

# INTERNATIONAL NARCOTICS CONTROL ACT OF 1990

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## MARKUP BEFORE THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

**H.R. 5567**

SEPTEMBER 11, 1990

Printed for the use of the Committee on Foreign Affairs

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## CONSIDERATION OF H.R. 5557, THE INTERNATIONAL NARCOTICS CONTROL ACT OF 1990

TUESDAY, SEPTEMBER 11, 1990

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The committee met, in open markup session at 10:35 a.m., in room 2172 of the Rayburn House Office Building, Hon. Dante B. Fascell (chairman) presiding.

Chairman FASCELL. The committee will come to order.

We meet today to mark up international narcotics control legislation for fiscal year 1991. The Director of the Office of National Drug Control Policy submitted the request for legislation and since that time both the Western Hemisphere Subcommittee and the Task Force on International Narcotics Control have been studying that request. And we have had extensive discussions with the executive branch on the request and on the Committee's draft bill.

We were informed by the House leadership late last week that any drug legislation would have to be offered as an amendment to the omnibus crime bill which the House will begin considering this week. All amendments to that bill must be filed with the Rules Committee no later than 5:00 today. That is the reason we had to move the markup to today. Given the uncertainties associated with the crime bill, we will also be considering other legislative avenues to move this draft bill forward.

A lot of work has gone into this bill and a lot of effort has gone into a review of the entire situation in the Andes. The draft bill before you incorporates elements of provisions previously approved by the Committee in H.R. 4610 which was the fiscal year 1991 foreign aid authorization measure, as well as executive branch requests and other provisions resulting from hearings by both the subcommittee and the task force.

At this moment, I don't know where the Administration is on this bill. They have some objections to the amounts of money in this bill and we have a real difference of opinion on that issue. But it represents an honest effort on our part to reach an accommodation and to have a balanced approach to all of the parties' concerns in trying to deal with the difficulties that we face in our narcotics control efforts overseas.

A summary of the draft legislation is before you and, in addition, the staff has prepared a side-by-side explaining the differences between the current fiscal year 1990 authorization and appropriation

laws, the executive branch request for fiscal year 1991, and the draft bill.

Before I go into some of the details of the bill, I just would like to, in a broad general sense, make some comments and I would be glad if others wish to make some comment at this time before we get into the regular discussion on the bill.

Maybe we ought to have the bill read at this point. Will the clerk report the draft bill, please?

Mr. BRADY. H.R. 5567, a bill to authorize international narcotics control activities for fiscal year 1991 and for other purposes——

Chairman FASCELL. Without objection, further reading of the bill will be dispensed with, printed in the record in full and open for amendment.

[The bill follows:]

101st CONGRESS  
2D SESSION

# H. R. 5567

To authorize international narcotics control activities for fiscal year 1991, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 1990

Mr. FASCELL (for himself, Mr. SMITH of Florida, Mr. KOSTMAYER, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. STUDDS, Mr. WOLPE, Mr. GEJDENSON, Mr. DYMALLY, Mr. LANTOS, Mr. TORRICELLI, Mr. FEIGHAN, Mr. ACKERMAN, Mr. UDALL, Mr. CLARKE, Mr. FUSTER, Mr. JOHNSTON of Florida, Mr. FALCOMAVAEGA, Mr. BOSCO, and Mr. McCLOSKEY) introduced the following bill; which was referred jointly to the Committees on Foreign Affairs, the Judiciary, and Banking, Finance and Urban Affairs

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## A BILL

To authorize international narcotics control activities for fiscal year 1991, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “International Narcotics Control Act of 1990”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Economic assistance and administration of justice programs for Andean countries.

- Sec. 3. Military and law enforcement assistance for Andean countries.
- Sec. 4. General provisions relating to assistance for Andean countries.
- Sec. 5. International narcotics control assistance.
- Sec. 6. Assistance for agricultural and industrial alternatives to narcotics production.
- Sec. 7. Exceptions to requirement that aircraft provided to foreign countries for narcotics control purposes be leased rather than sold.
- Sec. 8. Number of members of United States Armed Forces in Andean countries.
- Sec. 9. Nonapplicability of certification procedures to certain major drug-transit countries.
- Sec. 10. Authority to transfer military assistance funds to economic programs.
- Sec. 11. Extradition of United States citizens.
- Sec. 12. Congressional review of narcotics-related assistance for Afghanistan.
- Sec. 13. Training of foreign pilots.
- Sec. 14. Review of riverine program.
- Sec. 15. Uses of excess defense articles transferred to certain major illicit drug producing countries.
- Sec. 16. Export-Import Bank financing for sales of defense articles and services.

1 SEC. 2. ECONOMIC ASSISTANCE AND ADMINISTRATION OF  
2 JUSTICE PROGRAMS FOR ANDEAN COUNTRIES.

3 (a) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
4 tion to amounts otherwise authorized to be appropriated,  
5 there are authorized to be appropriated \$300,000,000 for  
6 fiscal year 1991 for assistance for Andean countries under  
7 chapter 4 of part II of the Foreign Assistance Act of 1961  
8 (22 U.S.C. 2346 and following; relating to the economic sup-  
9 port fund) or under chapter 1 of part I of that Act (22 U.S.C  
10 2151 and following; relating to development assistance).

11 (b) ADMINISTRATION OF JUSTICE PROGRAMS.—

12 (1) ADDITIONAL ASSISTANCE FOR BOLIVIA, CO-  
13 LOMBIA, AND PERU.—Of the funds authorized to be  
14 appropriated by subsection (a) that are appropriated to  
15 carry out chapter 4 of part II of the Foreign Assist-  
16 ance Act of 1961, up to \$16,000,000 should be used

1 to provide assistance for Bolivia, Colombia, and  
2 Peru—

3 (A) pursuant to section 534 of that Act (22  
4 U.S.C. 2346c; relating to the administration of  
5 justice program), in addition to funds otherwise  
6 used for those countries under that section for  
7 fiscal year 1991; and

8 (B) pursuant to paragraphs (2) and (3) of this  
9 subsection.

10 (2) PROTECTION AGAINST NARCO-TERRORIST  
11 ATTACKS.—Funds used in accordance with paragraph  
12 (1) may be used to provided to Bolivia, Colombia, and  
13 Peru, notwithstanding section 660 of the Foreign As-  
14 sistance Act of 1961 (22 U.S.C. 2420; relating to the  
15 prohibition on assistance to law enforcement agencies),  
16 such assistance as the government of that country may  
17 request to provide protection against narco-terrorist at-  
18 tacks on judges, other government officials, and mem-  
19 bers of the press.

20 (3) ASSISTANCE FOR COLOMBIA'S OFFICE OF  
21 SPECIAL INVESTIGATIONS AND SPECIAL PROSECUTOR  
22 FOR HUMAN RIGHTS.—It is the sense of the Congress  
23 that up to \$2,000,000 of the funds used in accordance  
24 with paragraph (1) should be used for assistance for  
25 Colombia to provide training, technical assistance, and

1 equipment for the Office of Special Investigations and  
2 the Special Prosecutor for Human Rights, both of  
3 which are within the Office of the Attorney General of  
4 the Government of Colombia.

5 (4) ADDITIONALITY OF ASSISTANCE.—Funds  
6 may be used in accordance with paragraph (1) of this  
7 subsection without regard to the dollar limitation con-  
8 tained in section 534(c) of the Foreign Assistance Act  
9 of 1961.

10 (5) PERIOD OF AVAILABILITY.—Funds allocated  
11 for use in accordance with paragraph (1) of this subsec-  
12 tion shall remain available until expended notwith-  
13 standing any other provision of law.

14 (6) EXTENSION OF AUTHORITY FOR AOJ PRO-  
15 GRAM.—Section 534(e) of the Foreign Assistance Act  
16 of 1961 (22 U.S.C. 2346c(e)) is amended—

17 (A) in the second sentence by striking out  
18 “\$7,000,000 may be made available in fiscal year  
19 1990” and inserting in lieu thereof “\$10,000,000  
20 may be made available in fiscal year 1991”; and

21 (B) in the third sentence by striking out  
22 “1990” and inserting in lieu thereof “1991”.

1 SEC. 3. MILITARY AND LAW ENFORCEMENT ASSISTANCE FOR  
2 ANDEAN COUNTRIES.

3 (a) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
4 tion to amounts otherwise authorized to be appropriated,  
5 there are authorized to be appropriated \$118,000,000 for  
6 fiscal year 1991 for assistance for Andean countries under  
7 the "FOREIGN MILITARY FINANCING PROGRAM" account  
8 under section 23 of the Arms Export Control Act (22 U.S.C.  
9 2763).

10 (b) PURPOSES OF ASSISTANCE.—Assistance under sub-  
11 section (a) shall be designed to—

12 (1) enhance the ability of the government of the  
13 recipient country to control illicit narcotics production  
14 and trafficking;

15 (2) strengthen the bilateral ties of the United  
16 States with that government by offering concrete as-  
17 sistance in this area of great mutual concern;

18 (3) strengthen respect for internationally recog-  
19 nized human rights and the rule of law in efforts to  
20 control illicit narcotics production and trafficking; and

21 (4) assist the armed forces of the Andean coun-  
22 tries in their support roles for those countries' law en-  
23 forcement agencies, which are charged with the main  
24 responsibility for the control of illicit narcotics produc-  
25 tion and trafficking.

1 (c) CONDITIONS OF ELIGIBILITY.—Assistance may be  
2 provided for an Andean country under subsection (a) only—

3 (1) so long as that country has a democratic gov-  
4 ernment; and

5 (2) the armed forces and law enforcement agen-  
6 cies of that country do not engage in a consistent pat-  
7 tern of gross violations of internationally recognized  
8 human rights (as defined in section 502B(d)(1) of the  
9 Foreign Assistance Act of 1961 (22 U.S.C.  
10 2304(d)(1))).

11 (d) LAW ENFORCEMENT TRAINING AND EQUIP-  
12 MENT.—Subject to the limitations in subsection (e)(1), funds  
13 made available to carry out subsection (a) may be used, not-  
14 withstanding section 660 of the Foreign Assistance Act of  
15 1961 (22 U.S.C. 2420; relating to the prohibition on assist-  
16 ance to law enforcement agencies)—

17 (1) to provide to law enforcement agencies, that  
18 are organized for the specific purpose of narcotics en-  
19 forcement, education and training in the operation and  
20 maintenance of equipment used in narcotics control  
21 interdiction and eradication efforts;

22 (2) for the expenses of deploying, upon the re-  
23 quest of the Government of Bolivia, the Government of  
24 Colombia, or the Government of Peru, Department of  
25 Defense mobile training teams in that country to con-

1 duct training in military-related individual and collec-  
2 tive skills that will enhance that country's ability to  
3 conduct tactical operations in narcotics interdiction;  
4 and

5 (3) for the procurement of defense articles or com-  
6 modities (as defined in section 644(c) of the Foreign  
7 Assistance Act of 1961 (22 U.S.C. 2403(c))) for use in  
8 narcotics control, eradication, and interdiction efforts  
9 by law enforcement agencies that are organized for the  
10 specific purpose of narcotics enforcement.

11 (e) LIMITATIONS ON AMOUNTS OF MILITARY AND  
12 LAW ENFORCEMENT ASSISTANCE FOR BOLIVIA, COLOM-  
13 BIA, AND PERU.—

14 (1) ESTABLISHMENT OF LIMITATIONS ON  
15 AMOUNTS OF ASSISTANCE.—

16 (A) OVERALL LIMITATION.—Except as pro-  
17 vided in paragraph (2), the aggregate amount of  
18 military and law enforcement assistance provided  
19 for Bolivia, Colombia, and Peru may not exceed  
20 \$200,000,000 for fiscal year 1991.

21 (B) ASSISTANCE FOR ARMED FORCES.—  
22 Except as provided in paragraph (2), not more  
23 than \$100,000,000 of the amount of assistance  
24 provided under subparagraph (A) may be assist-

1           ance for the armed forces of Bolivia, Colombia,  
2           and Peru.

3           (C) ASSISTANCE FOR LAW ENFORCEMENT  
4           AGENCIES.—Except as provided in paragraph (2),  
5           not more than \$100,000,000 of the amount of as-  
6           sistance provided under subparagraph (A) may be  
7           assistance for the law enforcement agencies of  
8           Bolivia, Colombia, and Peru.

9           (2) AUTHORITY TO INCREASE AMOUNTS OF AS-  
10          SISTANCE.—In addition to the amount of assistance  
11          permitted under subparagraph (A), (B), or (C) of para-  
12          graph (1), an additional amount of the assistance de-  
13          scribed in that subparagraph may be provided for Bo-  
14          livia, Colombia, and Peru for fiscal year 1991 (but not  
15          to exceed, in the aggregate, 10 percent of the amount  
16          specified in that subparagraph) if the President trans-  
17          mits to the congressional committees specified in sec-  
18          tion 634A(a) of the Foreign Assistance Act of 1961  
19          (22 U.S.C. 2394-1) a written notification in accord-  
20          ance with the procedures applicable to reprogrammings  
21          under that section.

22          (3) FORMS OF ASSISTANCE SUBJECT TO LIMITA-  
23          TION.—For purposes of paragraph (1), the term  
24          “amount of military and law enforcement assistance”  
25          means the sum of—

1 (A) the amount obligated for assistance under  
2 the "FOREIGN MILITARY FINANCING PROGRAM"  
3 under section 23 of the Arms Export Control Act  
4 (22 U.S.C. 2763);

5 (B) the amount obligated for international  
6 narcotics control assistance under chapter 8 of  
7 part I of the Foreign Assistance Act of 1961 (22  
8 U.S.C. 2291 and following);

9 (C) the amount obligated for international  
10 military education and training under chapter 5 of  
11 part II of the Foreign Assistance Act of 1961 (22  
12 U.S.C. 2347 and following);

13 (D) the value of defense articles, defense  
14 services, and military education and training made  
15 available under the special drawdown authority of  
16 paragraphs (1) and (2) of section 506(a) of the  
17 Foreign Assistance Act of 1961 (22 U.S.C.  
18 2318(a)); and

19 (E) the value of excess defense articles made  
20 available under section 517 of the Foreign Assist-  
21 ance Act of 1961 (22 U.S.C. 2321k).

22 (f) LIMITATIONS ON AMOUNT OF EXCESS DEFENSE  
23 ARTICLES TRANSFERRED TO BOLIVIA, COLOMBIA, AND  
24 PERU.—

1           (1) ESTABLISHMENT OF LIMIT.—The aggregate  
2 acquisition cost to the United States of excess defense  
3 articles ordered by the President in fiscal year 1991 for  
4 delivery to Bolivia, Colombia, and Peru under section  
5 517 of the Foreign Assistance Act of 1961 (22 U.S.C.  
6 2321k) may not exceed \$60,000,000.

7           (2) WAIVER OF EXISTING GRANT EDA LIMITA-  
8 TION.—The dollar limitation in section 517(e) of the  
9 Foreign Assistance Act of 1961 (22 U.S.C. 2321k(e))  
10 shall not apply with respect to Bolivia, Colombia, and  
11 Peru in fiscal year 1991.

12           (3) WORLDWIDE LIMITATION ON AMOUNT OF  
13 EXCESS DEFENSE ARTICLES TRANSFERRED.—Section  
14 31(d) of the Arms Export Control Act (22 U.S.C.  
15 2771(d)) shall not apply to excess defense articles or-  
16 dered for transfer to Bolivia, Colombia, or Peru under  
17 section 517 of the Foreign Assistance Act of 1961 (22  
18 U.S.C. 2321k) in fiscal year 1991.

19 (g) ASSISTANCE FOR LEASING OF AIRCRAFT.—

20           (1) USE OF FUNDS.—For purposes of satisfying  
21 the requirement of section 484 of the Foreign Assist-  
22 ance Act of 1961 (22 U.S.C. 2291c), funds made  
23 available under subsection (a) may be used to finance  
24 the leasing of aircraft under chapter 6 of the Arms  
25 Export Control Act.

1           (2) **COST OF LEASES.**—Section 61(a)(3) of the  
2 Arms Export Control Act shall not apply with respect  
3 to leases so financed; rather the entire cost of any such  
4 lease (including any renewals) shall be an initial, one  
5 time payment of the amount which would be the sales  
6 price for the aircraft if they were sold under section  
7 21(a)(1)(B) or section 22 of that Act (as appropriate).

8           (3) **REIMBURSEMENT OF SDAF.**—To the extent  
9 that aircraft so leased were acquired under chapter 5  
10 of the Arms Export Control Act, funds used pursuant  
11 to this subsection to finance such leases shall be cred-  
12 ited to the Special Defense Acquisition Fund under  
13 chapter 5 of that Act (excluding the amount of funds  
14 that reflects the charges described in section 21(e)(1) of  
15 that Act). The funds described in the parenthetical  
16 clause of the preceding sentence shall be available for  
17 payments consistent with sections 37(a) and 43(b) of  
18 that Act.

19 **SEC. 4. GENERAL PROVISIONS RELATING TO ASSISTANCE FOR**  
20 **ANDEAN COUNTRIES.**

21           (a) **PRESIDENTIAL DETERMINATION REQUIRED.**—As-  
22 sistance may be provided for an Andean country pursuant to  
23 the authorizations of appropriations provided in section 2(a)  
24 and section 3(a), and excess defense articles may be trans-  
25 ferred to Bolivia, Colombia, or Peru in fiscal year 1991 pur-

1 suant to section 517 of the Foreign Assistance Act of 1961  
2 (22 U.S.C. 2321k), only if the President determines that—

3 (1) that country is implementing programs to  
4 reduce the flow of cocaine to the United States in ac-  
5 cordance with a bilateral or multilateral agreement, to  
6 which the United States is a party, that contains spe-  
7 cific, quantitative and qualitative, performance criteria  
8 with respect to those programs;

9 (2) the armed forces and law enforcement agen-  
10 cies of that country are not engaged in a consistent  
11 pattern of gross violations of internationally recognized  
12 human rights, and the government of that country has  
13 made progress in protecting internationally recognized  
14 human rights, particularly in—

15 (A) ending the involvement of members of  
16 the armed forces and law enforcement agencies in  
17 political violence and human rights abuses,

18 (B) vigorously prosecuting all persons who  
19 have been charged with human rights abuses,

20 (C) providing an adequate and timely registry  
21 of those persons detained by all instrumentalities  
22 of government so that family members of detained  
23 persons may be notified of the whereabouts of  
24 their relatives,

1 (D) providing a full accounting of any per-  
2 sons who have disappeared while in official custo-  
3 dy, and

4 (E) granting the International Committee of  
5 the Red Cross access to all places of detention,  
6 including police stations and army barracks,  
7 where persons accused of security-related offense  
8 are held; and

9 (3) the government of that country has effective  
10 control over police and military operations related to  
11 counternarcotics and counterinsurgency activities.

12 (b) NOTIFICATIONS TO CONGRESS.—Not less than 15  
13 days before funds are obligated pursuant to section 2(a) or  
14 section 3(a), the President shall transmit to the congressional  
15 committees specified in section 634A(a) of the Foreign As-  
16 sistance Act of 1961 (22 U.S.C. 2394-1) a written notifica-  
17 tion in accordance with the procedures applicable to repro-  
18 grammings under that section. Such notification shall  
19 specify—

20 (1) the country to which the assistance is to be  
21 provided;

22 (2) the type and value of the assistance to be  
23 provided;

1 (3) in the case of assistance provided pursuant to  
2 section 3(a), the law enforcement agencies or other  
3 units that will receive the assistance; and

4 (4) an explanation of how the proposed assistance  
5 will further—

6 (A) the objectives specified in subsection (a)  
7 of this section, and

8 (B) in the case of assistance under section  
9 3(a), the purposes specified in section 3(b).

10 (c) COORDINATION WITH INTERNATIONAL NARCOTICS  
11 CONTROL ASSISTANCE PROGRAM.—Assistance author-  
12 ized by section 2(a) and section 3(a) shall be coordinated with  
13 assistance provided under chapter 8 of part I of the Foreign  
14 Assistance Act of 1961 (22 U.S.C. 2291 and following; relat-  
15 ing to international narcotics control assistance).

16 (d) CONDITIONAL WAIVER OF BROOKE-ALEXANDER  
17 AMENDMENT.—For fiscal year 1991, section 620(q) of the  
18 Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) and sec-  
19 tion 518 of the Foreign Operations, Export Financing, and  
20 Related Programs Appropriations Act, 1991, shall not apply  
21 with respect to narcotics-related assistance for an Andean  
22 country, provided the President has made the determination  
23 described in subsection (a) of this section.

24 (e) AUTHORITY TO WAIVER REQUIREMENT TO WITH-  
25 HOLD 50 PERCENT OF ASSISTANCE PENDING CERTIFICA-

1 TRON.—Section 481(h)(1)(A) of the Foreign Assistance Act of  
2 1961 (22 U.S.C. 2291(h)(1)(A)) shall not apply with respect  
3 to Bolivia, Colombia, and Peru for fiscal year 1991 if the  
4 President—

5 (1) determines that its application would be con-  
6 trary to the national interest; and

7 (2) transmits written notification of that determi-  
8 nation to the congressional committees specified in sec-  
9 tion 634A(a) of the Foreign Assistance Act of 1961  
10 (22 U.S.C. 2394-1) in accordance with the procedures  
11 applicable to reprogrammings under that section.

12 **SEC. 5. INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.**

13 There are authorized to be appropriated \$150,000,000  
14 for fiscal year 1991 for assistance under chapter 8 of part I of  
15 the Foreign Assistance Act of 1961 (22 U.S.C. 2291 and  
16 following; relating to international narcotics control assist-  
17 ance).

18 **SEC. 6. ASSISTANCE FOR AGRICULTURAL AND INDUSTRIAL**  
19 **ALTERNATIVES TO NARCOTICS PRODUCTION.**

20 (a) **WAIVER OF RESTRICTIONS.**—For the purpose of  
21 reducing dependence upon the production of crops from  
22 which narcotic and psychotropic drugs are derived, the Presi-  
23 dent may provide assistance to a foreign country under chap-  
24 ter 1 of part I of the Foreign Assistance Act of 1961 (22  
25 U.S.C. 2151 and following; relating to development assist-

1 ance) and chapter 4 of part II of that Act (22 U.S.C. 2346  
2 and following; relating to the economic support fund) to pro-  
3 mote the production, processing, or the marketing of products  
4 or commodities, notwithstanding any other provision of law  
5 that would otherwise prohibit the provision of assistance to  
6 promote the production, processing, or the marketing of such  
7 products or commodities.

8 (b) **EFFECTIVE DATE.**—Subsection (a) applies with re-  
9 spect to funds made available for fiscal year 1991 or any  
10 fiscal year thereafter.

11 **SEC. 7. EXCEPTIONS TO REQUIREMENT THAT AIRCRAFT PRO-**  
12 **VIDED TO FOREIGN COUNTRIES FOR NARCOT-**  
13 **ICS CONTROL PURPOSES BE LEASED RATHER**  
14 **THAN SOLD.**

15 Section 484 of the Foreign Assistance Act of 1961 (22  
16 U.S.C. 2291c) is amended by adding at the end the follow-  
17 ing: "The requirement of this section does not apply with  
18 respect to aircraft made available to a foreign country under  
19 section 2(b)(6)(B) of the Export-Import Bank Act of 1945 or  
20 under any provision of law that authorizes property that has  
21 been civilly or criminally forfeited to the United States to be  
22 made available to foreign countries."

1 SEC. 8. NUMBER OF MEMBERS OF UNITED STATES ARMED  
2 FORCES IN ANDEAN COUNTRIES.

3 (a) MONTHLY REPORTS.—Within 15 days after the end  
4 of each month, the President shall submit to the Congress a  
5 report listing the number of members of the United States  
6 Armed Forces who were assigned or detailed to, or otherwise  
7 performed functions in, each Andean country at any time  
8 during that month.

9 (b) LIMITATION.—Section 515(c) of the Foreign Assist-  
10 ance Act of 1961 (22 U.S.C. 2321i(c)) is amended by adding  
11 at the end the following:

12 “(3) If more than 6 members of the Armed Forces may  
13 be assigned to Bolivia, Colombia, or Peru under this section  
14 pursuant to an authorization by the Congress or an exercise  
15 by the President of the waiver authority provided in para-  
16 graph (1), the number so assigned to any such country may  
17 not exceed 12 unless the President determines and reports to  
18 the Committee on Foreign Relations of the Senate and the  
19 Committee on Foreign Affairs of the House of Representa-  
20 tives, 30 days prior to the introduction of the additional mili-  
21 tary personnel, that the United States national interests re-  
22 quire that a greater number be assigned to that country to  
23 carry out international security assistance programs under  
24 this section.”.

1 **SEC. 9. NONAPPLICABILITY OF CERTIFICATION PROCEDURES**  
2 **TO CERTAIN MAJOR DRUG-TRANSIT COUN-**  
3 **TRIES.**

4 Section 8 of the International Narcotics Control Act of  
5 1989 is amended by inserting "or fiscal year 1991" after  
6 "fiscal year 1990".

7 **SEC. 10. AUTHORITY TO TRANSFER MILITARY ASSISTANCE**  
8 **FUNDS TO ECONOMIC PROGRAMS.**

9 (a) **APPLICABILITY OF TRANSFER AUTHORITY TO**  
10 **FOREIGN MILITARY FINANCING PROGRAM FUNDS.**—Sec-  
11 tion 610(a) of the Foreign Assistance Act of 1961 (22 U.S.C.  
12 2360(a)) is amended—

13 (1) by inserting "or for section 23 of the Arms  
14 Export Control Act" after "part I"; and

15 (2) by striking out "other".

16 (b) **EFFECTIVE DATE.**—The amendments made by sub-  
17 section (a) apply with respect to funds made available for  
18 fiscal year 1991 or any fiscal year thereafter.

19 **SEC. 11. EXTRADITION OF UNITED STATES CITIZENS.**

20 (a) **IN GENERAL.**—Chapter 209 of title 18, United  
21 States Code, is amended by adding at the end the following  
22 new section:

23 **"§ 3196. Extradition of United States citizens**

24 "If the applicable treaty or convention does not obligate  
25 the United States to extradite its citizens to a foreign coun-  
26 try, the Secretary of State may, nevertheless, order the sur-

1 render to that country of a United States citizen whose extra-  
2 dition has been requested by that country if the other require-  
3 ments of that treaty or convention are met.”

4 (b) SECTION ANALYSIS.—The section analysis for  
5 chapter 209 of title 18, United States Code, is amended by  
6 adding at the end the following:

“9196. Extradition of United States citizens.”

7 **SEC. 12. CONGRESSIONAL REVIEW OF NARCOTICS-RELATED**  
8 **ASSISTANCE FOR AFGHANISTAN.**

9 Not less than 15 days before obligating funds made  
10 available for any fiscal year to carry out the Foreign Assist-  
11 ance Act of 1961 or the Arms Export Control Act for any  
12 assistance for Afghanistan that has narcotics control as one  
13 of its purposes, the President shall notify the congressional  
14 committees specified in section 634A(a) of the Foreign As-  
15 sistance Act of 1961 (22 U.S.C. 2394-1) in accordance with  
16 the procedures applicable to reprogramming notifications  
17 under that section.

18 **SEC. 13. TRAINING OF HOST COUNTRY PILOTS.**

19 (a) INSTRUCTION PROGRAM.—Not less than 90 days  
20 after the date of enactment of this Act, the President shall  
21 implement, under chapter 8 of part I of the Foreign Assist-  
22 ance Act of 1961 (22 U.S.C. 2291 and following; relating to  
23 international narcotics control assistance), a detailed program  
24 of instruction to train host country pilots, and other flight  
25 crew members, to fly the aircraft involved in counternarcotics

1 efforts in Andean countries that have been made available by  
2 the United States Government under that chapter or any  
3 other provision of law. Such program shall be designed to  
4 eliminate direct participation of the United States Govern-  
5 ment (including participation through the use of either direct  
6 hire or contract personnel) in the operation of such aircraft.

7 (b) REQUIREMENT FOR REPLACEMENT OF UNITED  
8 STATES GOVERNMENT PILOTS BY HOST COUNTRY  
9 PILOTS.—The President shall ensure that, within 18 months  
10 after the date of enactment of this Act, flight crews composed  
11 of host country personnel replace all United States Govern-  
12 ment pilots and other flight crew members (including both  
13 direct hire or contract personnel) in airborne counternarcotics  
14 operations in the Andean countries.

15 SEC. 14. REVIEW OF RIVERINE PROGRAM.

16 (a) REQUIREMENT FOR REVIEW.—Funds made avail-  
17 able to carry out the Foreign Assistance Act of 1961 or the  
18 Arms Export Control Act may not be used for the procure-  
19 ment of surface water craft for counternarcotics programs in  
20 the Andean countries until the Secretary of State and the  
21 Secretary of Defense have jointly assessed and audited, and  
22 have submitted a report to Congress on—

23 (1) the specific goals and objectives of such  
24 programs;



Chairman FASCELL. In support of our international narcotics control effort, let us just recall that the initiative for an international effort came out of this Committee. We were concerned about the entire narcotics problem and its domestic effect and we realized early on that we had to do something, should do something, with respect to other countries, particularly where we had an assistance relationship of one kind or another.

And it became a natural effort, therefore, as this matter was considered, for us to establish a focal point within the Administration, particularly in the Department of State. I think it is fair to say at that time that the Administration was not too excited about this concept. They particularly did not want another focal point in the Department that would deal with a specialized problem such as narcotics.

However, since that time the Administration has picked up on it. They have worked very diligently to carry out the concepts that we all had and have generally gone about supporting both international efforts at the UN level and at the bilateral level. They also worked very diligently to try to carry out the objectives that we had in mind as well as their own.

Now what I see is this. The war is so great that we are in the middle of everybody's hair. I don't mean that in a derogatory sense; I mean that in a purely operational sense. And that raises some concern with me. I have not expressed this concern in specific legislative language but I am making this statement because I have been concerned—as others have, no doubt—about the extent of our effort and our determination, and how we are proceeding.

I have great concern, for example, about how the Administration is coordinating this matter, with three or four agencies now having responsibility which they have gathered up in order to do a good job: DEA, Defense, State and others. There is another faucet here now for funds. That concerned me. Everybody, obviously, in carrying out their duties said give us the money and we will do better.

Another concern is personnel and equipment. I am concerned, as others have been on this Committee, about the number of people, Americans specifically, who are directly involved in carrying out operations in foreign countries. The same with equipment. I supported all of that. I supported the placement of personnel, U.S. personnel. I supported making equipment available by loan and by grant and by purchase. But I never anticipated that the State Department in effect would be operating an Air Force. Maybe that is an over-exaggeration. I don't know the exact number of aircraft currently being operated by the State Department, but the task force does. And the Western Hemisphere subcommittee does. I don't know the exact number. I think it is fifty or more.

But that to me represents a growing kind of difficulty for us. I feel the same way about our desire to put our own personnel in there, all for very good reasons: for training, for incentive, for showing that we are willing to get on the front line with our friends to do the job. Yet every time we do that it raises another problem for us politically and otherwise. But I supported the President's request for Colombia to have our troops go in there, for example, and the additional equipment.

These are some of the problems we have tried to address and the balances that we are trying to strike here. These are the things that the Western Hemisphere Subcommittee, the Task Force, and others of the Committee have been struggling with. The Administration sees it differently. Just give us the tools, the equipment and the money and turn us loose. There are honest differences of opinion about how far we should go. All of this is by way of saying that I personally have come down on the side of a little bit of caution here. I don't want to stop what is going on. I don't want to manacle the Administration's hands. But I think we need to review very carefully what is going on in the Andean countries and not be swept away by saying this is a narcotics war; we are going to do whatever it takes; we are going to go get them and that kind of thing.

I think we all want to do all of that but we want to do it in a sensible fashion. The bill before you, therefore, authorizes \$300 million in ESF and development assistance for the Andean countries subject to narcotics control performance and respect for human rights. Of that amount, \$16 million is for increased administration of justice programs. Now the economic assistance, as you can see, is well over the Administration's request. We did a little counterbalancing here and put \$125 million over the executive branch request on the economic side. Now, the Administration takes exception to that. They would rather have the money on the military side. This is one of the points of departure between us.

I can't make any stronger case than I have already made about how we are trying to balance this thing. This is a good faith effort in trying to provide both the military assistance and the economic assistance which is fundamental if we are going to deal with this problem.

The bill also sets an aggregate ceiling of \$200 million on assistance to the military and the police in the three countries, with up to \$100 million available for the military and up to \$100 million available for the police. There is also a ten percent reprogramming authority for each category. All five current military assistance spigots are maintained. Those are foreign military financing, excess defense articles, 506(a) (1) and (2) authorities, and Ex-Im Bank guarantees, with the Export-Import guarantees exempt from the ceiling, since those are sales. The President can pick and choose which authority he believes is the best or is appropriate or is available. We just established an overall ceiling.

This aid is also subject to narcotics control performance and respect for human rights. Now the way we have handled it is a little bit different from the way the Administration requested it, but we still think there is sufficient money and sufficient flexibility for them to do their job.

Both the economic and military assistance are subject to prior notification to Congress. The Brooke prohibition is waived for fiscal year 1991 for the Andean countries for narcotics-related assistance provided they meet narcotics control and human rights standards. The bill also waives the fifty percent withholding requirement for drug certification purposes if the President determines it is in the national interest to do so and notifies the Congress.

The bill also waives the Bumpers-Lautenberg prohibitions on competitive products for the purpose of reducing dependence on drug crops. It requires a monthly report on United States military personnel levels in the Andean countries simply as a mechanism for us to keep our hand in on that issue.

It provides that if a six-man military group ceiling is waived, which under the present law the President has the right to do, that we would give the Administration additional flexibility and additional authority so that the waiver of the six-man ceiling would go to a twelve-man ceiling, and that would double the President's authority if he determines it is necessary. The President can waive the new ceiling also, if he wants to. So we believe that there is enough flexibility here. We are just trying to keep some kind of handle on the number of military personnel in the Andean countries. This is not the first time this problem has arisen.

The bill also provides \$150 million for INM, allows the President to reprogram military aid to economic aid, requires a review of the riverine program and requires host country pilot training.

Now have we gotten the documents from the Administration yet? Larry, do you know?

[Mr. Smith of Florida nods negatively.]

Chairman FASCELL. Marian?

[Marian Chambers nods negatively.]

Chairman FASCELL. On the question of the riverine program and the host country pilot training, okay, we haven't gotten that. We may want to change those provisions if and when we get some information from the Administration. I would remind Members that current law allows the President to waive any or all of those provisions.

[The correspondence on host country pilot training follows:]

Chairman

LEE W. HANFTON, Indiana  
 GUS YATTON, Pennsylvania  
 STEPHEN J. EDLARD, New York  
 GERRY E. LYDONS, Massachusetts  
 HOWARD S. VOLPE, Michigan  
 GEO. W. CAUCHETT, Jr., Michigan  
 SAM CLONDRON, Connecticut  
 MERVIN M. DYKALSKI, California  
 TOM LANTOS, California  
 PETER W. ROXBOROUGH, Pennsylvania  
 ROBERT D. IZORCELLI, New Jersey  
 LAWRENCE J. SMITH, Florida  
 HOWARD L. BERMAN, California  
 MEL LEVINE, California  
 EDWARD F. FEHRMAN, Ohio  
 TED WEISS, New York  
 GARY L. KILGORE, New York  
 MADONN K. UDALL, Arizona  
 JAMES McCLELLAN CLARKE, North Carolina  
 JAMES B. RUSTER, Puerto Rico  
 WALTER OWENS, Utah  
 HARRY JOHNSTON, Florida  
 ELLIOT S. ENGEL, New York  
 EM F. FALLOMANA, American Samoa  
 DONALD M. ROSS, California  
 FRANK McCLOSKEY, Indiana  
 DONALD M. PATNE, New Jersey  
 JOHN J. BRADY, Jr.,  
 Chief of Staff

One Hundred First Congress  
**Congress of the United States**  
 Committee on Foreign Affairs  
 House of Representatives  
 Washington, DC 20515

August 8, 1990

WILLIAM S. BROOKFIELD, Michigan  
 RALPH ABRAHAM, Missouri

BENJAMIN A. DELAMAR, New York  
 ROBERT J. LAGOMARINO, California  
 JIM LEACH, Iowa  
 TONY NOTO, Wisconsin  
 OLYMPIA J. SNOWE, Maine  
 HENRY J. HYDE, Illinois  
 DOUG BERTUCCI, Nebraska  
 CHRISTOPHER W. SMITH, New Jersey  
 MICHAEL DOWNE, Ohio  
 DAN BURTON, Indiana  
 JIM WEAVER, Kansas  
 JOHN MCELROY, Washington  
 DONALD E. RUIZ, Louisiana  
 BEN RAY, Ohio  
 ELTON CALLEGLEY, California  
 AMO HOUGHTON, New York  
 PORTER J. COLE, Florida  
 REAM ROBERTSON, Florida

JOHN R. SINCLAIR  
 Minority Chief of Staff

The Honorable Melvyn Levitsky  
 Assistant Secretary for  
 International Narcotics Matters  
 Room 7333  
 Department of State  
 Washington, D.C. 20520

Dear Mr. Secretary:

I am writing about a matter which has concerned me for some time: the need to train host country pilots for INM's air wing in Peru.

Our mutual goal, as I understand it, has always been to have host country pilots eventually assume full responsibility for the operation of these aircraft. I understand the difficulties involved in achieving this goal, but feel that we need to make every effort to ensure that these pilots are trained as soon as possible. The continued extensive use of U.S. contract pilots, particularly in the highly volatile environment in Peru, may undermine public and congressional support for this program.

The Committee would prefer not to address this issue legislatively. In this regard, I would hope that the executive branch could expeditiously agree on a reasonable plan for the training of host country pilots, including a date by which we hope that these pilots will be fully qualified. As you know, the Committee expects to mark up draft narcotics control legislation during the week of September 3. It would therefore be helpful if you could ensure a response before that time.

I cannot overemphasize my personal interest in and concern over this matter. I therefore look forward to working with you to find a solution to this problem.

With best wishes, I am

Sincerely yours,

Dante B. Fascell,  
 Chairman

DBF:FMC:baf



United States Department of State

Washington, D.C. 20520

Dear Mr. Chairman:

Thank you for your letter of August 8 to Assistant Secretary Levitsky concerning the need to train host country pilots for International Narcotics Matters' (INM) air wing in Peru. As you know, USG contractor pilots have been successfully flying interdiction and resupply missions between Lima and the Upper Huallaga Valley (UHV) for over two years. The Department shares your goal of turning over such operations to host country pilots as soon as they are qualified. We would like to describe our plan for achieving this goal.

The American Embassy in Lima and INM have been working together to develop a plan to train Peruvian pilots and maintenance personnel. Currently, the Department is seeking support from DoD in identifying a U.S. Army Spanish-speaking instructor pilot for assignment to Peru at the Santa Lucia forward operations base where our helicopters are deployed, in order to give a boost to the program. We intend to identify and deploy such an individual no later than September. Further, we are directing the incumbent contractor to increase its efforts in the training program. We are also drafting an air crew training program to ensure flight standardization and flight safety.

Training highly competent helicopter pilots is not an easy matter. It requires considerable time and effort even assuming the trainees have a high aptitude for flying. The majority of the copilots now flying entered the program with little or no experience. They have been trained to their present level of expertise through our efforts.

The Honorable  
Dante B. Fascell,  
Chairman,  
Committee on Foreign Affairs,  
House of Representatives.

-2-

Peruvianization has been further complicated because the Peruvian National Police (PNP) have not made firm commitments of flying personnel. We have already sent 17 Peruvian pilots to the U.S. Army helicopter training center at Ft. Rucker, Alabama. About half of these individuals are now flying as copilots in air wing aircraft and the others are flying PNP aircraft conducting other missions. Our goal is to enroll all the PNP-dedicated copilots in our air crew training program and advance them to pilot-in-command (PIC) status as they become qualified. We seek not only Peruvianization but the safe and purposeful use of U.S.-supplied equipment. We believe that roughly half, i.e., four, of the current copilots could reach PIC status by spring 1991. Also, we plan to provide basic pilot training to an additional ten PNP pilots at Ft. Rucker in the coming months.

We do not believe that legislation will address the variables of operating in an uncertain environment, and we hope you agree that the plan outlined above is not only appropriate but will result in the Peruvianization of the aviation program in the shortest time possible consistent with aviation safety. Perhaps the principal constraint on such a program is the inability, thus far, of the PNP to provide appropriate personnel for training and for retention in the program. We intend to encourage senior GOP officials to make such a commitment. Our Peruvianization plan would be facilitated if Peruvian Air Force pilots were made available to the program. We intend to raise this question with senior GOP officials.

Sincerely,

  
Janet G. Mullins  
Assistant Secretary  
Legislative Affairs

Chairman FASCELL. Now I believe this bill is supportive of the Administration's Andean strategy by providing increased economic and security assistance and demonstrates our commitment to what it is that they are trying to do.

Mr. Broomfield, do you want to say something before I turn it over to Mr. Kostmayer and Mr. Smith?

Mr. BROOMFIELD. Yes. Very briefly, I would like to thank you for explaining the objectives of the bill. I think it is fair to say, however, that the Administration is concerned about some of the language in the Committee bill.

This places a series of restrictions on both the sources and the recipients of U.S. assistance. It limits the level of foreign military financing and places an overall limit on all forms of assistance to the military and law enforcement units.

The bill, as you have indicated, would eliminate funding for the transfer of military equipment that this Committee has already approved. The proposed legislation also includes a further sublimit on aid to military recipients engaged in the war on drugs in the Andes. The Administration needs more money than this bill would authorize. The International Narcotics Control Act before us today also sets conditionality on United States assistance to the Andean states. The detailed and excessively demanding conditions contained in this bill could delay the Andean initiative by giving the committee the opportunity to scuttle the anti-drug effort under the guise of exercising Congressional oversight.

Mr. Chairman, I believe that the Administration Andean strategy is working. I am concerned that the legislation being proposed by the majority would reduce the Administration's flexibility and options in the all important war on drugs at this critical point in time.

The President does not need this legislation in its present form during a period when headway is being made in challenging the drug lords. Because this legislation could impede the war on drugs, I am going to support an alternative approach. I hope, frankly, that by the time we get this bill through the Committee and to the Floor, that the differences between the majority and the minority can be narrowed and we can reach a compromise.

I would like to yield at this time to my friend Ben Gilman.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I think we are all in agreement that what we need is a very strong initiative in the Andean area. The President expressed that very succinctly when he met the Cartagena Conference and we have been trying to beef up our lagging strategy in that part of the world where all of the cocaine is coming from that has devastated our nation and other nations.

And I think we have to be very cautious that we do not torpedo this effort by decimating what we are trying to do. And that is to provide training, assistance and enforcement efforts in every direction.

At the appropriate moment, Mr. Chairman, I will offer a substitute this morning that hopefully will safeguard the President's salutary objectives in being supportive to the Andean drug-producing nations we are trying to eradicate and reduce the supply, something that we are all very much concerned about.

Thank you, Mr. Chairman. And I thank the gentleman for yielding.

Chairman FASCELL. Mr. Kostmayer.

[Pause.]

Chairman FASCELL. Mr. Kostmayer, do you want to be recognized at this time?

Mr. KOSTMAYER. Well, Mr. Chairman, just very briefly, I would concur with everything you said, as I always do. And thank you, Mr. Chairman, and thank especially the gentleman from Florida, Mr. Smith, who heads our Narcotics Task Force who has put literally hundreds of hours. And his staff member Marian Chambers has done an enormous amount of work.

My view, of course, is somewhat different from the view expressed by the gentleman from Michigan and the gentleman from New York, although I do think this is a better bill. I think it is a good thing, not a bad thing, that we have put a ceiling on the military assistance, brought that down below the levels of what the Administration have asked.

I hope, although I don't know, but I hope that there will be some report language on the AID money which would indicate that too much of this money in the past has gone toward balance of payments. We simply give them a check and they pay their debts.

I think that is a bad idea, Mr. Chairman, and I think they should be required, these foreign governments be required to spend that money on specific development programs.

Unlike my friend from Michigan, I think the human rights language is much better and much more stringent and much more specific. I hope that we will be able to keep that language in.

Finally, let me say that I must take exception to the remarks of my friend from Michigan. I think we are losing the Andean drug war and we are losing it very badly. I think the country is pretty convinced that we are losing it very badly; that it has been largely a failure.

The reason it has been largely a failure and may continue to be a failure if the Administration prevails, is that the Administration wants to militarize the Andean drug war.

This is not a military problem, Mr. Chairman; it is an economic problem. And until the Bush Administration recognizes that it is an economic problem, we are going to continue to be on the losing side in South America.

I met, for example, with the highest ranking officials of a number of governments—Bolivia, Peru, Colombia—who told me face to face that they didn't want military assistance. That the one thing they wanted to do was to avoid strengthening their militaries. That they were trying desperately to strengthen their civilian governments. And that the very worst thing that the United States could do would be to strengthen their military.

They have told the State Department this and on a number of occasions, I am told, the State Department has said well, if you don't take the military, we are not going to give you the economic assistance.

So we are going to make the situation worse. We are going to do exactly what we should not do. I hope we can correct that. And to the extent that Mr. Smith has prevailed and I hope will continue

to prevail, I think we can move away from that counterproductive direction and begin to win a war which we are losing very, very badly.

Chairman FASCELL. Let me just say that Mr. Broomfield and I wrote both Secretaries Cheney and Baker on the question of United States military personnel urging the Departments to reach a voluntary arrangement with respect to the number of people in these countries in order to avoid any misconceptions about the fact that we are trying to militarize the drug fight.

After all, if the country itself does not have the determination which we ought to support, of course, both militarily and economically, it will be very difficult to win the drug fight in that country. But we provide both the flexibility and the money to do that. Anyway, the response, Mr. Broomfield, from the Secretaries ought to be made part of the record. So without objection, both our letter and the response thereto will be included in the record at this point. The Administration is trying to cooperate with the Committee on this subject.

[The information follows:]

DANTE B. FACCELL, Florida  
Chairman

LEE H. HAMPTON, Indiana  
GUS YATTON, Pennsylvania  
STEPHEN J. SOLARZ, New York  
GERRY E. STUDS, Massachusetts  
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DONALD M. PATRICK, New Jersey

JOHN J. BRADY, Jr.  
Chief of Staff

The Honorable Richard Cheney  
Secretary of Defense  
The Pentagon  
Washington, D.C. 20537

Dear Mr. Secretary:

The Committee on Foreign Affairs has supported, and continues to support an appropriate role for the Department of Defense in counternarcotics efforts overseas. DOD has already made important contributions to those efforts in the Andean countries. However, to allay growing concerns about the scale of U.S. military involvement, we believe steps should be taken now to set levels of military personnel in these countries which the Congress and the American people can support over the long term. The best way to do this is for the executive branch to voluntarily set a limit on the number of military personnel who might be deployed in the Andean countries.

If a voluntary limit on military participation in Latin America is not established, congressional and public fears of an unchecked escalation of military involvement will make it difficult to concentrate attention and reach agreement on the more important issues in the national counternarcotics effort. Every effort must be made to ensure that overseas counternarcotics efforts will neither be perceived to be nor become dominated by the U.S. military. As we have all learned, it is vitally important that host countries realize that the success of this initiative depends on their activities, not ours. It is equally important that we continue to support their efforts with funds and material assistance.

To ensure that counternarcotics efforts be seen by all as a joint executive-legislative effort, we stand ready to work with you in a bipartisan manner to arrive at a policy that will give the executive branch the ability to accomplish our goals and objectives, while dispelling fears over excessive U.S. military involvement.

If we cannot reach some agreement on this important issue, it is very probable that the Congress will, in due time, see fit to impose such a limit on military personnel in the Andean countries. Such a divisive and unproductive debate could be avoided if you act now to establish voluntary limits.

One Hundred First Congress  
Congress of the United States  
Committee on Foreign Affairs  
House of Representatives  
Washington, DC 20515  
July 31, 1990

WILLIAM B. BRIDGEMAN, Michigan  
Ranking Member

BENJAMIN A. GRIMMAN, New York  
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ALAN HOUDESTON, New York  
PORTER J. ROSS, Florida  
KEALA ROSENTHAL, Florida

JOHN B. BRIDGEMAN  
Secretary Chief of Staff

The Honorable Richard Cheney  
July 31, 1990

Page Two

A duplicate letter has been sent to the Secretary of State. Because the Committee anticipates Floor action on narcotics control legislation the week of September 10, 1990, we would request that a response be provided to us by September 1. Thank you for your cooperation and assistance in this matter.

With best wishes, we are

Sincerely yours,

  
William S. Broomfield  
Ranking Minority Member

  
Dante B. Fascell  
Chairman



RECEIVED  
COMMITTEE ON FOREIGN AFFAIRS

United States Department of State

Washington, D.C. 20520

90 AUG 22 AM 9:21

Dear Mr. Chairman:

Secretaries Baker and Cheney have asked us to reply on their behalf to the separate letters they received last month from you outlining your concerns over the levels of U.S. military personnel to be employed in our nation's counter-narcotics efforts in the Andean region.

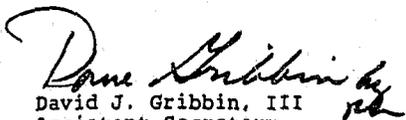
We wish to note that the Departments of State and Defense share your desire to dispel congressional and public fears of excessive U.S. military involvement in joint counter-narcotics efforts in the Andes. We understand the sensitivities in our country as well as in the rest of the hemisphere to U. S. military involvement in Latin America. We are making every effort to minimize our military presence in the region while providing adequate support to host country counter-narcotics efforts. The Administration's policy continues to be that no U.S. military personnel will enter any of the Andean countries to work in the counter-narcotics field without the express authorization of the U.S. Ambassador accredited to that country. The Administration has been opposed heretofore to artificially-imposed ceilings on U.S. military participation in Andean counter-narcotics activities, considering them to be a hindrance to the achievement of our nation's goals in this area.

Presently, we have monitoring mechanisms in place to assure that our counter-narcotics efforts represent a balanced program. The Andean Initiative is a comprehensive plan to achieve that balance. Your letter, however, has prompted us to re-examine our personnel situation and we will share our findings with you as soon as they become available.

The Honorable  
Dante B. Fascell, Chairman,  
Committee on Foreign Affairs,  
House of Representatives.

Let me assure you that the Administration shares your interest in avoiding lengthy and counterproductive debate on the implementation of the President's National Drug Control Strategy. Any delay in implementing this much needed legislation could lead our allies in the struggle against illicit narcotics to question our nation's sincerity and resolve in doing its part to carry out this vitally important joint endeavor.

Sincerely,

  
David J. Gribbin, III  
Assistant Secretary  
Legislative Affairs  
Department of Defense

  
Janet G. Mullins  
Assistant Secretary  
Legislative Affairs  
Department of State

Chairman FASCELL. Mr. Lagomarsino.

Mr. LAGOMARSINO. Mr. Chairman, just very briefly. I don't think anybody could argue that we have won the war in South America on cocaine. On the other hand, I think progress has been made.

How else can you explain the price of cocaine going up and the price of coca leaf going down? But I think it is unrealistic to say that there does not have to be some kind of military involvement here or at least the consideration of it.

The people on the other side certainly are militarized. They have heavy weapons. And if you insist that only police forces can do this, what that means is the countries in question here are going to have to increase their police forces, make them military forces really. So I think you are just talking about semantics here.

You really do need to have the kind of force to combat these people. They are well-armed. They have got a lot of money at their disposal. And they know they are going to have to fight for their lives. They are not going to give up easily.

I think it is going to take a real hard fight here.

Chairman FASCELL. Will the gentleman yield at that point for a minute?

Mr. LAGOMARSINO. Yes.

Chairman FASCELL. You know the bill has \$100 million in it for assistance to the military.

Mr. LAGOMARSINO. I was just pointing to the remarks of my colleague.

Chairman FASCELL. Oh, I see. I'm sorry.

Mr. LAGOMARSINO. And I was going to point out also that obviously if a country doesn't want to have the military assistance, it doesn't have to take it.

Sure, there may be some pressure on them or implied pressure that if they don't take this, they won't get the economic. But they have to make that decision; we can't make that for them.

So I would hope that the—

Mr. KOSTMAYER. Will the gentleman yield to me?

Mr. LAGOMARSINO. Yes.

Mr. KOSTMAYER. The gentleman from California, my good friend, was there in the room when the highest ranking officials of these governments told us face to face, and I am not exaggerating, the State Department says take the military money or we are not going to give you economic assistance.

Mr. LAGOMARSINO. One of them said that.

Mr. KOSTMAYER. Yes, that's correct. I don't know whether it is wrong or right, but the gentleman heard it.

Mr. LAGOMARSINO. But the people from the State Department denied they had said that.

Mr. KOSTMAYER. They did. That's correct. Thank you.

Chairman FASCELL. Well, we only have one country, as I understand it, that has not signed up for military assistance and that is Peru. Isn't that right, Mr. Smith?

Mr. SMITH of Florida. Mr. Chairman.

Chairman FASCELL. The Chair recognizes Mr. Smith.

Mr. SMITH of Florida. Thank you, Mr. Chairman. The answer to that question is maybe. One country has not signed for sure. Another country, Bolivia, appears to want to use some military assist-

ance for the Navy and the Air Force but not for the Army. There is a raging debate now about that both internally in Bolivia and externally between Bolivia and the United States. And of course one country, Colombia, is very much involved in some of the military assistance programs.

Mr. Chairman, I appreciate the debate that is going on here today because it is very useful to put these issues into perspective. I find myself now trying to put into perspective a position which is somewhere between my friend from Pennsylvania, Mr. Kostmayer and my friend from Michigan, Mr. Broomfield.

Mr. Chairman, I agree with much of what you said as well. But Mr. Broomfield's remarks and what Mr. Lagomarsino said are important. I don't believe that we can have an appropriate fight against the drug problem in this country without helping the Andean nations.

The interesting part about the President's drug strategy, the Andean strategy, is that it came out of this Committee. For five years this Committee called for the President of the United States to have a regional drug summit with the leaders of those countries, the Andean nations, for the purpose of trying to get a coordinated strategy. And to his credit, Mr. Bush went to Cartagena and began that ball rolling. But the idea germinated and originated here, not in the White House.

Secondly, last year, a strategy was finally delivered to us, albeit late, with reference to what the Administration then wanted to do with the Andean countries. And I would like to go through, because it is very relevant for the purpose of determining the amount or levels of aid, what has happened since then.

Let me say at this point, that the bill before the committee reflects the Committee's extensive experience with international narcotics control issues and provides what I consider to be a balanced approach to counternarcotics efforts in the Andes. It has reduced military aid from what the Administration wants, but it is still a huge amount of military aid when gauged against what we have provided over the last twenty years, that is, nothing. People have to be very mindful of that.

Some people are already trying to start, unfortunately, another partisan debate about what is in this bill, although most of us share the same goal. They want to pick on the military aid portion apparently in an attempt to denigrate the Congress' commitment. I don't think that is right nor do I think that ought to happen. The idea ought to be put to rest right now that there is no commitment on the part of the Congress to continue this fight in partnership with the executive branch and Andean countries.

The military aid ceiling contained in this bill is \$100 million out of four different spigots, as the Chairman explained. This figure is imminently reasonable, and I think you ought to know why. The first reason, which I believe is sufficient unto itself, is that we provided \$125 million in fiscal year 1990 in military aid but not one penny of it has been spent. Not one boot, not one rifle, not one bullet has yet been delivered by this country almost a year after we approved that \$125 million.

As a result, we are now being asked to allow as much as \$250 to \$300 million more in military aid to be piled on in fiscal year 1991

because the 1990 money is going to be spent right at the beginning of 1991. We are also being asked to provide the additional money without having the slightest idea as to whether this aid will be effective in advancing our overall anti-narcotics objectives.

These countries—Peru, Bolivia and Colombia—cannot effectively absorb nor can we effectively manage, and historically that is an accurate statement, the delivery of two years of military aid in these large amounts in just one year. We have not had security assistance relationships with these countries for almost two decades. The structures are not in place, not by any stretch of the imagination, for fully allowing aid of this magnitude to be effectively used. We saw what happened when we provided \$65 million in emergency aid to Colombia last August. The Colombians complained they weren't getting what they wanted or needed.

Another good reason is that the governments of these countries have been less than enthusiastic about accepting this aid. The Chairman's question with reference to agreements is extremely valid. President Garcia of Peru refused to sign a military aid agreement before he left office just two and a half months ago. His replacement, President Fujimori, has yet to sign an agreement for fiscal year 1990, even though the fiscal year ends in a little over two weeks. And my understanding is they have not yet determined what their strategy is going to be in Peru. They haven't decided which way they want to go in Peru. That is \$36 million in fiscal year 1990 and \$40 million in fiscal year 1991 in military assistance for a country that hasn't decided yet what, if anything, they are going to do about the military component.

Likewise, it is very unclear whether President Paz Zamora of Bolivia will permit the Bolivian Army to participate in anti-narcotics efforts. Mr. Kostmayer is correct; people in the Bolivian government have come here and told us that they don't want their army to participate. Their Navy and their Air Force, yes, and they are currently participating in the riverine program and certain other programs. But not the Army in the overall anti-narcotics effort, not in eradication, not in military use for the purpose of enforcing the civilian laws, et cetera.

One of the headlines in today's paper says, "Bolivia to Use U.S. Drug Aid for Environment". It has now come to light that there has been—I don't know that it is completely finalized—a decision by Paz and others in his government to equip some divisions with aid from the United States, military aid, and then send them out to police the environmental laws of the country. That is not what we had in mind, although there is nothing wrong with the environmental laws being enforced in Bolivia and we would like to see that happen. But the reality is that this Committee did not vote for that first \$125 million earlier this year for that purpose.

Now I am disappointed, to say the least, by the fact that fiscal year 1990 money has not yet been spent. But I am glad that the Administration has showed some common sense in planning the use of these funds. Although they were late in submitting their Andean plan, they have not rushed headlong and just thrown the money out in the street. That would have been inexcusable.

Colombia, I believe, is ready to accept some of this military aid and it should flow. They have been doing an incredible job in fight-

ing against drug traffickers in their own country. Twenty-five hundred innocent civilians, police, judicial officers, and judges, have been killed or wounded in the rampant violence that has been the mainstay of the traffickers way of trying to combat the crackdown by the Colombian government. The Colombian people and the Government of Colombia are to be commended for their commitment in the face of this horror and this toll. However, we have no capability to manage the over \$100 million that will end up in Colombia under the Administration's request this year. They have no capability of absorbing it and we can't manage it. That is historically accurate from our side.

Another point to be made is that there are currently five military aid spigots under which the Andean countries can receive assistance. This Committee was responsible for enacting two of those provisions. We did so because at the time there was no regular security assistance program for those countries so we created special authorities to allow them to obtain what they could out of excess defense articles or by using their own money for Ex-Im Bank purchases. Other committees decided without hearings and I think without a solid foundation to go ahead and open other spigots. And now there is a regular substantial military aid program through the foreign military financing program as well.

Now, in the preparation of this bill we gave some thought to eliminating some of these spigots. But the executive branch argued that each one had a special utility. So we agreed to keep all the spigots in place. The Administration won that argument. We capitulated. So the bill, for example, extends the Ex-Im Bank authority for another two years but places a ceiling on how much can be used out of all the accounts put together. But as the Chairman indicated, we exempted the Ex-Im spigot because that is their own money. This is sound management and oversight as far as we are concerned. The task force held hearings and workshops on how many military assistance spigots are currently available. And it is a little unmanageable, frankly. And we need to have sound management.

I would also note the Andean strategy is premised on law enforcement having the primary counternarcotics role in these countries with the military having a supporting role. That is the basis on which this strategy was presented to us. Yet, the executive branch budget figures now don't reflect this policy. For fiscal year 1991, the executive branch contemplates spending at least three times as much on assistance to the military as on assistance to the police. The draft bill brings the budget numbers in line with the stated policy by setting a ceiling of \$100 million on aid to the police and \$100 million on aid to the military with the provision of ten percent reprogramming authority. And remember, that \$100 million ceiling on aid to the military and aid to the police is this year, fiscal year 1991, money. The fiscal year 1990 money, the \$125 million is all military and is still unspent.

That means this year, Mr. Chairman, in effect \$225 million could be spent on the military plus \$100 million on the police if the Administration so choose. That is no small figure. It represents, in essence, an increase of \$225 million because there was no program

prior to this. There was no military assistance to these three countries to speak of.

Let me remind observers of what I and the task force told the Commander of SOUTHCOM when he appeared before the task force in a closed session in April of this year. Relevant portions of that session have been declassified, including the following remarks I made to General Thurman, who is a wonderful man, now fighting for his own life, who is absolutely dedicated to fighting the war on drugs and winning it, for which I have great respect for him.

Quote, "The question is now starting to go down the road for another \$137 million on top of one that hasn't started yet I will tell you that I will be skeptical"—this is back in April—"in terms of whether or not we need to do that without getting evidence that the \$125 million had an impact; worked and had some positive effects in terms of your capability to coordinate with all the people involved in the strategy, on interdiction, on eradication, on dislocation, and all the other things that are part of the strategy, with particular emphasis on certain kinds of programs like the riverine program and some others which heretofore have been, if you want to be charitable, mixed successes or mixed failures, whichever way you want to look at it." End quote.

Nothing, and I repeat, nothing has happened in the intervening five months to change the validity of that statement. And this is not a reflection on General Thurmond. It is purely and simply a statement of fact. We should defer any military spending decisions over the \$100 million contained in this bill until we have some kind of track record by which to make intelligent decisions and on which we can justify the expenditures of funds to the American taxpayers.

Mr. Chairman, I bow to no one in my dedication to the fight against narcotics, nor do I oppose military assistance to the Andes. In fact, as I indicated, this Committee led the way in authorizing such assistance last year, and as I said earlier, in providing other sources of military assistance over the vehement objections of the executive branch. We have continuously fought to make available authorities that were needed. But this support cannot be blind support. To think of pouring more money into countries that haven't even received a dime of what has already been appropriated or who may not even want it is folly for us at this point.

These are not domestic treatment funds for American youth trying to kick the habit being cut here. These are funds being provided in a calculated risk to militaries with a long and sordid history of corruption, pervasive human rights abuses, and little historical interest in the battle against narcotics. We have been willing to take a chance to see if we could, through military aid, engage their interest in this problem. But we have no idea yet what the results will be. The first year's money has not been spent. We owe it to the taxpayers of this country to take a cautious approach in providing follow-on funding to programs not yet underway.

Finally, Mr. Chairman we are mindful of our continued support for Operation Snowcap which even in the words of DEA personnel has not done much to stem the flow of drugs into the United States. But I agree with Mr. Broomfield and Mr. Lagomar-

sino. I personally think we are winning the war. We haven't had our neighbors in the Andean region doing as much as they are doing now for the last ten years. And we are stopping much more than we ever stopped before. Yes, much more is being grown. Yes, much more is being thrown at us. But the reality is we are getting better at it, we are gaining more expertise, and we have more assets being plugged in every day, and more agencies and more capable people learning their role. But we are still not seeing the results we were led to believe would occur, even in Snowcap. What we are told by the DEA now is contrary to what they told us for the first few years of the program.

We will fund new programs, and new attempts to curb drugs, drug trafficking, money laundering, et cetera. But we will not do it without some evidence that they can be implemented and have a good chance at some success. That is where we are with the President's Andean strategy. We gave it \$125 million last year. No money has been spent. And now much more is requested. I think the American people would demand at the very least a cautious approach and a fiscally responsible one.

This is the path this bill follows. We have allowed additional funds, just not as much as the Administration wanted. And remember, we are fairly close to what they originally said was going to be their follow-on request. It is now up to the Administration, the Drug Czar, the Bureau of International Narcotics Matters, the DEA, our military component through DOD, and the various components of the Andean governments to make this strategy work. Believe me, under this bill for fiscal year 1991, the Administration won't be starved for enough money to make it work if it can work.

Thank you, Mr. Chairman.

Chairman FASCELL. Mr. Yatron.

Mr. YATRON. Thank you, Mr. Chairman. Mr. Chairman, I support your bill and the human rights provisions contained in this legislation.

Some of the recipients of this assistance have extremely poor human rights records. The people in these countries fear the police and the military forces. We cannot expect those countries to garner sufficient popular support to win the war on drugs.

These conditions are reasonable. They balance our need to promote human rights while at the same time supporting the in-country efforts to combat illicit narcotics production.

I strongly support the bill.

Chairman FASCELL. Mr. Weiss.

Mr. WEISS. Thank you, Mr. Chairman.

Let me at the outset express my sympathy and agreement with the concerns that you expressed, indeed perhaps more so. As you suggested, it is easy enough to get involved in these military actions but it is much more difficult to disentangle the nation from them. And it seems to me that the better part of wisdom is to be cautious about getting involved in the first place.

I also want to express my appreciation to Mr. Smith, although I think he is more optimistic about what the capacity is of military support doing the job instead of unsettling the very fragile civilian governments in those areas.

The tremendous amount of work and study that he has committed to this is apparent from this legislation as well as from his analysis of the situation there.

I am very pleased at his determination to make sure that the purposes of the assistance set forth in the legislation—among which is to strengthen respect for internationally recognized human rights and the rule of law—are implemented by the provisions that he has included in the legislation.

Thank you, Mr. Chairman.

Chairman FASCELL. Mr. Smith.

Mr. SMITH of New Jersey. Thank you, Mr. Chairman. Very briefly, I think every member of this Committee would agree that no other issue has the kind of bipartisanship on the war on drugs; perhaps no other issue has devastated so many individuals and families than the problem of drug abuse.

But I am concerned that this Committee may be poised to take an action on draft legislation that, in the words which the Director of the Office of Drug Control Policy, Bill Bennett, has written to the Committee through you, Mr. Chairman, embodies provisions that will severely handicap the Administration's initiative and send mixed signals to our allies in the Andes.

Mr. Chairman, in making a reasonable determination as to how much military aid is needed, desired, or necessary to effectively prosecute this war on drugs, it would be extremely helpful to know exactly how the \$100 million ceiling was determined. Perhaps either you or Mr. Smith of Florida want to speak to that issue. What are you hoping to buy and purchase with that \$100 million? Why not \$110? Why not \$90? How was that \$100 million ceiling determined?

Mr. SMITH of Florida. Will the gentleman yield?

Mr. SMITH of New Jersey. I would be happy to yield.

Mr. SMITH of Florida. Well, I would be happy to tell you, Mr. Smith. Originally, as I indicated, we agreed and passed through this Committee a \$125 million authorization for fiscal year 1990. None of that money has been spent yet, not a dime, although we have gotten all of the indications about how they intend to spend the money.

For fiscal year 1991 the Administration had originally asked for \$137 million in FMF. That was their projection at the time they got the first \$125 million but with all the other military assistance spigot that number could be somewhere between \$250 and \$300 million for the military component alone.

But we have no basis by which to measure whether we should go down that road because not one dime of the fiscal year 1990 money has been spent yet. We do not know whether or not there is going to be any significant advancement in the fight against narcotics by spending this military assistance money.

We have also put in about \$100 million for assistance to the police. The executive branch agreed at the time they submitted the original Andean strategy that counternarcotics efforts and money would be balanced between military and civilian authority.

So with the \$100 million for the military, we put in \$100 million for the police. In addition, we increased the INM budget from \$115 million last year to \$150 million this year at the request of the Ad-

ministration. There are also more monies put in other parts of this same component. It is only the military component that is at issue because we reduced what the Administration wanted. But there will be sufficient money for this effort given the combined \$225 million for fiscal years 1990 and 1991 to do absolutely everything that they would have wanted to do. And that is how we arrived at that number.

I thank the gentleman for yielding.

Mr. SMITH of New Jersey. If I could, I would like to ask the Administration if they want to speak to that, as to what might have to be foregone if this subceiling were to be imposed.

Chairman FASCELL. Would you come up and take the mike, identify yourself for the record, and respond to the question.

The question is: what will the executive branch have to curtail if they get just \$100 million instead of \$137 million? Is that the question?

Mr. SMITH of New Jersey. Or the additional funds that the Administration requested.

Chairman FASCELL. Well, let's establish what that is. Was the Administration request \$137 million?

Mr. OLSON. The original request was for \$137 million. The Obey Mark, the House mark at the moment, is \$118 million.

Chairman FASCELL. Yes, but that's got nothing to do with anything, except maybe you will get \$118 and maybe you won't. We have to deal with the Administration request that came to Congress. That was \$137 million, you say?

Mr. OLSON. \$137 million was the original request.

Chairman FASCELL. All right.

Mr. OLSON. And it is based on the Andean strategy. It is a mistake, I think, to say that we are asking for \$250 million. The actual sum that we are asking for, for FMF, is \$137 million. The other monies that would be included as far as military assistance are concerned are discretionary accounts such as 506(a) or excess defense articles.

These would be used in the case of emergencies.

Chairman FASCELL. Well, I think we understand that.

Mr. OLSON. We would use those monies to respond to circumstances as we did in 1989 in the Colombia situation.

If we found ourselves next year with the ceiling that we are talking about in a case in which we had approached the ceiling in FMF and we found ourselves with a similar kind of emergency situation, we would be unable to provide the additional kind of assistance that we provided to Colombia in 1989.

And that is the kind of flexibility, I think, the Administration needs in its programs.

Chairman FASCELL. Let me see if I understand you correctly now, because I am not quite sure I got it all. You are not objecting to the amount, or are you?

[Pause.]

Chairman FASCELL. You would rather have more money than less money?

Mr. OLSON. Basically we do not accept the principle of establishing the ceiling as in the current majority proposal. The Administration favors the proposal that we believe is in the Gilman bill.

Chairman FASCELL. Well, what is that proposal? I never heard of it. I mean, the inference is that there should be no limit. Is this an unlimited authorization you are talking about for military assistance?

Mr. OLSON. The military assistance authorization is \$137 million.

Mr. SMITH of Florida. Will the gentleman yield?

Chairman FASCELL. Yes. I am just trying to get an answer to Chris Smith's question. I understand that is just one spigot. I know what he is doing. I am just trying to get the answer on the record from him. I know what he is doing. I am just trying to get an answer to the question.

Do you want it still, Chris, or shall we forget it? [Laughter.]

Well, I don't think you are going to get it and I don't want to have to elicit it. It was your question.

Mr. SMITH of New Jersey. Again, what would be curtailed if this subceiling of \$100 million would be imposed? That was the brunt of the question. What won't we be able to do in this war on drug abuse and drug marketing?

Mr. OLSON. All right. The assistance that we have provided to Colombia under the 506(a) authorities was used to hit the laboratories. It was used to support police operations and military operations; to maintain their aircraft; to provide support in operations in the countryside such as the Petrolara raid and others; a significant amount of assistance that built the Colombian capability to respond to these kinds of situations.

We are looking at similar support in Bolivia and possibly in Peru.

Mr. SMITH of New Jersey. I assume there is a detailed draft and action plan, if you will, that would obviously utilize the money and that is how you came to the figure \$137 million.

Mr. OLSON. The Administration developed NSD-18 which lays out a five-year program for how the money requested is to be used and the areas that it is to be applied as far as FMF requests.

The other monies that are included under the authority such as 506(a) are there to respond to emergencies. They are authorities already in the law. This year we are requesting for assistance in the Andean region approximately \$30 million to assist Colombia and Bolivia in similar kinds of operations to sustain capabilities.

What we are looking for is not spigots. As much as I think we should avoid semantical debates, words do have an important connotation. We are not looking for a variety of spigots and then planning to go away on vacation and leaving the water running.

What we are looking for is a degree of flexibility that will allow us to respond to the circumstances as they arise. A \$100 million ceiling I don't believe provides that kind of flexibility to respond to changing circumstances. And that is what we are looking for.

Mr. SMITH of Florida. Will the gentleman yield?

Mr. SMITH of New Jersey. Yes.

Mr. SMITH of Florida. I would like to ask the gentleman a question. Number one, is it correct that we have not spent a penny of the \$125 million.

Mr. OLSON. Congressman, as you are aware, in trying to deal with establishing a new program, one as particularly complex as security assistance programs and making these work over the year,

there have in fact been a variety of delays in making this work, even in countries that have security assistance programs in place—

Mr. SMITH of Florida. I understand that. We all do. Is it true—

Mr. OLSON. It takes time.

Mr. SMITH of Florida [continuing]. Is it true that we haven't spent the money?

Mr. OLSON. Some money has flowed, and we have letters of agreement for the allocation of particular funds.

Mr. SMITH of Florida. Now isn't it also true that we have no agreement with Peru?

Mr. OLSON. That's true. There is no agreement with Peru and it is doubtful whether there will be.

Mr. SMITH of Florida. Are you going to lose your fiscal year 1990 allocation for Peru?

Mr. OLSON. The intention for that money, if Peru does not sign—and the indications are that they are not going to sign—we have contingency plans to reprogram that money.

Mr. SMITH of Florida. To where?

Mr. OLSON. To the other Andean states.

Mr. SMITH of Florida. There are only two—you mean Colombia and Bolivia?

Mr. OLSON. Yes.

Mr. SMITH of Florida. Is it not true that President Paz has in fact come to a decision not to use the Army?

Mr. OLSON. We are still in the process of discussing that question with President Paz Zamora.

Mr. SMITH of Florida. Aren't there only two weeks or so left of the fiscal year and isn't it true that if he refuses to use the Army then that money will also be lost?

Mr. OLSON. The intention all along was to use the money in Peru. Because of the difficulties in Peru and the changes of government in Peru, we did not anticipate an advance in 1989 that we would have these difficulties.

It is clear now that Peru may not take those monies and there will be questions of reprogramming.

Mr. SMITH of Florida. But I am talking about Bolivia now. We have already agreed Peru is probably going to lose the money and you want to reprogram it to Bolivia. But if you reprogram it to Bolivia, you probably are not going to be able to use it for the military because the army is not going to be on board and Paz Zamora is not going to take the money for that.

So you mean to tell me you are now going to dump that additional \$50 million into Colombia on top of their allocation all at once? Is that what your answer is?

Mr. OLSON. The nature of the reprogramming and where the money is going to go is now in the progress of being examined.

Mr. SMITH of Florida. And then on top of that you want to add another \$137 million plus possible funding from all the other spigots that are available without any agreements in Bolivia, with respect to the Army, or Peru either.

Mr. OLSON. I don't think the intention is to see, on the first day of the new fiscal year, that we will dump—to use your term—large amounts of this assistance all at once.

The idea for the assistance is to phase it in over time, and to provide it as they need it.

Mr. SMITH of Florida. The question is do you have any agreements?

Mr. OLSON. The answer is the agreements have been signed. The LOAs are now in the process of being negotiated and analyzed to see that the equipment and the money flows.

Chairman FASCELL. Mr. Hyde.

Mr. HYDE. I'm sorry. I didn't get your identity. Would you mind repeating it?

Mr. OLSON. Yes. I am William Olson from the Bureau of International Narcotics Matters.

Mr. HYDE. All right. Now as I understand it, \$100 million, which is considerably less than \$137 million, that is what we are arguing about. The Administration wants \$137 but we are holding them to \$100.

And you are telling us that a lot of things that you have done in Colombia may well need to be done in Bolivia and Peru such as maintain aircraft, such as hit laboratories, train personnel, that you will be less able to do with \$100 than \$137 million, is that correct?

Mr. OLSON. That's correct.

Mr. HYDE. Now we have heard that you have money that you haven't spent and so why should we give you more money. As I understand what you said, the reason is there have been new governments in these places. There are transitions that have to occur. You need to get a new government in place before you negotiate with the right people.

And secondly, you have been going cautiously, responding to the concerns of Congress that you don't dump money in but you go cautiously.

Now that you have gone cautiously, you are going to be penalized for that. We are going to cut \$37 million off. Now as to flexibility, these emergencies arise and you need to respond rather quickly.

I understand that under the majority's bill, the President is going to have to notify Congress before any funds can be obligated and that will be pursuant to Section 634A of the Foreign Assistance Act which requires 15-day advance written notification subject to holds if there are objections and often delaying disbursement.

People who really aren't sympathetic with the Andean Initiative think the military are too intrusive and the police are too intrusive. I don't quite know if you don't want to give the military the resources and the police the resources, how you are going to do this?

Maybe there is another way to do it that I haven't heard of. But those people who aren't sympathetic to that can demand more information, make claims about human rights abuses, et cetera, et cetera.

Is it your feeling that the conditionality in the majority bill imposes a higher standard of human rights conduct than any other country in the world, and that even El Salvador doesn't have to jump through the human rights hoops that are required in the majority bill. Is that correct?

Mr. OLSON. That's correct, sir. We believe that the current laws on the books address the human rights issue. There is an annual human rights report, Section 116 and 502B of the Foreign Assistance Act, and the annual authorization and appropriations acts provide ample measures for Congress to exercise concern on this issue.

But the Administration does not take a back seat to anyone in its concern for human rights. We include human rights concerns in our discussions with the governments, in our training programs, and in our assistance agreements.

Mr. HYDE. Well, let me just in closing say to you that I well remember World War II, where we were fighting for our lives and we took help from and we assisted one of the most brutal people that ever lived; Joe Stalin. \$13 billion in lend/lease because we were fighting an enemy named Hitler that was a threat to our national security.

We didn't demand of him a standard of conduct that we knew he couldn't meet. We are now in a war and the Chairman has said the war is so great, but we are going to demand a pedigree from those people we are going to ask to help defend our cities from the scourge of drugs, and if they don't measure up, we are going to cut them off.

I just fail to see the logic behind that, but I thank the gentleman.

Mr. WEISS. Will the gentleman yield to me for a question?

Mr. HYDE. With pleasure.

Mr. WEISS. Thank you. Would you tell us something about how you characterize the human rights situation in Peru and whether in fact the Administration has inquired or studied for itself the possibility of the whole involvement with the military being counterproductive as far as the advancement of human rights?

Mr. OLSON. As you are aware, Congressman, the State Department supplies a report on worldwide human rights under Section 116. That details—goes into great detail country by country on the human rights performance.

Mr. WEISS. Beyond that, there are no further studies?

Mr. OLSON. And the situation in Peru is covered very seriously under that report.

Mr. WEISS. Yes. Beyond that, you have done no further studies?

Mr. OLSON. Well, the requirement, of course, for human rights review in that study requires the State Department and the Embassy monitor and watch the activities and human rights performance in that country over the course of a year in order to prepare the report each year.

So we are in a constant process of monitoring. I think you are also aware, in looking at the report, that the nature of the violence in Peru approaches that of civil war. And in that environment, with violence over all, there are a variety of situations that involve human rights abuses.

The question is whether or not it is sufficient and constitutes a pattern of violence that would justify cutting off assistance to the country. There is no question that there are human rights abuses in the country. Many of them are performed by the Sendero Luminoso.

Mr. WEISS. Let me ask you finally: my understanding is that the original request for Peru was for the purpose of training and equipping six Peruvian army battalions. And that purpose now has been changed. You cancelled those plans.

If that is so—you tell me if it is—what do you plan to do with the money now?

Mr. OLSON. At the moment it is not clear that Peru is going to sign its military assistance agreement.

Mr. WEISS. I know. But have you changed the plan?

Mr. OLSON. If they sign, we are still reviewing the possibility of training battalions in the military for counternarcotics support. But given the likelihood that Peru is not going to sign the military agreement, we are looking at reprogramming the money.

Mr. WEISS. And how much money was supposed to be spent for that purpose?

Mr. OLSON. I think the exact sum is \$35.9 million for military assistance, roughly \$36 million.

Mr. HYDE. Mr. Chairman, may I ask just one more quick question?

Chairman FASCELL. Certainly.

Mr. HYDE. I want to ask a hypothetical question of the witness. If you are lying in an alley bleeding and someone comes along to pick you up and stop your bleeding, do you first ask them what his human rights record is?

Chairman FASCELL. No. You just make sure it is not Mack the Knife.

Let me see. You raised an issue, sir, that I had not really focused on before that is interesting and I will bypass for the moment the fact that the Appropriations Committee has already cut your \$137 million and the chances of you getting more in the Senate or out of conference are nebulous at best.

But let's assume that while the bill gives you \$225 million for the purposes you want, as against \$262 million which is what you wanted, regardless of what the Appropriations Committee gives you, the difference is \$37 million.

And when you take out the limitation by the Appropriations Committee, which is half of that, it boils down to about \$18 or \$19 million maybe. You are really not arguing about that, are you? That is not what you are arguing about? You are arguing about ceilings.

Mr. OLSON. The question is: is our concern over ceilings. The actual sum that we are asking for, for FMF is \$137 million.

Chairman FASCELL. Yes. In other words, you would rather have the \$137 million. I understand that.

Mr. OLSON. It is not clear what the actual sum will be.

Chairman FASCELL. Right.

Mr. OLSON. It could be significantly less.

Chairman FASCELL. So what you are talking about is a ceiling on the other avenues?

Mr. OLSON. Let me give you an example of the kind of problem that would raise. If we were to receive the \$118 million which is already over the proposed ceiling for all military assistance, there are several other sources of assistance basically that are designed to respond to particular circumstances, such as 506(a) or—

Chairman FASCELL. That is a different ceiling.

Mr. OLSON. No.

Chairman FASCELL. Excuse me?

Mr. OLSON. The ceiling that we are talking about applies to those sources of assistance as well.

Chairman FASCELL. Yes. We got two ceilings.

Mr. OLSON. One for military assistance. I am only talking for police and law enforcement and military assistance. I am only talking about, at the moment, of the military assistance ceiling.

If we were to get the \$118 million as a part of the FMF appropriation, that is already over the military ceiling. But let us suppose a situation arose, as it did in 1989 in Colombia, in which an emergency developed that we had to respond quickly to provide the kind of assistance we thought was necessary to meet that emergency.

Chairman FASCELL. Well, come on now, the President already has the authority to do that under section 614.

Mr. OLSON. The question is if you have to respond quickly under an emergency, our experience with 614 is that it is not a device for responding quickly under those kinds of circumstances in the Andes. And that the ceiling places us in a position of not being able to respond quickly and effectively to the changing nature of circumstances.

Chairman FASCELL. Okay. I got the argumentation. Now we get back to the real guts of the problem. The fact is that the \$125 that was authorized for last year has not been spent. You got two weeks to go. You are planning to reprogram it but you are not telling us where you are going to reprogram it for. And you don't want it to go back to the Treasury. So do you want to tell us what you are going to do with it?

Mr. OLSON. We are not looking to reprogram \$125 million. We are looking at reprogramming---

Chairman FASCELL. You are not going to let it lapse?

Mr. OLSON. We are looking at reprogramming the assistance that was proposed for Peru, not the total \$125 million.

Chairman FASCELL. I see. Well that's what? Forty million?

Mr. OLSON. About \$36 million.

Chairman FASCELL. Well, you know what the question is. What are you going to do? Are you going to let the appropriation lapse?

Mr. OLSON. It is not the intention to let the appropriation lapse.

Chairman FASCELL. So what are you going to do with it?

Mr. OLSON. We are in the process now of reviewing where and how the money will be reprogrammed. I don't have a specific answer on how that money is going to be reprogrammed.

Chairman FASCELL. I see. So here we are arguing about \$18 million on the overall limitation and we are arguing about the limitation that restricts your flexibility, but we are in the last two weeks of the fiscal year on the last amount of money, and we have nothing to go by. And we don't even know if the money is going to lapse.

It seems to me that what you would be requesting would be authority from us not to let the money lapse rather than rushing out and trying to figure out some gimmick whereby you can obligate the money in the last two weeks of the fiscal year. I don't un-

derstand that at all. You don't think the Appropriations Committee is going to go along with that, do you, really? Unless you have cut a deal with them already.

Mr. OLSON. Not to my knowledge.

Chairman FASCELL. Well—and I say this in all candor to my colleagues on both sides here—I don't want to destroy this program. It is not our fault that the money hadn't been spent. You say it is not your fault it hasn't been spent. Okay, we will buy that.

Now let's get our heads together and figure out how you are going to take care of your immediate problems and preserve your flexibility rather than arguing about the details of this bill which has got a long way to go before it ever gets out of conference. Let's at least preserve your right to obligate the money you already have sensibly in the last two weeks.

Mr. OLSON. Let us be clear that the majority of the money has been obligated. The money that we are talking about reprogramming is the military assistance money for Peru at the moment because they have not signed the military agreement.

Chairman FASCELL. Well, now look, does somebody want to step up and tell us how it has been obligated, because that is news to me.

[Pause.]

Chairman FASCELL. I don't know. I don't know. Maybe we will get on our way because this is frankly—and I am not being derogatory, okay—this is just a "save your flanks" operation right now as far as I can see.

I am perfectly willing to write the authority so you don't have to do any crazy things with respect to the authority you've got for last year's \$125 million. But just tell us straight out what it is that you've got to have. Then we will try to do it. I don't know why you would want to put yourself in a box. We are ready to accept the fact that you couldn't spend the \$125 million. Otherwise, we would not have authorized an additional \$100 million.

Mr. OLSON. I don't think it is a circumstance that we are not going to spend the assistance money that has been appropriated for 1990.

Chairman FASCELL. Whatever it is, you guys look at it. And when the bill comes up on the floor, we can't offer any amendments to this thing that are not in the record by 5:00—is it tonight? Tonight.

So we can't even amend it on the floor which means then you will have to go over to the Senate and try to straighten this thing out. So if the legal eagles will get together and decide both policy and legality, maybe before we get through here today, we can try to help you out. That's all I am saying.

All right. Let's go on to something else.

Mr. GILMAN. Mr. Chairman.

Chairman FASCELL. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. I have an amendment that I would like to distribute.

Chairman FASCELL. The clerks will distribute—is this an amendment in the nature of substitute?

Mr. GILMAN. In the nature of substitute, Mr. Chairman.

Chairman FASCELL. The Chief of Staff will report the amendment, Ben.

Mr. BRADY. Amendment in the nature of a substitute offered by Mr. Gilman. Strike all after the enacting clause and insert in lieu thereof—

Chairman FASCELL. Without objection, further reading of the substitute will be dispensed with, printed in the record in full, and open for amendment. The Chair recognizes the gentleman from New York in support of his substitute.

[The amendment follows:]

**AMENDMENT-IN-THE-NATURE-OF-A-SUBSTITUTE  
OFFERED BY MR. GILMAN**

Strike all after the enacting clause and insert in lieu thereof the following:

**SEC. 1. SHORT TITLE.**

This title may be cited as the "International Narcotics Control Act of 1990."

**SEC. 2. ECONOMIC ASSISTANCE AND ADMINISTRATION OF JUSTICE  
PROGRAMS FOR ANDEAN COUNTRIES.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**--In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated \$175 million for fiscal year 1991 for assistance for Andean countries under Chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund) or under chapter I of part I of that Act (22 U.S.C. 2151 and following; relating to development assistance).

(b) **ADMINISTRATION OF JUSTICE PROGRAMS.**--

(1) Additional assistance for Bolivia, Colombia, and Peru.--Of the funds authorized to be appropriated by subsection (a) that are appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, \$16,000,000 shall be available for assistance to Bolivia, Colombia, and Peru--

(A) pursuant to section 534 of that Act (22 U.S.C. 2346c; relating to the administration of justice

-2-

program), in addition to funds otherwise used for those countries under that section for fiscal year 1991;

(B) notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420; relating to the prohibition on assistance to law enforcement agencies); and

(C) pursuant to paragraphs (2) and (3) of this subsection.

(2) Protection Against Narco-Terrorist Attacks.--Funds used in accordance with paragraph (1) may be used to provide to Bolivia, Colombia, and Peru, such assistance as the government of that country may request to provide protection against narco-terrorist attacks on judges, other government officials, and members of the press.

(3) Assistance for Colombia's Office of Special Investigations and Special Prosecutor for Human Rights.--It is the sense of the Congress that up to \$2,000,000 of the funds used in accordance with paragraph (1) should be used for assistance for Colombia to provide training, technical assistance, and equipment for the Office of Special Investigations and the Special Prosecutor for Human Rights, both of which are within the Office of the Attorney General of the Government of Colombia.

(4) Additionality of Assistance.--Funds may be used in accordance with paragraph (1) of this subsection without

regard to the dollar limitation contained in subsection (c) of section 534 of the Foreign Assistance Act of 1961.

(5) Period of Availability.--Funds allocated for use in accordance with paragraph (1) of this subsection shall remain available until expended notwithstanding any other provision of law.

(6) Extension of Authority for AOJ Program.--Section 534(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c(e)) is amended in the third sentence by striking out "1990" and inserting in lieu thereof "1991".

**SEC. 3. MILITARY AND LAW ENFORCEMENT ASSISTANCE FOR ANDEAN COUNTRIES.**

(a) AUTHORIZATION OF APPROPRIATIONS.--In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated \$137 million for fiscal year 1991 for assistance under the "FOREIGN MILITARY FINANCING PROGRAM" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(b) CONDITIONS OF ELIGIBILITY.--Assistance may be provided for an Andean country under subsection (a) only--

(1) so long as that country has a democratic government;  
and

(2) the armed forces and law enforcement agencies of that country do not engage in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman or degrading treatment or

punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction or clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of the person.

(c) LAW ENFORCEMENT TRAINING AND EQUIPMENT.--Funds made available to carry out subsection (a) may be used notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420, relating to the prohibition on law enforcement assistance).

(d) LIMITATIONS ON AMOUNT OF EXCESS DEFENSE ARTICLES TRANSFERRED TO BOLIVIA, COLOMBIA, AND PERU.--

(1) Establishment of Limit.--The aggregate acquisition cost to the United States of excess defense articles ordered by the President in fiscal year 1991 for delivery to Bolivia, Colombia, and Peru under section 517(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k(e)) may not exceed \$60,000,000.

(2) Waiver of Existing Grant EDA Limitation.--The dollar limitation in section 517(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k(e)) shall not apply with respect to Bolivia, Colombia, and Peru in fiscal year 1991.

(3) Worldwide Limitation on Amount of Excess Defense Articles Transferred.--Section 31(d) of the Arms Export Control Act (22 U.S.C. 2771(d)) shall not apply to excess defense articles ordered for transfer to Bolivia, Colombia,

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or Peru under section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) in fiscal year 1991.

(e) ASSISTANCE FOR LEASING OF AIRCRAFT.--

(1) USE OF FUNDS.--For purposes of satisfying the requirement of section 484 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c), funds made available under subsection (a) may be used to finance the leasing of aircraft under chapter 6 of the Arms Control Export Act.

(2) COST OF LEASES.--Section 61(a)(3) of the Arms Export Control Act shall not apply with respect to leases so financed; rather the entire cost of any such lease (including any renewals) shall be an initial, one time payment of the amount which would be the sales price for the aircraft if they were sold under section 21(a)(1)(B) or section 22 of that Act (as appropriate).

(3) REIMBURSEMENT OF SDAF.--To the extent that aircraft so leased were acquired under chapter 5 of the Arms Export Control Act, funds used pursuant to this subsection to finance such leases shall be credited to the Special Defense Acquisition Fund under chapter 5 of that Act (excluding the amount of funds that reflects the charges described in section 21(e)(1) of that Act). The funds described in the parenthetical clause of the preceding sentence shall be available for payments consistent with sections 37(a) and 43(b) of that Act.

**SEC. 4. NARCOTICS CONTROL ASSISTANCE.**

There are authorized to be appropriated \$150 million for fiscal year 1991 for assistance under chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 and following; relating to international narcotics control assistance).

**SEC. 5. WAIVER OF BROOKE-ALEXANDER AMENDMENT.**

During fiscal year 1991, section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)), section 518 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, making appropriations for foreign operations, export financing, and related programs that limit assistance to countries in default on obligations owed to the United States, shall not apply with respect to narcotics-related assistance for a country which is a major illicit drug producing country (as defined in section 481(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(2))) due to coca production in such country.

**SEC. 6. ASSISTANCE FOR AGRICULTURAL AND INDUSTRIAL ALTERNATIVES  
TO NARCOTICS PRODUCTION.**

For the purpose of reducing dependence upon the production of crops from which narcotic and psychotropic drugs are derived, the President may provide assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) and chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic

support fund) to promote the production, processing, or the marketing of products which can be economically produced in those countries, notwithstanding any other provision of law.

**SEC. 7. REVISIONS OF CERTAIN NARCOTICS-RELATED PROVISIONS OF THE FOREIGN ASSISTANCE ACT OF 1961.**

(a) REQUIREMENT TO WITHHOLD 50 PERCENT OF ASSISTANCE PENDING CERTIFICATION.--Section 481(h)(1)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(h)(1)(A)) is amended by inserting before the period at the end the following: "and except that this subparagraph shall not apply if the President determines and informs Congress that its application to a particular country is contrary to the national interest".

(b) LEASE OR LOAN OF AIRCRAFT.--Section 484 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c) is amended to read as follows:

"Sec. 484. Lease or Loan of Aircraft.--(a) Any aircraft that is procured with funds authorized to be appropriated by this chapter may be made available to a foreign country only on a lease or loan basis.

"(b) The President may provide aircraft under this chapter on a sale or grant basis notwithstanding subsection (a) when he determines that doing so is in the national interest of the United States and so reports to the Congress."

**SEC. 8. NONAPPLICABILITY OF CERTIFICATION PROCEDURES TO CERTAIN MAJOR DRUG-TRANSIT COUNTRIES.**

Section 481(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(h)) shall not apply with respect to a major drug-transit country for fiscal year 1991 if the President certifies to the Congress, during that fiscal year, that--

(1) subparagraph (C) of section 481(i)(5) of that Act, relating to money laundering, does not apply to that country;

(2) the country previously was a major illicit drug producing country but, during each of the preceding two years, has effectively eliminated illicit drug production; and

(3) the country is cooperating fully with the United States or has taken adequate steps on its own--

(A) to satisfy the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in section 481(h)(2)(B) of that Act) or a multilateral agreement which achieves the objectives of that section;

(B) to prevent narcotic and psychotropic drugs and other controlled substances 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

(C) to prevent and punish bribery and other forms of public corruption which facilitates the production,

processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourages the investigation and prosecution of such acts.

**SEC. 9. EXTRADITION OF UNITED STATES CITIZENS.**

(a) **IN GENERAL.**--Chapter 209 of title 18, United States Code, is amended by adding at the end thereof the following:

**3196. Extradition of United States citizens**

"The Secretary of State shall have the discretion to order the surrender to a foreign country of a United States citizen whose extradition has been requested by the foreign country, even if the terms of the applicable treaty or convention do not obligate the United States to extradite its citizens, if the other requirements of the applicable treaty or convention are met."

(b) **CLERICAL AMENDMENT.**--The table of sections at the beginning of chapter 209 of title 18, United States Code, is amended by adding at the end the following:

"3196. Extradition of United States citizens."

**SEC. 10. EXPORT-IMPORT BANK FINANCING FOR SALES OF DEFENSE ARTICLES AND SERVICES FOR ANTI-NARCOTICS PURPOSES.**

(a) **EXTENSION OF PERIOD DURING WHICH CERTAIN SALES ARE EXEMPTED FROM PROHIBITIONS.**--Section 2(b)(6)(B)(vi) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(B)(vi)) is amended by striking "1990" and inserting "1992".

(b) **DEFINITION OF DEFENSE ARTICLES AND SERVICES.**--Section

2(b)(6)(G) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(G)) is amended to read as follows:

"(G) As used in subparagraphs (B), (C), (D), and (F), the term 'defense articles and services' shall have the same meaning as under the Arms Export Control Act."

**SEC. 11. USES OF EXCESS DEFENSE ARTICLES TRANSFERRED TO CERTAIN MAJOR ILLICIT DRUG PRODUCING COUNTRIES.**

Section 517(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k(c)) is amended by striking out "only" the second place it appears and inserting in lieu thereof "primarily".

**SEC. 12. AUTHORITY TO TRANSFER MILITARY ASSISTANCE FUNDS TO ECONOMIC PROGRAMS.**

(a) **APPLICABILITY OF TRANSFER AUTHORITY TO FOREIGN MILITARY FINANCING PROGRAM FUNDS.**--Section 610(a) of the Foreign Assistance Act of 1960 (22 U.S.C. 2360(a)) is amended--

(1) by inserting "or for section 23 of the Arms Export Control Act" after "part I"; and

(2) by striking out "other".

(b) **EFFECTIVE DATE.**--The amendments made by subsection (a) apply with respect to funds made available for fiscal year 1991 or any fiscal year thereafter.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Chairman, I certainly share the concerns of the gentleman from Michigan, Mr. Broomfield, as well as the concerns expressed by the gentleman from Florida, Mr. Smith, concerning the legislation before us today.

And I would like to remind my colleagues that when the President, President Bush, met with the Andean nations, the drug producing nations, in February, the countries of Bolivia, Colombia and Peru agreed to a common approach to counternarcotics measures.

And I might add, and the gentleman from Florida reminded us, it came out of this Committee initially urging the Reagan Administration and then the Bush Administration to conduct such a summit meeting and to try to evolve a common strategy. And that is what came out of the Andean Initiative.

And I believe we all agree that what we need is a more realistic and a workable approach and an effective approach in fighting the drug lords of Latin America. And that we know that our Committee has been a strong vocal supporter at the same time of human rights.

And we cannot and do not ignore the violation of basic human liberties anywhere in the world. The Committee's proposed legislation, however, Mr. Chairman, I believe is flawed in its approach to the human rights issue.

The Committee bill imposes impractical conditions concerning human rights. It holds the Andean nations to human rights standards that no other countries in the world are required to meet.

The human rights conditions far exceed current law in their detail. And I might call to my colleagues' attention the human rights provisions that are set forth in Section 502(b), the Foreign Assistance Act, which defines the human rights portion—and I might just quote from a portion of that measure.

In paragraph C, subparagraph (d)(1): "For purposes of this section, the term gross violations of internationally recognized human rights includes torture or cruel, inhumane or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons and other flagrant denials of the right to life, liberty or the security of person."

That is a definition that is already in the law that requires that we abide by those criteria.

Mr. KOSTMAYER. Will the gentleman yield?

Mr. GILMAN. I would be pleased to yield to the gentleman.

Mr. KOSTMAYER. This language is simply more specific. That is the only difference. The Administration did ask us to delete the requirement that the President provide a written certification and we did that.

So there is no Presidential certification required.

Mr. GILMAN. Well, you are spelling out a greater need than is already spelled out in the existing law. So if I could reclaim my time so I could go on—

Mr. KOSTMAYER. Will the gentleman yield?

Mr. GILMAN [continuing]. And then I would be pleased to yield further to the gentleman after I conclude my remarks.

The human rights conditions set forth in the majority bill far exceed current law in their detail. For example, the legislation requires full access for the International Red Cross to all military barracks.

While this is an admirable goal, it is a requirement that we don't impose on any other country. Why should we require that standard on the drug-producing nations when we don't request it elsewhere in the world? Should we require that, for example, in Saudi Arabia and Central America and other Asiatic countries?

Drug-producing nations that failed to meet these kinds of demanding conditions would not receive military or economic assistance. And if that is your intention, then go right ahead and adopt it but we certainly would be undermining our efforts.

Even El Salvador doesn't have economic assistance conditioned on human rights performance and we certainly have a lot of criticism of what is taking place in that nation.

This bill also troubles me in that it underfunds the amount of military assistance needed by the Administration. We have just gone into that kind of a discussion. Why don't we give the kind of flexibility that the Administration needs? And I certainly recognize what the Chairman is suggesting and I think it is a salutary suggestion, to allow them to utilize the funds that are not being already spent in other purpose.

But why not give the flexibility to the Administration if we truly want a drug corps out there, what is the problem about allowing them to have the flexibility of spending it in important areas in combating these drug dealers.

The President told the Congress that the Andean strategy has three principal objectives: strengthening political will, increasing military and law enforcement effectiveness, and inflicting significant damage on trafficking organizations.

The military component is less than half the total assistance level in the Administration's plan. Severely cutting the military part of the program would actually cripple the war on illicit substances in the Andes.

We all know that a good portion of the work done in the Andes is done not just by the police agencies but by both the police and military working hand in hand and many times the military is far more effective than the police that have a number of problems that they are confronted with.

The Administration doesn't intend to militarize the Andean Initiative. I am quoting from Mr. Bennett's letter, a copy of which we have before us dated September 10, 1990. Mr. Chairman, I would like to make the full letter a part of the record.

Chairman FASCELL. Without objection, so ordered.

[The information follows:]



OFFICE OF NATIONAL DRUG CONTROL POLICY  
EXECUTIVE OFFICE OF THE PRESIDENT  
Washington, D.C. 20506

SEP 10 1990

The Honorable Dante B. Fascell  
United States House of Representatives  
Washington, D.C. 20515

Dear Chairman Fascell:

As the House Foreign Affairs Committee prepares to consider the international components of the President's National Drug Control Strategy, we would like to thank you for making your staff available to meet with Administration representatives to discuss possible amendments to the Comprehensive Crime Control Act. While these discussions have been useful in clarifying the issues, we believe it is important to alert you to our serious concerns with the Committee's draft legislation.

The Andean Initiative, the centerpiece of the President's international cocaine control strategy, is a five-year, approximately \$2.2 billion program of comprehensive law enforcement, security, and economic assistance for the three source countries of Colombia, Bolivia, and Peru. When President Bush met with his Andean counterparts in Cartagena, Colombia, in February 1990, the Summit Four created an unprecedented alliance, subscribing to a common approach to counternarcotics policy in the region.

Last year, at the inception of the program, the U.S. Congress and specifically your Committee gave its consent to the Andean Initiative through the authorization and appropriation of the President's FY 1990 request.

Now that we are experiencing successes in the disruption of growing, processing, and distribution of cocaine, the House Foreign Affairs Committee draft legislation embodies provisions that will severely handicap the Administration's initiative and send mixed signals to our allies in the Andes.

The draft bill contains language which would cap U.S. assistance to our allies on the front lines below the level required at a time when the Administration needs increased funding and flexibility to combat the ever-changing threat of the narco-traffickers and terrorists. We are particularly concerned that such reduced authorization levels would undermine our policy to enlist the full range of support of local governments to engage in vigorous, effective counternarcotics programs.

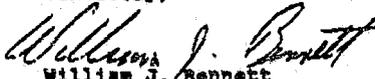
Second, there seems to be a false perception that we intend to militarize the Andean Initiative. This is not the case. Our purpose, given the realities of the regional environment -- vast expanses of land and well-armed narcotic traffickers and their allies -- is to develop the type of broad-based approach needed to defeat narcotrafficking. We believe that a realistic program may require the inclusion of selected elements of the host country military to support local police forces. Moreover, while we do not seek a direct role for the U.S. military in this effort, there is a need to support host nation counternarcotics efforts, whether military or police, with appropriate equipment and training, as well as other measures to ensure local competence and effectiveness.

Third, we find the new language on conditionality to be an obstacle to our efforts to stop the flow of drugs. There is already in law specific language that prohibits the United States from supplying security assistance to any country that engages in a pattern of gross violations of human rights. Further, the same requirement directs that the Secretary of State shall transmit to Congress a full and complete report with respect to observance of internationally recognized standards of conduct. This language more than adequately addresses concern for human rights, a sensitivity shared by both Congress and the Administration.

While the HFAC proposed language does not advance concern for human rights beyond the current law, it does single out for special attention countries that are fighting for their survival. It subjects them to a cumbersome process that will delay assistance at a time when we are seeking to enhance their efforts in support of our National Strategy, which is designed to protect American lives. Such an approach limits our flexibility and threatens to impede our programs with unnecessary micromanagement. We do not believe that shackling the Administration's programs to impractical demands is the Committee's intent.

The Administration has enjoyed a cooperative and communicative relationship with the Congress in pursuit of effectively cutting off drugs at the source. I know that my colleagues in the Departments of State and Defense are also discouraged by the Committee's approach to this very difficult but important issue. Nevertheless, we remain committed to working with you on a legislative package that will strengthen on-going efforts to win the war against drugs.

Sincerely,

  
William J. Bennett  
Director

cc: The Honorable William S. Brockfield

Mr. GILMAN. A portion of that letter where it talks about the militarization of the Andean Initiative, he says we do not intend to militarize the Andean Initiative, and I quote, "This is not the case. Our purpose, given the realities of the regional environment, vast expanses of land, well-armed narcotics traffickers and their allies, is to develop the type of broad-based approach needed to defeat narcotrafficking. We believe that a realistic program may require the inclusion of selected elements of the host country military to support local police forces. Moreover, while we do not seek"—and I underscore this—"we do not seek a direct role for the U.S. military in this effort there is a need to support host nation counternarcotics efforts, either military or police, with appropriate equipment and training as well as other measures to ensure local competence and effectiveness."

Now I ask my colleagues: is this something that is objectionable? Is this something that we should be supporting? I think it certainly is something we should be supporting if we truly want to fight a war out there and not just talk about it.

The military component is less than half of the total assistance, as I stated before, and please bear that in mind. Now my alternative takes a tough but workable approach to the human rights question, requiring that the Andean countries have democratic governments and respect basic human freedoms before they can receive any assistance from our nation.

My substitute further requests that no assistance may be provided to any nation that engages, and I quote, "in a consistent pattern of gross violations of internationally recognized human rights including torture or cruel, inhuman or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction or clandestine detention of those persons and other flagrant denial of the right to life, liberty or the security of the person."

That is the very same provision that is already in the law. My substitute also authorizes levels of military assistance that the Administration requests to continue its efforts in the Andes and the present strategy will only work if it is comprehensive. Military assistance is crucial to effective law enforcement and economic assistance.

Mr. Chairman, I urge my colleagues to support this substitute. I think it is the right approach to take. It deals sensitively yet realistically with the important human rights dimension of the war on drugs.

The substitute does not turn our backs on the struggle for human freedom. The substitute also fully funds the military assistance programs needed by the President to have the flexibility to continue the war on drugs in the Andes.

And I would like to address one final issue of great importance to the Committee, and I point out that the Gilman/Hamilton report on foreign assistance criticized aid legislation for having too many objectives and being hampered by numerous reporting requirements, earmarks and restrictions.

The legislation before us, Mr. Chairman, retreats to the worst micro-management restrictions. Let us use a semi-annual and comprehensive international narcotics control strategy report to ad-

dress the majority's concerns and let us not establish yet another web of funding fences, excessive conditions, and program confusion, and let us not back away from a tough drug fight in an important area where all those drugs are coming from.

For all those reasons, I invite and urge my colleagues to support the substitute. Thank you, Mr. Chairman.

Chairman FASCELL. Mr. Smith.

Mr. SMITH of Florida. Thank you, Mr. Chairman.

I have a great respect for Mr. Gilman and I know that his heart is always in the right place and his goal is the right one when it comes to these issues. He has been at it for a very long time and I find it extremely gratifying that he has chosen to participate so diligently as the co-chair of the task force.

But I will tell you quite honestly that all of the desires to achieve the common goals and the right goals will not avoid the reality that you got to have a partner to dance. And in this situation, we have not been able to secure the partners in the Andean regions.

Yes, Colombia is on board. Yes, the money for Colombia for 1990 will be spent. And yes, they have been working at it, losing people and doing a good job at combatting drug trafficking. No, we don't have a partner in Bolivia in one of the three branches of the service, that is the army. The army is not going to be involved in the drug war, not according to the President of Bolivia. And we don't have any partner at all in Peru. We had a change of government, yes. Mr. Hyde is right, you have to give those governments time to come around. We agree on that.

The difference is they won't sign any agreements and haven't signed any agreements for fiscal year 1990. And the Chairman is correct: let's give INM the authorization to carry that money over for 1991. Hopefully they will sign an agreement. Hopefully President Fujimori will come to his senses or at least arrive at a decision. But the point is they haven't yet.

Now we are being asked to give more money based on having no partners in two out of the three countries that make up the Andean strategy. This substitute from Mr. Gilman writes a blank check for economic and military aid to the Andes because there is no conditionality either for narcotics control performance or for human rights performance.

It provides a permanent section 660 waiver for these three countries regardless of their performance on human rights or on narcotics. It rubber stamps military aid, even though none of the fiscal year 1990 money has been spent, and we don't have a track record once again. It provides an unconditional Brooke waiver. That means the prohibition on assistance due to failure to pay past debts, regardless of whether they have taken effective narcotics control steps.

It guts the drug certification 50 percent withholding requirement by allowing the President to unilaterally waive it without notice to Congress. It does not establish a purpose for military assistance or police assistance. So it could be used for anything. Neither economic aid or military aid is subject to prior notification to Congress. There is no requirement to coordinate military and police aid programs with narcotics control programs run by State. So there is no control.

It doesn't require monthly reports on United States military personnel levels in the Andes or set a new ceiling if a six-man limit is waived. There is no requirement for prior notification to Congress on narcotics control projects in Afghanistan, one of the most contentious issues that I see, even though it is a very small project because we have no access into Afghanistan and we are running a drug control project in a country where we have no people.

And finally, there is no requirement for a review of the mismanaged, as admitted by the Administration, riverine program. And that is something that we are very strong on in our bill. Now you can't have it both ways. One is to claim that we are trying to micromanage, and the other is when a program goes bad, tell us we can't have an overview or at least conduct a review to see what went wrong.

And that is what this substitute is going to wind up giving us. No ability to do anything but pump out the money and then close our eyes. And I tell you, it is the wrong approach. I know Mr. Gilman has the right goal in mind. But once again I would urge my colleagues not to vote for this and I appreciate, Mr. Chairman, the time.

Chairman FASCELL. Mr. Hyde.

Mr. HYDE. Well, I think the points I wanted to make, Mr. Chairman, I made somewhat earlier. I think flexibility is needed. It is true, we don't have the partners in place and under the terms and conditions we would like. But at least we can indicate what we are proposing to them and give some predictability and some stability to the program that the government is attempting to institute down there.

I really am at a loss to understand why we demand a standard of human rights performance as a condition of us helping them stop the flow of drugs into our country.

I want to help human rights. I think we have to set an example. We ought to set an example in our courts of how we deal with drug users around here. But that is another problem for another day, I guess.

But in any event, it seems to me any country willing to go after the producers and the traffickers in drugs ought to get our help. And that help ought to be predictable. It ought to be direct. And the Administration ought to have flexibility to respond quickly when these exigencies arise.

So the substitute amendment does that. The proposals by the majority of this Committee turns us into administrators, not Congressman and Congresswoman. It is micromanagement gone to its uttermost limits. And I think it is counterproductive in this war on drugs that we pretend or we propose to be so mightily engaged in.

I support completely the substitute offered by Mr. Gilman.

Mr. LAGOMARSINO. Will the gentleman yield to me?

Mr. HYDE. I yield to the gentleman from California.

Mr. LAGOMARSINO. I ask the gentleman to yield so I won't take time of my own. I would just like to say I agree with you especially on the need for flexibility.

It may well be in one country, even in one area of a country, that the military is not the right answer. Perhaps the police are

the ones who should be engaged exclusively in the battle against drugs.

However, as we all know, in lots of places around the world the police are unfortunately part of the problem. Sometimes you have to go over them as they do in Colombia where they bypass local corrupt police forces in an effort to get directly to the traffickers.

There is a war going on now. Talk about human rights violations: look at the human rights violations of all of the young kids in our inner-cities right now. What about the wars being fought right now, real wars, with guns and bullets on our streets.

So I think that the substitute does give more flexibility; is a more direct approach to the problem. And I would hope that all of my colleagues here would support it.

Chairman FASCELL. Mr. Goss.

Mr. Goss. Thank you, Mr. Chairman.

I would like to commend the staff and all the members who have been participating in this. It is obviously a very well-intentioned way to get at a problem that we call a comprehensive approach to the war on drugs in this nation, which is a critical concern of all of us, signalled of course by the President's presence in Cartagena.

I am a little concerned that some of the comments here that have been made on the main bill are going to defeat what we are trying to accomplish and I support the Gilman substitute not only because of the more flexible approach but because I think it gets us that partner that my colleague Mr. Smith properly talked about, the need that we have.

We are sending signals all the time from Washington that are picked up in our neighboring countries to the south and even though we don't realize how significant they may be.

My friend Mr. Hyde referred to signals recently from Washington. Those signals are real to anybody who has talked to people in the Andean nations or has read the newspapers in the Andean nations about how serious we are in the United States of America about really coming to grips with this war on drugs.

If we send a cut in military and start putting—excuse me—a cut in our appropriations and our authorization amounts and we start limiting the methods that we can use, we are basically saying—maybe these people that are saying we aren't serious are going to have more credibility than we want them to have.

We are dealing with three new Presidents in the three Andean nations. We are dealing with new programs. We are dealing with start-ups that have gone slower and have run into complexities despite our hopes that they would be further along.

Our number one complaint—I have heard everyone say it here today—is effectiveness. We haven't got a program that is working well enough yet.

Let me ask you: if you deny the partners, who have the tools down there to work with, the ability to work with us, how in the world are we ever going to achieve effectiveness?

It seems to me if you don't deal with military, you don't deal with law enforcement, who in the world are we dealing with?

Mr. GEJDENSON. Will the gentleman yield?

Mr. GOSS. Surely.

Mr. GEJDENSON. I have great respect for the gentleman and even though he is new here, I have great faith in his wisdom. It seems to me that there are some lessons we should have learned from recent history. We dealt with Mr. Noriega for a long time.

For a long time we thought that we could look the other way while Mr. Noriega was involved in horrendous activities. And people argue that Mr. Noriega may have been responsible, and clearly there is tremendous evidence that he was responsible, for killing Presidential candidates, for torture, for involvement in all kinds of activities.

If there is a lesson in the situation in Panama, it is that we cannot say that we are going to exclude certain standards by which we live.

We can't ignore human rights. The notion that if the General decides to kill large numbers of his own population, as long as he gets up before the Congress and says I am going to fight drugs, we should give him all the money he wants is wrong.

The sad fact is that when we have tried to make those deals with the devil, we have been burned. It turned out that the devil was running his own drugs as well as killing his own people.

So it seems to me that the debate here is that America ought to send a very strong signal on fighting drugs, we should to do it here at home and we should help those countries that are trying to fight drugs.

But if we think for one moment that we can ignore human rights abuses of governments that are fighting drugs, we will end up back in Panama time and time again.

Mr. Goss. If I may reclaim my time, I would certainly agree with the gentleman's concern about our worry and anxiety correctly about human rights. Remembering that we are dealing with what have been described as lesser developed nations who are evolving very rapidly, I would certainly agree with you.

However, I would also point out that there is absolutely nothing in the Gilman substitute that in any way suggests that we are going to ignore human rights; in fact, we are going to hold human rights standards exactly as we do for every place else.

And if you want to get into the human rights debates about the mistakes we have made in the past, there are other regions of the world we can certainly get into where we in fact have sent dollars and are still talking about foreign assistance to areas where we have not got perfect human rights records, as much as we would like to have them.

So I don't think we are saying here that we ought to prejudge as guilty all military and all law enforcement because there are a few Noriegas in the world. I think we ask our Administration to be wise, to use judicious approaches, and to do the best they can.

Mr. HYDE. Will the gentleman yield to me, Mr. Goss?

Mr. Goss. I would be happy to yield to my colleague, Mr. Hyde.

Mr. HYDE. I thank the gentleman.

I am so glad that the gentleman and statesman from Connecticut brought up Noriega because I have had the CIA records reviewed on him exhaustively and I pleaded almost on bended knee for hearings on his relationship with the United States over several Administrations.

And I never could get them. I never could get the hearings to bring it out into the open. And I will only say to the gentleman from Connecticut, he doesn't know what he is talking about.

I thank the gentleman.

Mr. GEJDENSON. Will the gentleman yield?

Mr. GOSS. Mr. Chairman.

Mr. GEJDENSON. Will the gentleman yield so I could just—

Chairman FASCELL. Just a minute.

Mr. GEJDENSON [continuing]. So I can reply to Mr. Hyde's—

Chairman FASCELL. Let me just establish who has got the floor, will you?

Mr. GEJDENSON. Is the gentleman from Illinois arguing that Mr. Noriega shouldn't have been removed from power, that he was a perfectly acceptable leader that we should have kept doing business with?

Mr. HYDE. Absolutely not. He should have been removed from power sooner than he was. But we did it, I might point out to the gentleman—and I don't recall you applauding at the time—

Mr. GEJDENSON. Well, the gentleman doesn't recall a lot of things apparently. But it seems—

Mr. HYDE. Oh, about you I recall a lot of things.

Mr. GEJDENSON. Well, it seems to me—

Mr. HYDE. I watch you like a hawk, Mr. Gejdenson.

Mr. GEJDENSON. The term "hawk" has been used on you a number of times, and I am sure you appreciate it.

Mr. HYDE. I watch you like a dove. I'm sorry. [Laughter.]

Mr. GEJDENSON. Thank you.

But in seriousness, I don't understand the gentleman's comments on whether I have or don't have information on what happened in Panama.

I am confused by the gentleman's comments in that he seems to leave people with the impression that—

Mr. GOSS. Mr. Chairman, could I reclaim my time.

Chairman FASCELL. Let Mr. Goss finish his statement.

Mr. GOSS. I will finish, Mr. Chairman.

Chairman FASCELL. Let me suggest to you that you don't yield. Just go ahead and finish. [Laughter.]

Mr. GOSS. Mr. Chairman, the gentleman appealed to my newness here and for that reason I was responsive. I just wanted to simply say I don't think we want to make the judgment call of prejudging as guilty all military and law enforcement, and therefore risk the flexibility and the chances for effectiveness.

I agree with so much of what my colleague from Florida, Mr. Smith, has said about making sure that the program works and not throwing money away. All of those arguments are obviously very legitimate.

But I believe we owe it to the program to let them make the decisions. And if we get to the point where that money has been badly spent, then I think we've got a chance to have that hearing.

But we haven't spent the money yet and I think we ought to go out there and let them have the opportunities. I have got to point out, as you pointed out yourself in your remarks, that when you add up what is allotted and then put these ceilings in, it severely restricts the ability of the Administration to use the various spig-

ots. And I would quite agree, there are too many spigots and we ought to take a look at that.

Thank you, Mr. Chairman.

Chairman FASCELL. Mr. Burton.

Mr. BURTON. Thank you, Mr. Chairman. I was really enjoying the debate. I would just as soon listen to my colleagues sometimes. Sometimes.

Let me just say that—

Chairman FASCELL. Is that an admission or just an explanation? [Laughter.]

Mr. BURTON. Let me just say, Mr. Chairman, that I support the Gilman substitute but I would like to add one caveat. And that is that I don't think it is going to be possible to win the so-called war on drugs without an eradication program.

I was in Peru. I flew into Lima and I flew out to the Upper Hualaga Valley where about two-thirds of the world's coca is produced. And I talked to many drug enforcement agents that were down there, our DEA agents. I talked to many of the personnel who were flying the planes in and out of the Upper Huallaga Valley at great jeopardy to their lives.

And there was not one person with whom I talked that thought we could stop cocaine from getting out of that valley or coca from getting out of that valley, being changed into cocaine and brought into the United States, unless we had an eradication program.

An eradication program should be conducted with or without the help of the governments in question. Sixty-five percent of the coca is produced in the Upper Huallaga Valley. Another 25 percent of the world's coca is produced in Bolivia. Ninety percent of the coca that we consume in the free world in the United States and elsewhere comes from this one area of the world.

And unless we are willing, with or without the support of those governments, to go in there and spray herbicides on those crops, herbicides like tebuthiron, we are never going to win the war against drugs, or at least cocaine, in my view.

And I think that should be a part of our comprehensive program in dealing with this so-called war on drugs. And until we do it, Mr. Chairman, I am convinced that we are pouring a lot of this money down a rat hole.

This is a good idea in theory, sending money down there for military purposes, but I tell you, after talking to people in those various governments at various levels, the corruption goes from almost the top, if not the top, all the way down through the military.

There is so much drug money down there you can't believe it. And a lot of pay-offs are made. I think a lot of this money will go into that endeavor of paying off people to look the other way regarding this drug production.

And until we are willing to bite the bullet and go in there and eradicate these drugs at their source in the Upper Huallaga Valley and in Bolivia, we are never going to win the war on drugs, in my opinion.

Mr. GILMAN. Mr. Chairman.

Chairman FASCELL. I was just trying to get a little bit of peace and quiet here for Mr. Burton before he finished.

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

I want to commend Mr. Burton for his remarks with regard to the Upper Huallaga Valley. I might remind this Committee, this Committee created and brought about an Upper Huallaga project at least ten years ago—I don't recall the exact date—where we authorized over close to \$50 million that went to the Upper Huallaga area and eradicated and provided substituted crops.

The Administration came along at that time and whittled it down to about a \$15 to \$20 million project and then the problem has been that we have not been able to get in there to do what we wanted to do because of the threat of the narcotics traffickers.

Again, emphasizing the need for helping the military in these countries support the police efforts because the police were incapable of handling the problem and they needed a military support effort to eradicate.

Mr. BURTON. Will the gentleman yield? Will the gentleman from New York yield? Would you yield to me for just 30 seconds?

Mr. GILMAN. I would be pleased to yield to the gentleman.

Mr. BURTON. When I went down there, they have an eradication program. They have something that looks like a big weedeater, a weedeater, and they have camposinos that are walking up and down the Upper Huallaga Valley and they are cutting down on the average of about two acres per person, one to two acres per person, a day.

And as fast as they are cutting it down with those little weeders, they are cutting down big areas of the rain forest, the tropical rain forest, and planting new crops of coca.

And I am telling you that is a totally ineffective way to do it. It will not work. And there are 220,000 acres of coca in that valley and you are never going to eradicate it with weeders. You are going to have to go in and do it with tebuthron, commonly called spike, or some other kind of herbicide.

And until we are willing to do that, with all due respect to my colleague, we are certainly not going to win the war on drugs.

Mr. KOSTMAYER. Will the gentleman yield? Will the gentleman from Indiana yield to me?

Chairman FASCELL. Everybody's time is expired.

Mr. Weiss.

Mr. KOSTMAYER. Mr. Chairman.

Mr. WEISS. Thank you very much, Mr. Chairman.

I must say, Mr. Chairman, that I am somewhat surprised at the vehemence of the opposition on the other side to the provisions in this legislation concerning implementation of human rights conditions.

It should be remembered that when the Administration first came forth with its Andean Initiative, it said that among the purposes that it wanted to achieve in asking for these monies was to strengthen respect for internationally recognized human rights and the rule of law in efforts to control illicit narcotics production and trafficking.

And that is what is incorporated in this legislation. Now what the legislation says is that the President shall certify in the first instance existing law; that "the law enforcement and law enforcement agencies of that country are not engaged in a consistent pat-

tern of gross violations of internationally recognized human rights." That is existing law. Nothing new.

Then it goes on to say that the government of that country has made progress—not that it has achieved perfection, but that it has made progress—in protecting internationally recognized human rights, and then it lists a number of areas.

And I should say before I list those and refer to them, that you have to remember there is a lot of talk about how we are singling out these countries more so than any other and putting a higher standard of requirements on them.

Does everyone understand that Peru, for example, has rated number one in the number of disappearances reported to the UN for three years running? We are not talking about abstract situations. We are talking about the most dastardly violations of human rights that can possibly exist. And here is a country that is at the top of the list.

Now the requirements for demonstrating progress which the President should certify are one: "ending the involvement of members of the armed forces and law enforcement agencies in political violence and human rights abuses" some progress in that regard. What is wrong with that?

Two: "vigorously prosecuting all persons who have been charged with human rights abuses, progress in that regard." What is wrong with that?

Three: "providing an adequate and timely registry of those persons detained by all instrumentalities of government so that family members of detained persons may be notified of the whereabouts of their relatives." What is wrong with that?

And four, "providing a full accounting of any persons who have disappeared while in official custody."

Five, "granting the International Committee of the Red Cross access to all places of detention, including police stations and army barracks, where persons of accused security offenses are held."

And finally, "the government of that country has effective control over police and military operations related to counternarcotics and counterinsurgency activities" progress in regard to these items.

I can't understand why anybody could possibly object to those conditions.

Chairman FASCELL. Mr. Chris Smith for the final word.

Mr. SMITH of New Jersey. Just briefly, Mr. Chairman. Earlier in the debate my good friend from Connecticut, I think, misspoke when he said that this language offered by the gentleman from New York, Mr. Gilman, does not contain human rights language.

All one has to do is turn to page three, section three, subsection (b), number 1 and number 2, number 2 specifically, to see that the language, while it is boilerplate, current language, it reiterates strong human rights conditions as a precondition for receiving aid.

So I think to suggest that the language before us in the substitute ignores human rights is factually and demonstrably untrue.

I yield back the balance.

Chairman FASCELL. The question is on agreeing to the gentleman's substitute. All those in favor signify by saying aye.

[Chorus of ayes.]

Chairman FASCELL. All those opposed, no.

[Chorus of noes.]

Chairman FASCELL. It appears to the Chair that the noes have it. The noes have it and the substitute is not agreed to.

The question is on agreeing to H.R. 5567. All those in favor, signify by saying aye.

[Chorus of ayes.]

Chairman FASCELL. All those opposed, no.

[Chorus of noes.]

Chairman FASCELL. The ayes appear to have it. The ayes have it, and the legislation is agreed to and ordered reported.

The committee will meet on Thursday morning at 10:00 a.m. to consider some miscellaneous legislation approved by the Human Rights Subcommittee.

[Whereupon, at 12:20 p.m., the committee was adjourned, to reconvene at 10:00 a.m., Thursday, September 13, 1990.]

# APPENDIX 1

## Committee on Foreign Affairs

July 19, 1990

### Memorandum

**To:** The Honorable Dante B. Fascell, Chairman  
The Honorable William S. Broomfield, Ranking Republican Member  
The Honorable Lawrence J. Smith, Chairman, Task Force on International Narcotics Control  
The Honorable Benjamin A. Gilman, Ranking Republican Member, Task Force on International Narcotics Control

**From:** F. Marian Chambers, Staff Consultant  
Beth A. Ford, Staff Associate  
J. Walker Roberts, Minority Staff Consultant, Subcommittee on Arms Control, International Security and Science  
Randy Scheunemann, Minority Staff Consultant

**Subject:** *Summary of Findings and Recommendations of Recent Staff Study Mission to South America*

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#### I. Introduction/Summary:

- U.S. counternarcotics efforts in Bolivia, Peru and Colombia are at a crossroads. Political transitions in each of the Andean nations, the U.S. Andean Initiative coupled with ongoing counternarcotics programs, and the vigorous crackdown in Colombia, have created a unique window of opportunity, a window that will not remain open indefinitely. It appears that U.S. policies, programs, and personnel are not adequately positioned to take full advantage of current opportunities.
- Perhaps the most important realization for U.S. policymakers is that each of the three Andean countries visited is more different from the others than similar. U.S. policy must take greater account of these differences in addressing counternarcotics efforts in the Andean nations rather than trying to place all countries into the same mold. For example, despite the differences in trafficking infrastructure, resources, geography, and security threat, military assistance is being provided at roughly the same levels to the Bolivian and Peruvian militaries.
- At the time of the study mission's visit, attitudes in all three countries with respect to U.S. military assistance were in flux. One official of Bolivia's year-old administration maintained that the United States "pushed" Bolivia to accept military assistance for the army; yet he also stated Bolivia needs military assistance to "prepare" army units in the event that President Paz Zamora decides that their participation in counternarcotics operations is warranted. President-elect Fujimori, who takes office in Peru on July 28th, has expressed conflicting views on U.S. military assistance and his future policies at this point remain unclear. President-elect Gaviria, who takes office in Colombia on August 8th, is apparently willing to continue Colombia's current policy of accepting U.S. military assistance, but emphasizes the need for reformed U.S. trade policies. All three governments reject any operational involvement of U.S. military personnel in counternarcotics

efforts. All three have also taken different private and public positions on other important policy issues.

- The February Cartagena summit agreement, by its nature a consensus document, has allowed each country to interpret the meaning of the agreement to its own advantage. While this is hardly uncommon in multilateral agreements, this ambiguity has masked important differences. In the case of Bolivia and Peru, this includes the desire for increased economic assistance and in Colombia's case, the desire to renegotiate trade and tariff relationships, while U.S. policy reflects a belief in the necessity for increased resources for law enforcement and military units.
- Despite new administrations in all three countries, societal structures continue to overlook large portions of the indigenous populations. Absent host country commitment to improve the lot of their own people, U.S. counternarcotics policies will have limited effectiveness. This includes a commitment to improve the lot of the millions of largely ignored non-coca producing farmers as well as the hundreds of thousands of coca-producing campesinos.
- Corruption continues to be endemic and pervasive in all three countries and serious human rights violations by all parties are evident in Peru and Colombia. These systemic problems will continue to complicate U.S. counternarcotics efforts in the Andean countries.
- As the United States grapples with policy problems in the "Tier I" countries, i.e. Bolivia, Colombia, Peru and sometimes Ecuador, planning is already proceeding on programs for the "Tier II" countries, i.e. virtually all the other South American countries.
- Largely unilateral Colombian actions have created a window of opportunity, as evidenced by the fall of coca leaf prices below the price of production in both Bolivia and Peru. However, there is concern that this window may close if the Colombians are successful in apprehending Pablo Escobar.

## II. Conclusions:

1. *Thus far, the Governments of Bolivia and Peru have been unwilling or unable to seriously engage in counternarcotics efforts. Colombia's efforts are directly linked to narcotics-related violence directed at its own citizens and institutions and may diminish if the current level of violence lessens. Given the historical record, the future success of the Andean Initiative, which is dependent on these countries' commitment and dedication, is an open question.*

The confluence of interests between the United States and the host governments is tenuous at best. Bolivia is interested in counternarcotics efforts as a means to garner increased economic assistance, while the current Peruvian administration views it as a means not only for increased economic assistance but also a vehicle to receive military resources to fight a brutal insurgency (as stated earlier, President-elect Fujimori's views on this issue are still unclear). Colombia is interested in increased trade benefits and U.S. market access. U.S. assistance levels, however, are predicated on the desire for improved counternarcotics results.

2. *While the Andean initiative is predicated on the concept of conditionality, i.e. that increased assistance levels will be tied to improved counternarcotics results, the United States has failed to formulate or communicate how these results will be measured in the*

*current or upcoming fiscal years. Absent agreement on such yardsticks, recriminations between countries are likely to occur, and congressional support for the program could erode.*

Officials conceded that difficulty in agreeing on measures of effectiveness for the fiscal year 1990 military assistance has led to the stopgap approach of measuring U.S. inputs rather than host country output. The concept of U.S. leverage has been reduced to a self-grading system based on U.S. ability to follow through on its commitments. While the study mission does not dispute the obstacles to formulating such yardsticks, particularly without reverting to a counterproductive body-count mentality, agreement on clearly defined and mutually acceptable objectives is essential to success.

*3. For the most part, specific plans for the use of economic or military assistance have not been adequately developed and/or articulated by either the United States or the Andean countries.*

On the U.S. side, AID has failed to develop more than "concepts" relating to the need for macroeconomic reform and envisions programs which are largely limited to balance of payments support which simply transfers funds to the host government for unspecified purposes. The U.S. military assistance program seems to have been developed in response to largely arbitrary allocations by Washington and contains fundamental programmatic weaknesses that must be addressed. There is also too little appreciation of the historical roles and current operational relations between the host country military and law enforcement services. Host country proposals are equally vague.

*4. The good news is that the U.S. military has actively entered the overseas effort to combat narcotics. The resources, manpower, and expertise of DOD, with appropriate coordination, will provide needed assets in each of the three countries visited.*

Counter-narcotics efforts now underway would not be possible without the support provided by DOD, ranging from the provision of helicopters and jungle boots to sending elite training teams for police units. The human and material resources provided by DOD, as well as the commitment of the personnel involved in the field, have increased the ability of the police in the countries visited to combat narcotics.

*5. However, the increased involvement of DOD in counter-narcotics efforts carries dangers with it as well. The Department of Defense's sheer size and available resources are threatening to overwhelm other U.S. civilian agencies, and to "militarize" and "Americanize" overseas narcotics control activities unless its role is tightly monitored and controlled. While DOD does have a critical role to play, most observers believe that there has been too much emphasis placed on military assistance too early in the process.*

The study mission does not attribute sinister or suspicious motives to DOD's increasing involvement in this effort. Rather, it attributes this growing role to congressional demands for increased DOD activities and the belated, but committed directive for an increased DOD role by Secretary Cheney on September 5, 1989. These events, coupled with developments elsewhere in the world which dictate a shrinking traditional role for the U.S. military abroad and a forceful and dynamic SOUTHCOM commander who is dedicated to the counter-narcotics struggle, are pushing DOD into a leadership role rather than a support role.

*6. The continued use of alternative U.S. military assistance spigots provided at a time when regular MAP/FMS assistance for the Andean countries was virtually non-existent has resulted in the provision of military commodities which may not be appropriate for counter-narcotics efforts.*

In addition to the fact that the 506(a)(2) drawdown and the excess defense article authorities are being used to supplement the congressionally authorized military assistance programs for the Andean countries, these additional spigots also strengthen DOD versus other agencies which do not have comparable drawdown authorities. It may be necessary to review these additional authorities to determine whether they are still desirable and/or if additional limits should be placed on their use.

7. *While critical and long overdue improvements have been made in the contribution of the U.S. intelligence community to counternarcotics efforts in the Andes, these gains need to be consolidated and strengthened. However, the inevitable bureaucratic tendency to duplicate and reinvent intelligence systems may hinder further improvements in this area.*

Counternarcotics activities in the region are now clearly resulting from coordinated intelligence support rather than accident, good luck, or sheer persistence. DOD, particularly SOUTHCOM, has played a leading role in these improvements. These efforts are still in a nascent stage and even greater results should be anticipated in the future. However, there are already indications that the attempt to combine and focus all possible information which could contribute to the counternarcotics effort may be subverted by agencies' efforts to withhold critical information or create circumstances under which they can control it unilaterally. Further, the study mission notes that even high technology intelligence efforts are being hampered by the absence of accurate, reliable maps of the three countries.

8. *Increased military assistance to Peru and Bolivia is based at least in part on several assumptions which have not been clearly articulated by U.S. policymakers: a shift in emphasis from eradication to interdiction and the need to secure the major coca-producing regions (the Upper Huallaga Valley in Peru and the Chapare in Bolivia). These assumptions should be reviewed for internal consistency.*

The shift in emphasis at the source from eradication to interdiction has been subtle but pronounced and stems from the historical failures in sustaining manual eradication programs in Peru and Bolivia. Interdiction programs, however, must operate in the same hostile environments as eradication programs and under increased threat because of U.S. participation (DEA) in the former. Missing from this equation is the possible role of aerial eradication. While such an option is not without its risks, both real and political, if the choice is between continued and/or increased U.S. and host country military involvement and aerial eradication, it is an open question to which alternative is preferable.

Likewise, the need to secure the areas in question is based, in large part, on the assumption, particularly in Peru, that alternative development programs cannot be carried out in the current hostile environment. Yet most development experts agree, and AID policy presumes, that inherent agricultural limitations in both areas require that alternative development must be focused on moving non-traditional farmers out of the current coca-growing areas. Of course, absent effective sustained efforts to keep the price of coca leaf below production costs, few coca farmers will choose to abandon their current occupation. AID proposed programs, however, have no specific plans addressing the need to draw people out of the valleys.

9. *U.S. policymakers have failed to distinguish whether counternarcotics efforts, at the operational level, are or should be primarily a law enforcement or military function. Without careful coordination on the part of U.S. policymakers on this issue, the United States runs the risk of exacerbating already severe rivalries between host country military and police forces.*

As discussed further below, both Colombia and Peru are engaged in wars, although not against narcotics trafficking per se. The vital issues of command, control and coordination of military and law enforcement elements involved in counternarcotics operations have not been adequately examined. The history of police-military relations in the host countries cast serious doubt on the feasibility of joint operations, yet such cooperation is necessary if U.S.-envisioned plans are to be successful.

*10. No meaningful line can be drawn between counternarcotic and counterinsurgency efforts in Peru and Colombia (Bolivia has no incipient insurgent threat). To the extent that U.S. military assistance is being marketed and approved as solely counternarcotics assistance in these two countries, all parties involved are engaging in self-delusion which will ultimately prove counterproductive.*

The linkage between the narcotics issue and insurgencies in Peru and Colombia is two-fold: insurgent participation in narcotics activities at various levels and/or their effective control over geographic areas where drug production and trafficking occur. For example, although involvement by the Sendero Luminoso in drug activities is documented, its level of involvement is not deemed sufficient to warrant attacking its infrastructure; rather, it is the SL's control of the UHV, the major coca-producing region of Peru, which has led to the proposed military assistance. Insurgents and traffickers do not wear signs identifying and distinguishing them from each other; yet current law requires that military assistance be provided only for counternarcotics purposes. This factor, combined with the U.S. Government's unwillingness to admit that the two problems are in large part virtually indistinguishable in Peru and Colombia, will only lead to further complications for U.S. counternarcotics efforts.

*11. There has been a marked increase in the quality and quantity of U.S. Government personnel involvement in counternarcotics efforts; However, U.S. counternarcotics efforts continue to be plagued by inter-agency rivalries and a lack of coordination. These deficiencies lead critics to question the level of U.S. commitment and in some cases divert attention from real issues to largely symbolic ones.*

Despite efforts by the Office for National Drug Control Policy, the National Security Council and others to formulate and implement a coherent Andean strategy, virtually all agencies continue to pursue their own agendas, often piggybacking them on narcotics control objectives. For example, an admittedly unjustifiable riverine program in one country was defended solely on the grounds of the need to engage in the "President's war on drugs." In another country, there is an ongoing inter-agency squabble between AID and the Department of Agriculture over proposals to permit the use of soybeans in crop substitution programs; while the contribution of soybean substitution to narcotics control objectives is probably marginal, its potential competition with U.S. commodities is equally marginal and failure to resolve this impasse lends ammunition to critics who question U.S. dedication. Similarly, the inability of the United States to coordinate its trade policy towards Colombia with its counternarcotics objectives has provided a convenient red herring to critics.

Finally, while the study mission notes the impressive dedication and commitment of numerous U.S. Government personnel operating under very trying circumstances, it also notes that a number of key U.S. players are currently being replaced for poor performance. Implementation is critical to success; if the U.S. cannot assign appropriate personnel to this effort, chances for success are reduced greatly.

*12. The effectiveness of the Andean strategy, at least in the short term, will be enhanced by increased U.S. involvement; likewise maximum accountability on the use of U.S. assistance would be enhanced by increased U.S. personnel. Such increased*

*involvement however, increases the visibility of and level of risk to U.S. personnel. Likewise, it would increase the already evident perception of the host countries that this is a U.S. effort and further reduce the already minimal U.S. Government emphasis on host country involvement and commitment.*

The sovereignty of the host countries evidently limits the effectiveness of programs which are for the most part U.S.-financed and conceived. Nonetheless, the United States has failed to promote wherever possible the capabilities of host countries to conduct counternarcotics programs on their own. This is most evident in the case of the failure to train host country pilots in Peru to replace high-visibility U.S. pilots.

*13. The continuing problems besetting the INM Airwing in Latin America, particularly the continued use of U.S. pilots in Peru, need to be addressed swiftly.*

While the current Corporate Jets contract for operation of the INM airwing now expires in September (although with a possible month-by-month extension until January, 1991) and is currently being rebid, it appears that some of the problems that have been identified with the contract in the last year will still not be addressed. This is inexcusable. For example, the study mission was informed that despite serious concern from virtually all quarters over the length of time it has taken to begin training host country pilots in Peru, the new contract offer still does not contain any time limit on the completion of this program. Consideration should be given to a further review of the contract offer to determine what other deficiencies may exist before the contract is finally awarded.

*14. As discussed in a previous study mission report on European counternarcotics efforts, the Andean Initiative is also based on additional contributions of \$2 billion by other donors, presumably Japan and our European allies. While there have been many promises of assistance, little if anything has yet been provided to the Andean countries.*

Although a study mission was informed in January by several Western European governments that counternarcotics assistance was going to be provided to the Andean countries, both in terms of material support and training, there is little evidence that any substantial assistance will be provided by these countries. A few countries have provided minimal material assistance, mostly in terms of cars, computers, and other such commodities, but the prevalent view that assistance should be directed toward historically ineffective development projects makes any hope of useful resources being provided by Western Europe dismal. Particularly troubling to the study mission was the fact that the European countries, specifically Italy and Spain, have failed to deliver on their commitment to assist the Colombian Government in the field of judicial protection.

### **III. Recommendations:**

1. The objectives and policies of the Andean Initiative have not thus far been clearly articulated, nor has the degree to which these objectives are shared by the Andean governments. To maintain congressional and public support, the executive branch must clearly delineate and explain its goals, as well as the milestones for measuring progress towards those goals. Excessive classification of basic objectives and assistance proposals has hindered this process. Likewise, the tendency of host governments to issue conflicting private and public statements of support for various activities has further confused the situation.
2. The United States needs to better coordinate and integrate counternarcotics and economic and trade issues in order to respond in a more timely manner and avoid inter-agency disputes over issues such as Colombian cut flowers and Bolivian

soybeans.

3. There is a need for strong congressional oversight of both the proposed economic and military assistance programs for the coming fiscal years, as well as a possible mid-course correction of the fiscal year 1990 military assistance program. Specifically, before further assistance is provided for new or ongoing riverine programs, a thorough review should be conducted of the past effectiveness of such programs and the excessive costs associated with assets provided and envisioned under this program. Additionally, further justification should be provided before additional funds are spent on involving the Bolivian Army in counternarcotics activities.
4. The United States must develop and communicate realistic measures of effectiveness of the proposed programs both to the host countries and to the Congress in order to avoid an erosion of support for these efforts. In addition, the U.S. and Andean Governments must achieve public consensus on what goals and activities are mutually accepted and supported. As a general rule, the United States should not support and finance activities which host countries are not prepared to publicly acknowledge and support.
5. The United States must develop and implement rigorous monitoring for specific components of military assistance programs to ensure they are used for the purposes for which they are intended. Specifically, mechanisms must be in place to provide human rights training and to monitor and investigate allegations of human rights abuses. In addition, mechanisms must also be in place to investigate allegations of corruption and to hold host country officials accountable.
6. The executive branch and Congress should rigorously review the continued need for the current number of military assistance spigots, for counternarcotics efforts in the Andes. Further, the United States should propose a limit on U.S. military personnel in the region as soon as possible.
7. In order to ensure that increasingly complex intelligence efforts in the Andean countries are successful, the United States should provide assistance to the host governments in producing accurate maps of the countries in question. Although this appears to be a basic proposition, current maps of most areas of these countries are unavailable and this omission has led to operational confusion, missed opportunities and the use of costly resources on high technology information that cannot be readily translated into practical operations.
8. The United States should clearly define the goals and interrelationships of the economic and security assistance programs in Peru and Bolivia to determine the most effective use of funds. If the goal in the UHV and the Chapare is to move people out of these coca-producing areas, the need to "secure" these areas needs to be reassessed. Further, if this is U.S. policy, AID's strategy should be revised to support this goal.
9. The United States should seriously revisit the issue of aerial eradication of coca with the Peruvian Government. The year-long aerial tests of tebuthiuron in the Upper Huallaga Valley have shown no detrimental effects on the environment. In the face of the enormous devastation occurring because of coca production, including massive deforestation, soil depletion, and water pollution, arguments from the environmental community against aerial eradication are increasingly less persuasive. Moreover, a shift to aerial eradication would greatly diminish the need for involvement of the Peruvian military in counternarcotics efforts in the UHV.

However, the United States and Peru must also have concrete alternative development plans ready in the event that the Peruvian Government agrees to aerial eradication.

10. In order to minimize further infighting among the large numbers of U.S. agencies overseas now involved in counternarcotics efforts, the United States needs to clearly define and delineate the roles of these agencies. This should include a clear policy as to whether we believe that this effort should be primarily a law enforcement or a military function. Finally, continued congressional oversight is necessary to ensure that the Department of Defense continues to play a support, rather than leadership, role.
11. The United States must more fully define and delineate the role of law enforcement and military organizations in the Andean countries, as well as what level of cooperation and coordination between these groups is expected, especially at the operational level. Further, U.S. funding levels should reflect the roles the U.S. expects these organizations to play.
12. To seriously pursue counternarcotics efforts in Peru and Colombia, the United States must dispense with the artificial line between narcotics traffickers and insurgents. There is no practical way to separate support for counterinsurgency efforts and counternarcotics efforts in these countries. The U.S. Government needs to be honest in admitting this fact rather than continuing to assert that current U.S. programs are purely for counternarcotics purposes.
13. Currently, most narcotics control programs in the Andean countries are conceived, financed, implemented and sustained by the United States Government and most officials agree that absent a highly visible U.S. presence, these programs will disintegrate. Greater priority should be given in the U.S. strategy to place responsibility on the host countries for the operation of these programs.
14. A review of the new INM airwing contract must be undertaken before the contract is finally awarded to ensure that the original problems with Corporate Jets contract are being corrected. As the study mission was informed by several officials, there still appear to be serious flaws with the current contract offer despite the involvement of an outside contract consultant, as well as the Department of State's contracting office. In order to ensure a thorough and impartial review of this contract, consideration should be given to having the contract offer examined by the Department of State's Inspector General. Specifically, action is needed mandating a program for the training of host country pilots in Peru by a date certain.
15. Despite assurances that the issue of increased European participation in the Andean Initiative was going to be a primary concern at the Houston Economic Summit, little appears to have resulted from that meeting. The United States needs to increase its unimpressive efforts to more fully involve European governments to provide meaningful resources and training to the Andean countries, particularly in the field of judicial protection in Colombia.

APPENDIX 2<sup>1</sup>

[September 12, 1990]

AMENDMENT OFFERED BY MR. FASCELL OF FLORIDA TO THE AMENDMENT TO  
H.R. 5269 REPORTED BY THE COMMITTEE ON THE JUDICIARY  
(Page and line references are to the bill as reported by the  
Committee on the Judiciary)

At the end of the bill (page 239, after line 5), add the  
following:

- 1 TITLE XXIII--INTERNATIONAL NARCOTICS CONTROL  
2 SEC. 2301. SHORT TITLE AND TABLE OF CONTENTS.  
3 (a) SHORT TITLE.--This title may be cited as the  
4 "International Narcotics Control Act of 1990".  
5 (b) TABLE OF CONTENTS.--The table of contents for this  
6 title is as follows:

## TITLE XXIII--INTERNATIONAL NARCOTICS CONTROL

- Sec. 2301. Short title and table of contents.  
Sec. 2302. Economic assistance and administration of justice  
programs for Andean countries.  
Sec. 2303. Military and law enforcement assistance for Andean  
countries.  
Sec. 2304. General provisions relating to assistance for  
Andean countries.  
Sec. 2305. International narcotics control assistance.  
Sec. 2306. Assistance for agricultural and industrial  
alternatives to narcotics production.  
Sec. 2307. Exceptions to requirement that aircraft provided  
to foreign countries for narcotics control purposes  
be leased rather than sold.  
Sec. 2308. Number of members of United States Armed Forces in  
Andean countries.  
Sec. 2309. Nonapplicability of certification procedures to  
certain major drug-transit countries.

<sup>1</sup> The amendment contained in this appendix was adopted by the  
House on October 4, 1990.

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- Sec. 2310. Authority to transfer military assistance funds to economic programs.  
 Sec. 2311. Extradition of United States citizens.  
 Sec. 2312. Congressional review of narcotics-related assistance for Afghanistan.  
 Sec. 2313. Training of foreign pilots.  
 Sec. 2314. Review of riverine program.  
 Sec. 2315. Uses of excess defense articles transferred to certain major illicit drug producing countries.  
 Sec. 2316. Export-Import Bank financing for sales of defense articles and services.

1 SEC. 2302. ECONOMIC ASSISTANCE AND ADMINISTRATION OF JUSTICE  
 2 PROGRAMS FOR ANDEAN COUNTRIES.

3 (a) AUTHORIZATION OF APPROPRIATIONS.--In addition to  
 4 amounts otherwise authorized to be appropriated, there are  
 5 authorized to be appropriated \$300,000,000 for fiscal year  
 6 1991 for assistance for Andean countries under chapter 4 of  
 7 part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346  
 8 and following; relating to the economic support fund) or  
 9 under chapter 1 of part I of that Act (22 U.S.C 2151 and  
 10 following; relating to development assistance).

11 (b) ADMINISTRATION OF JUSTICE PROGRAMS.--

12 (1) ADDITIONAL ASSISTANCE FOR BOLIVIA, COLOMBIA, AND  
 13 PERU.--Of the funds authorized to be appropriated by  
 14 subsection (a) that are appropriated to carry out chapter  
 15 4 of part II of the Foreign Assistance Act of 1961, up to  
 16 \$16,000,000 should be used to provide assistance for  
 17 Bolivia, Colombia, and Peru--

18 (A) pursuant to section 534 of that Act (22  
 19 U.S.C. 2346c; relating to the administration of

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1 justice program), in addition to funds otherwise used  
2 for those countries under that section for fiscal  
3 year 1991; and

4 (B) pursuant to paragraphs (2) and (3) of this  
5 subsection.

6 (2) PROTECTION AGAINST NARCO-TERRORIST  
7 ATTACKS.--Funds used in accordance with paragraph (1) may  
8 be used to provided to Bolivia, Colombia, and Peru,  
9 notwithstanding section 660 of the Foreign Assistance Act  
10 of 1961 (22 U.S.C. 2420; relating to the prohibition on  
11 assistance to law enforcement agencies), such assistance  
12 as the government of that country may request to provide  
13 protection against narco-terrorist attacks on judges,  
14 other government officials, and members of the press.

15 (3) ASSISTANCE FOR COLOMBIA'S OFFICE OF SPECIAL  
16 INVESTIGATIONS AND SPECIAL PROSECUTOR FOR HUMAN  
17 RIGHTS.--It is the sense of the Congress that up to  
18 \$2,000,000 of the funds used in accordance with paragraph  
19 (1) should be used for assistance for Colombia to provide  
20 training, technical assistance, and equipment for the  
21 Office of Special Investigations and the Special  
22 Prosecutor for Human Rights, both of which are within the  
23 Office of the Attorney General of the Government of  
24 Colombia.

25 (4) ADDITIONALITY OF ASSISTANCE.--Funds may be used

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1 in accordance with paragraph (1) of this subsection  
2 without regard to the dollar limitation contained in  
3 section 534(c) of the Foreign Assistance Act of 1961.

4 (5) PERIOD OF AVAILABILITY.--Funds allocated for use  
5 in accordance with paragraph (1) of this subsection shall  
6 remain available until expended notwithstanding any other  
7 provision of law.

8 (6) EXTENSION OF AUTHORITY FOR AOJ PROGRAM.--Section  
9 534(e) of the Foreign Assistance Act of 1961 (22 U.S.C.  
10 2346c(e)) is amended--

11 (A) in the second sentence by striking out  
12 ``\$7,000,000 may be made available in fiscal year  
13 1990`` and inserting in lieu thereof ``\$10,000,000  
14 may be made available in fiscal year 1991``; and

15 (B) in the third sentence by striking out  
16 ``1990`` and inserting in lieu thereof ``1991``.

17 SEC. 2303. MILITARY AND LAW ENFORCEMENT ASSISTANCE FOR ANDEAN  
18 COUNTRIES.

19 (a) AUTHORIZATION OF APPROPRIATIONS.--In addition to  
20 amounts otherwise authorized to be appropriated, there are  
21 authorized to be appropriated \$67,500,000 for fiscal year  
22 1991 for assistance for Andean countries under the ``FOREIGN  
23 MILITARY FINANCING PROGRAM`` account under section 23 of the  
24 Arms Export Control Act (22 U.S.C. 2763).

25 (b) PURPOSES OF ASSISTANCE.--Assistance under subsection

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1 (a) shall be designed to--

2 (1) enhance the ability of the government of the  
3 recipient country to control illicit narcotics production  
4 and trafficking;

5 (2) strengthen the bilateral ties of the United  
6 States with that government by offering concrete  
7 assistance in this area of great mutual concern;

8 (3) strengthen respect for internationally recognized  
9 human rights and the rule of law in efforts to control  
10 illicit narcotics production and trafficking; and

11 (4) assist the armed forces of the Andean countries  
12 in their support roles for those countries' law  
13 enforcement agencies, which are charged with the main  
14 responsibility for the control of illicit narcotics  
15 production and trafficking.

16 (c) CONDITIONS OF ELIGIBILITY.--Assistance may be  
17 provided for an Andean country under subsection (a) only--

18 (1) so long as that country has a democratic  
19 government; and

20 (2) the government of that country, including the  
21 armed forces and law enforcement agencies, does not  
22 engage in a consistent pattern of gross violations of  
23 internationally recognized human rights (as defined in  
24 section 502B(d)(1) of the Foreign Assistance Act of 1961  
25 (22 U.S.C. 2304(d)(1))).

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1 (d) LAW ENFORCEMENT TRAINING AND EQUIPMENT.--subject to  
2 subsection (e), funds made available to carry out subsection  
3 (a) may be used, notwithstanding section 660 of the Foreign  
4 Assistance Act of 1961 (22 U.S.C. 2420; relating to the  
5 prohibition on assistance to law enforcement agencies)--

6 (1) to provide to law enforcement agencies, that are  
7 organized for the specific purpose of narcotics  
8 enforcement, education and training in the operation and  
9 maintenance of equipment used in narcotics control  
10 interdiction and eradication efforts;

11 (2) for the expenses of deploying, upon the request  
12 of the Government of Bolivia, the Government of Colombia,  
13 or the Government of Peru, Department of Defense mobile  
14 training teams in that country to conduct training in  
15 military-related individual and collective skills that  
16 will enhance that country's ability to conduct tactical  
17 operations in narcotics interdiction; and

18 (3) for the procurement of defense articles or  
19 commodities (as defined in section 644(c) of the Foreign  
20 Assistance Act of 1961 (22 U.S.C. 2403(c))) for use in  
21 narcotics control, eradication, and interdiction efforts  
22 by law enforcement agencies that are organized for the  
23 specific purpose of narcotics enforcement.

24 (e) LIMITATION ON LAW ENFORCEMENT ASSISTANCE FOR BOLIVIA,  
25 COLOMBIA, AND PERU.--Not more than \$67,500,000 of the

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1 aggregate amount of funds authorized to be appropriated by  
2 this title for fiscal year 1991 for assistance under the  
3 "FOREIGN MILITARY FINANCING PROGRAM" account under section  
4 23 of the Arms Export Control Act (22 U.S.C. 2763) and  
5 assistance under chapter 8 of part I of the Foreign  
6 Assistance Act of 1961 (22 U.S.C. 2291 and following;  
7 relating to international narcotics control assistance) may  
8 be obligated for assistance for the law enforcement agencies  
9 of Bolivia, Colombia, and Peru.

10 (F) LIMITATIONS ON AMOUNT OF EXCESS DEFENSE ARTICLES  
11 TRANSFERRED TO BOLIVIA, COLOMBIA, AND PERU.--

12 (1) ESTABLISHMENT OF LIMIT.--The aggregate  
13 acquisition cost to the United States of excess defense  
14 articles ordered by the President in fiscal year 1991 for  
15 delivery to Bolivia, Colombia, and Peru under section 517  
16 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k)  
17 may not exceed \$60,000,000.

18 (2) WAIVER OF EXISTING GRANT EDA LIMITATION.--The  
19 dollar limitation in section 517(e) of the Foreign  
20 Assistance Act of 1961 (22 U.S.C. 2321k(e)) shall not  
21 apply with respect to Bolivia, Colombia, and Peru in  
22 fiscal year 1991.

23 (3) WORLDWIDE LIMITATION ON AMOUNT OF EXCESS DEFENSE  
24 ARTICLES TRANSFERRED.--Section 31(d) of the Arms Export  
25 Control Act (22 U.S.C. 2771(d)) shall not apply to excess

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1 defense articles ordered for transfer to Bolivia,  
2 Colombia, or Peru under section 517 of the Foreign  
3 Assistance Act of 1961 (22 U.S.C. 2321k) in fiscal year  
4 1991.

5 (g) ASSISTANCE FOR LEASING OF AIRCRAFT.--

6 (1) USE OF FUNDS.--For purposes of satisfying the  
7 requirement of section 484 of the Foreign Assistance Act  
8 of 1961 (22 U.S.C. 2291c), funds made available under  
9 subsection (a) may be used to finance the leasing of  
10 aircraft under chapter 6 of the Arms Export Control Act.

11 (2) COST OF LEASES.--Section 61(a)(3) of the Arms  
12 Export Control Act shall not apply with respect to leases  
13 so financed; rather the entire cost of any such lease  
14 (including any renewals) shall be an initial, one time  
15 payment of the amount which would be the sales price for  
16 the aircraft if they were sold under section 21(a)(1)(B)  
17 or section 22 of that Act (as appropriate).

18 (3) REIMBURSEMENT OF SDAF.--To the extent that  
19 aircraft so leased were acquired under chapter 5 of the  
20 Arms Export Control Act, funds used pursuant to this  
21 subsection to finance such leases shall be credited to  
22 the Special Defense Acquisition Fund under chapter 5 of  
23 that Act (excluding the amount of funds that reflects the  
24 charges described in section 21(e)(1) of that Act). The  
25 funds described in the parenthetical clause of the

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1 preceding sentence shall be available for payments  
2 consistent with sections 37(a) and 43(b) of that Act.

3 SEC. 2304. GENERAL PROVISIONS RELATING TO ASSISTANCE FOR  
4 ANDEAN COUNTRIES.

5 (a) PRESIDENTIAL DETERMINATION REQUIRED.--Assistance may  
6 be provided for an Andean country pursuant to the  
7 authorizations of appropriations provided in section 2302(a)  
8 and section 2303(a), and, excess defense articles may be  
9 transferred to Bolivia, Colombia, or Peru in fiscal year 1991  
10 pursuant to section 517 of the Foreign Assistance Act of 1961  
11 (22 U.S.C. 2321k), only if the President determines that--

12 (1) that country is implementing programs to reduce  
13 the flow of cocaine to the United States in accordance  
14 with a bilateral or multilateral agreement, to which the  
15 United States is a party, that contains specific,  
16 quantitative and qualitative, performance criteria with  
17 respect to those programs;

18 (2) the armed forces and law enforcement agencies of  
19 that country are not engaged in a consistent pattern of  
20 gross violations of internationally recognized human  
21 rights, and the government of that country has made  
22 significant progress in protecting internationally  
23 recognized human rights, particularly in--

24 (A) ensuring that torture, cruel, inhuman, or  
25 degrading treatment or punishment, incommunicado

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1 detention or detention without charges and trial,  
2 disappearances, and other flagrant denials of the  
3 right to life, liberty, or security of the person,  
4 are not practiced; and

5 (B) permitting an unimpeded investigation of  
6 alleged violations of internationally recognized  
7 human rights, including providing access to places of  
8 detention, by appropriate international organizations  
9 (including nongovernmental organizations such as the  
10 International Committee of the Red Cross) or groups  
11 acting under the authority of the United Nations or  
12 the Organization of American States; and

13 (3) the government of that country has effective  
14 control over police and military operations related to  
15 counternarcotics and counterinsurgency activities.

16 (b) NOTIFICATIONS TO CONGRESS.--Not less than 15 days  
17 before funds are obligated pursuant to section 2302(a) or  
18 section 2303(a), the President shall transmit to the  
19 congressional committees specified in section 634A(a) of the  
20 Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) a written  
21 notification in accordance with the procedures applicable to  
22 reprogrammings under that section. Such notification shall  
23 specify--

24 (1) the country to which the assistance is to be  
25 provided;

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1 (2) the type and value of the assistance to be  
2 provided;

3 (3) in the case of assistance provided pursuant to  
4 section 2303(a), the law enforcement agencies or other  
5 units that will receive the assistance; and

6 (4) an explanation of how the proposed assistance  
7 will further--

8 (A) the objectives specified in subsection (a) of  
9 this section, and

10 (B) in the case of assistance under section  
11 2303(a), the purposes specified in section 2303(b).

12 (c) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL  
13 ASSISTANCE PROGRAM.--Assistance authorized by section 2302(a)  
14 and section 2303(a) shall be coordinated with assistance  
15 provided under chapter 8 of part I of the Foreign Assistance  
16 Act of 1961 (22 U.S.C. 2291 and following; relating to  
17 international narcotics control assistance).

18 (d) CONDITIONAL WAIVER OF BROOKE-ALEXANDER  
19 AMENDMENT.--For fiscal year 1991, section 620(q) of the  
20 Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) and  
21 section 518 of the Foreign Operations, Export Financing, and  
22 Related Programs Appropriations Act, 1991, shall not apply  
23 with respect to narcotics-related assistance for an Andean  
24 country, provided the President has made the determination  
25 described in subsection (a) of this section.

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1 (e) AUTHORITY TO WAIVER REQUIREMENT TO WITHHOLD 50  
2 PERCENT OF ASSISTANCE PENDING CERTIFICATION.--Section  
3 481(h)(1)(A) of the Foreign Assistance Act of 1961 (22 U.S.C.  
4 2291(h)(1)(A)) shall not apply with respect to Bolivia,  
5 Colombia, and Peru for fiscal year 1991 if the President--

6 (1) determines that its application would be contrary  
7 to the national interest; and

8 (2) transmits written notification of that  
9 determination to the congressional committees specified  
10 in section 634A(a) of the Foreign Assistance Act of 1961  
11 (22 U.S.C. 2394-1) in accordance with the procedures  
12 applicable to reprogrammings under that section.

13 **SEC. 2305. INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.**

14 There are authorized to be appropriated \$150,000,000 for  
15 fiscal year 1991 for assistance under chapter 8 of part I of  
16 the Foreign Assistance Act of 1961 (22 U.S.C. 2291 and  
17 following; relating to international narcotics control  
18 assistance).

19 **SEC. 2306. ASSISTANCE FOR AGRICULTURAL AND INDUSTRIAL  
20 ALTERNATIVES TO NARCOTICS PRODUCTION.**

21 (a) **WAIVER OF RESTRICTIONS.**--For the purpose of reducing  
22 dependence upon the production of crops from which narcotic  
23 and psychotropic drugs are derived, the President may provide  
24 assistance to a foreign country under chapter 1 of part I of  
25 the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and

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1 following; relating to development assistance) and chapter 4  
2 of part II of that Act (22 U.S.C. 2346 and following;  
3 relating to the economic support fund) to promote the  
4 production, processing, or the marketing of products or  
5 commodities, notwithstanding any other provision of law that  
6 would otherwise prohibit the provision of assistance to  
7 promote the production, processing, or the marketing of such  
8 products or commodities.

9 (b) EFFECTIVE DATE.--Subsection (a) applies with respect  
10 to funds made available for fiscal year 1991 or any fiscal  
11 year thereafter.

12 SEC. 2307. EXCEPTIONS TO REQUIREMENT THAT AIRCRAFT PROVIDED  
13 TO FOREIGN COUNTRIES FOR NARCOTICS CONTROL  
14 PURPOSES BE LEASED RATHER THAN SOLD.

15 Section 484 of the Foreign Assistance Act of 1961 (22  
16 U.S.C. 2291c) is amended by adding at the end the following:  
17 "The requirement of this section does not apply with respect  
18 to aircraft made available to a foreign country under section  
19 2(b)(6)(B) of the Export-Import Bank Act of 1945 or under any  
20 provision of law that authorizes property that has been  
21 civilly or criminally forfeited to the United States to be  
22 made available to foreign countries."

23 SEC. 2308. NUMBER OF MEMBERS OF UNITED STATES ARMED FORCES IN  
24 ANDEAN COUNTRIES.

25 (a) MONTHLY REPORTS.--within 15 days after the end of

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1 each month, the President shall submit to the Congress a  
2 report listing the number of members of the United States  
3 Armed Forces who were assigned or detailed to, or otherwise  
4 performed functions in, each Andean country at any time  
5 during that month.

6 (b) LIMITATION.--Section 515(c) of the Foreign Assistance  
7 Act of 1961 (22 U.S.C. 2321i(c)) is amended by adding at the  
8 end the following:

9 "(3) If more than 6 members of the Armed Forces may be  
10 assigned to Bolivia, Colombia, or Peru under this section  
11 pursuant to an authorization by the Congress or an exercise  
12 by the President of the waiver authority provided in  
13 paragraph (1), the number so assigned to any such country may  
14 not exceed 12 unless the President determines and reports to  
15 the Committee on Foreign Relations of the Senate and the  
16 Committee on Foreign Affairs of the House of Representatives,  
17 30 days prior to the introduction of the additional military  
18 personnel, that the United States national interests require  
19 that a greater number be assigned to that country to carry  
20 out international security assistance programs under this  
21 section."

22 SEC. 2309. NONAPPLICABILITY OF CERTIFICATION PROCEDURES TO  
23 CERTAIN MAJOR DRUG-TRANSIT COUNTRIES.

24 Section 8 of the International Narcotics Control Act of  
25 1989 is amended by inserting "or fiscal year 1991" after

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1 ``fiscal year 1990``.

2 SEC. 2310. AUTHORITY TO TRANSFER MILITARY ASSISTANCE FUNDS TO  
3 ECONOMIC PROGRAMS.

4 (a) APPLICABILITY OF TRANSFER AUTHORITY TO FOREIGN  
5 MILITARY FINANCING PROGRAM FUNDS.--Section 610(a) of the  
6 Foreign Assistance Act of 1961 (22 U.S.C. 2360(a)) is  
7 amended--

8 (1) by inserting ``or for section 23 of the Arms  
9 Export Control Act`` after ``part I``; and

10 (2) by striking out ``other``.

11 (b) EFFECTIVE DATE.--The amendments made by subsection  
12 (a) apply with respect to funds made available for fiscal  
13 year 1991 or any fiscal year thereafter.

14 SEC. 2311. EXTRADITION OF UNITED STATES CITIZENS.

15 (a) IN GENERAL.--Chapter 209 of title 18, United States  
16 Code, is amended by adding at the end the following new  
17 section:

18 ``§3196. Extradition of United States citizens

19 ``If the applicable treaty or convention does not  
20 obligate the United States to extradite its citizens to a  
21 foreign country, the Secretary of State may, nevertheless,  
22 order the surrender to that country of a United States  
23 citizen whose extradition has been requested by that country  
24 if the other requirements of that treaty or convention are  
25 met.``.

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1 (b) SECTION ANALYSIS.--The section analysis for chapter  
2 209 of title 18, United States Code, is amended by adding at  
3 the end the following:

''3196. Extradition of United States citizens.''

4 SEC. 2312. CONGRESSIONAL REVIEW OF NARCOTICS-RELATED  
5 ASSISTANCE FOR AFGHANISTAN.

6 Not less than 15 days before obligating funds made  
7 available for any fiscal year to carry out the Foreign  
8 Assistance Act of 1961 or the Arms Export Control Act for any  
9 assistance for Afghanistan that has narcotics control as one  
10 of its purposes, the President shall notify the congressional  
11 committees specified in section 634A(a) of the Foreign  
12 Assistance Act of 1961 (22 U.S.C. 2394-1) in accordance with  
13 the procedures applicable to reprogramming notifications  
14 under that section.

15 SEC. 2313. TRAINING OF HOST COUNTRY PILOTS.

16 (a) INSTRUCTION PROGRAM.--Not less than 90 days after the  
17 date of enactment of this Act, the President shall implement,  
18 under chapter 8 of part I of the Foreign Assistance Act of  
19 1961 (22 U.S.C. 2291 and following; relating to international  
20 narcotics control assistance), a detailed program of  
21 instruction to train host country pilots, and other flight  
22 crew members, to fly the aircraft involved in  
23 counternarcotics efforts in Andean countries that have been  
24 made available by the United States Government under that

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1 chapter or any other provision of law. Such program shall be  
2 designed to eliminate direct participation of the United  
3 States Government (including participation through the use of  
4 either direct hire or contract personnel) in the operation of  
5 such aircraft.

6 (b) REQUIREMENT FOR REPLACEMENT OF UNITED STATES  
7 GOVERNMENT PILOTS BY HOST COUNTRY PILOTS.--The president  
8 shall ensure that, within 18 months after the date of  
9 enactment of this Act, flight crews composed of host country  
10 personnel replace all United States Government pilots and  
11 other flight crew members (including both direct hire or  
12 contract personnel) in airborne counternarcotics operations  
13 in the Andean countries.

14 SEC. 2314. REVIEW OF RIVERINE PROGRAM.

15 Funds made available to carry out the Foreign Assistance  
16 Act of 1961 or the Arms Export Control Act may not be used  
17 for the procurement of surface water craft for  
18 counternarcotics programs in the Andean countries until the  
19 Secretary of State and the Secretary of Defense have jointly  
20 assessed and audited, and have submitted a report to Congress  
21 on--

22 (1) the specific goals and objectives of such  
23 programs;

24 (2) how such craft will further the attainment of  
25 those goals and objectives;

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1 (3) the cost and utility of craft to be provided; and  
2 (4) how such craft will be sustained through  
3 maintenance and training.

4 SEC. 2315. USES OF EXCESS DEFENSE ARTICLES TRANSFERRED TO  
5 CERTAIN MAJOR ILLICIT DRUG PRODUCING COUNTRIES.

6 Section 517(c) of the Foreign Assistance Act of 1961 (22  
7 U.S.C. 2321k(c)) is amended by striking out "only" the  
8 second place it appears and inserting in lieu thereof  
9 "primarily".

10 SEC. 2316. EXPORT-IMPORT BANK FINANCING FOR SALES OF DEFENSE  
11 ARTICLES AND SERVICES.

12 Section 2(b)(6)(B)(vi) of the Export-Import Bank Act of  
13 1945 (12 U.S.C. 635(b)(6)(B)(vi)) is amended by striking out  
14 "1990" and inserting in lieu thereof "1992".