

Union Calendar No. 401

103D CONGRESS
2D SESSION

H. R. 5030

[Report No. 103-724]

A BILL

To amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

SEPTEMBER 19, 1994

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 1994

Mr. HAMILTON introduced the following bill; which was referred to the Committee on Foreign Affairs

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A BILL

To amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, 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.**

4 This Act may be cited as the “International Narcotics
5 Control Corrections Act of 1994”.

1 **SEC. 2. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT**
2 **OF 1961.**

3 (a) USE OF HERBICIDES FOR AERIAL ERADI-
4 CATION.—Section 481(d) of the Foreign Assistance Act
5 of 1961 (22 U.S.C. 2291(d)) is amended—

6 (1) by striking paragraph (2); and

7 (2) by redesignating paragraphs (3) and (4) as
8 paragraphs (2) and (3), respectively.

9 (b) DEFINITIONS.—Section 481(e) of that Act (22
10 U.S.C. 2291(e)) is amended—

11 (1) in the matter preceding paragraph (1), by
12 striking “Except as provided in sections 490(h) and
13 (i) with respect to the definition of major illicit drug
14 producing country and major drug-transit country,
15 for” and inserting “For”;

16 (2) by amending paragraph (2) to read as fol-
17 lows:

18 “(2) the term ‘major illicit drug producing
19 country’ means a country in which —

20 “(A) 1,000 hectares or more of illicit
21 opium poppy is cultivated or harvested during
22 a year;

23 “(B) 1,000 hectares or more of illicit coca
24 is cultivated or harvested during a year; or

25 “(C) 5,000 hectares or more of illicit can-
26 nabis is cultivated or harvested during a year,

1 unless the President determines that such illicit
2 cannabis production does not significantly affect
3 the United States;”;

4 (3) by striking “; and” at the end of paragraph
5 (5);

6 (4) by redesignating paragraph (6) as para-
7 graph (8); and

8 (5) by inserting after paragraph (5) the follow-
9 ing new paragraphs:

10 “(6) the term ‘precursor chemical’ has the same
11 meaning as the term ‘listed chemical’ has under
12 paragraph (33) of section 102 of the Controlled Sub-
13 stances Act (21 U.S.C. 802(33));

14 “(7) the term ‘major money laundering country’
15 means a country whose financial institutions engage
16 in currency transactions involving significant
17 amounts of proceeds from international narcotics
18 trafficking; and”.

19 (c) ADVANCE NOTIFICATION OF TRANSFER OF
20 SEIZED ASSETS.—Section 482 of that Act (22 U.S.C.
21 2291a) is amended by adding at the end the following new
22 subsection:

23 “(e) ADVANCE NOTIFICATION OF TRANSFER OF
24 SEIZED ASSETS.—The President shall notify the appro-
25 priate congressional committees at least 10 days prior to

1 any transfer by the United States Government to a foreign
2 country for narcotics control purposes of any property or
3 funds seized by or otherwise forfeited to the United States
4 Government in connection with narcotics-related activ-
5 ity.”.

6 (d) REALLOCATION OF FUNDS WITHHELD FROM
7 COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO
8 HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.—
9 Section 486 of that Act (22 U.S.C. 2291e) is amended—

10 (1) by striking “(a) ADDITIONAL ASSISTANCE
11 FOR COUNTRIES TAKING SIGNIFICANT STEPS.—”;

12 (2) by striking “security assistance” in the
13 matter preceding paragraph (1) of subsection (a)
14 and inserting “assistance under this Act”;

15 (3) in paragraph (2) of subsection (a)—

16 (A) in the heading, by striking “SECU-
17 RITY” and inserting “OTHER”; and

18 (B) by striking “security”; and

19 (4) by striking subsection (b).

20 (e) PROHIBITION ON ASSISTANCE TO DRUG TRAF-
21 FICKERS.—Section 487(a)(1) of that Act (22 U.S.C.
22 2291f(a)(1)) is amended by inserting “to” after “relat-
23 ing”.

24 (f) REPORTING REQUIREMENTS.—

1 (1) IN GENERAL.—Section 489 of that Act (22
2 U.S.C. 2291h) is amended—

3 (A) in the section heading, by striking
4 “**FOR FISCAL YEARS 1993 AND 1994**” and in-
5 serting “**FOR FISCAL YEAR 1995**”;

6 (B) in subsection (a)—

7 (i) in the matter preceding paragraph
8 (1), by striking “April 1” and inserting
9 “March 1”; and

10 (ii) in paragraph (3)—

11 (I) by striking subparagraph (B);

12 and

13 (II) by redesignating subpara-
14 graphs (C) and (D) as subparagraphs
15 (B) and (C), respectively;

16 (C) by striking subsection (c);

17 (D) by redesignating subsection “(d)” as
18 subsection “(c)”; and

19 (E) by amending subsection (c) (as red-
20 esignated) to read as follows:

21 “(c) EFFECTIVE DATE OF SECTIONS.—This section
22 applies only during fiscal year 1995. Section 489A does
23 not apply during that fiscal year.”.

24 (2) CONFORMING AMENDMENT.—Section 489A
25 of that Act (22 U.S.C. 2291i) is amended in the sec-

1 tion heading by striking “**1994**” and inserting
2 “**1995**”.

3 (g) ANNUAL CERTIFICATION PROCEDURES.—

4 (1) IN GENERAL.—Section 490 of that Act (22
5 U.S.C. 2291j) is amended—

6 (A) in the section heading, by striking
7 “**FOR FISCAL YEARS 1993 AND 1994**” and in-
8 serting “**FOR FISCAL YEAR 1995**”;

9 (B) in subsection (a)(1), by striking “(as
10 determined under subsection (h))”;

11 (C) in subsection (a)(2), by striking “April
12 1” and inserting “March 1”;

13 (D) in subsection (c), by striking “that
14 such country has taken adequate steps” and all
15 that follows and inserting “that such country
16 maintains licit production and stockpiles at lev-
17 els no higher than those consistent with licit
18 market demand, and has taken adequate steps
19 to prevent significant diversion of its licit cul-
20 tivation and production into the illicit markets
21 and to prevent illicit cultivation and produc-
22 tion.”;

23 (E) in subsection (d), by striking “45” and
24 inserting “30”;

25 (F) in subsection (g)—

1 (i) by striking “CONGRESSIONAL” and
2 all that follows through “(1) SENATE.—”
3 and inserting “SENATE PROCEDURES.—”;
4 and

5 (ii) by striking paragraph (2);
6 (G) in subsection (h)—

7 (i) in the heading, by striking “FOR
8 FISCAL YEARS 1993 AND 1994”; and

9 (ii) by striking “January 1” and in-
10 sserting “November 1”; and

11 (H) by amending subsection (i) to read as
12 follows:

13 “(i) EFFECTIVE DATE OF SECTIONS.—This section
14 applies only during fiscal year 1995. Section 490A does
15 not apply during that fiscal year.”.

16 (2) CONFORMING AMENDMENT.—Section 490A
17 of that Act (22 U.S.C. 2291k) is amended—

18 (A) in the section heading, by striking
19 “1994” and inserting “1995”; and

20 (B) in the heading of subsection (g), by
21 striking “1994” and inserting “1995”.

22 **SEC. 3. CONFORMING AMENDMENTS TO OTHER LAWS.**

23 (a) EXPORT-IMPORT BANK ACT.—Section
24 2(b)(6)(C)(ii) of the Export-Import Bank Act of 1945
25 (22 U.S.C. 635(b)(6)(C)(ii)) is amended by striking “de-

1 terminated under section 490(h) or 481(e), as appropriate,”
2 and inserting “defined in section 481(e)”.

3 (b) TITLE 18, U.S.C.—Section 981(i)(1)(C) of title
4 18, United States Code, is amended by striking “para-
5 graph (1)(A) of section 481(h)” and inserting “section
6 490(a)(1)”.

7 (c) TARIFF ACT OF 1930.—Section 616(c)(2)(C) of
8 the Tariff Act of 1930 (19 U.S.C. 1616a(c)(2)(C)) is
9 amended by striking “481(h)” and inserting “490(b)”.

10 (d) CONTROLLED SUBSTANCES ACT.—Section
11 511(e)(1)(E) of the Controlled Substances Act (21 U.S.C.
12 881(e)(1)(E)) is amended by striking “481(h)” and in-
13 serting “490(b)”.

14 **SEC. 4. REPEAL OF OBSOLETE PROVISIONS.**

15 (a) 1992 INTERNATIONAL NARCOTICS CONTROL
16 ACT.—The International Narcotics Control Act of 1992
17 (Public Law 102–583) is repealed.

18 (b) 1988 INTERNATIONAL NARCOTICS CONTROL
19 ACT.—The International Narcotics Control Act of 1988
20 (which is title IV of the Anti-Drug Abuse Act of 1988;
21 Public Law 100–690) is repealed.

22 (c) 1986 INTERNATIONAL NARCOTICS CONTROL
23 ACT.—The International Narcotics Control Act of 1986
24 (which is title II of the Anti-Drug Abuse Act of 1986;

1 Public Law 99–570) is repealed except for the title head-
2 ing and section 2018.

3 **SEC. 5. EXEMPTION OF NARCOTICS-RELATED MILITARY AS-**
4 **SISTANCE FOR FISCAL YEAR 1995 FROM PRO-**
5 **HIBITION ON ASSISTANCE FOR LAW EN-**
6 **FORCEMENT AGENCIES.**

7 (a) EXEMPTION.—For fiscal year 1995, section 660
8 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420)
9 shall not apply with respect to—

10 (1) transfers of excess defense articles under
11 section 517 of that Act (22 U.S.C. 2321k);

12 (2) funds made available for the “Foreign Mili-
13 tary Financing Program” under section 23 of the
14 Arms Export Control Act (22 U.S.C. 2763) that are
15 used for assistance provided for narcotics-related
16 purposes; or

17 (3) international military education and train-
18 ing under chapter 5 of part II of the Foreign Assist-
19 ance Act of 1961 (22 U.S.C. 2347 and following)
20 that is provided for narcotics-related purposes.

21 (b) NOTIFICATION TO CONGRESS.—At least 15 days
22 before any transfer under subsection (a)(1) or any obliga-
23 tion of funds under subsection (a)(2) or (a)(3), the Presi-
24 dent shall notify the appropriate congressional committees
25 (as defined in section 481(e) of the Foreign Assistance

1 Act of 1961 (22 U.S.C. 2291(e)) in accordance with the
2 procedures applicable to reprogramming notifications
3 under section 634A of that Act (22 U.S.C. 2394).

4 (c) COORDINATION WITH INTERNATIONAL NARCOTICS
5 CONTROL ASSISTANCE PROGRAM.—Assistance pro-
6 vided pursuant to this section shall be coordinated with
7 international narcotics control assistance under chapter 8
8 of part 1 of the Foreign Assistance Act of 1961 (22
9 U.S.C. 2291 et seq.).

10 **SEC. 6. WAIVER OF RESTRICTIONS FOR NARCOTICS-RELAT-**
11 **ED ECONOMIC ASSISTANCE.**

12 For fiscal year 1995, narcotics-related assistance
13 under part I of the Foreign Assistance Act of 1961 may
14 be provided notwithstanding any other provision of law
15 that restricts assistance to foreign countries (other than
16 section 490(e) of that Act (22 U.S.C. 2291j(e)) if, at least
17 15 days before obligating funds for such assistance, the
18 President notifies the appropriate congressional commit-
19 tees (as defined in section 481(e) of that Act (22 U.S.C.
20 2291(e)) in accordance with the procedures applicable to
21 reprogramming notifications under section 634A of that
22 Act (22 U.S.C. 2394).

23 **SEC. 7. AUTHORITY FOR ANTICRIME ASSISTANCE.**

24 (a) POLICY.—International criminal activities, in-
25 cluding international narcotics trafficking, money launder-

1 ing, smuggling, and corruption, endanger political and
2 economic stability and democratic development, and as-
3 sistance for the prevention and suppression of inter-
4 national criminal activities should be a priority for the
5 United States.

6 (b) AUTHORITY.—

7 (1) IN GENERAL.—For fiscal year 1995, the
8 President is authorized to furnish assistance to any
9 country or international organization, on such terms
10 and conditions as he may determine, for the preven-
11 tion and suppression of international criminal activi-
12 ties.

13 (2) WAIVER OF PROHIBITION OF POLICE TRAIN-
14 ING.—Section 660 of the Foreign Assistance Act of
15 1961 (22 U.S.C. 2420) shall not apply with respect
16 to assistance furnished under paragraph (1).

17 **SEC. 8. ASSISTANCE TO DRUG TRAFFICKERS.**

18 The President shall take all reasonable steps provided
19 by law to ensure that the immediate relatives of any indi-
20 vidual described in section 487(a) of the Foreign Assist-
21 ance Act of 1961 (22 U.S.C. 2291f(a)), and the business
22 partners of any such individual or of any entity described
23 in such section, are not permitted entry into the United
24 States, consistent with the provisions of the Immigration
25 and Nationality Act (8 U.S.C. 1101 et seq.).