efforts due to a lack of written agreement on mutual goals and objectives. The requirement for a bilateral (or, where appropriate, multi-

lateral) agreement should clarify the nature of those goals and objectives and improve the capability to measure results against those goals.

Section 246—Waiver of restrictions on U.S. assistance for certain major drug-transit countries

Section 246 states that section 481(h) of the Foreign Assistance Act (the drug certification process) shall not apply for fiscal year 1989 to a major drug-transit country if the President certifies to Congress during that fiscal year that (1) drug-related money-laundering concerns do not apply to that country; (2) the country previously was a major illicit drug-producing country but during each of the preceding 2 years has effectively eliminated illicit drug production; and (3) the country is cooperating with the United States to prevent drug transshipments.

This section is the same as section 506 of H.R. 3100 as passed by the House.

The effect of this provision is to provide that Turkey may be certified earlier in fiscal year 1989 than March 1, 1989, if it meets the other requirements contained in this section. This provision was added in recognition of Turkey's unique status as the only major drug-producing country to have effectively eliminated illicit narcotics production. However, the committee hopes that this provision will also serve as an incentive to other major drug-producing countries to eliminate illicit production.

Section 247—Clarification of assistance termination requirement; congressional review of recertifications

Section 247 amends section 481(h) to clarify what U.S. assistance is terminated if a country is determined to have not fully cooperated with the United States on antinarcotics efforts.

Current law requires that for any country determined to be a major drug-producing or drug-transit country, one-half of the aid allocated to that country at the beginning of a fiscal year be withheld until the following March when the certification process takes place. If a country is determined to be uncooperative, the 50 percent of the aid withheld is then denied to that country. However, a question has arisen as to the impact of this aid denial on remaining aid which may have been allocated but not obligated. This section clarifies that only the 50 percent of the aid withheld will be denied to a country during that fiscal year, but that aid for future fiscal years will continue to be denied until a new certification has been submitted and Congress has not disapproved it.

Finally, this section further amends section 481(h) to establish the same procedures for congressional review of aid recertifications as for trade recertifications—namely, that a Presidential recertification will take effect unless the Congress disapproves the President's determination within 45 days of continuous session. Under existing law, a recertification must be approved by the Congress.

Section 248—Definition of U.S. assistance

Section 248 clarifies that AID narcotics-related activities are not exempted from assistance denied to a country which is determined to be uncooperative with the United States on antinarcotics efforts.

The House-passed Foreign Assistance Appropriations Act for fiscal year 1989, H.R. 4637, provides such an exemption, which would be repealed by this section. While the committee sees some justification for exempting a limited number of narcotics awareness programs in a foreign country despite that country's decertification, past experience indicates that providing such an exemption to AID would lead to a sudden proliferation of programs justified as narcotics awareness programs but with very little connection to the purposes of such programs. The committee, which has rejected this executive branch proposal in previous years, would consider a carefully limited exemption for such programs.

Section 249—Reports and restrictions concerning certain countries

Section 249 makes the current report required on corrupt foreign government officials (section 2013 of the 1986 Antidrug Abuse Act) an annual report to be submitted with the August midyear update of the International Narcotics Control Strategy Report, instead of a biannual report submitted in May and October.

SUBTITLE D—MISCELLANEOUS PROVISIONS

Section 261—Reporting on transfer of U.S. assets

Section 261 requires that any property transferred by the U.S. Government to a foreign government as the result of a narcotics-related seizure or forfeiture shall be subject to prior notification to Congress. It further notes that section 301 of this act requires that all such transfers be reported annually to the Congress.

This section is the same as section 515 of H.R. 3100 as passed by the House.

Section 262—Importance of suppressing international narcotics trafficking

Section 262 adds to the list of congressional findings in section 481(a) of the Foreign Assistance Act a finding that suppression of international narcotics trafficking is among the most important foreign policy objectives of the United States.

This section is the same as section 518 of H.R. 3100 as passed by the House.

Section 263—Prohibition on assistance to drug traffickers

Section 263 amends chapter 8 of part I of the Foreign Assistance Act to require the President to take all reasonable steps to ensure that assistance provided under that act or the Arms Export Control Act is not provided to or through any person that the President knows or has reason to believe (1) has been convicted of a violation of, or a conspiracy to violate, any U.S. or foreign law relating to a controlled substance; or (2) is or has been an illicit trafficker, or a knowing abettor in trafficking, in any such controlled substance. It further requires the President to issue regulations specifying the steps to be taken in carrying out this section. These regulations are to be submitted to the Congress before they take effect.

This section is intended to clarify that the President may deny assistance to individuals or entities he has reason to believe are involved in illicit narcotics activities. The standard set in this section

is the same as the standard used by U.S. consular officers to determine whether a visa should be denied to a foreign applicant due to believed involvement in narcotics activities. Neither current law nor current AID regulations state explicitly that an applicant for assistance from AID may be denied such assistance based on believed involvement in narcotics activities. In fact, a case has arisen in Costa Rica in which an applicant for an AID loan apprehended with narcotics has threatened to sue AID for failure to subsequently approve the loan application.

While the committee understands that U.S. officials administering assistance programs overseas cannot be expected to research or guarantee the character and bona fides of every aid recipient, it believes that reasonable efforts should be made to ensure that aid funds are not provided to persons engaged in illicit narcotics activities, and that when there is sufficient reason to believe such involvement has occurred, the authority to deny assistance to such persons is unquestioned.

Section 264—Procurement for international narcotics control assistance

Section 264(a) contains congressional findings that international narcotics control efforts are vital to the national security interests of the United States, that procurement of property and services for purposes of providing international narcotics control assistance to foreign countries is often a matter of unusual and compelling urgency, and that certain currently required procurement procedures restrict the ability of the U.S. Government to act expeditiously to provide international narcotics control assistance.

Section 264(b) amends chapter 8 of part I of the Foreign Assistance Act to state that: (1) any procurement of property or services for use in providing assistance under this chapter shall be deemed, for purposes of section 303(c)(2) of the Federal Property and Administrative Services Act of 1949, to be of such an unusual and compelling urgency that the Government would be seriously injured if competitive procedures were used; and (2) therefore, procedures other than competitive procedures may be used for such procurement. However, the Secretary of State (or his designee) must approve all noncompetitive procurement, and the authority provided here for noncompetitive procurement may not be used for more than 30 percent of the funds available each year for international narcotics control programs.

The purpose of this section is to improve the management and effectiveness of the U.S. international narcotics control programs by partially exempting the State Department's Bureau of International Narcotics Matters from normal procurement requirements. While the committee understands and supports the safeguards required in the Federal Property and Administrative Service Act of 1949 as necessary to ensure that the Federal Government fulfills its contract requirements in a fair and open manner, the committee believes that the importance of the antinarcotics effort overseas, and the difficulties inherent in responding quickly and effectively to developments in foreign countries merits some relief from procurement procedures normally required. The committee notes, for example that aircraft for a regional antinarcotics air wing au-

thorized by Congress in 1986 for Latin America still have not been procured almost 2 years later due to lengthy procurement requirements. As a result, INM has been forced in the interim to spend \$100,000 per month leasing helicopters to carry out the intended objectives of the program. Similarly, opium eradication programs in Thailand have suffered setbacks as a result of delayed procurements. The United States has been unable to enforce opium bans as agreed in several villages because promised seeds for alternative crops arrived after the growing season began. Such delays are not only cost-inefficient, they also raise doubts in foreign governments as to the commitment and reliability of the United States in the antinarcotics effort which the United States so zealously requests of other countries.

The committee notes that not all procurement delays result solely from applicable regulations, but are also attributable to poor management practices within INM. The committee further stresses that the authority provided in this section is not intended to provide relief from procurement regulations for routine requirements such as typewriters, paper clips, etc. Should the unusual exemption provided by this section be abused by the officials responsible for administering international narcotics control programs, this exemption will be promptly repealed.

Subsequent to committee action on this legislation, the Committee on Government Operations expressed concern over this provision. It is therefore the intention of the committee to work with the Committee on Government Operations in reaching a solution that is agreeable to both committees.

Section 265—Prohibition on use of narcotics control assistance to acquire real property

Section 265 amends chapter 8 of part I of the Foreign Assistance Act to prohibit international narcotics control assistance from being used to acquire (by purchase, lease, or other means) any real property for use by foreign military, paramilitary, or law enforcement forces.

The purpose of this new section is to respond to concerns raised in a draft GAO report on Bolivia and Colombia. The report notes that even though the United States has supported all costs relating to the Bolivian antinarcotics police (UMOPAR), the Bolivian Government refused to provide any land on which to base the UMOPAR unit. The United States was therefore forced to purchase the land. INM is now considering purchasing additional tracts of land for further such needs.

The committee agrees with the draft GAO report that such refusals to provide land by the Bolivian Government indicate a lack of commitment on its part to the antinarcotics effort in that country. Further, the committee does not believe that scarce U.S. funds should be used to purchase land which foreign governments should make available. Therefore, the committee has prohibited INM from using its funds for such purposes.

Section 266—Export-Import Bank financing for certain defense articles and services for antinarcotics purposes

Section 266 waives the prohibitions contained in section 32 of the Arms Export Control Act and section 2(b)(6) of the Export-Import Bank Act of 1945 on financing of defense articles or services, if the Secretary of State determines that (1) the sale is to a country with a democratic form of government, and (2) those articles or services are being sold primarily for antinarcotics purposes.

While the committee continues to support the general prohibition on the use of export-import financing for military articles for less developed countries, it believes that the importance of the antinarcotics effort merits an exemption from this purpose for defense articles and services which are intended to be used primarily for antinarcotics purposes.

A recent case involving Colombia is a prime example of the need for flexibility in this general prohibition. The Colombian Government was denied export-import financing for a proposed purchase of helicopters and trucks needed to assist the Colombian Armed Forces in its battle against narcotics traffickers. This financing was denied, however, because the Colombian Government refused to represent that such articles would be used solely for nonmilitary purposes. Given the inextricable links between major guerrilla groups in Colombia and the drug trade, it is clearly impossible to attack narcotics trafficking without by necessity attacking guerrilla groups involved in the trade as well. Similar narcoinsurgencies have developed elsewhere in the world.

Section 267—Correction of technical errors in prior acts

Section 267 corrects numerous technical errors in prior antinarcotics legislation. Subsections (a) and (b) of this section contain the same corrections as those contained in subsection (c) of section 1110 of H.R. 3100, as passed the House.

TITLE III—DEPARTMENT OF STATE ACTIVITIES

Section 301—Coordination of all U.S. antinarcotics assistance to foreign countries

Section 301(a) provides that the Secretary of State shall be responsible for coordinating all assistance provided to foreign countries by the U.S. Government to support international efforts to combat illicit narcotics production or trafficking.

Section 301(b) requires the Secretary of State to submit to the Congress, in consultation with appropriate U.S. Government agencies, a report to appropriate committees of Congress on the aid provided to foreign countries by the U.S. Government during the preceding fiscal year to support antinarcotics efforts. The report is to be submitted concurrently with the annual international narcotics control strategy report. It also requires specific items to be included in the report, such as the amount and nature of the assistance provided, including aid provided by the Drug Enforcement Administration (DEA), the Customs Service, and the Coast Guard. It further requires the annual report to list all transfers made by the U.S. Government to a foreign country for narcotics control pur-

poses of any seized property. Finally, it provides that such reports may be classified to the extent necessary.

Section 301(c) clarifies that nothing contained in this section shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

This section provides the Secretary of State with the same authorities and responsibilities as conferred on him for coordination of and reporting on assistance related to international terrorism in section 502 of Public Law 99-83, the International Security and Development Cooperation Act of 1985. It further incorporates requirements for specific reporting on DEA, Customs, and Coast Guard aid to foreign countries as contained in section 510 of H.R. 3100 as passed by the House.

The increasing number of U.S. Government agencies involved in the antinarcotics effort overseas has led to confusion both within the executive branch and the Congress as to what aid is being provided to which countries, by whom, and under what authority. Agencies are frequently unaware of assistance being provided by other departments or bureaus, leading to redundancies and ineffective efforts. By making the Secretary of State responsible for coordinating and reporting on all such aid to foreign governments, the effectiveness of U.S. international narcotics control efforts should be enhanced.

Section 302—Rewards for information concerning narcotics-related offenses committed outside the United States

Section 302 amends section 36(g) of the State Department Basic Authorities Act of 1956 to authorize \$5 million for use in paying rewards for information relating to narcoterrorist acts.

The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399) provided that of \$5 million previously provided by the Congress, without fiscal year limitation, for payment of information rewards on international terrorist acts, up to \$2 million could be used to make payments for information rewards on narcoterrorist acts. While the Department of State and the Attorney General have promulgated regulations, as required, for information rewards on narcoterrorist acts and have submitted proposed payments, the bureau in charge of information rewards for terrorist acts has refused to approve these payments due to competing needs for payments on information related to international terrorism. This section therefore authorizes \$5 million in no-year funds separately for information rewards on narcoterrorist acts. Payments are subject to the same requirements and restrictions contained in section 36(b) of the State Department Basic Authorities Act.

Section 303—Revocation of passports for drug traffickers

Section 303(a) provides that the Secretary of State shall revoke the passport and other travel documents of any individual convicted or (1) any felony violation of a Federal or State law involving controlled substances, if in committing the offense the individual used a passport or other travel document or otherwise crossed an international border, or (2) a criminal violation of the Bank Secre-

cy Act or the Money Laundering Act if the Secretary determines that the violation is related to illicit production of or trafficking in a controlled substance, and if in committing the offense, the individual used a passport or other travel document or otherwise crossed an international border. The Secretary of State is authorized to revoke the passport and other travel documents of any individual convicted of any violation of a Federal or State law involving controlled substances if the offense is a misdemeanor and if, in committing the offense, the individual used a passport or other travel document or otherwise crossed an international border.

Section 303(b) provides that an individual who is convicted of any such felony or money laundering violation shall not be eligible for a passport or other travel document for 10 years from the date of conviction. In the case of a misdemeanor, passport revocation is discretionary for up to a 5-year period.

Section 303(c) provides that conviction for a misdemeanor for a first-time, possession-only offense is exempted from passport revocation.

Section 303(d) provides discretionary authority to the President to prescribe procedures, by regulation, for indicating on U.S. passports and travel documents, and passports and other forms of personal identification presented during a U.S. immigration or customs inspection in order to establish the identity of an individual seeking admission or entry into the United States, the fact that the holder has been convicted of a criminal offense, or has been assessed a civil fine or penalty of has incurred a forfeiture, under a Federal or State law involving controlled substances if, in committing the offense, the individual used the passport or travel document in order to cross an international border.

Section 303(e) provides that in the case of emergency circumstances or for humanitarian reasons, the Secretary of State may issue a travel document to a person who has been convicted of a narcotics violation.

Section 303(f) defines the term "controlled substance" to have the same meaning as is provided in section 102 of the Controlled Substances Act (21 U.S.C. 802).

The committee notes that in adopting this provision, it does not intend to remove any of the rights that now exist under current law or regulation for a hearing to contest any passport or document revocation.

Section 304—Machine-readable visas

Section 304 authorizes to the Department of State for "Salaries and Expenses", in addition to amounts otherwise available, \$5 million for each of the fiscal years 1989, 1990, and 1991 to be available only for expenses of the Department in developing and implementing a machine-readable visa system.

For some years, the committee has been urging the Department of State to cooperate with other U.S. Government agencies to ensure that visas are denied to foreign drug violators. The Department has been developing a secure document, a machine-readable visa, for the Customs Service and the Immigration and Naturalization Service to machine-scan and determine visa authenticity. It would also automatically enable performance of a single name

check of the combined lookout systems of three agencies. In support of the development and implementation of this system, the committee has therefore provided funding needed for its establishment. While this system will clearly enable better detection of narcotics violators, it will also enhance the ability of the United States to detect other undesirables, such as terrorists.

The committee notes that, in order for this system to work, it will require adequate funding for the Customs Service and the Immigration and Nationalization Service to bring complementary systems online. The committee urges consideration of such funding by the appropriate committees of jurisdiction.

Section 305—Extradition and mutual legal assistance treaties and model comprehensive antidrug laws

Section 305(a) contains congressional findings regarding the need for updated extradition treaties and mutual legal assistance treaties.

Section 305(b) directs the Secretary of State to place greater emphasis on updating extradition treaties, and on negotiating mutual legal assistance treaties, with major illicit drug-producing countries and major drug-transit countries.

Section 305(c) provides that the Secretary of State and the Attorney General shall jointly develop a model extradition treaty with respect to narcotics-related violations (including extradition of host country nationals), a model mutual legal assistance treaty, and model comprehensive antinarcotics legislation, and requires the Secretary of State to distribute such treaties and legislation to each U.S. mission abroad.

Section 305(d) requires the Secretary of State to report to the Congress within 6 months of the date of enactment on actions taken to carry out this section.

This section is the same as section 514 of H.R. 3100 as passed by the House, except for the addition of congressional findings and the direction to the Secretary of State in subsection (b). The purpose of this section is to increase U.S. efforts to negotiate updated, or new, treaties relating to extradition of narcotics violators and mutual legal assistance treaties. On numerous occasions, due to inadequate or obsolete treaties, the United States has been unable to extradite foreign narcotics violators, such as General Noriega of Panama. Given the ineffective legal systems in most narcotics producing and transit countries, the only hope of effective prosecution of such violators is often in the United States. Without updated extradition treaties, such violators are effectively free from the threat of prosecution. Likewise, mutual legal assistance treaties enhance efforts to penetrate bank secrecy laws and expedite requests for evidentiary material. Finally, many countries have expressed interest in updating their own antinarcotics laws; yet the United States generally cannot respond because there is no central depository of antinarcotics legislation.

Section 306—Overseas investigative program

Section 306 expresses the sense of Congress that regional security officers and other security personnel should be directed to expand

their investigative activities with respect to drug use by U.S. Government personnel and their dependents.

Section 307—Assignment of more DEA agents to U.S. embassies overseas

Section 307 expresses the sense of Congress that the Secretary of State should permit the assignment of more Drug Enforcement Administration agents to overseas posts where significant or potential narcotics problems exist.

The committee notes that some U.S. Ambassadors overseas continue to resist the assignment of DEA agents to their missions, or, if a DEA office exists, to allow adequate staffing of that office. Last year, the committee was forced to legislatively provide that DEA offices overseas be staffed by at least two personnel, in order to overcome resistance by certain recalcitrant Ambassadors. The committee does not intend that this requirement for a two-man office be permitted to be used to obstruct the assignment of DEA agents abroad, and has therefore again expressed its support for the assignment of additional DEA officers abroad wherever needed.

TITLE IV—ANNUAL CERTIFICATION PROCEDURES WITH RESPECT TO MULTILATERAL DEVELOPMENT FINANCING, TRADE, AND AVIATION

Section 401—Multilateral development banks

The purpose of this section is to enact a certification procedure with respect to multilateral development bank financing for major illicit drug-producing and major drug-transit countries which is separate from the certification procedure applicable with respect to bilateral assistance under section 481(h) of the Foreign Assistance Act. Under current law, one certification is made which applies both to bilateral assistance and multilateral bank assistance. In deference to separate committee jurisdictions in the House, this section separates the certification for multilateral aid from the certification for bilateral aid. The certification procedures contained in this section for multilateral aid are the same as those for bilateral aid as contained in current law as amended by this act.

Section 402—Trade and aviation sanctions

Section 402 amends section 802(b) of the Trade Act of 1974 to conform to the certification procedures contained in section 481(h) of the Foreign Assistance Act, as amended by this act. It extends the period for congressional review of certifications for purposes of trade from 30 to 45 days of continuous session, as in section 481(h); adds as a requirement for certification the establishment of a bilateral or multilateral narcotics agreement with the United States, as contained in section 481(h) as amended by section 245 of this act; and provides for a national interest waiver, as contained in section 481(h). This section, in conjunction with sections 243 and 401 of this act, is designed to unify the criteria required for consideration in the certification process for bilateral aid, multilateral aid, and trade benefits.

REQUIRED REPORTS SECTION

COST ESTIMATE

The committee notes that, of the amounts authorized by H.R. 4841, only \$36 million represents a congressional initiative which is not the result of an executive branch request. The remaining \$101 million is the executive branch request for fiscal year 1989 for international narcotics control programs. The committee estimates that, assuming the full appropriation of the amounts authorized in H.R. 4841, the total budget authority required to carry out this bill is \$137 million.

INFLATIONARY IMPACT STATEMENT

The committee makes the following observations with respect to the inflationary impact of this bill.

The economic impact of narcotics abuse among the U.S. population greatly overshadows the funds provided for narcotics prevention and control;

The total estimated net cost of this bill for fiscal year 1989 represents a negligible percentage of the budget authority in the executive branch's total budget request; and

Of the \$36 million in new programs authorized by this bill, \$15 million is provided as no-year funds which will expend very slowly, if at all.

STATEMENTS REQUIRED BY CLAUSE 2 (1) (3) OF RULE XI

(a) Oversight findings and recommendations

Among the principal oversight activities which contributed to the committee's formulation of H.R. 4841 have been:

Extensive hearings and review of the international narcotics control programs, both by subcommittees and by its Task Force on International Narcotics Control;

Numerous hearings before the Task Force regarding implementation of the international provisions of the Anti-Drug Abuse Act of 1986; and

Ongoing consultation between the committee members and staff and executive branch officials concerning the overall direction and specific management of the various international narcotics control programs.

(b) Budget, credit, and spending authority

The enactment of H.R. 4841 will create no new budget, credit, or spending authority.

(c) Committee on Government Operations summary

No oversight findings or recommendations which relate to this measure have been received from the Committee on Government Operations under clause 4(c)(2) of House rule X.

(d) Congressional Budget Office cost estimate

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 21, 1988.

HON. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate on H.R. 4841, International Narcotics Control Act of 1988, as ordered reported by the House Committee on Foreign Affairs on June 15, 1988.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

JAMES L. BLUM,
Acting Director.

1. Bill number: H.R. 4841.
2. Bill title: International Narcotics Control Act of 1988.
3. Bill status: As ordered reported by the House Committee on Foreign Affairs on June 15, 1988.
4. Bill purpose: The bill authorizes funds for combating the production and trafficking of illegal narcotics. Specifically, it directs the President to seek the establishment of a Latin American regional anti-narcotics force and authorizes the appropriation of \$10 million for associated costs. It also authorizes \$101 million for International Narcotics Control Activities, \$15 million for military assistance to Colombia to aid in their fight against illegal drugs, and provides additional authorizations for the Agency for International Development and the State Department. The bill otherwise amends existing law in ways that are not expected to have a budgetary impact.
5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1989	1990	1991	1992	1993
Authorization level.....	137	5	5
Estimated outlays.....	47	52	26	14	1

Costs for this bill fall within budget function 150.

Basis for estimate: The estimate assumes enactment of this legislation by October 1, 1988, and subsequent appropriation of the authorized amounts. Outlays are estimated using historical spendout rates.

Section 103 authorizes, without fiscal year limitation, the appropriation of \$10 million for the United States share of costs associated with a Latin American regional anti-narcotics force. Section 302 authorizes, also without fiscal year limitation, \$5 million for rewards for drug related information. The estimate assumes both authorizations will be appropriated in fiscal year 1989.

Section 304 authorizes \$5 million for each of the fiscal years 1989, 1990, and 1991 for State Department costs associated with the implementation of machine-readable visas. Other authorizations, including \$101 million for International Narcotics Control Activities, \$15 million for military assistance to Colombia, and \$1 million for the Agency for International Development are for fiscal year 1989 only.

6. Estimated cost to State and local governments: None.
7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: Kent Christensen (226-2840).
10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

THE FOREIGN ASSISTANCE ACT OF 1961

* * * * *

PART I

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Chapter 8—International Narcotics Control

SEC. 481. INTERNATIONAL NARCOTICS CONTROL.—(a)(1) It is the sense of the Congress that—

(A) * * *

(B) *suppression of international narcotics trafficking is among the most important foreign policy objectives of the United States;*

[(B)] (C) the international community should provide assistance, where appropriate, to those producer and transit countries which require assistance in discharging these primary obligations;

[(C)] (D) international narcotics control programs should include, as a priority, the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are derived, and should also include the suppression of the illicit manufacture of and traffic in narcotic and psychotropic drugs; and

[(D)] (E) effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs.

This cooperation should include the development and transmittal of plans by each signatory country to the Single Convention on Narcotic Drugs, 1961, in which illicit narcotics and psychotropic crop cultivation exists, which would advise the International Narcotics Control Board, the United Nations Commission on Narcotic

Drugs, and the international community of the strategy, programs, and timetable such country has established for the progressive elimination of that cultivation.

* * * * *

(e)(1) * * *

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(4) In addition, each report pursuant to this subsection shall include, for each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, a determination by the President of the maximum reductions in illicit drug production which are achievable during the next fiscal year. Such determination shall be based upon (A) the measures which the country is currently taking, and the measures which the country has planned for the next fiscal year, in order to prevent narcotic and psychotropic drugs and other controlled substances from being cultivated, produced, or processed illicitly, in whole or in part in such country, from being transported through such country to United States Government personnel or their dependents, or from entering the United States unlawfully, and (B) the other information provided pursuant to this subsection. *Each determination of the President under the preceding sentence shall be expressed in numerical terms, such as the number of acres of illicitly cultivated controlled substances which can be eradicated.*

* * * * *

(8) *Each report pursuant to this subsection shall describe the United States assistance for the preceding fiscal year which was denied, pursuant to subsection (h), to each major illicit drug producing country and each major drug-transit country.*

* * * * *

(h)(1) Subject to paragraph (2), for every major illicit drug producing country or major drug-transit [country—

(A) 50 percent] country, 50 percent of United States assistance allocated for such country notified to Congress in the report required under section 653(a) of this Act shall be withheld from obligation and expenditure [; and].

[(B) on or after March 1, 1987, and on March 1 of each succeeding year, the Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, the United States Executive Director of the International Development Association, the United States Executive Director of the Inter-American Development Bank, and the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of their respective institution to or for such country.]

(2)(A)(i) The assistance withheld by paragraph [(1)(A)] (1) may be obligated and expended [and the provisions of paragraph (1)(B) shall not apply] if the President determines, and so certifies to the Congress, at the time of the submission of the report required by subsection (e), that—

(I) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own, in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States [(as described in (ii) and,] *(as described in clause (ii)) or a multilateral agreement which achieves the objectives of this subsection*, in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States and in preventing and punishing *corruption by government officials* and the laundering in that country of drug-related profits or drug-related monies; or

(II) for a country that would not otherwise qualify for certification under subclause [(i),] (I), the vital national interests of the United States require the provision of such assistance [, or] .

[(ii) A bilateral narcotics agreement referred to in clause (i)(I) is an agreement between the United States and a foreign country whereby the foreign country agrees to take specific activities including but not limited to, efforts to reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution; drug interdiction and enforcement; drug consumption and treatment; identification of and elimination of illicit drug laboratories; identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs; cooperation with United States drug enforcement officials; and, where applicable, participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement.]

(ii) A bilateral narcotics agreement referred to in clause (i)(I) is an agreement between the United States and a foreign country in which the foreign country agrees to take specific activities, including, where applicable, efforts to—

(I) reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution;

(II) increase drug interdiction and enforcement;

(III) increase drug treatment;

(IV) increase the identification of and elimination of illicit drug laboratories;

(V) increase the identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs;

(VI) increase cooperation with United States drug enforcement officials; and

(VII) where applicable, increase participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement.

(iii) A country which in the previous year was designated as a major illicit drug producing country or a major drug-transit country may not be determined to be cooperating fully under clause (i)(I) unless it has in place a bilateral narcotics agreement with the United States or a multilateral agreement which achieves the objectives of this subparagraph.

(B) If the President makes a certification pursuant to [clause (A)(ii)] subparagraph (A)(i)(II), he shall include in such certification—

(i) a full and complete description of the vital national interests placed at risk should assistance [or financing] not be provided such country; and

(ii) a statement weighing the risk described in subclause (i) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in combating narcotics or to take adequate steps to combat narcotics on its own.

(3) In making the certification required by paragraph (2) of this subsection, the President shall give foremost consideration to whether the actions of the government of the country have resulted in the maximum reductions in illicit drug production which were determined to be achievable pursuant to subsection (e)(4). The President shall also consider whether such government—

(A) has taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violators involved in the traffic in such drugs and substances significantly affecting the United States; [and]

(B) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related monies, as evidenced by—

(i) the enactment and enforcement of laws prohibiting such conduct, and

(ii) the willingness of such government to enter into mutual legal assistance agreements with the United States governing (but not limited to) money laundering, and

(iii) the degree to which such government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts [.]; and

(C) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, corruption by government officials, with particular emphasis on the elimination of bribery.

[(4)(A) The provisions of paragraph (1) shall apply without regard to paragraph (2) if the Congress enacts, within 45 days of continuous session after receipt of a certification under paragraph (2), joint resolution disapproving the determination of the President contained in such certification.

[(B)(i) Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

[(ii) For the purpose of expediting the consideration and enactment of joint resolution under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

[(5) Any country for which the President has not made a certification under paragraph (2) or with respect to which the Congress has enacted a joint resolution disapproving such certification may not receive United States assistance as defined by subsection (i)(4) of this section or the financing described in paragraph (1)(B) of this subsection unless—

[(A) the President makes a certification under paragraph (2) and the Congress does not enact a joint resolution of disapproval; or

[(B) the President submits at any other time a certification of the matters described in paragraph (2) with respect to such country and the Congress enacts, in accordance with the procedures of paragraph (4), a joint resolution approving such certification.]

(4) Paragraph (1) shall apply without regard to paragraph (2) if, within 45 days of continuous session (within the meaning of section 601(b)(1) of the International Security Assistance and Arms Export Control Act of 1976) after receipt of a certification under paragraph (2), the Congress enacts a joint resolution disapproving the determination of the President contained in such certification.

(5) If the President does not make a certification under paragraph (2) with respect to a country or the Congress enacts a joint resolution disapproving such certification, that country may not be provided with any of the United States assistance for the current fiscal year that was required to be withheld by paragraph (1), and may not be provided with any United States assistance for subsequent fiscal years, unless—

(A) the President submits, at the time specified in paragraph (2)(A)(i) or at any other time, a certification under subclause (I) or (II) of that paragraph with respect to such country;

(B) a period of 45 days of continuous session (within the meaning of section 601(b)(1) of the International Security Assistance and Arms Export Control Act of 1976) elapses after the Congress receives that certification; and

(C) during that period, the Congress does not enact a joint resolution disapproving the determination of the President contained in such certification.

(6)(A) Any joint resolution under paragraph (4) or (5) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolution under paragraphs (4) and (5), a motion to proceed to the consideration of any such joint resolution after it has been

reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(i) As used in this section—

(1) * * *

* * * * *

(4) the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

(A) assistance under this Act (including programs under title IV of chapter 2 of this part);

(B) sales, credits, and guaranties under the Arms Export Control Act;

(C) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(D) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities; and

(E) financing under the Export-Import Bank Act of 1945; except that the term "United States assistance" does not include (i) international narcotics control assistance under this chapter, (ii) disaster relief assistance (including any assistance under chapter 9 of this part), (iii) assistance which involves the provision of food or medicine, (iv) assistance for refugees, (v) assistance under the Inter-American Foundation Act, (vi) assistance from the Child Survival Fund under section [1049(c)(2)] 104(c)(2) of this Act, or (vii) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order Number 12333 (December 4, 1981); and

(k)(1) For each calendar year, the Secretary of State, after consultation with the appropriate committees of the Congress, shall establish numerical standards and other guidelines for determining which countries will be considered to be major drug-transit countries under subsection (i)(5)(A) and (B) of this section.

(2) Not later than September 1 of each year, the Secretary of State shall make a preliminary determination of the numerical standards and other guidelines to be used pursuant to paragraph (1) with respect to that year and shall notify the appropriate committees of the Congress of those standards and guidelines.

(3) Not later than October 1 of each year, the Secretary of State shall notify the appropriate committees of the Congress of—

(A) which countries appear likely, as of that date, to be determined to be major drug-transit countries for that year under the numerical standards and other guidelines developed pursuant to this subsection; and

(B) which countries appear likely, as of that date, to be determined to be major illicit drug producing countries for that year.

(4) Each report submitted pursuant to subsection (e) shall discuss—

(A) any changes made, since the notification provided pursuant to paragraph (2), in the numerical standards and other

guidelines used in determining which countries were major drug-transit countries under subsection (i)(5)(A) and (B) during the preceding year; and

(B) any changes made, since the notification provided pursuant to paragraph (3)—

(i) in the countries determined to be major drug-transit countries under subsection (i)(5)(A) and (B) during the preceding year; or

(ii) in the countries determined to be major illicit drug producing countries for that year.

SEC. 482. AUTHORIZATION.—[(a)(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President \$57,529,000 for the fiscal year 1986 and \$75,445,000 for the fiscal year 1987. In addition to the amounts authorized by the preceding sentence, there are authorized to be appropriated to the President \$45,000,000 for the fiscal year to 1987 to carry out the purposes of section 481, except that funds may be appropriated pursuant to this additional authorization only if the President has submitted to the Congress a detailed plan for the expenditure of those funds, including a description of how regional cooperation on narcotics control matters would be promoted by the use of these funds. Of the funds authorized to be appropriated by the preceding sentence, not less than \$10,000,000 shall be available only to provide helicopters or other aircraft to countries receiving assistance for fiscal year 1987 under this chapter. These funds shall be used primarily for aircraft which will be based in Latin America for use for narcotics control eradication and interdiction efforts throughout the region. These aircraft shall be used solely for narcotics control, eradication, and interdiction efforts.] *(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President \$101,000,000 for fiscal year 1989.*

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

[(3) Funds authorized to be appropriated by this section for fiscal year 1986 and for fiscal year 1987 may be used for a contribution to the United Nations Fund for Drug Abuse Control only if that organization includes in its crop substitution projects a plan for cooperation with the law enforcement forces of the host country.]

* * * * *

SEC. 486. REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.

(a) ADDITIONAL ASSISTANCE FOR COUNTRIES TAKING SIGNIFICANT STEPS.—If any funds authorized to be appropriated for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of the requirements of section 481(h) or any other provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production or trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

(1) **INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.**—Those funds may be transferred to and consolidated with the funds appropriated to carry out this chapter in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funding for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610(a). This paragraph does not apply with respect to funds made available for assistance under the Arms Export Control Act.

(2) **SECURITY ASSISTANCE.**—Any such funds not used under paragraph (1) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures under section 634A) in order to provide additional security assistance for those countries.

(b) **DEFINITION OF SECURITY ASSISTANCE.**—As used in this section, the term “security assistance” means assistance under chapter 2 of part II of this Act (relating to the military assistance program), chapter 4 of part II of this Act (relating to the Economic Support Fund), chapter 5 of part II of this Act (relating to international military education and training), or the Arms Export Control Act (relating to foreign military sales credits).

SEC. 487. PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS.

(a) **PROHIBITION.**—The President shall take all reasonable steps to ensure that assistance under this Act and the Arms Export Control Act is not provided to or through any individual or entity that the President knows or has reason to believe—

(1) has been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States, a State or the District of Columbia, or a foreign country relating to narcotic or psychotropic drugs or other controlled substances (as defined in section 481(i)(3) of this Act); or

(2) is or has been an illicit trafficker in any such controlled substance or is or has been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such substance.

(b) **REGULATIONS.**—The President shall issue regulations specifying the steps to be taken in carrying out this section.

(c) **CONGRESSIONAL REVIEW OF REGULATIONS.**—Regulations issued pursuant to subsection (b) shall be submitted to the Congress before they take effect.

SEC. 488. EXEMPTION FROM CERTAIN PROCUREMENT REQUIREMENTS.

(a) **EXEMPTION.**—Subject to subsection (b)—

(1) procurement of property or services for use in providing assistance under this chapter shall be deemed (for purposes of section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) to be of such an unusual and compelling urgency that the Government would be seriously injured if competitive procedures were used; and

(2) therefore, procedures other than competitive procedures may be used for such procurement;

if the Secretary of State (or the Secretary's designee) approves, on a case-by-case basis, the use of other than competitive procedures for such procurement.

(b) LIMITATION.—The authority of subsection (a) may not be used with respect to procurement involving more than 30 percent of the funds available each fiscal year to carry out this chapter.

SEC. 489. PROHIBITION ON USE OF NARCOTICS CONTROL ASSISTANCE TO ACQUIRE REAL PROPERTY.

Funds made available to carry out this chapter may not be used to acquire (by purchase, lease, or other means) any real property for use by foreign military, paramilitary, or law enforcement forces.

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PART II

* * * * *

Chapter 2—Military Assistance

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SEC. 515. OVERSEAS MANAGEMENT OF ASSISTANCE AND SALES PROGRAMS.—(a) * * *

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(c)(1) The number of members of the Armed Forces assigned to a foreign country under this section may not exceed six unless specifically authorized by the Congress. The President may waive this limitation if he determines and reports to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, 30 days prior to the introduction of the additional military personnel, that United States national interests require that more than six members of the Armed Forces be assigned under this section to carry out international security assistance programs in a country not specified in this paragraph. Pakistan, Tunisia, El Salvador, Honduras, *Colombia*, Indonesia, the Republic of Korea, the Philippines, Thailand, Egypt, Jordan, Morocco, Saudi Arabia, Greece, Portugal, Spain, and Turkey are authorized to have military personnel strengths larger than six under this section to carry out international security assistance programs.

* * * * *

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1988

(as contained in section 101(e) of Public Law 100-202)

* * * * *

TITLE II—BILATERAL ECONOMIC ASSISTANCE

* * * * *

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, \$98,750,000: *Provided*, That

not less than [\$15,000,000 of the funds appropriated under this heading shall be available for narcotics interdiction and control programs for Bolivia: *Provided further*, That in addition to amounts made available pursuant to the previous proviso, not less than] \$7,000,000 of the funds appropriated under this heading shall be available for Latin America regional programs.

* * * * *

NARCOTICS AGREEMENTS

SEC. 585. (a) * * *

* * * * *

[(c) Beginning with certifications with respect to fiscal year 1989 and each subsequent year, a country which in the previous year was designated a major drug producing or drug-transit country may not be deemed as cooperating fully unless it has in place a bilateral narcotics agreement with the United States.]

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ANTI-DRUG ABUSE ACT OF 1986

* * * * *

TITLE II—INTERNATIONAL NARCOTICS CONTROL

* * * * *

SEC. 2013. REPORTS AND RESTRICTIONS CONCERNING CERTAIN COUNTRIES.

(a) REPORTS.—[Not later than 6 months after the date of enactment of this Act and every 6 months thereafter, the] *The President shall prepare and transmit to the Congress, as part of the report required by section 481(b)(2) of the Foreign Assistance Act of 1961, a report—*

(1) listing each major illicit drug producing country and each major drug-transit country—

(A) which, as a matter of government policy, encourages or facilitates the production or distribution of illegal drugs;

(B) in which any senior official of the government of such country engages in, encourages, or facilitates the production or distribution of illegal drugs;

(C) in which any member of an agency of the United States Government engaged in drug enforcement activities since January 1, 1985, has suffered or been threatened with violence, inflicted by or with the complicity of any law enforcement or other officer of such country or any political subdivision thereof; or

(D) which, having been requested to do so by the United States Government, fails to provide reasonable cooperation to lawful activities of United States drug enforcement agents, including the refusal of permission to such agents engaged in interdiction of aerial smuggling into the United States to pursue suspected aerial smugglers a reasonable distance into the airspace of the requested country; and

(2) describing for each country listed under paragraph (1) the activities and identities of officials whose activities caused such country to be so listed.

(b) RESTRICTIONS.—No United States assistance may be furnished to any country listed under subsection (a)(1), and the United States representative to any multilateral development bank shall vote to oppose any loan or other use of the funds of such bank for the benefit of any country listed under subsection (a)(1), unless the President certifies to the Congress that—

(1) overriding vital national interests require that provision of such assistance;

(2) such assistance would improve the prospects for cooperation with such country in halting the flow of illegal drugs; and

(3) the government of such country has made bona fide efforts to investigate and prosecute appropriate charges for any crime described in subsection (a)(1)(C) which may have been committed in such country.

(c) RELATION TO OTHER PROVISIONS.—The restrictions contained in subsection (b) are in addition to the restrictions contained in section 481(h) of the Foreign Assistance Act of 1961 or any other provision of law.

(d) DEFINITIONS.—For purposes of this section, the terms “major illicit drug producing country”, “major drug-transit country”, and “United States assistance” have the same meaning as is given to those terms by section 481(i) of the Foreign Assistance Act of 1961.

SEC. 2015. INTERDICTION PROCEDURES FOR VESSELS OF FOREIGN REGISTRY.

(a) * * *

(b) NEGOTIATIONS CONCERNING INTERDICTION PROCEDURES.—

(1) The Congress urges the Secretary of State, in consultation with the Secretary of the department in which the Coast Guard is operating, to increase [effects] efforts to negotiate with relevant countries procedures which will facilitate interdiction of vessels suspected of carrying illicit narcotics.

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SEC. 2030. NARCOTICS CONTROL EFFORTS IN MEXICO.

(a) * * *

(b) MEASURES TO BE CONSIDERED.—Therefore, it is the sense of Congress that unless substantial progress is demonstrated in the near future in the issues described in subsection [(A)] (a)(4), the President should consider taking one or more of the following measures:

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STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956

TITLE I—BASIC AUTHORITIES GENERALLY

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SEC. 36. (a) * * *

* * * * *

(g) There are authorized to be appropriated, without fiscal year limitation, \$5,000,000 for use in paying rewards under this section, up to \$2,000,000 of which may be used for rewards for information described in subsection (b)(1). [In addition to the amount authorized by the preceding sentence, there are authorized to be appropriated \$10,000,000 for fiscal year 1987 for "Administration of Foreign Affairs" for use in paying rewards under this section, up to \$5,000,000 of which may be used for rewards for information described in subsection (b)(1).] *In addition to the amount authorized to be appropriated by the preceding sentence, there are authorized to be appropriated, without fiscal year limitation, \$5,000,000 for "Administration of Foreign Affairs" for use in paying rewards for information described in subsection (b)(1).* Additional funds to pay rewards under this section shall be authorized to be appropriated in the annual authorizing legislation for the Department of State.

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SECTION 802 OF THE TRADE ACT OF 1974

SEC. 802. TARIFF TREATMENT OF PRODUCTS OF UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES.

(a) * * *

(b) CERTIFICATIONS; CONGRESSIONAL ACTION.—(1)(A) Subsection (a) shall not apply with respect to a country if the President determines and so certifies to the Congress, at the time of the submission of the report required by section 481(e) of the Foreign Assistance Act of 1961, that (i) during the previous year that country has cooperated fully with the United States, or has taken adequate steps on its own, *in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in subparagraph (B) or a multilateral agreement which achieves the objectives of this paragraph*, in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States and in preventing and punishing corruption by government officials and the laundering in that country of drug-related profits or drug-related monies or, (ii) *for a country that would not otherwise qualify for certification under clause (i), the vital national interests of the United States require that subsection (a) not be applied with respect to that country.*

(B) *A bilateral narcotics agreement referred to in this paragraph is an agreement between the United States and a foreign country in which the foreign country agrees to take specific activities, including, where applicable, efforts to—*

(i) reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution;

(ii) increase drug interdiction and enforcement;

(iii) increase drug treatment;

(iv) increase the identification of and elimination of illicit drug laboratories;

(v) increase the identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs;

(vi) increase cooperation with United States drug enforcement officials; and

(vii) where applicable, increase participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement.

(C) A country which in the previous year was designated as a major drug producing country or a major drug-transit country may not be determined to be cooperating fully under subparagraph (A) unless it has in place a bilateral narcotics agreement with the United States or a multilateral agreement which achieves the objectives of this paragraph.

* * * * *

(3) Subsection (a) shall apply to a country without regard to paragraph (1) of this subsection if the Congress enacts, within [30 days] 45 days of continuous session after receipt of a certification under paragraph (1), a joint resolution disapproving the determination of the President contained in that certification.

(4) If the President takes action under subsection (a), that action shall remain in effect until—

(A) the President makes the certification under paragraph (1), a period of [30 days] 45 days of continuous session of Congress elapses, and during that period the Congress does not enact a joint resolution of disapproval; or

(B) the President submits at any other time a certification of the matters described in paragraph (1) with respect to that country, a period of [30 days] 45 days of continuous session of Congress elapses, and during that period the Congress does not enact a joint resolution of disapproving the determination contained in that certification.

* * * * *

(e) For each calendar year, the Secretary of State, after consultation with the appropriate committees of the Congress, shall establish numerical standards and other guidelines for determining which countries will be considered to be major drug-transit countries under section 805(3)(A) and (B).

ADDITIONAL VIEWS OF HON. WILLIAM S. BROOMFIELD
AND HON. BENJAMIN A. GILMAN

We generally support H.R. 4841, the "International Narcotics Control Act of 1988," and believe that it represents a bipartisan approach. However, as with most legislation, additional improvements could be made.

All of us share a deep concern about the severe drug problem which this country is experiencing. Young Americans, the future leaders of this country, are particularly affected by drugs and violent crimes associated with the distribution of illegal substances. Our government is engaged in a war, battling drug producers overseas, interdicting drug shipments at our borders and increasing anti-narcotics efforts here in America. This Administration put the drug issue on the front burner and has made it a priority. Billions of dollars are being expended. We have done much. We must do more if we are to emerge as victors in this war against drugs.

Our government must take special steps and institute unusual measures to attack the narcotraffickers who reap huge profits from the sale of drugs. Tightening up existing laws and crafting new laws is one way to confront the growing menace of drugs in this country. If we are truly involved in fighting the drug barons, then we must be willing to take a hard and firm stand to provide our government the tools to stand up to the drug traffickers.

While H.R. 4841 is a commendable effort on the part of this Committee to give our government additional resources and tools to use in the fight against drugs, additional provisions could be added.

A possible area for expanding the authorities and capabilities of our government agencies is in the area of intelligence collecting. The National Security Act could be amended to make clear Congressional support for our intelligence community to undertake covert actions, both military and paramilitary, against international narcotics trafficking and financial networks. The resources of our intelligence agencies must be brought to bear on these extensive drug networks if we are to win the war on drugs.

While the Majority and Minority agree that we must help our friends in this hemisphere to better combat narcotraffickers, the Administration would prefer current language in the bill pertaining to IMET training in narcotics interdiction to provide more flexibility to respond to various situations; the language limits the kinds of police units which could receive Department of Defense narcotics interdiction training. It also restricts the list of countries that would be eligible for the IMET training program. The limitation conforms with section 502B of the Foreign Assistance Act. While all of us agree that respect for human rights in this hemisphere and elsewhere is essential, there are countries whose very stability is being challenged by the drug traffickers and we need to be certain they get the tools they need to fight drug trafficking.

The narcoterrorists who are currently trying to undermine Latin American governments will have little respect for basic human liberties should they, in concert with leftist subversives, succeed in destabilizing governments in Latin America. In that event, human rights will truly suffer a major setback.

The Administration has also expressed concern regarding the earmarks in this bill. Given the dimensions of the challenge posed to our country by the drug traffickers, we believe that giving our government new tools is essential. Equally important is the fact that our government's agencies must have some flexibility in determining how government funding should best be used. Our Committee's job is to oversee the Department of State's operations and evaluate their effectiveness; earmarks carried to an excessive degree can result in damage to the war on drugs and we will try to assure that needed flexibility is provided.

While this Committee bill represents a bipartisan effort to help our government fight the war on drugs, additional refinements should be made to the bill if it is to be useful to the Administration's anti-narcotics efforts. The Administration has recently submitted several additional comments; we look forward to working with the Administration and the Committee majority in preparing perfecting amendments. If this is really a war on drugs, we must give the American people tough and effective legislation.

WILLIAM S. BROOMFIELD.
BENJAMIN A. GILMAN.

APPENDIX 1

HOUSE FOREIGN AFFAIRS COMMITTEE NARCOTICS INITIATIVES: A CHRONOLOGY, AND LEGISLATIVE INITIATIVES SINCE PASSAGE OF THE 1986 ANTIDRUG ABUSE ACT

1971—The committee enacted a provision requiring the President to suspend aid to any country which he determines has failed to take adequate steps on narcotics control.

1972—The committee established a separate account for U.S. narcotics control assistance overseas.

1973—The committee imposed a reporting requirement on the use of narcotics control funds.

1976—The committee required a study of whether U.S. narcotics control assistance should be provided through international or regional organizations.

1981—The committee limited U.S. contributions to the U.N. Fund for Drug Abuse Control to 50 percent of the total contributions to that organization; and repealed the prohibition on the use of paraquat to eradicate illicit drug crops overseas.

1983—The committee sponsored a major rewrite of the narcotics assistance legislation, requiring annual country reports on narcotics-producing countries and tightening conditions on aid to countries which do not take adequate steps against narcotics. The committee also established the Task Force on International Narcotics Control (Hon. Ed Feighan, Chairman), which held a series of hearings on drug trafficking through the Bahamas.

1984—The Task Force conducted hearings on Cuban and Bulgarian government involvement in drug trafficking, and other narcotics issues, and sponsored bills condemning such involvement.

1985—The committee re-established the Task Force (Hon. Lawrence J. Smith, Chairman), which held 13 hearings and briefings during 1985-86 (see House Report 99-798). The "Fascell-Chiles" international narcotics control bill was enacted in the foreign aid authorization (Public Law 99-83) and the Department of State authorization (Public Law 99-93).

1986—H.R. 4151, the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986, was enacted, including new section authorizing information rewards on persons committing narco-terrorist acts (Public Law 99-399).

1971-88—The committee conducted annual narcotics control hearings, and more than a dozen trips by committee Members and staff to investigate narcotics production and trafficking overseas.

FOREIGN RELATIONS AUTHORIZATION ACT FOR FISCAL YEARS 1988-89 (Public Law 100-204)

(1) Requires all DEA overseas offices to have two agents.

(2) Amends quarterly report on Camarena case in Mexico to include Cortez case.

(3) Requires the Secretary of State to ensure that the negotiation of updated extradition treaties which ensure that narcotics traffickers can be extradited to the United States be included as a primary objective in the country plan for the U.S. mission in each major drug-producing or drug-transit country.

(4) Requires the Secretary of State to report within 90 days of enactment on the comprehensive information-sharing system on drug arrests of foreign nationals previously mandated by the committee.

(5) Requires the INCSR to include specific comments from other U.S. Government agencies, and extends the period for congressional review of drug certifications from 30 to 45 days of continuous session.

(6) Amends the Trade Act of 1974 to add to the list of potential sanctions on noncooperative countries the abrogation of bilateral airline agreements, and the shutdown of U.S. Customs preclearance operations. Also adds preventing corruption as a standard required for certification under that act.

(7) Clarifies that U.S. consular officers may deny visas to individuals who are facilitating drug trafficking.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1987

H.R. 3100 contains numerous antinarcotics provisions. That measure has passed the House twice, and is currently pending in the Senate. Those provisions have been incorporated in H.R. 4841, with minor changes.

APPENDIX 2

HEARINGS HELD BY THE TASK FORCE ON INTERNATIONAL NARCOTICS CONTROL SINCE PASSAGE OF THE OMNIBUS BILL

1988:

January 26, 1988—Review of recent developments in Colombia ¹

DRUG CERTIFICATION REVIEWS

March 3, 1988—Worldwide narcotics review and review of State Department's Fiscal Year 1989 narcotics control budget request

March 9, 1988—Review of the Caribbean

March 10, 1988—Review of Central America

March 15, 1988—Review of Asia, Africa, Europe and the Middle East

March 17, 1988—Review of South America

March 22, 1988—Review of South America

1987:

March 5, 1987—The Worldwide Drug Situation and International Narcotics ¹

CONTROL PROGRAMS

March 18, 1987—Review of Latin American Narcotics Control Issues ¹

May 7, 1987—The Role of Intelligence in Narcotics Enforcement ¹

May 12, 1987—Narcotics Issues in the Bahamas and the Caribbean ¹

June 30, 1987—U.S. Narcotics Control Efforts in Southeast Asia (I) ¹

July 15, 1987—U.S. Narcotics Control Efforts in Southeast Asia (II) ¹

July 15, 1987—Closed briefing on U.S.-Bolivia Narcotics Control Agreement (I)

July 21, 1987—Closed briefing on U.S.-Bolivia Narcotics Control Agreement (II)

July 29, 1987—Status Report on GAO's Worldwide Review of Narcotics Control Programs ¹

October 7, 1987—Review of the International Narcotics Control Strategy Report: Mid-Year Update ¹

October 29, 1987—Review of U.S. efforts to update extradition treaties and Mutual Legal Assistance Treaties to cover narcotics violations ¹

¹ Indicates printed as of Mar. 23, 1988.

November 4, 1987—Closed briefing on Recent Developments in Paraguay

OTHER ACTIVITIES

- Staff Study missions to the Mediterranean and Southwest Asia: ("U.S. Narcotics control programs overseas: A Continuing Assessment", published February 1987)
- Staff Study mission to the Caribbean ("U.S. Narcotics Control Efforts in the Caribbean", August 1987)
- Staff Study mission to South and Central America (January 1988)
- Coffees/meetings with various U.S. Ambassadors and foreign officials

GAO REPORTS RECEIVED BY THE COMMITTEE PURSUANT TO PUBLIC LAW 99-570 (THE ANTI-DRUG ABUSE ACT OF 1986)

- "Drug Control: U.S.-Mexico Opium Poppy and Marijuana Aerial Eradication Program", January 1988
- "Drug Control: River Patrol Craft for the Government of Bolivia", February 1988
- "Drug Control: U.S. Supported Efforts in Burma, Pakistan, and Thailand", February 1988
- "Drug Control: U.S. International Narcotics Control Activities", March 1988
- "Drug Control: U.S. Supported Efforts in Colombia and Bolivia", Draft report, forthcoming

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