

103^D CONGRESS
2^D SESSION

H. R. 5030

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 1994

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

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”.

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

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

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

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

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

6 (1) in the matter preceding paragraph (1), by
7 striking “Except as provided in sections 490(h) and
8 (i) with respect to the definition of major illicit drug
9 producing country and major drug-transit country,
10 for” and inserting “For”;

11 (2) by amending paragraph (2) to read as fol-
12 lows:

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

15 “(A) 1,000 hectares or more of illicit
16 opium poppy is cultivated or harvested during
17 a year;

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

20 “(C) 5,000 hectares or more of illicit can-
21 nabis is cultivated or harvested during a year,
22 unless the President determines that such illicit
23 cannabis production does not significantly affect
24 the United States;”;

1 (3) by striking “; and” at the end of paragraph
2 (5);

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

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

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

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

16 (c) ADVANCE NOTIFICATION OF TRANSFER OF
17 SEIZED ASSETS.—Section 482 of that Act (22 U.S.C.
18 2291a) is amended by adding at the end the following new
19 subsection:

20 “(e) ADVANCE NOTIFICATION OF TRANSFER OF
21 SEIZED ASSETS.—The President shall notify the appro-
22 priate congressional committees at least 10 days prior to
23 any transfer by the United States Government to a foreign
24 country for narcotics control purposes of any property or
25 funds seized by or otherwise forfeited to the United States

1 Government in connection with narcotics-related activ-
2 ity.”.

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

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

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

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

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

15 (B) by striking “security”; and

16 (4) by striking subsection (b).

17 (e) PROHIBITION ON ASSISTANCE TO DRUG TRAF-
18 FICKERS.—Section 487(a)(1) of that Act (22 U.S.C.
19 2291f(a)(1)) is amended by inserting “to” after “relat-
20 ing”.

21 (f) REPORTING REQUIREMENTS.—

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

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

4 (B) in subsection (a)—

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

8 (ii) in paragraph (3)—

9 (I) by striking subparagraph (B);

10 and

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

14 (C) by striking subsection (c);

15 (D) by redesignating subsection “(d)” as
16 subsection “(c)”; and

17 (E) by amending subsection (c) (as red-
18 igned) to read as follows:

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

22 (2) CONFORMING AMENDMENT.—Section 489A
23 of that Act (22 U.S.C. 2291i) is amended in the sec-
24 tion heading by striking “**1994**” and inserting
25 “**1995**”.

1 (g) ANNUAL CERTIFICATION PROCEDURES.—

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

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

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

9 (C) in subsection (a)(2), by striking “April
10 1” and inserting “March 1”;

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

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

23 (F) in subsection (g)—

24 (i) by striking “CONGRESSIONAL” and
25 all that follows through “(1) SENATE.—”

1 and inserting “SENATE PROCEDURES.—”;

2 and

3 (ii) by striking paragraph (2);

4 (G) in subsection (h)—

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

7 (ii) by striking “January 1” and in-
8 serting “November 1”; and

9 (H) by amending subsection (i) to read as
10 follows:

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

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

16 (A) in the section heading, by striking
17 “1994” and inserting “1995”; and

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

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

21 (a) EXPORT-IMPORT BANK ACT.—Section
22 2(b)(6)(C)(ii) of the Export-Import Bank Act of 1945
23 (22 U.S.C. 635(b)(6)(C)(ii)) is amended by striking “de-
24 termined under section 490(h) or 481(e), as appropriate,”
25 and inserting “defined in section 481(e)”.

1 (b) TITLE 18, U.S.C.—Section 981(i)(1)(C) of title
2 18, United States Code, is amended by striking “para-
3 graph (1)(A) of section 481(h)” and inserting “section
4 490(a)(1)”.

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

8 (d) CONTROLLED SUBSTANCES ACT.—Section
9 511(e)(1)(E) of the Controlled Substances Act (21 U.S.C.
10 881(e)(1)(E)) is amended by striking “481(h)” and in-
11 serting “490(b)”.

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

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

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

20 (c) 1986 INTERNATIONAL NARCOTICS CONTROL
21 ACT.—The International Narcotics Control Act of 1986
22 (which is title II of the Anti-Drug Abuse Act of 1986;
23 Public Law 99–570) is repealed except for the title head-
24 ing and section 2018.

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

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

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

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

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

19 (b) NOTIFICATION TO CONGRESS.—At least 15 days
20 before any transfer under subsection (a)(1) or any obliga-
21 tion of funds under subsection (a)(2) or (a)(3), the Presi-
22 dent shall notify the appropriate congressional committees
23 (as defined in section 481(e) of the Foreign Assistance
24 Act of 1961 (22 U.S.C. 2291(e)) in accordance with the
25 procedures applicable to reprogramming notifications
26 under section 634A of that Act (22 U.S.C. 2394).

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

7 **SEC. 6. WAIVER OF RESTRICTIONS FOR NARCOTICS-RELAT-**
8 **ED ECONOMIC ASSISTANCE.**

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

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

21 (a) POLICY.—International criminal activities, in-
22 cluding international narcotics trafficking, money launder-
23 ing, smuggling, and corruption, endanger political and
24 economic stability and democratic development, and as-
25 sistance for the prevention and suppression of inter-

1 national criminal activities should be a priority for the
2 United States.

3 (b) AUTHORITY.—

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

10 (2) WAIVER OF PROHIBITION OF POLICE TRAIN-
11 ING.—Section 660 of the Foreign Assistance Act of
12 1961 (22 U.S.C. 2420) shall not apply with respect
13 to assistance furnished under paragraph (1).

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

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

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