

Public Law 101-231
101st Congress

An Act

Dec. 13, 1989
[H.R. 3611]

To combat international narcotics production and trafficking.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International
Narcotics
Control Act of
1989.
Law
enforcement and
crime.
22 USC 2151
note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “International Narcotics Control Act of 1989”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Andean drug initiative.
- Sec. 3. Military and law enforcement assistance for Bolivia, Colombia, and Peru.
- Sec. 4. Acquisition by Special Defense Acquisition Fund of defense articles for narcotics control purposes.
- Sec. 5. Excess defense articles for certain major illicit drug producing countries.
- Sec. 6. Waiver of Brooke-Alexander amendment for major coca producing countries.
- Sec. 7. Mexico.
- Sec. 8. Nonapplicability of certification procedures to certain major drug-transit countries.
- Sec. 9. Coordination of United States trade policy and narcotics control objectives.
- Sec. 10. Debt-for-drugs exchanges.
- Sec. 11. Multilateral antinarcotics strike force.
- Sec. 12. Weapons transfers to international narcotics traffickers.
- Sec. 13. Rewards for information concerning acts of international terrorism.
- Sec. 14. Waiver of Bumpers Amendment.
- Sec. 15. Participation in foreign police actions.
- Sec. 16. Authorization of appropriations for international narcotics control assistance.
- Sec. 17. Revisions of certain narcotics-related provisions of the Foreign Assistance Act.

SEC. 2. ANDEAN DRUG INITIATIVE.

(a) FINDINGS RELATING TO ECONOMIC ASSISTANCE NEEDS.—The Congress finds that—

(1) it is crucial to international antidrug efforts that funds be made available for crop substitution programs and alternative employment opportunities to provide alternative sources of income for those individuals in major coca producing countries who are dependent on illicit drug production activities, as well as for eradication, enforcement, rehabilitation and treatment, and education programs in those countries; and

(2) the United States and other major donor countries (including European countries and Japan) should provide increased economic assistance, on an urgent basis, to those major coca producing countries which have taken concrete steps to attack illicit coca production, processing, and trafficking, by eradication, interdiction, or other methods which significantly reduce the flow of cocaine to the world market.

(b) PLAN TO ADDRESS NEED FOR ASSISTANCE.—The Congress, therefore, urges the Director of National Drug Control Policy to submit to the Congress in February 1990, as part of the National Drug Control

Strategy report required by section 1005 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504), a plan which addresses the need outlined in subsection (a).

(c) **ANDEAN SUMMIT.**—The Congress urges the President in the strongest possible terms to include the following issues on the formal agenda of the meeting between the President and the heads of government of Bolivia, Colombia, and Peru, scheduled for early February 1990:

Bolivia.
Colombia.
Peru.

(1) Bilateral and multilateral antidrug efforts that make funds available for crop substitution programs and alternative employment opportunities in major coca producing countries, as well as for eradication, enforcement, rehabilitation and treatment, and education programs in those countries.

(2) Initiatives to improve and expand antidrug efforts in the Andean region, including through the use of United States international economic, commercial, and other policies.

(3) Prior bilateral discussions aimed at increasing multilateral economic development assistance from Japan, Canada, and Western European countries for antidrug efforts in the Andean region.

(4) Debt-for-drugs exchanges that forgive Andean bilateral debt held by the United States and other creditor countries in return for commitments by Andean governments to use the savings in debt service for antidrug programs, pursuant to agreements negotiated under section 481(h)(2)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(h)(2)(B)) and other international agreements and initiatives.

(5) Bilateral and multilateral efforts to halt the transfer of arms, precursor chemicals, and sophisticated communications equipment and technology from legitimate sources to drug trafficking organizations.

(d) **REPORT ON ANDEAN SUMMIT MEETING.**—Not later than 30 days after the conclusion of the Andean summit meeting described in subsection (c), the President shall report to the Congress on the outcome of that meeting.

President of U.S.

(e) **SUPPLEMENTAL BUDGET REQUESTS.**—At the same time as he submits the report required by subsection (d), the President shall submit to the Congress such supplemental budget requests for fiscal years 1990 and 1991 as may be necessary to cover the United States share of the cost of additional economic assistance to implement an Andean antidrug strategy, including the commitments made at the Andean summit meeting described in subsection (c).

President of U.S.

SEC. 3. MILITARY AND LAW ENFORCEMENT ASSISTANCE FOR BOLIVIA, COLOMBIA, AND PERU.

22 USC 2291
note.

(a) **PURPOSES OF ASSISTANCE.**—Assistance provided under this section shall be designed to—

(1) enhance the ability of the Government of Bolivia, the Government of Colombia, and the Government of Peru to control illicit narcotics production and trafficking;

(2) strengthen the bilateral ties of the United States with those governments by offering concrete assistance in this area of great mutual concern; and

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

President of U.S.

(b) **MILITARY ASSISTANCE AND TRAINING.**—Subject to the requirements of this section, the President is authorized to use the funds made available to carry out this section to provide defense articles, defense services, and international military education and training to Bolivia, Colombia, and Peru. Such assistance shall be provided under the authorities of section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the foreign military financing program) and chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 and following; relating to international military education and training). Such assistance is in addition to any other such assistance made available to those countries.

(c) **LAW ENFORCEMENT TRAINING.**—

(1) **AUTHORIZED FORMS AND RECIPIENTS OF ASSISTANCE.**—Subject to paragraph (2), up to \$6,500,000 of the funds made available to carry out this section 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)—

(A) to provide to law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement by the Government of Bolivia, the Government of Colombia, or the Government of Peru, education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradication efforts; and

(B) for the expenses of deploying, upon the request of the Government of Bolivia, the Government of Colombia, or the Government of Peru, Department of Defense mobile training teams in that country to conduct training in military-related individual and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction.

(2) **OFFSETTING REDUCTION.**—The amount that may be used under paragraph (1) shall be reduced by the amount of any assistance provided for Bolivia, Colombia, or Peru under the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, for the purposes specified in subparagraph (A) or (B) of paragraph (1).

(d) **EQUIPMENT FOR LAW ENFORCEMENT UNITS.**—

(1) **AUTHORIZED FORMS AND RECIPIENTS OF ASSISTANCE.**—Subject to paragraph (2), up to \$12,500,000 of the funds made available to carry out this section 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), for the procurement of defense articles for use in narcotics control, eradication, and interdiction efforts by law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement.

(2) **OFFSETTING REDUCTION.**—The amount that may be used under paragraph (1) shall be reduced by the amount of any assistance provided for Bolivia, Colombia, or Peru under the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, for the procurement of weapons or ammunition in accordance with the general authorities contained in section 481(a) of the Foreign Assistance Act of 1961.

(e) **CONDITIONS OF ELIGIBILITY.**—Assistance may be provided under this section to Bolivia, Colombia, or Peru only—

- (1) so long as that country has a democratic government; and
- (2) the law enforcement agencies of that country do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(1))).

(f) NOTIFICATIONS TO CONGRESS.—Not less than 15 days before funds are obligated pursuant to this section, the President shall transmit to the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) a written notification in accordance with the procedures applicable to reprogrammings under that section. Such notification shall specify—

President of U.S.

- (1) the country to which the assistance is to be provided;
- (2) the type and value of the assistance to be provided;
- (3) the law enforcement agencies or other units that will receive the assistance; and
- (4) an explanation of how the proposed assistance will achieve the purposes specified in subsection (a) of this section.

(g) REPORTS ON HUMAN RIGHTS SITUATION.—Section 502B(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(c); relating to country-specific human rights reports upon the request of the foreign affairs committees) applies with respect to countries for which assistance authorized by this section is proposed or is being provided.

(h) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance under this section shall be coordinated with assistance provided 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).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$125,000,000 for fiscal year 1990 to carry out this section, which amount is authorized to be made available until expended.

SEC. 4. ACQUISITION BY SPECIAL DEFENSE ACQUISITION FUND OF DEFENSE ARTICLES FOR NARCOTICS CONTROL PURPOSES.

Section 51(a) of the Arms Export Control Act (22 U.S.C. 2795(a)) is amended by adding at the end the following:

“(4)(A) The Fund shall also be used to acquire defense articles that are particularly suited for use for narcotics control purposes and are appropriate to the needs of recipient countries, such as small boats, planes (including helicopters), and communications equipment.

“(B) Each report pursuant to section 53(a) shall designate the defense articles that have been acquired or are to be acquired pursuant to this paragraph and the defense articles acquired under this chapter that were transferred for use in narcotics control purposes.”.

SEC. 5. EXCESS DEFENSE ARTICLES FOR CERTAIN MAJOR ILLICIT DRUG PRODUCING COUNTRIES.

Chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 and following) is amended by adding at the end the following:

22 USC 2321k.

"SEC. 517. MODERNIZATION OF MILITARY CAPABILITIES OF CERTAIN MAJOR ILLICIT DRUG PRODUCING COUNTRIES.

"(a) AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.—Subject to the limitations in this section, the President may transfer to a country—

"(1) which is a major illicit drug producing country (as defined in section 481(i)(2)) in Latin America and the Caribbean,

"(2) which has a democratic government, and

"(3) whose armed forces do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1)),

such excess defense articles as may be necessary to carry out subsection (b).

"(b) PURPOSE.—Excess defense articles may be transferred under subsection (a) only for the purpose of encouraging the military forces of an eligible country in Latin America and the Caribbean to participate with local law enforcement agencies in a comprehensive national antinarcotics program, conceived and developed by the government of that country, by conducting activities within that country and on the high seas to prevent the production, processing, trafficking, transportation, and consumption of illicit narcotic or psychotropic drugs or other controlled substances (as defined in section 481(i)(3)).

"(c) USES OF EXCESS DEFENSE ARTICLES.—Excess defense articles may be furnished to a country under subsection (a) only if that country ensures that those excess defense articles will be used only in support of antinarcotics activities.

"(d) ROLE OF THE SECRETARY OF STATE.—The Secretary of State shall determine the eligibility of countries to receive excess defense articles under subsection (a). In accordance with section 4601 of the International Narcotics Control Act of 1988, the Secretary shall ensure that the transfer of excess defense articles under subsection (a) is coordinated with other antinarcotics enforcement programs assisted by the United States Government.

"(e) DOLLAR LIMITATION.—The aggregate value of excess defense articles transferred to a country under subsection (a) in any fiscal year may not exceed \$10,000,000.

"(f) CONDITIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

"(1) they are drawn from existing stocks of the Department of Defense;

"(2) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer; and

"(3) the President determines that the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States.

"(g) TERMS OF TRANSFERS.—Excess defense articles may be transferred under this section without cost to the recipient country.

"(h) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 632(d) does not apply with respect to transfers of excess defense articles under this section.

"(i) NOTIFICATION TO CONGRESS.—

"(1) ADVANCE NOTICE.—The President may not transfer excess defense articles under this section until 30 days after the Presi-

dent has provided notice of the proposed transfer to the committees specified in paragraph (2). This notification shall include—

“(A) a certification of the need for the transfer;

“(B) an assessment of the impact of the transfer on the military readiness of the United States; and

“(C) a statement of the value of the excess defense articles to be transferred.

“(2) COMMITTEES TO BE NOTIFIED.—Notice shall be provided pursuant to paragraph (1) to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.”.

SEC. 6. WAIVER OF BROOKE-ALEXANDER AMENDMENT FOR MAJOR COCA PRODUCING COUNTRIES.

During fiscal year 1990, section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) and section 518 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990, do 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) because of its coca production.

SEC. 7. MEXICO.

(a) LIMITATION ON NARCOTICS CONTROL ASSISTANCE.—

(1) LIMITATION.—Except as provided in paragraph (2), not more than \$15,000,000 of the amounts made available for fiscal year 1990 to carry out 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) may be made available for Mexico.

(2) PROCEDURE FOR ADDITIONAL ASSISTANCE.—Assistance in excess of the amount specified in paragraph (1) may be made available for Mexico only if the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) are notified at least 15 days in advance in accordance with the procedures applicable to reprogrammings under that section.

(b) SENATE POLICY TOWARD THE CONTROL OF ILLEGAL DRUGS IN MEXICO.—

(1) FINDINGS.—The Senate finds that—

(A) the Foreign Assistance Act of 1961 requires, except in cases of vital national interest, that all countries determined to be a major illicit drug producing country or a major drug-transit country must be “cooperating fully” with United States antinarcotics activities in order to continue receiving various forms of United States foreign assistance;

(B) relations between the United States and Mexico have suffered since the 1985 kidnapping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez;

(C) testimony before the Senate dating to 1986 has indicated that high-ranking Mexican government, military, and law enforcement officials have been involved in illegal

Enrique
Camarena.
Victor Cortez.

narcotics operations, including narcotics trafficking operations into the United States;

(D) Mexico has been determined to be the primary producer of marijuana and heroin entering the United States and the transit point for up to 50 percent of the cocaine being smuggled into this country;

(E) there have been three drug-related mass murders involving more than 30 victims along the southwest border in recent months involving Mexican drug trafficking organizations;

(F) the United States continues to seek, with Mexican cooperation, hot pursuit and overflight authority for United States law enforcement agencies, access to bank records, verification of eradication figures, information on those who have been tried, charged, sentenced, and served time for narcotics-related crimes, and extradition of criminal figures;

(G) there was sworn in a new president and Government of Mexico on December 1, 1988, creating a new era of opportunity for increased cooperation and mutual friendship;

(H) the new President of Mexico, Carlos Salinas de Gortari, has indicated a strong willingness to expand and improve Mexico's antinarcotics activities;

(I) the Chief of the Mexico City Police Investigative Service, Miguel Nazar Haro, who is under indictment in the United States, has been fired;

(J) the Government of Mexico has arrested Miguel Angel Felix-Gallardo, one of the most notorious drug trafficking figures in Mexico;

(K) Mexican officials have for the first time conceded that corrupt Mexican officials, including law enforcement, government, and military officials, have previously protected Mr. Gallardo; and

(L) criminal charges of electoral fraud against the mayor of Hermosillo, Carlos Robles, and homicide and arms charges against the head of Mexico's Oil Workers Union, Joaquin Hernandez Galicia, have been filed.

(2) SENATE POLICY.—It is the sense of the Senate that—

(A) President Salinas should be supported in his expressed willingness to end the narcotics-related corruption that has permeated the Government of Mexico in the past;

(B) Mexico should conclude the prosecution of the murders of Drug Enforcement Administration agent Camarena, the perpetrators of torture against DEA agent Cortez, and make progress in the prosecution of Felix-Gallardo;

(C) Mexico should demonstrate its commitment to cooperating fully in antinarcotics activities by entering into negotiations with the United States on—

(i) joint overflight and hot pursuit operations, involving Mexican law enforcement officials traveling on United States interdiction aircraft with Mexican officers having responsibility for actual arrests of suspects;

(ii) participation of United States law enforcement agencies in air surveillance flights for interdiction efforts and joint United States-Mexico border enforcement and interdiction operations;

Carlos Salinas
de Gortari.

Miguel Nazar
Haro.

Miguel Angel
Felix-Gallardo.

Carlos Robles.
Joaquin
Hernandez
Galicia.

- (iii) United States requests for access to bank records to assist in carrying out narcotics-related investigations; and
- (iv) United States requests for verification of eradication statistics, including ground verification; and
- (D) the people of Mexico should be supported in their efforts to rid their country of illicit narcotics, bribery and corruption, and electoral fraud.

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

Section 481(h) of the Foreign Assistance Act of 1961 shall not apply with respect to a major drug-transit country for fiscal year 1990 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) in satisfying 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) in preventing 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) in preventing and punishing bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts.

SEC. 9. COORDINATION OF UNITED STATES TRADE POLICY AND NARCOTICS CONTROL OBJECTIVES.

(a) **NEED FOR COORDINATION.**—It is the sense of the Congress that United States trade policy should be coordinated with United States narcotics control objectives, particularly with respect to issues such as the International Coffee Agreement.

(b) **PRESIDENTIAL REVIEW.**—The Congress commends the President for reviewing whether the International Coffee Agreement negotiations should be resumed and whether the trade benefits provided in the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 and following) should be extended to the major coca producing countries of Latin America.

SEC. 10. DEBT-FOR-DRUGS EXCHANGES.

(a) **AUTHORITY.**—The President may release Bolivia, Colombia, or Peru from its obligation to make payments to the United States Government of principal and interest on account of a loan made to that country under the Foreign Assistance Act of 1961 (22 U.S.C.

22 USC 2291
note.
Bolivia.
Colombia.
Peru.

2151 and following; relating to foreign assistance programs) or credits extended for that country under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military sales credits) if the President determines that that country is implementing programs to reduce the flow of cocaine to the United States in accordance with a formal bilateral or multilateral agreement, to which the United States is a party, that contains specific, quantitative and qualitative, performance criteria with respect to those programs.

President of U.S.
Bolivia.
Colombia.
Peru.

(b) CONGRESSIONAL REVIEW OF AGREEMENTS.—The President shall submit any such agreement with Bolivia, Colombia, or Peru to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate at least 15 days before exercising the authority of section (a) with respect to that country.

(b) COORDINATION WITH MULTILATERAL DEBT RELIEF ACTIVITIES.—The authority provided in subsection (a) shall be exercised in coordination with multilateral debt relief activities.

(c) EFFECTIVE DATE.—Subsection (a) takes effect on October 1, 1990.

SEC. 11. MULTILATERAL ANTINARCOTICS STRIKE FORCE.

(a) FINDINGS.—The Congress finds that—

(1) the Congress has, in the past, indicated its support for a multilateral, regional approach to narcotics control efforts;

(2) a proposal to create a multilateral, international antinarcotics force for the Western Hemisphere, is a plan worthy of praise and strong United States support;

(3) the development of a greater capability to assist the governments of Latin America and the Caribbean, including the Caribbean Basin nations, is an essential component of efforts to interdict the flow of narcotics to the United States; and

(4) regional leadership in the promotion of a multilateral, paramilitary force to combat the drug cartels is welcomed and encouraged.

(b) SENSE OF CONGRESS.—It is therefore the sense of the Congress that—

(1) the proposal for the promotion of a regional multilateral antinarcotics force for the Western Hemisphere should be endorsed; and

(2) the United States should work through the United Nations, the Organization of American States, and other multilateral organizations to determine the feasibility of such a force and should assist in the establishment of this force if it is found to be feasible.

SEC. 12. WEAPONS TRANSFERS TO INTERNATIONAL NARCOTICS TRAFFICKERS.

(a) HALTING WEAPONS TRANSFERS TO NARCOTICS TRAFFICKERS.—The Congress urges the President to seek agreement by the relevant foreign countries, especially the member countries of the North Atlantic Treaty Organization and the member countries of the Warsaw Pact, to join with the United States in taking the necessary steps to halt transfers of weapons to narcotics traffickers in Latin America.

(b) **COORDINATION OF UNITED STATES EFFORTS TO TRACK ILLEGAL ARMS TRANSFERS.**—The Congress urges the President to improve the coordination of United States Government efforts—

(1) to track the flow of weapons illegally from the United States and other countries to international narcotics traffickers, and

(2) to prevent such illegal shipments from the United States.

(c) **INTERPOL.**—The Congress calls upon the President to direct the United States representative to INTERPOL to urge that organization to study the feasibility of creating an international database on the flow of those types of weapons that are being acquired illegally by international narcotics traffickers.

(d) **REPORT TO CONGRESS.**—Not later than 6 months after the date of enactment of this Act, the President shall report to the Congress on the steps taken in accordance with this section.

President of U.S.

SEC. 13. REWARDS FOR INFORMATION CONCERNING ACTS OF INTERNATIONAL TERRORISM.

(a) **AMENDMENT.**—Subject to subsection (b), section 36(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(c)) is amended by striking out “\$500,000” and inserting in lieu thereof “\$2,000,000”.

(b) **AVOIDING DUPLICATIVE AMENDMENTS.**—If the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, is enacted before this Act, and that Act makes the same amendment as is described in subsection (a), then subsection (a) shall not take effect. If, however, this Act is enacted before the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, and that Act would make the same amendment as is made by subsection (a), then that amendment as proposed to be made by that Act shall not take effect.

22 USC 2708
note.

SEC. 14. WAIVER OF BUMPERS AMENDMENT.

(a) **ASSISTANCE FOR CROP SUBSTITUTION ACTIVITIES.**—During fiscal year 1990, the provisions described in subsection (b) do not apply with respect to assistance for crop substitution activities undertaken in furtherance of narcotics control objectives.

(b) **BUMPERS AMENDMENT.**—The provisions made inapplicable by subsection (a) are any provisions of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that prohibit the use of funds made available to carry out part I of the Foreign Assistance Act of 1961 for activities in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States.

Agriculture and
agricultural
commodities.

SEC. 15. PARTICIPATION IN FOREIGN POLICE ACTIONS.

Section 481(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(c)) is amended to read as follows:

Government
organization
and employees.

“(c) **PARTICIPATION IN FOREIGN POLICE ACTIONS.**—

“(1) **PROHIBITION ON EFFECTING AN ARREST.**—No officer or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action with respect to narcotics control efforts, notwithstanding any other provision of law.

“(2) **PARTICIPATION IN ARREST ACTIONS.**—Paragraph (1) does not prohibit an officer or employee of the United States, with the approval of the United States chief of mission, from being

present when foreign officers are effecting an arrest or from assisting foreign officers who are effecting an arrest.

“(3) EXCEPTION FOR EXIGENT, THREATENING CIRCUMSTANCES.—Paragraph (1) does not prohibit an officer or employee from taking direct action to protect life or safety if exigent circumstances arise which are unanticipated and which pose an immediate threat to United States officers or employees, officers or employees of a foreign government, or members of the public.

“(4) EXCEPTION FOR MARITIME LAW ENFORCEMENT.—With the agreement of a foreign country, paragraph (1) does not apply with respect to maritime law enforcement operations in the territorial sea of that country.

“(5) INTERROGATIONS.—No officer or employee of the United States may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person.

“(6) EXCEPTION FOR STATUS OF FORCES ARRANGEMENTS.—This subsection does not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.”.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

22 USC 2291a.

Section 482(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292(a)(1)) is amended by striking out “\$101,000,000 for fiscal year 1989” and inserting in lieu thereof “\$115,000,000 for fiscal year 1990”.

SEC. 17. REVISIONS OF CERTAIN NARCOTICS-RELATED PROVISIONS OF THE FOREIGN ASSISTANCE ACT.

(a) PLANS BY SIGNATORIES TO 1961 SINGLE CONVENTION.—Section 481(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(a)(1)) is amended by striking out the last sentence.

(b) QUARTERLY AND MID-YEAR REPORTS.—Section 481(b) of that Act (22 U.S.C. 2291(b)) is amended by striking out “(1)” and all that follows through “August” in paragraph (2) and inserting in lieu thereof “MID-YEAR REPORT.—Not later than September”.

Environmental protection.

(c) USE OF HERBICIDES FOR AERIAL ERADICATION.—Section 481(d) of that Act (22 U.S.C. 2291(d)) is amended to read as follows:

President of U.S.

“(d) USE OF HERBICIDES FOR AERIAL ERADICATION.—

“(1) MONITORING.—The President, with the assistance of appropriate Federal agencies, shall monitor any use under this chapter of a herbicide for aerial eradication in order to determine the impact of such use on the environment and on the health of individuals.

“(2) NOTICE TO HHS AND EPA.—The Secretary of State shall inform the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency of the use or intended use by any country or international organization of any herbicide for aerial eradication in a program receiving assistance under this chapter.

President of U.S.

“(3) ANNUAL REPORTS.—In the annual report required by subsection (e), the President shall report on the impact on the environment and the health of individuals of the use under this chapter of a herbicide for aerial eradication.

"(4) REPORT UPON DETERMINATION OF HARM TO ENVIRONMENT OR HEALTH.—If the President determines that any such use is harmful to the environment or the health of individuals, the President shall immediately report that determination to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, together with such recommendations as the President deems appropriate."

President of U.S.

(d) DEFINITION OF COOPERATION.—Section 481(h) of that Act (22 U.S.C. 2291(h)) is amended—

(1) in paragraph (2)(A)(i)(IV), by inserting "illicit" before "production";

(2) in paragraph (2)(B)(iii), by striking out "treatment" and inserting in lieu thereof "education and treatment programs";

(3) in paragraph (2)(B)(v), by inserting "essential" before "precursor"; and

(4) in paragraph (3)(D), by inserting "illicit" before "production".

(e) DEFINITION OF MAJOR ILLICIT DRUG PRODUCING COUNTRY.—Section 481(i)(2) of that Act (22 U.S.C. 2291(i)(2)) is amended to read as follows:

"(2) the term 'major illicit drug producing country' means a country that illicitly produces during a fiscal year 5 metric tons or more of opium or opium derivative, 500 metric tons or more of coca, or 500 metric tons or more of marijuana;"

(f) DETERMINING MAJOR ILLICIT DRUG PRODUCING AND DRUG-TRANSIT COUNTRIES.—Section 481(k) of that Act (22 U.S.C. 2291(k)) is amended by striking out paragraph (4).

(g) CONTRIBUTION BY RECIPIENT COUNTRY.—Section 482(d) of that Act (22 U.S.C. 2292(d)) is amended to read as follows:

22 USC 2291a.

"(d) CONTRIBUTION BY RECIPIENT COUNTRY.—To ensure local commitment to the activities assisted under this chapter, a country receiving assistance under this chapter should bear an appropriate share of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. A country may bear such costs on an 'in kind' basis."

(h) CONFORMING AMENDMENTS TO NARCOTICS CONTROL TRADE ACT.—The Narcotics Control Trade Act (19 U.S.C. 2492 and following) is amended—

(1) in section 802(b)(1)(A)(i)(IV), by inserting "illicit" before "production";

(2) in section 802(b)(1)(B)(iii), by striking out "treatment" and inserting in lieu thereof "education and treatment programs";

(3) in section 802(b)(1)(B)(v), by inserting "essential" before "precursor";

(4) in section 802(b)(2)(D), by inserting "illicit" before "production";

19 USC 2492.

and

(5) in section 805, by amending paragraph (2) to read as follows:

19 USC 2495.

"(2) the term 'major drug producing country' means a country that illicitly produces during a fiscal year 5 metric tons or more

of opium or opium derivative, 500 metric tons or more of coca, or 500 metric tons or more of marijuana; and”.

Approved December 13, 1989.

LEGISLATIVE HISTORY—H.R. 3611 (S. 1735):

HOUSE REPORTS: No. 101-342, Pt. 1 (Comm. on Foreign Affairs) and No. 101-383 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 135 (1989):

Oct. 5, S. 1735 considered and passed Senate.

Nov. 13, H.R. 3611 considered and passed House.

Nov. 15, considered and passed Senate, amended, in lieu of S. 1735.

Nov. 21, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):

Dec. 13, Presidential statement.