

**INTERNATIONAL DRUG CONTROL POLICY:  
COLOMBIA**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON NATIONAL SECURITY,  
INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE  
OF THE  
COMMITTEE ON GOVERNMENT  
REFORM AND OVERSIGHT  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

—————  
JULY 9, 1997  
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**Serial No. 105-72**

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Printed for the use of the Committee on Government Reform and Oversight



U.S. GOVERNMENT PRINTING OFFICE

45-991 CC

WASHINGTON : 1998

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## INTERNATIONAL DRUG CONTROL POLICY: COLOMBIA

WEDNESDAY, JULY 9, 1997

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL  
AFFAIRS, AND CRIMINAL JUSTICE,  
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 1:10 p.m., in room 2154, Rayburn House Office Building, Hon. J. Dennis Hastert (chairman of the subcommittee) presiding.

Present: Representatives Hastert, Mica, Shadegg, Barr, Barrett, Blagojevich, Cummings, and Turner.

Ex officio present: Representative Burton.

Also present: Representative Gilman.

Staff present: Robert Charles, staff director; Sean Littlefield, professional staff member; Ianthe Saylor, clerk; Michael Yeager, minority counsel; and Ellen Rayner, minority chief clerk.

Mr. HASTERT. The Subcommittee on National Security, International Affairs, and Criminal Justice will now come to order. Over the Memorial Day work period I was joined by Mr. Souder, Mr. Blagojevich, Mr. Barr, and Mr. Sanford on a counternarcotics fact-finding mission to the Andean drug-producing region of Colombia, Bolivia, and Peru.

We spent 10 days in the jungles where cocaine is produced and on the rivers where it's transported. We experienced first-hand the ongoing efforts of the United States and the host nations to combat narcotrafficking. We witnessed what has become of the current levels of U.S. support and what could be done with additional support.

Clearly it's paramount if we intend to be serious about the war on drugs that we make every possible effort to stop these poisons before they cross our border. Today's hearing on Colombia will explore a number of issues related to the United States support for Colombian counternarcotics efforts.

In February, this subcommittee conducted a hearing focusing on the United States counternarcotics assistance to Colombia and the extraordinary efforts of Colombians, especially the antinarcotics units of the Colombian national police, led by Colonel Gallego, to halt cocaine and heroin at their main source.

Before us sat General Jose Serrano, director of the Colombian national police, and General Harold Bedoya, commander of the Colombian military chiefs. At that time and today, these men are engaged in the life and death struggle to win a war against the narcotraffickers.

The truth is, they need our help. We've had the modest equipment and resources they need to turn the drug war around. In my view the lack of adequate support by our administration is inexcusable. The drug war can be won. And it is our moral obligation to give the Colombians the basic means to achieve that end, not just to save their nation, but to save our children as well.

The facts are incontrovertible. And the obstruction of United States antidrug aid to Colombia by our own State Department is in my view almost unforgivable. It's arguably costing thousands of lives in both Colombia and the United States. The Colombian national police vitally need the antidrug aid the United States Congress made available and which the United States State Department has apparently held back.

The Colombian national police are locked in a genuine war against the narcotraffickers and the guerrillas who support them. Evidence of the danger the police and military face was clear this past week with the guerrillas shooting down a Russian-made MI-17 helicopter, killing the 29 Colombian military on board.

There should be no mistake: the guerrillas of Colombia long ago abandoned ideology. They work hand in hand with the international drug traffickers, providing security, cultivating crops, and manning the cocaine labs. These narcoguerrillas engage in some of the most ruthless and reckless behavior in our hemisphere. They kidnap and kill innocents, including American citizens, six of whom are currently being held hostage as we speak. They kill with indifference, and they sustain their carnage with drug money provided by American consumers and we think to the tune of almost \$6 million a month.

Our February panel also included Ambassador Robert Gelbard, former Assistant Secretary for International Narcotics and Law Enforcement Affairs. Ambassador Gelbard pledged that if Colombia were decertified for the second year in a row serious consideration would be given to granting them either a national interest waiver or a 614 Presidential waiver. Moreover, an additional promise was made to Congress that the waiver would swiftly be issued if Colombia were decertified.

Either of these waivers would free up much-needed assistance to Colombian counternarcotics efforts. However, despite the administration's decision to decertify Colombia for a second year, the national interest waiver was denied and the 614 waiver has yet to be finalized. Last Monday, however, the Department of State formerly announced to the Senate and the House authorizers and appropriators that the 614 process is being undertaken.

I applaud this action. But I remain disappointed that it has been over 4 months since the decertification decision has been made before final consultation processes commenced.

Over this past weekend both the Colombian military and Colombian national police experienced heavy casualties. More than 30 Colombian soldiers and at least 5 Colombian national police officers were murdered by the guerrillas, with more than 100 wounded during these missions. Additionally, a helicopter was shot down in that battle.

The administration has been promising to release rapid fire miniguns to protect Colombian national police helicopters during

the missions like this for more than 3 years. Tragically, as with the 614 waiver, this subcommittee has been told many different conflicting stories by the administration as to the availability and location of the miniguns.

These excuses beg the question: How many poor people have to die before somebody owns up to its commitments to the Congress and to the brave soldiers trying to stop drugs in Colombia and, incidentally, stopping drugs from going into this country?

Today we're going to ask the administration why the 614 waiver, although apparently now underway, has taken so long to be granted. From Ambassador Myles Frechette to the State Department to the White House to the National Security Council, this subcommittee has received a dizzying array of conflicting excuses and stories as to why the 614 waiver still remains unsigned.

That is why we have assembled the panel before us. The life-saving assistance that we can and should provide to the Colombian national police will almost certainly result in substantially less cocaine and heroin heading toward the streets and schools of American cities and towns.

It will provide much-needed protection for the CNP officers—the Colombian national police. Today, the Colombian national police is operating on a shoestring budget that affords them with less than 2 weeks' ammunition and insufficient tools and spare parts for helicopters' repair and maintenance. These brave men and women are staring down death every day.

Today, we will ask ask Ambassador Frechette why the DEA agents that Congress appropriated in fiscal year 1997 still have not been placed in Colombia. Last year Congress specifically earmarked 15 DEA personnel for Colombia, of which 11 are to be special agents.

And since January 1997, a request for 11 DEA special agents, 8 in Bogota and 3 in Barranquilla, and at least 4 support positions have been pending. Ambassador, we're going to ask whether those blessings are there and the state approval to start approval is apparent.

For this total Ambassador Frechette approved staffing increases for only four positions in Bogota. This was after our codel raised serious questions during our stop in Bogota. Four positions for Bogota country office and three positions for Barranquilla resident office are pending approval despite the well-established need.

It appears that, Ambassador, you may have intentionally circumvented the intent of Congress with this and other issues. And this subcommittee demands an explanation of these actions.

We will also ask the Department of State why the General Accounting Office, in conducting this review of counternarcotics assistance to Colombia, has encountered numerous obstacles and impediments which have negatively impacted the GAO's ability to provide Congress with timely and accurate examination of drug control efforts in Colombia. GAO officials have informed this subcommittee that the Department has created a bureaucratic document screening that has delayed the release of documents requested as far back as April.

Moreover, the Department continues to withhold documents requested from the United States Embassy in Colombia. The GAO is

the investigative arm of the Congress, and as such enjoys certain privileges with regards to obtaining information from any agency in a timely manner.

Ambassador, I may remind you that you said that we should have privy to any of those documents that you had numbered and provided to us.

And finally, we've asked the Department of Defense to come before us today to discuss their proposal as part of the defense authorization process to provide Colombia with the riverine assets. These assets will counter the narcotrafficking shift from air transport to riverine transport by applying additional pressure to these routes. The air bridge, once unstoppable, has been shut down. And because of this, the rivers are new routes for narcotrafficking.

The overwhelming majority of cocaine and heroin that leaves the shores of Colombia by air and by sea is headed straight for the cities and towns of our Nation. And the largest population for the growing and diversifying drug cartels is mainly our youth. As I have said before and will say again, the internationally driven drug onslaught is the most insidious national security threat we face as a Nation. This is why it's so vital that we provide ample counter-narcotics support of those people who are willing to help us. And namely in this situation it's the Colombian national police and the Colombian military.

These heroic and largely unknown men fight a death to death struggle every day, not only for Colombia's survival but for ours and our children's as well.

And before I turn to Mr. Barrett for his opening statement, I would like to recognize the recent efforts in the Colombian Congress to pass a constitutional amendment which would be the first step toward implementing extradition between Colombia and the United States. We applaud these attempts, Colombia's efforts to date. And we know that this important extradition provision will pass the Colombian Congress in this coming session.

This remains one of the most important issues between our two countries. And I'm hopeful that the Colombian congress, with the support and courage of the business community, especially the Colombian flower growers and others, can get this done this year.

I would now like to recognize my colleague and good friend and ranking member, Tom Barrett, for his opening statement.

[The prepared statement of Hon. J. Dennis Hastert follows:]



**614 Waiver**

Section 614 of the Foreign Assistance Act (FAA) allows the President to authorize assistance under the FAA without regard to any limitation imposed by the FAA, the Arms Export Control Act, any revenue bill, or any authorization or appropriations act funding the provision of the FAA if the President determines that doing so is important to the security interests of the United States. The President must notify Congress of any such determination. There are numerous restrictions on this authority detailed fully in the FAA.

Section 614 applies to the restrictions imposed by the Certification Process in Section 490. According to CRS, the President has used this authority 16 times during this administration. He has never used Section 614 authority to provide counternarcotics assistance. Members of Congress have requested that he do so, particularly in regard to Colombia.

**DEA Agents**

Congress appropriated approximately \$60 million in FY 1997 for 75 more DEA agents overseas, and the additional support personnel to assist them in their duties. Congress specifically ear-marked 15 DEA personnel for Colombia of which 11 were to be Special Agents. Since January, 1997, a request for 11 DEA agents (eight in Bogota and three in Barranquilla) and at least 4 support positions has been pending State Department approval. Of this total, Ambassador Frechette approved staffing increases for four positions in Bogota in June 1997. Four positions for the Bogota Country Office and three positions for the Barranquilla Resident Office are pending approval despite the well established need.

**Document Production**

In response to member visits to Colombia and hearings on international drug control policy, Congressmen Hastert and Gilman and Senator Grassley requested that the GAO review drug control efforts in Colombia. This request was made in March 1997.

In conducting its review at the Department of State and the U.S. Embassy in Bogota, GAO has encountered numerous obstacles and impediments which have impacted on GAO's ability to provide Congress with timely and accurate examination of vital drug control efforts in Colombia. GAO officials have informed us that the Department has created a bureaucratic document screening and has delayed the release of documents requested as far back as April.

Moreover, the Department continues to withhold all of the documents requested from the U.S. Embassy in Colombia.

**Department of Defense authority**

To address the shifts in narco-trafficking in Colombia and Peru, the Department of Defense, as part of the defense authorization process, has proposed language that will counter the shift from air transport to riverine transport by applying additional pressure to these routes.

The proposal would expand the authority under section 1031, National Defense Authorization Act for Fiscal Year 1997 from Mexico to include Colombia, Peru and certain Caribbean countries. It expands the nature of support to include types of equipment and supplies that will enable these countries to successfully engage drug traffickers. It also expands the authority for a term of five years to the fiscal year 2002.

Under the expanded authority, DoD expects that the transfer of small riverine craft would significantly enhance the interdiction results in Colombia and Peru. In order to provide equipment commensurate with the threat, lethal armament to protect the authorities from drug traffickers and insurgents who occupy these remote areas was originally requested, however, this provision was not approved by the Senate Armed Services Committee.

DoD contends that without these U.S. provided resources, it will be years before the individual countries can afford to obtain the requisite equipment.

Mr. BARRETT. Thank you, Mr. Chairman. I'd like to join you in welcoming our distinguished panel of witnesses today.

The significance of Colombia as the international center of cocaine production and smuggling cannot be overstated. Three-quarters of the world's cocaine is produced both from locally grown coca and cocaine base imported from Peru and Bolivia. The lion's share of cocaine that reaches our shores and destroys our communities comes from Colombia. We all have a deep and abiding interest in the success of our drug policy there.

We're going to spend much time today discussing the efforts of the Colombia military and national police risking their lives to fight narcotics traffickers and the guerilla groups that give them support. It is very important that we do that, and important that we commend the efforts of those committed to fighting the traffickers. We have a great deal to lose if they give up that fight.

At the same time we must not lose sight of the consequences of our foreign assistance, both for the good and for the bad. Colombia is plagued by political and drug related violence. Much of that is committed by guerilla forces, but not only by guerrillas. Some members of the Colombian military are also responsible for grievous human rights abuses.

We have a responsibility to take a hard look, to insist on accountability, and to make certain our military aid doesn't add to the death toll. As the President considers the exercise of his authority to release additional military assistance, these considerations become all the more important.

Again, Mr. Chairman, I thank you for holding this hearing. And I look forward to hearing from our witnesses and discussing these issues today.

Mr. HASTERT. I thank the ranking member, Mr. Barrett. Now I turn to one of our senior members in this committee and also the chairman of the International Relations Committee, Mr. Ben Gilman from New York.

Mr. GILMAN. Thank you, Mr. Chairman. I want to commend you and Chairman Burton for arranging this very important meeting involving our battle against illicit drugs. In a recent poll by the Chicago Council on Foreign Relations, 85 percent of the American people expressed the view that the most important foreign policy goal of our Nation ought to be stopping the flow of illegal drugs into our Nation from abroad.

The American people in their infinite wisdom are far ahead of many in our State Department on one of the post-cold war challenges and threat to our Nation today—illicit drugs. In our local communities, our constituents witness firsthand the vast destructive impact from these illicit drugs from abroad. They expect their Federal Government to take the lead in stopping these destructive drugs from ever entering our Nation.

Overall, the annual societal cost for illicit drugs according to the Vice President's Office—and I think it's highly conservative—is a \$67 billion figure. I think it's much more. Heroin is a good example of the need for greater foreign policy focus on illicit drugs, especially in our own hemisphere.

DEA Administrator Tom Constantine recently told a Senate subcommittee, "Colombian trafficking organizations are now providing

free samples of South American heroin as part of their cocaine transactions in order to introduce users to their high potency and relatively inexpensive product.”

The Boston Globe reported in June 1997 in their magazine article on soaring New England heroin use, much of which is now low-priced heroin from Colombia. The Boston police superintendent in that same article said that eventually these Colombian drug dealers “are going to cut the purity and up the price. And that’s when the violence is going to really ignite.”

Supply from abroad is being used to create increased drug demand here at home. The administration has been unable to cope with the narcoguerrilla crisis in the low plains of southeast Colombia where cocaine is produced—80 percent of the world’s supply. It’s even less likely to be able to fight the soaring opium production in the higher elevations of the Andes intended for eventual heroin production.

In the United States, 60 percent of the heroin now seized originates in Colombia. We’re certainly at risk from that area. The ill-advised decertification of Colombia 2 years in a row without a national interest waiver has cut the lifeline for our allies in the professional antidrug police, the Danti.

These real drug fighters are sorely in need of ammunition, of explosives, helicopter spare parts, and chopper upgrades along with armaments. They need equipment and supplies essential to fight the better-armed and often better-financed narcoguerrillas who take in, by some U.S. Government estimates, some \$60 million per month from the illicit drug trade.

These security forces are our best, last hope before these deadly poisons hit our streets, infect our schools, and destroy our youth. The administration has let them down and the American people have been let down by this approach. Along with many of my colleagues, we have serious concerns surrounding the crisis situation in Colombia today, and especially the unconscionable 614 waiver delays.

Mr. Chairman, thank you for taking the time to raise the public’s consciousness with regard to these problems.

Mr. HASTERT. I thank Chairman Gilman. And we’re going to recess for about 15 minutes. We’ll be right back as soon as we get this vote off.

Mr. GILMAN. Mr. Chairman, I ask that my June 5 letter to Secretary Albright be included in the record on heroin production.

Mr. HASTERT. Without objection.

[The information referred to follows:]

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June 5, 1997

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The Honorable Madeline Albright  
Secretary of State  
Department of State  
Washington, D.C. 20520

Dear Madam Secretary:

Colombia is the major drug producing nation in the world today with regard to cocaine, and most recently, it has been responsible for 60% of the deadly heroin seized here at home.

Colombian heroin is ever purer, cheaper, and more deadly than we have seen in the past. It is also nearly impossible to disrupt outside the source nation, since it does not require the traditional precursor chemicals to produce, and is transported in small hard to interdict quantities of one kilo by one carrier at a time. "60 Minutes" recently exposed the serious difficulties in interdicting Colombian heroin once it is headed by these carriers for both here and Europe.

In light of these limiting factors, it is critical that our DEA have the maximum effective presence on the ground in Colombia to help our host nation anti-drug allies do the job of destroying and interdicting these deadly drugs long *before* they ever leave Colombia headed for our streets and schools.

Congress realized the critical need for greater DEA presence abroad in fighting drugs when we appropriated monies in FY 1997 for 75 more DEA agents overseas, and the additional support staff needed to back up their critical efforts against illicit drugs at the source.

Since January 1997, a request for 11 additional DEA agents and at least 4 support positions have been pending State Department approval, and to date the U.S. Embassy in Bogota has not seen fit to approve these much needed positions. We cannot be taken seriously in the battle against drugs abroad, if we are not willing to put adequate numbers of our own personnel with expertise on the ground in the major drug source nation in our own hemisphere, Colombia.

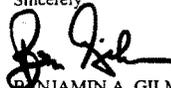
The Honorable Madeline Albright  
June 5, 1997  
Page 2

It is therefore critically important that the DEA, our lead federal drug enforcement agency, have adequate agents on the ground as requested in Colombia, and that the approval for these positions be promptly granted and started to be filled to better fight the coming heroin crisis.

I urge your prompt attention to this important request, and await an early response.

With best wishes,

Sincerely,



BENJAMIN A. GILMAN  
Chairman

BAG:jpm/akk

[Recess.]

Mr. HASTERT. At this time I'd like to introduce our witnesses. First of all, Myles Frechette is the current United States Ambassador to Colombia. Jeffrey Davidow is the Assistant Secretary of State for the State Department's Bureau of Inter-American Affairs. Jane Becker is the Acting Assistant Secretary for the State Department's Bureau of International Narcotics and Law Enforcement Affairs. Jim Thessin is the Deputy Legal Advisor for the Department of State Office of Legal Advisors. Robert Newberry is the Department of Defense Principal Director for Drug Enforcement Affairs. Mr. Donnie Marshall is the Chief of Operations at the Drug Enforcement Administration, and Henry Hinton is Assistant Comptroller General for the General Accounting Office.

I thank you all for being here today. In accordance with House rules, we will ask to swear you in. And I ask that you please stand and raise your right hand.

[Witnesses sworn.]

Mr. HASTERT. Let the record show that the witnesses answered in the affirmative and Ambassador Frechette, please proceed with your testimony.

Mr. DAVIDOW. Congressman Hastert, if it would be all right, I could go first and then proceed to Mr. Frechette and Ms. Becker. But it's up to you.

Mr. HASTERT. Fine.

Mr. DAVIDOW. OK. Fine. Thank you very much.

**STATEMENTS OF JEFFREY DAVIDOW, ASSISTANT SECRETARY OF STATE, BUREAU OF INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE; MYLES FRECHETTE, UNITED STATES AMBASSADOR TO COLOMBIA; JANE E. BECKER, ACTING ASSISTANT SECRETARY, BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS, DEPARTMENT OF STATE; JIM THESSIN, DEPUTY LEGAL ADVISOR, OFFICE OF LEGAL ADVISOR, DEPARTMENT OF STATE; ROBERT NEWBERRY, PRINCIPAL DIRECTOR, DRUG ENFORCEMENT AFFAIRS, DEPARTMENT OF DEFENSE; DONNIE MARSHALL, CHIEF OF OPERATIONS, DRUG ENFORCEMENT ADMINISTRATION; AND HENRY L. HINTON, JR., ASSISTANT COMPTROLLER GENERAL, GENERAL ACCOUNTING OFFICE**

Mr. DAVIDOW. I have a very brief statement which I will make even more brief because I can see that you want to get to the business at hand. I'm pleased to be here today with you and my colleagues from DOD, DEA, and the State Department, all of whom are prepared to answer your questions and testify in a way that I hope will relieve you of the misimpression which you stated that the Department of State or other government agencies are engaged in some form of purposeful obstruction in promoting cooperation with Colombia on narcotics.

Counternarcotics cooperation with Colombia is a complex issue, providing policymakers and implementers with difficult choices. As you know, the administration has, for the past 2 years, determined that the Government of Colombia has not cooperated sufficiently with the United States to warrant certification as defined by section 490 of the Foreign Assistance Act of 1961.

My colleagues and I are prepared to discuss the reasons for those determinations, but today I prefer to focus on how, within the context of decertification, we can continue to work cooperatively with elements of the Colombian Government, security services, and civil society to fight the narcotics traffickers.

There can be no doubt as to the seriousness of the problem, which you have eloquently stated. There is a tidal wave of illegal narcotics flowing into the United States by land, air, and sea, inflicting damage on the health and productivity of our citizens, beleaguering our law enforcement and judicial systems.

President Clinton and this administration are dedicated to confronting the narcotics traffickers abroad and at home. There can be no doubt about the valor and dedication of Colombian law enforcement officials cooperating with the United States in the battle to stem the flow of drugs from their country by eradicating illegal crops, destroying laboratories where drugs are produced, smashing the cartels which control the flow of drugs to consumer countries, disrupting financial transactions which launder illegal drug profits, and bringing to justice and imprisoning those engaged in this insidious trade.

It is also important to recognize, as you have, Mr. Chairman, the efforts of many other Colombians, common citizens, organizations such as the flower growers. In fact, I think that the majority of Colombia's citizens recognize the seriousness of the problem, are embarrassed and ashamed by their country's involvement in it, and who wish to see Colombia cleansed of the scourge of illegal narcotics.

The United States and all those who fight the drug trade are not without allies inside Colombia. You met many of them when you visited. Not just Colombian law enforcement agencies such as the Colombian national police, but also other public officials and private citizens who, with great courage and dedication, have joined the battle against narcotics. These are people who, in many cases, live under the constant threat of reprisal.

The Colombian Government has in fact made progress during the last year. It is important to acknowledge its achievements. But more needs to be accomplished. The United States has called on the Colombian Government to enforce the laws it has passed, and to take further steps on controlling prisoners, eradicating illicit crops and extraditing kingpins. Specifically, we would like to see the extradition of Colombian nationals now prohibited or said to be prohibited by the constitution, including the Cali kingpins.

We would like to see the full implementation of laws on asset forfeiture, money laundering and sentencing as well as our bilateral agreement on maritime law enforcement. We'd like to see tightened prison security to prevent traffickers from carrying out their operations from prison. We'd like to see more effective use of herbicides and eradication operations. And we would like to see efforts to bring corrupt officials to justice.

As important as an all-out-effort is to combat the production and trafficking of illicit drugs, it is also imperative to state clearly that the United States cannot unequivocally and unqualifiably support all actions another government undertakes if such action may violate human rights of others.

Clearly Colombia's situation is unique in many ways. It has a very long history of violence. Guerilla organizations are active and well-funded. Many are little more than bandits selling their services to the highest bidders, including to narcotics traffickers. There is a growing and troubling paramilitary movement.

All of these factors give Colombia its singularity today in our hemisphere. Yet, at the same time, we express around the world concerns about protection of individual rights, the need to confront criminality without succumbing to it, the obvious lesson that abuse of human rights leads to loss of governmental credibility, not greater governmental control. All of these concerns argue for us to maintain the highest levels of accountability when we provide assistance to the Colombian security forces. The United States Government has a full program of cooperation with the Colombian national police, whom you, Mr. Chairman, recently praised for their high morale and outstanding record of success. In addition, the United States wants to cooperate with the Colombian military services and support those services while enabling us to ensure Congress and the American people that United States assistance is not being used in a manner fundamentally incompatible with our own values and beliefs.

Currently, we are seeking to utilize special authorities to increase our assistance and make it more effective. We have delivered defense articles to the Colombian national police under section 506A of the Foreign Assistance Act and will provide such equipment to the military forces as soon as we can reach agreement on human rights end use monitoring provisions.

We will consult with the Congress this week on the President's use of this Foreign Assistance Act section 614 authority to enable us to utilize foreign military financing and international military education and training funds, which have been frozen by decertification.

Regrettably, we cannot always move as fast as we would like as a government. This is especially the case when dealing with complex issues with a foreign government which is itself prone to bureaucratic delays, frequent personnel changes, and consequent shifts in policy. Our efforts are continuing.

Mr. Chairman, in conclusion, neither the United States nor Colombia nor any other country acting alone could adequately confront the traders and traffickers in the poison that contaminates our society. Together, however, we can build the kind of unified effort that is both well-integrated and effective.

Thank you very much for your demonstrated commitment on this issue. I'll be glad to answer any questions you and your colleagues may have. Thank you.

[The prepared statement of Mr. Davidow follows:]

STATEMENT BY AMBASSADOR JEFFREY DAVIDOW  
ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS  
BEFORE THE NATIONAL SECURITY, INTERNATIONAL AFFAIRS AND  
CRIMINAL JUSTICE SUBCOMMITTEE  
OF THE  
HOUSE GOVERNMENT REFORM AND OVERSIGHT COMMITTEE,  
ON  
"INTERNATIONAL DRUG CONTROL POLICY: COLOMBIA"  
Wednesday, July 9, 1997

Good afternoon, Mr. Chairman. I appreciate your invitation to appear before this Subcommittee to discuss international drug control policy with respect to Colombia. I share the Subcommittee's view that it is a very important subject. In fact, it may not be too strong to say it is a critical one. No single issue occupies more of my time and concern as Assistant Secretary than does the battle against narcotics. And no country is more central to this concern than is Colombia.

I am pleased to be joined today by colleagues from DOD and DEA as well as Ambassador Myles Frechette and Acting Assistant Secretary of State for International Narcotics and Law Enforcement Affairs Ambassador Jane Becker, who will testify, and James Thessin, Deputy Legal Advisor, who is prepared to answer your questions.

Counter-narcotics cooperation with Colombia is a complex issue, providing policymakers and implementers with difficult choices. As you know, the Administration has for

the past two years determined that the Government of Colombia has not cooperated sufficiently with the United States to warrant certification as defined by Section 490 of the Foreign Assistance Act of 1961 (as amended). My colleagues and I are prepared to discuss the reasons for those determinations, but today I prefer to focus on how, within the context of decertification, we can continue to work cooperatively with elements of the Colombian government, security services, and civil society to fight the narcotics traffickers and their multi-billion dollar industry.

I will leave to other witnesses from the Administration here today -- senior colleagues of mine -- to describe specific details of US counternarcotics programs in Colombia. I will offer an overview, as Assistant Secretary for Inter-American affairs, of what I see as the nature of the challenge and the importance it represents to the United States.

There can be no doubt as to the seriousness of the problem. There is a tidal wave of illegal narcotics flowing into the United States by land, air, and sea, inflicting damage on the health and productivity of our citizens and beleaguering our law enforcement and judicial institutions.

President Clinton and this Administration are dedicated to confronting the narcotics traffickers abroad and at home.

In doing so, we should avoid simplistic characterizations that seek to divide countries into categories of suppliers and consumers, which in reality often obscures joint responsibility. We are all in this together and must confront the problem in a cooperative manner wherever possible.

There can be no doubt about the valor and dedication of Colombian law enforcement officials cooperating with the United States in the battle to stem the flow of drugs from their country -- eradicating illegal crops, destroying laboratories where drugs are produced, smashing the cartels which control the flow of drugs to consumer countries, disrupting the financial transactions which launder illegal drug profits, and bringing to justice and imprisoning those engaged in this insidious trade.

It is also important to recognize the efforts of many other Colombians -- the overwhelming majority of that country's citizens, I believe -- who recognize the seriousness of the problem, are embarrassed and ashamed by

their country's involvement in it, and who wish to see Colombia cleansed of the scourge of illegal narcotics. The United States and all those who fight the drug trade are not without allies inside Colombia -- not just Colombian law enforcement agencies such as the Colombian National Police, but also other public officials and private citizens who, with great courage and dedication, have joined the battle against narcotics -- people who, in many cases, live under the constant threat of reprisal.

The Colombian government has, in fact, made progress, and it is important, to acknowledge its achievements. But more needs to be accomplished. The United States has called on the Colombian Government to enforce laws it enacted last year and to take further steps on controlling prisoners, eradicating illicit crops, and extraditing drug kingpins.

Specifically, the United States would like to see:

- the extradition of Colombian nationals, including the Cali kingpins;
- the full implementation of laws on asset forfeiture, money laundering and sentencing, as well as our bilateral agreement on maritime law enforcement;

- tightened prison security to prevent traffickers from carrying out their operations from prison;
- the use of a more effective herbicide in eradication operations; and
- efforts to bring corrupt officials to justice.

As important as an all-out effort is to combat the production and trafficking in illicit drugs, it is also imperative to state clearly that the United States cannot unequivocally and unqualifiedly support all actions another government undertakes, if such actions may violate human rights of others.

Clearly, Colombia's situation is unique in many ways. It has a long history of violence. Guerrilla organizations are active and well funded; many are little more than bandits selling their services to the highest bidders, including narcotics traffickers. There is a growing and troubling paramilitary movement. All these factors give Colombia its singularity today in our hemisphere. Yet, at the same time, the concerns that we express around the world about protection of individual rights, the need to confront criminality without succumbing to it, and the obvious lesson that abuse of human rights leads to loss of governmental credibility, not greater governmental control, all argue for

us to maintain the highest levels of accountability when we provide assistance to the Colombian security forces.

The United States Government has a full program of cooperation with the Colombian National Police whom you, Mr. Chairman, recently praised for their high morale and outstanding record of success in combating the production and trafficking of drugs in that country. In addition, the United States wants to cooperate with the Colombian military services, and support those services, while enabling us to assure the Congress and the American people that US assistance is not being used in a manner fundamentally incompatible with our own values and beliefs.

Currently, we are seeking to utilize special authorities to increase and make more effective our assistance. We have delivered defense articles to the Colombian National Police under Section 506A of the Foreign Assistance Act, and will provide such equipment to the military forces as soon as we reach agreement on human rights end use monitoring. We will consult with the Congress soon on the President's use of his Foreign Assistance Act Section 614 authority to enable us to utilize Foreign Military Financing and International Military Education and Training funds which have been frozen by

decertification. Regrettably, we cannot always move as fast as we would like as a government. This is especially the case when dealing with complex issues with a foreign government which is itself prone to bureaucratic delays, frequent personnel changes, and consequent shifts in policy. However, our efforts are continuing.

Mr. Chairman, neither the United States, nor Colombia, nor any other country acting alone, can adequately confront the traders and traffickers in the poison that contaminates our society. Together, however, we can build the kind of unified effort that is both well-integrated and effective.

Thank you very much for your demonstrated commitment to this issue. I would be glad to answer any questions you and your colleagues may have.

Mr. HASTERT. Thank you, Secretary Davidow. At this time I'd like to entertain a statement by our chairman of the full committee, Mr. Burton of Indiana.

Mr. BURTON. Thank you, Mr. Chairman. I'd like to commend the Colombian national police and military for their efforts in the war on drugs. Without the guidance and leadership of General Serrano, Director of the CNP Gallego, Commander of the CNP's Danti or counternarcotics unit, and General Harold Bedoya, chairman of the military joint chiefs, the defeat of the Cali and Medellin cartels would not have happened. Their strategy, along with the cooperation from civilian elements of the Colombian Government, has produced proven results even in the face of 2 years—2 years—of decertification by the Clinton administration, even though many of us in Congress oppose that.

It is important to note that the Colombians have made significant progress with extremely limited United States assistance. I ask, where is the Clinton administration's resolve and determination here? If the administration were serious about the war on drugs, they would not have decertified Colombia without a national interest waiver or as a show of good faith, at least signed the 614 Presidential waiver, as promised more than 3 months ago.

Now, Mr. Davidow, you just said that they were going to consider that. The President promised to sign that 3 months ago and it hasn't been signed. The decertification has harmed the very elements we need to help. And despite that the morale of the CNP has never been greater.

It is unfortunate that the Congress has had to fight tooth and nail with the administration, from the State Department to the United States Embassy and our Ambassador in Bogota, in an attempt to try to get some form of assistance down to the brave people who are fighting the war on drugs.

It's hard to tell with whom the blame lies for this apathy toward taking a stand in this fight. But it may lie at the Ambassadorial level in Bogota. One question is, has the Embassy in Bogota on numerous occasions and the Ambassador himself misled, misinformed, and otherwise been a hindrance to members of this subcommittee, to me as chairman of the full committee, and to members of our staffs?

Almost a year ago, after Chairman Hastert returned from another codel, the Congress funded and directed the State Department to add an additional 15 DEA personnel to the country team in Colombia. In May, when Chairman Hastert was in Bogota, apparently Ambassador Frechette had yet to have any of these special agents in place.

I talked to him on the phone in Bogota just recently, and he told me that 8 of them had been assigned—8 of the 15. I have since found that it wasn't eight new agents, it was four new agents and four replacements. So out of the 15 additional agents we talked about, only 4 have been replaced, even though the Congress demanded that be done.

I personally called Ambassador Frechette to inquire why he had not added these agents as directed by Congress. And, as I said, he told me that they had been replaced, but they hadn't. I'd like to ask the Ambassador how many new agents are going to be added in the

near future. I hope that you'll tell us today that the total of 15 will be added very quickly.

For more than a year, Chairman Ben Gilman, myself, and Chairman Hastert have been pressing the Clinton administration to provide more UH-1H helicopters to the Colombian national police for use in their eradication efforts. After months of repeated assurances by the State Department and other administration officials, Chairman Hastert's recent codebook found that none of the helicopters had been delivered until the day before the codebook arrived in San Jose del Guaviare.

Ambassador Frechette indicated he was withholding the delivery of the helicopters until he could get a new human rights pledge from the Colombian army. I'm happy to note that all these helicopters are now flying eradication missions. Unfortunately, several of them have already been shot at and hit by narcotraffickers.

I can only wonder why Ambassador Frechette was so reluctant to provide these much-needed assets. We have provided these helicopters to the CNP for their use in fighting the war on drugs. When they get the helicopters, the State Department has stripped them of even the simplistic gun mounts needed to protect them during their eradication runs.

It cost the CNP about \$100,000 to get these helicopters in flying condition. But the CNP only has M-60 machine guns to protect the helicopters. The M-60's are ineffective against the better-armed narcoguerrillas. What they need to protect the helicopters are rapid fire miniguns. And that has been languishing for so long in the bureaucracy.

The miniguns have been promised to the CNP by the Clinton administration for more than 3 years. During those 3 years there have been more than 1,000 brave CNP officers killed and many helicopters shot down. These tragedies may have been avoided if the CNP had the right equipment to protect itself against the better-armed narcoguerrillas, who are getting tremendous amounts of money, as you know, from the sales and protection of the drug cartel.

Ambassador Frechette and the Embassy staff in Bogota appear to have resisted sending the miniguns to the CNP at every turn. The State Department misinterpreted U.S. law that no lethal assistance can be provided. However, the law specifically permits lethal assistance if it is to protect assets such as these helicopters.

Currently, the CNP has less than a 2-week supply of ammunition, which not only hinders the number of missions they can complete against the narcotraffickers and the FARC people, but also makes the missions they choose to undertake even more dangerous because they could very easily find themselves in a fight without enough bullets to protect themselves.

The 506A drawdown package would have provided vital ammunition by June 30. The question is: Did Ambassador Frechette decide once again to apply the spirit of the Leahy law to prohibit the delivery of the much-needed ammunition? The State Department's liberal interpretation of the Leahy law has no known precedent that I have been able to find.

In essence, the State Department, for whatever misguided reason, is lending its hand to the narcotraffickers by delaying and pro-

hibiting the assistance Congress has requested, directed, and asked the administration to provide the Colombians in their efforts to fight the war on drugs.

I am glad to see the witnesses from the State Department here today so that we can get a better understanding of their rationale for these actions.

Mr. Chairman, let me just add one additional thing. Finally, I would like to call the Congress and the world's attention to the hostage situation in Colombia. There are currently six American citizens being held hostage by the FARC guerilla organization in Colombia. Three of them are missionaries who have been held since 1993. They are the longest-held American hostages anywhere in the world.

Their families come from modest backgrounds and do not have the money to pay the astronomical ransom requested by the FARC, which requested \$5 million for each one of them. The press corps has not publicized this. The administration has not made a high priority to attempt to find and bring home safely these Americans. I think it's high time the international community, starting with our own State Department, start pressuring the FARC to release these Americans and all of their other hostages.

It is shameful that there has not been a public outcry over this. The media and the State Department and everybody concerned ought to be to blame for this. I want to assure the families of these hostages that I, and I'm sure Chairman Hastert, are going to do everything in our power to do whatever we can as Members of Congress to secure the release of their family members.

We never hear debate by the human rights groups in Colombia about the human rights of these Americans who have been dragged through the jungles of Colombia for years now, nor do we hear anything from these human rights groups about the thousands of CNP and Colombian military who have been murdered by guerilla groups who long ago abandoned their Marxist ideology for the enormous profits of the drug trade. Thank you, Mr. Chairman.

Mr. HASTERT. Thank you, Mr. Chairman. All Members will have the ability to submit their opening statements to the record. At this time, Ambassador Frechette.

Ambassador FRECHETTE. Good afternoon, Mr. Chairman and members of the subcommittee. Much of what I will tell you today about bilateral counternarcotics cooperation will be familiar to those of you who visited Colombia a few weeks ago. However, it's an important subject and can bear some repetition.

As Ambassador to Colombia for the last 3 years, I have focused on several key policy areas. Increased counternarcotics cooperation has, of course, been of primary importance. Other significant issues include trade and investment, human rights, the environment, and the Summit of the Americas process.

I have also worked on a host of other issues, including kidnapped Americans. But I have devoted most of my time to the major areas I mentioned a moment ago. Today I am glad to report that some very important advances have been made, particularly in counternarcotics cooperation. I wish to share credit for these accomplishments with my country team, which is reputed to be the finest counternarcotics team in the region.

The Government of Colombia has made a solid commitment to eradicating illicit drug crops. This effort was begun in late 1994, and it's been strengthened with each passing year. The eradication program has reached the point where American citizens, pilots, and more United States-supplied equipment are now being used in Colombia, which helps the Colombians to be even more effective.

Another breakthrough came less than 2 weeks ago when the Colombian Government approved testing, the second of two granular herbicides. As you will recall, Mr. Chairman, this was an issue that was raised at my residence with the foreign minister and with you the evening of May 26. With the help of the U.S. Government, tests of both of these will be conducted to determine their relative efficacy and cost. As many subcommittee members already know, granular herbicides have the potential to be much more lethal to coca plants than the liquid herbicides currently used.

Probably the most visible accomplishment, at least in terms of press coverage, was the incarceration in 1995 and 1996 of all of the Cali cartel kingpins. They remain in jail, with the exception of Jose Santa Cruz Londoño, who was shot to death by the police after escaping from a maximum security prison in 1996.

Grabbing fewer headlines but equally important has been the noticeable improvement in cooperation between the Colombian national police and the United States in recent years. The process of bilateral cooperation in general has also become more transparent. I have made a great effort to encourage Colombian authorities to speak openly about and acknowledge their desire for bilateral cooperation.

Now, the director of the national police, the prosecutor general and other high-ranking Colombian officials talk openly about cooperating with U.S. Government agencies. I would like to note that one of my first challenges as Ambassador to Colombia was to ensure that General Serrano, who had just been sent to Washington as police attache, be instead brought back to Colombia to serve as the director of the Colombian national police.

This was a wise decision. All Colombians as well as the international community recognize he has been an indefatigable, honest, and implacable enemy of narcotrafficking. At several points in 1995, Mr. Chairman, President Samper and several of his cabinet members stated publicly their intention to expel the DEA from Colombia or to limit their activities so severely as to make them useless. This is a matter of record. It's in the press in Colombia.

I'm glad to tell you that my personal efforts successfully countered those attempts. As a result, the DEA is now accepted in Colombia as a friendly force whose expertise is valued and acknowledged by Colombian counterparts.

In 1996 and 1997 Colombian legislators passed long overdue laws on asset forfeiture, money laundering, and sentence lengthening. These measures, although not as tough as American laws by a long shot, meet international standards, as required by the Vienna Convention, against drugs. These laws increased Colombia's ability to hit the narcos where it hurts the most—their ill-gotten wealth and their benefiting from ridiculously low sentences which have outraged international opinion.

In February of this year the United States and Colombia signed a maritime shipboarding agreement to combat narcotrafficking at sea, an accomplishment that had eluded the United States Government for 6 years. While this accord did not give us everything that we wanted, it represents a great step forward in our joint counter-narcotics efforts.

All of these accomplishments, Mr. Chairman, came about as a result of U.S. Government urging and the certification process. The national interest waiver in 1995 and the complete decertification in 1996 convinced the Colombian Government to increase cooperation with the United States. As the subcommittee knows, Colombia was again decertified in 1997.

But as Assistant Secretary Gelbard stated on February 28, when that decision was announced, "Colombia has a chance to receive a national interest waiver if it makes progress in a number of areas."

I have told Colombian Government officials on several occasions what these criteria are: using an effective, safe and reasonably priced granular herbicide against coca and opium poppy, repealing article 35 of the Colombian constitution to open the way for the extradition of Colombian nationals, including the four major kingpins—that is, returning them to the United States so we can put them on trial for their crimes against the American people—fully and effectively implementing the new asset forfeiture, money laundering, and sentencing laws and the shipboarding agreement, tightening prison security to prevent traffickers from carrying out their operations from jail, and bringing corrupt officials to justice.

We now await the outcome of Colombian efforts to reverse the constitutional prohibition on extraditing Colombian nationals. If Colombia achieves this and, once again, honors our existing bilateral extradition treaty, it will have met most of the major requirements of the Vienna Convention, which Colombia signed and its Congress ratified several years ago.

Regarding extradition, I should note that Colombian narcotraffickers managed in the late 1980's and early 1990's to convince the Colombian lawmakers who reformed Colombia's constitution in 1991 that they should be punished—that is, they, the narcotraffickers—should be punished in Colombia and not abroad.

This argument, of course, missed the point. Criminals should be punished in the country where they perpetrated their crimes. Moreover, at the time that the narcotraffickers successfully advocated this point of view, Mr. Chairman, Colombia had some of the weakest penalties for narcotrafficking in the hemisphere.

With our help, they have brought their laws up to international standards. And in order to consolidate a fully cooperative relationship with the Colombian Government, the United States must be able to try the Cali kingpins and other narcotraffickers who have done so much damage to the American people.

Of course, the laws I mentioned earlier have not yet been fully implemented. The proof is in the pudding, Mr. Chairman. That will be the next test of Colombia's commitment to combatting narcotrafficking. Colombia has many exemplary laws on paper. What we're interested in now is seeing them put into practice. As I told you, Mr. Chairman and other members of the subcommittee who

recently visited Colombia a few weeks ago, Colombia needs systemic improvements that go far beyond law enforcement.

Colombia needs stronger laws. It needs better trained police and investigators. It needs stricter controls on jailed narcotraffickers, who continue to run their businesses from their cells. And it needs an end to corruption, particularly official corruption.

We are willing and ready to help them achieve these goals. Since the chairman and his colleagues visited Colombia, the government has taken the important and frankly long overdue step of approving the testing of additional granular herbicide, as I mentioned earlier.

In sum, Colombia has accomplished a great deal in terms of bilateral narcotics cooperation, but usually as the result of consistent and untiring urging by the United States. Colombia must do more, Mr. Chairman, for its own sake. Thank you.

[The prepared statement of Ambassador Frechette follows:]

TESTIMONY OF AMBASSADOR MYLES R. R. FRECHETTE  
BEFORE THE NATIONAL SECURITY SUBCOMMITTEE  
HOUSE GOVERNMENT REFORM AND OVERSIGHT COMMITTEE

JULY 9, 1997

Good afternoon, Mr. Chairman and Subcommittee members. Much of what I will tell you today about bilateral counternarcotics cooperation will be familiar to those of you who visited Colombia a few weeks ago. However, it is an important subject and can bear some repetition.

As Ambassador to Colombia for the past three years, I have focused on several key policy areas. Increased counternarcotics cooperation has, of course, been of primary importance. Other significant issues include trade and investment, human rights, the environment, and the Summit of the Americas process. I have also worked on a host of other issues, but I have devoted most of my time to these major areas. Today, I am glad to report that some very important advances have been made, particularly in counternarcotics cooperation. I wish to share credit for these accomplishments with my Country Team, which is reputed to be the finest counternarcotics team in the region.

The Government of Colombia has made a solid commitment to eradicating illicit drug crops. This effort was begun in late 1994 and has been strengthened with every passing year. The eradication program has reached the point where American citizen pilots and more U.S.-supplied equipment are now being used in Colombia, which helps the Colombians to be even more effective. Another breakthrough came less than two weeks ago, when the Colombian Government approved testing the second of two granular herbicides.

With the help of the U.S. Government, tests of both will be conducted to determine their relative efficacy and cost. As many Subcommittee members already know, granular herbicides have the potential to be much more lethal to coca plants than the liquid herbicides currently used.

Probably the most visible accomplishment, at least in terms of press coverage, was the incarceration in 1995 and 1996 of all the Cali cartel kingpins. They remain in jail, with the exception of Jose Santacruz Londono, who was shot to death by police after escaping from a maximum security prison in 1996.

Grabbing fewer headlines, but equally important, has been the noticeable improvement in cooperation between the Colombian National Police and the United States in recent years. The process of bilateral cooperation in general has also become more transparent. I have made a great effort to encourage Colombian authorities to speak openly about, and acknowledge their desire for, bilateral cooperation. Now, the Director of the National Police, the Prosecutor General, and other high-ranking Colombian Government officials talk openly about cooperating with United States Government agencies.

I would like to note that one of my first challenges as Ambassador was to ensure that General Serrano, who had just been sent to Washington as police attaché, be instead brought back to Colombia to serve as Director of the Colombian National Police. This was a wise decision, all Colombians, as well as the international community, recognize he has been an indefatigable, honest and implacable enemy of narcotrafficking.

At several points in 1995, President Samper and several of his Cabinet Ministers stated publicly their intention to expel the DEA from Colombia, or to limit their activities so severely as to make them useless. I am glad to tell you that my personal efforts successfully countered those attempts. As a result, the DEA is now accepted in Colombia as a friendly force, whose expertise is valued and acknowledged by Colombian counterparts.

In 1996 and 1997, Colombian legislators passed long overdue laws on asset forfeiture, money laundering, and sentence lengthening. These measures, although not as tough as American laws, meet international standards as required by the Vienna Convention against drugs. These laws increased Colombia's ability to hit the narcos where it hurts them most -- their ill-gotten wealth and their benefiting from ridiculously low sentences that outraged international opinion.

In February of this year, the United States and Colombia signed a maritime agreement to combat narcotrafficking by sea, an accomplishment that had eluded us for six years. While this accord did not give us everything we wanted, it represents a great step forward in our joint counternarcotics efforts.

All of these achievements came about as a result of U.S. Government urging and the certification process. The national interest waiver in 1995 and complete decertification in 1996 convinced the Colombian Government to increase cooperation with us. As the Subcommittee knows, Colombia was again decertified in 1997. But as Assistant Secretary Gelbard stated when that decision was announced, Colombia has a chance to receive a national interest waiver if it makes progress in a number of areas. I have told

Colombian Government officials on several occasions what these criteria are: using an effective, safe and reasonably priced granular herbicide against coca and opium poppy; repealing Article 35 of the Colombian Constitution, to open the way for the extradition of Colombian nationals, including the four major kingpins; fully and effectively implementing the new asset forfeiture, money laundering, and sentencing laws and the shipboarding agreement; tightening prison security to prevent traffickers from carrying out their operations from jail; and bringing corrupt officials to justice.

We now await the outcome of Colombian efforts to reverse the Constitutional prohibition on extraditing Colombian nationals. If Colombia achieves this, and once again honors our existing bilateral extradition treaty, it will have met most of the major requirements of the Vienna Convention.

Regarding extradition, I should note that Colombian narcotraffickers managed in the late 1980s and early 1990s to convince the Colombian lawmakers who reformed Colombia's Constitution that they should be punished in Colombia and not abroad. This argument, of course, missed the point. Criminals should be punished in the country where they perpetrated their crimes. Moreover, at the time that the narcotraffickers successfully advocated this point of view, Colombia had some of the weakest penalties for narcotrafficking in the hemisphere. With our help, they have brought their laws up to international standards. And in order to consolidate a fully cooperative relationship with the Colombian government, the United States must be able to try the

Cali kingpins and other narcotraffickers who have done so much damage to the American people.

Of course, the laws I mentioned earlier have yet to be implemented fully. That will be the next test of Colombia's commitment to combating narcotrafficking. Colombia has many exemplary laws on paper; what we are interested in now is seeing them put into practice. And, as I told Chairman Hastert and other Subcommittee members when they visited a few weeks ago, Colombia needs systemic improvements that go beyond law enforcement. Colombia needs stronger laws, better trained police and investigators, stricter controls on jailed narcotraffickers who continue to run their businesses from their cells, and an end to corruption. We are willing and ready to help them achieve these goals. Since the Chairman and his colleagues visited Colombia, the government has taken the important and frankly overdue step of approving the testing of the additional granular herbicide I mentioned earlier. In sum, Colombia has accomplished a great deal in terms of bilateral counternarcotics cooperation, but usually as a result of consistent and untiring U.S. urging. Colombia must do more, for its own sake.

STATEMENT BY AMBASSADOR JEFFREY DAVIDOW  
ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS  
BEFORE THE NATIONAL SECURITY, INTERNATIONAL AFFAIRS AND  
CRIMINAL JUSTICE SUBCOMMITTEE  
OF THE  
HOUSE GOVERNMENT REFORM AND OVERSIGHT COMMITTEE,  
ON  
"INTERNATIONAL DRUG CONTROL POLICY: COLOMBIA"  
Wednesday, July 9, 1997

Good afternoon, Mr. Chairman. I appreciate your invitation to appear before this Subcommittee to discuss international drug control policy with respect to Colombia. I share the Subcommittee's view that it is a very important subject. In fact, it may not be too strong to say it is a critical one. No single issue occupies more of my time and concern as Assistant Secretary than does the battle against narcotics. And no country is more central to this concern than is Colombia.

I am pleased to be joined today by colleagues from DOD and DEA as well as Ambassador Myles Frechette and Acting Assistant Secretary of State for International Narcotics and Law Enforcement Affairs Ambassador Jane Becker, who will testify, and James Thessin, Deputy Legal Advisor, who is prepared to answer your questions.

Counter-narcotics cooperation with Colombia is a complex issue, providing policymakers and implementers with difficult choices. As you know, the Administration has for

the past two years determined that the Government of Colombia has not cooperated sufficiently with the United States to warrant certification as defined by Section 490 of the Foreign Assistance Act of 1961 (as amended). My colleagues and I are prepared to discuss the reasons for those determinations, but today I prefer to focus on how, within the context of decertification, we can continue to work cooperatively with elements of the Colombian government, security services, and civil society to fight the narcotics traffickers and their multi-billion dollar industry.

I will leave to other witnesses from the Administration here today -- senior colleagues of mine -- to describe specific details of US counternarcotics programs in Colombia. I will offer an overview, as Assistant Secretary for Inter-American affairs, of what I see as the nature of the challenge and the importance it represents to the United States.

There can be no doubt as to the seriousness of the problem. There is a tidal wave of illegal narcotics flowing into the United States by land, air, and sea, inflicting damage on the health and productivity of our citizens and beleaguering our law enforcement and judicial institutions.

President Clinton and this Administration are dedicated to confronting the narcotics traffickers abroad and at home.

In doing so, we should avoid simplistic characterizations that seek to divide countries into categories of suppliers and consumers, which in reality often obscures joint responsibility. We are all in this together and must confront the problem in a cooperative manner wherever possible.

There can be no doubt about the valor and dedication of Colombian law enforcement officials cooperating with the United States in the battle to stem the flow of drugs from their country -- eradicating illegal crops, destroying laboratories where drugs are produced, smashing the cartels which control the flow of drugs to consumer countries, disrupting the financial transactions which launder illegal drug profits, and bringing to justice and imprisoning those engaged in this insidious trade.

It is also important to recognize the efforts of many other Colombians -- the overwhelming majority of that country's citizens, I believe -- who recognize the seriousness of the problem, are embarrassed and ashamed by

their country's involvement in it, and who wish to see Colombia cleansed of the scourge of illegal narcotics. The United States and all those who fight the drug trade are not without allies inside Colombia -- not just Colombian law enforcement agencies such as the Colombian National Police, but also other public officials and private citizens who, with great courage and dedication, have joined the battle against narcotics -- people who, in many cases, live under the constant threat of reprisal.

The Colombian government has, in fact, made progress, and it is important, to acknowledge its achievements. But more needs to be accomplished. The United States has called on the Colombian Government to enforce laws it enacted last year and to take further steps on controlling prisoners, eradicating illicit crops, and extraditing drug kingpins.

Specifically, the United States would like to see:

- the extradition of Colombian nationals, including the Cali kingpins;
- the full implementation of laws on asset forfeiture, money laundering and sentencing, as well as our bilateral agreement on maritime law enforcement;

- tightened prison security to prevent traffickers from carrying out their operations from prison;
- the use of a more effective herbicide in eradication operations; and
- efforts to bring corrupt officials to justice.

As important as an all-out effort is to combat the production and trafficking in illicit drugs, it is also imperative to state clearly that the United States cannot unequivocally and unqualifiedly support all actions another government undertakes, if such actions may violate human rights of others.

Clearly, Colombia's situation is unique in many ways. It has a long history of violence. Guerrilla organizations are active and well funded; many are little more than bandits selling their services to the highest bidders, including narcotics traffickers. There is a growing and troubling paramilitary movement. All these factors give Colombia its singularity today in our hemisphere. Yet, at the same time, the concerns that we express around the world about protection of individual rights, the need to confront criminality without succumbing to it, and the obvious lesson that abuse of human rights leads to loss of governmental credibility, not greater governmental control, all argue for

us to maintain the highest levels of accountability when we provide assistance to the Colombian security forces.

The United States Government has a full program of cooperation with the Colombian National Police whom you, Mr. Chairman, recently praised for their high morale and outstanding record of success in combating the production and trafficking of drugs in that country. In addition, the United States wants to cooperate with the Colombian military services, and support those services, while enabling us to assure the Congress and the American people that US assistance is not being used in a manner fundamentally incompatible with our own values and beliefs.

Currently, we are seeking to utilize special authorities to increase and make more effective our assistance. We have delivered defense articles to the Colombian National Police under Section 506A of the Foreign Assistance Act, and will provide such equipment to the military forces as soon as we reach agreement on human rights end use monitoring. We will consult with the Congress soon on the President's use of his Foreign Assistance Act Section 614 authority to enable us to utilize Foreign Military Financing and International Military Education and Training funds which have been frozen by

decertification. Regrettably, we cannot always move as fast as we would like as a government. This is especially the case when dealing with complex issues with a foreign government which is itself prone to bureaucratic delays, frequent personnel changes, and consequent shifts in policy. However, our efforts are continuing.

Mr. Chairman, neither the United States, nor Colombia, nor any other country acting alone, can adequately confront the traders and traffickers in the poison that contaminates our society. Together, however, we can build the kind of unified effort that is both well-integrated and effective.

Thank you very much for your demonstrated commitment to this issue. I would be glad to answer any questions you and your colleagues may have.

Mr. HASTERT. Thank you, Mr. Ambassador. It's the intent of this subcommittee to roll and keep this subcommittee in session through the vote. So if anybody would like to vote and come back, they're welcome to do that. At this time I'd like to recognize Acting Assistant Secretary Becker. Welcome.

Ms. BECKER. Thank you, Mr. Chairman and members of the subcommittee. This hearing provides an extremely useful forum to give an update on the administration's comprehensive illegal narcotics control efforts in Colombia. Before I provide a brief overview of my testimony, which I would submit for the record, with your permission, Mr. Chairman, I'd like to thank you personally, Mr. Chairman, for your strong support of the administration's counter-narcotics policy and programs.

I know you and several other members have longstanding personal interest in these issues, having recently visited Colombia and other key Latin America countries, and you're familiar with the enormous challenge that faces us all. And I'm certain that you appreciate our unswerving determination to advance a lasting solution to the problem of illegal drug availability in our country.

For the past 2 years, the President denied full narcotic certification for Colombia. As Secretary Albright said at the time of the announcement, "Denial of certification of Colombia was aimed at the senior levels of the Colombian Government, as cocaine and heroin continue to flow unabated from Colombia into the United States."

While fully implementing the intent of the law, denial of certification for Colombia had the unfortunate effect of cutting off significant foreign military financing funds—that's FMF—and international military education and training—IMET—funds for counternarcotics purposes.

As is crystal clear, the Colombian Governmental units which receive these categories of United States support desperately need assistance for their important drug interdiction and crop control efforts. We worked closely last session with the Congress—unfortunately unsuccessfully—in order to amend section 490 to allow for continuation of critical counternarcotics FMF and IMET.

To draw upon the President's authority offered under section 614 of the Foreign Assistance Act to enable assistance to go forward despite existing legal bars, the administration is initiating this week formal consultations with the Congress to provide Colombia up to \$30 million and up to \$600,000 in frozen FMF and IMET, respectively.

The President's authority under 614 is not taken lightly. Its use now is against the backdrop of our overwhelming national security interest to ensure that our support for honest Colombian antidrug efforts is unimpeded. Moreover, our counternarcotics interest in Colombia must be in concert with other policy objectives.

In this instance, I refer to respect for human rights. Republican or Democratic, consecutive administrations for more than two decades have made human rights a cornerstone of U.S. foreign policy. Let me elaborate on that point with reference to Colombia.

Before approaching Congress to discuss the 614 waiver, our Embassy in Bogota has worked tirelessly for the better part of a year to secure end use monitoring agreements, including proper commit-

ments on human rights, which we require from the various elements of the police and military. This linkage that we make between human rights and narcotics assistance has only been reinforced by the amendment to our appropriations law enacted last year which specifically ties the two together to prohibit provision of assistance to units of security forces if the Secretary of State finds credible evidence of gross violations of human rights.

In February of this year we sent detailed instructions to our posts worldwide to ensure that the requirements of that amendment are met. In our relations with Colombia we have always worked from the premise that our human rights interests must be applied across the board. We have taken great care to ensure proper balance on the range of foreign policy objectives we seek with Colombia.

Unfortunately, while we thought we were close to acceptable end use monitoring language on a number of occasions over the past 6 months, we have been frustrated when the Colombian Government has repeatedly backed off. I reiterate: we will not provide FMF or IMET set-asides for any entity in Colombia absent its agreement to the assurances that we seek.

To combat the narcotics scourge, we need an effective partnership with those Colombian officials who are as dedicated to fighting it as we are. Through your trip to the field, you and other members know about our efforts in Colombia. Nevertheless, I think it would be useful to give a quick recap of what we have done and are trying to do in addition to the 614 waiver.

First of all, counternarcotics funds for Colombia from my bureau alone amount to close to \$400 million since 1972. Using DOD draw-down authority, we are providing \$40.5 million to Colombia for use by the Colombian national police and the Colombian armed forces to operate against heavily armed narcotraffickers.

For the Colombian police, this drawdown includes 12 additional utility helicopters, flight crew and police field gear, two C-26 surveillance transport aircraft, communications equipment and other items. The 12 UH-1H helicopters were delivered on May 17. The 5.56 millimeter ammunition is scheduled for delivery this week. From the 506 package the Colombian military will receive 3 Boston Whalers, 6 river patrol boats, 1 utility landing craft, 20 UH-1H helicopter hulks for salvage parts, 3 C-26 surveillance transport aircraft, and substantial amounts of additional technical equipment.

The six river patrol boats and the UH-1H hulks for salvage parts arrived in Colombia on May 17 but have not been turned over to the Navy and Air Force pending completion of a satisfactory end use monitoring agreement. Since October 1996 the Department has deployed three additional T-65 aircraft to Colombia, provided four OV-10 aircraft, and brought in additional fixed wing assets and search and rescue helicopters.

To augment support for eradication this year, U.S. contractor personnel have been increased. That includes security specialists, pilots, mechanics, operations advisors and search and rescue teams including medics, who have provided assistance to CNP members who are injured in the course of their duties.

Over the years, United States support to the Colombian police has outstripped that supplied to any other comparable antidrug unit in the world. In 1997 we have doubled our assistance, mostly to the antinarcotics police, to \$44 million as compared to \$22.6 million in program and aviation assistance in 1996.

These figures represent INL program funds alone and do not include transfers of equipment by INL or under 506(a)(2) authority. There was an additional \$100 million in equipment transferred thus far this year. Part of this increase makes up the shortfall in equipment purchases as a result of the frozen FMF after denial of narcotic certification. And the additional United States assistance also fills the void in funding for the CNP, which was inexplicably withdrawn by the Colombian Government.

I don't want to repeat what's already been said with regard to our overall broad policy toward Colombia. That was covered by Ambassador Davidow and Ambassador Frechette with regard to counternarcotics. We are very pleased, however, that the Colombian Government has agreed to test granular herbicides against coca.

Based upon prior USDA tests, we are confident that testing in Colombia will show a granular chemical can be used safely and effectively throughout the year, especially during the rainy season. The granular herbicide also supports safety considerations. We are also pleased that the granular herbicides are being tested, because we believe that they will prove significantly more effective against the opium poppy crop than liquid herbicides, because opium poppy, as you know, can be replanted immediately after spraying, whereas a granular herbicide stays in the soil and precludes that field from being used for some period of time.

On the maritime agreement, we are pleased with ad hoc cooperative shipboarding procedures, but still expect a much more serious effort to implement the accord by allowing U.S. assets to conduct sea and air detection and monitoring. With regard to prison security with the CNP now in charge, escape attempts are reportedly being thwarted and quantities of communications in computer equipment have been confiscated.

A great deal of work remains for the Colombian Government in the legal areas mentioned by Ambassador Frechette. We have seen little effort, also, to support investigations and prosecutions by the prosecutor general's office to ensure that corrupt officials are brought to justice.

Progress in extradition remains the most problematic area in our bilateral drug control efforts. Although the extradition bill has completed the first of several rounds in Congress, there are many details to be settled, among them the issue of retroactivity, which is key to the transfer to American soil of four of the most prominent Colombian traffickers wanted by United States prosecutors. We're worried about the outcome.

However, through an extradition and through all our counternarcotics programs in Colombia we will continue to press the government and provide practical support to those honest segments of government and security forces in society that are resolved to overcome the traffickers' corrupting influences.

I see that the red light is on, Mr. Chairman, and I don't want to—pardon me?

Mr. HASTERT. You can summarize and finish your statement. You have plenty of time.

Ms. BECKER. Thank you, Mr. Chairman. Despite our efforts to rapidly expand support for the CNP's eradication efforts during the past year, coca cultivation in Colombia has almost tripled since 1987. This worrisome trend, the result of a variety of complicated political and practical factors, represents one of the greatest challenges the Colombians and Americans face to stamping out the drug trade.

It reflects an overall lack of political commitment at the senior level to take strong measures against narcotics trafficking or to fully support those Colombians who are, such as the prosecutor general and the CNP. I should also note that because of the successful activities in neighboring countries to interdict product, there has been a balloon effect, and we believe that that's one of the reasons why there has been an increase in cultivation in Colombia.

On a more positive note, our collaboration with the CNP has resulted in the stabilization of the Colombian opium poppy crop to about 6,400 hectares, thus stemming the flow of cheap Colombian heroin to our country.

To carry out the programs that we've described here as well as others and maintain the momentum we have achieved, we are extremely grateful for this subcommittee's abiding support, especially for our funding request this year for \$230 million, which includes a \$17 million increase over fiscal year 1997. In fact, our fiscal year 1998 request represents only about 1 percent of our entire national budget to counter the drug threat.

At the same time, as our U.S. National Drug Control Strategy makes clear, domestic initiatives are threatened unless they are bolstered by a solid U.S. foreign effort and significant multilateral support, which we are endeavoring to do.

The increasing sophistication of criminal elements in Colombia and elsewhere must be matched and suppressed. President Clinton has repeatedly stressed the importance of combatting drugs and crime in the context of our national security. Aggressive policies and programs, sufficient financial backing and consolidated efforts at home and abroad must be sustained to meet the challenges we face.

We look forward to working with you, Mr. Chairman, and with this subcommittee in order to achieve these very important results for our citizens. Thank you, and I'll be very happy to answer any questions that you and your colleagues have.

[The prepared statement of Ms. Becker follows.]

Statement to the Subcommittee on National Security,  
International Affairs and Criminal Justice  
of the  
House Committee on Reform and Oversight  
By

Ambassador Jane E. Becker  
Acting Assistant Secretary of State  
Bureau for International National Narcotics and  
Law Enforcement Affairs  
July 9, 1997

Mr. Chairman and Members of the Subcommittee:

This hearing provides an extremely useful forum to give an update on the Administration's comprehensive illegal narcotics control efforts in Colombia, the world's largest producer of illicit drugs destined for the United States. In the context of the President's multifaceted initiatives against transnational organized crime, Colombia is as important to us as any country in this Hemisphere in terms of our resolve to reduce the drug threat which has such a devastating impact here at home.

I also want to thank you, Mr. Chairman, and this Subcommittee, for your strong support for a robust counternarcotics policy and the Administration's efforts. I know you and several other members personally visited Colombia and other key Latin American countries and are familiar with the enormous challenge. And I am certain that you appreciate our unswerving determination to carry out policies and programs that advance lasting solutions to the problem of illegal drug availability in our country. Since we met with this Subcommittee on Colombia last February, there have been a variety of important developments which I want to review with you today.

**CERTIFICATION, HUMAN RIGHTS AND U.S. ASSISTANCE**

For two years in a row, in accord with U.S. law, the President denied full narcotics certification for Colombia. As Secretary Albright said, denial of certification for Colombia was aimed at the senior levels of the Colombian government as cocaine and heroin continue to flow unabated from Colombia to the United States. At the same time, the President's determination was made to support the law abiding citizens in Colombia in their struggle to confront years of festering corruption. In no way does his decision detract from the valiant efforts of honest Colombians, many of them working on the front lines, or, tragically, being killed because of their determination to stop the drug trade from destroying their beautiful country.

While fully implementing the intent of the law, denial of certification for Colombia has the unfortunate effect of cutting off significant Foreign Military Financing (FMF) funds and International Military Education and Training (IMET) funds for counternarcotics purposes. As is crystal

clear, the Colombian governmental units which receive these categories of U.S. support desperately need assistance for their important drug interdiction and crop control efforts.

To draw upon the President's authority to enable assistance to go forward under Section 614 of the FAA, despite existing legal bars, the Administration has initiated formal consultations with the Congress to provide up to \$30 million in frozen FMF funds for Colombia. About half of this amount will be used to obtain spare parts and to refurbish Colombian National Police helicopters used to support eradication operations and destruction of labs. It is anticipated that the remaining funds would be used to provide other critical counternarcotics support including weapons and ammunition; auxiliary fuel tanks and armor plating for CNP aircraft; hardware and software to support the CNP aviation maintenance program; technical training assistance for the Colombian armed forces; and for other FMF support included in selected "pipeline" cases for the CNP and for elements of the Colombian military with counternarcotics support roles. In addition, the 614 waiver would release up to \$600 thousand in IMET funds for the military. While not all of this training is counternarcotics directed per se, it is an essential tool for developing the Colombian military's appreciation of basic human rights, a long standing fundamental tenet of American foreign policy.

The President's authority under 614, granted by the Congress, is used sparingly. Its use now is against the backdrop of our overwhelming national security interest to ensure that our support for honest Colombian anti-drug efforts is unimpeded. The Administration resorts to the 614 authority only after exhausting all other avenues for release of the frozen funds including, for example, proposed remedial legislation which was not adopted by the Congress last session. Moreover, the Administration and the Congress recognize that our counternarcotics interests in Colombia must be in concert with other policy objectives. In this instance, the most important related issue is our concern for respect of human rights. Republican or Democratic, consecutive administrations for more than two decades have made human rights a cornerstone of U.S. foreign policy. Let me elaborate on this point with reference to Colombia.

Before approaching Congress to discuss the 614 waiver, our Embassy in Bogota, led by Ambassador Frechette, has worked tirelessly for the better part of a year to secure the "end use monitoring" agreements, including proper commitments on human rights, which we require from the various elements of the police and military. This linkage which we make between human rights and narcotics assistance has only been reinforced by the amendment to our appropriations law enacted last year which specifically ties the two together to prohibit provision of assistance to units of security forces if the Secretary of State finds credible evidence of gross violations of human rights. In February of this year we sent detailed instructions to our posts worldwide to ensure that the requirement of that amendment is met.

In our relations with Colombia, we have always worked from the premise that our human rights interests must be applied across the board. As Ambassador Frechette can explain in greater detail, we have taken great care to ensure proper balance on the range of foreign policy objectives we seek with Colombia. Unfortunately, while we have believed we were close to acceptable EUM language on a number of occasions, the Colombian government has repeatedly backed off. These on-again-off-again negotiations have been exceedingly frustrating in our attempts to seek an accord that will be acceptable to the Colombians and still not compromise our principles. At the same time, I must reiterate that we will not provide the FMF/IMET set aside for any entity in Colombia absent its agreement to the assurances we seek.

#### COUNTERNARCOTICS PROGRAM SUPPORT

To combat the narcotics scourge, we need an effective partnership with those Colombian officials who are as dedicated to fighting it as we are. We have met and will continue to meet our obligations in this partnership. Mr. Chairman, I know you understand this. You should also understand that we appreciate the support you have given for our program. We are mindful of your determination to criticize us when you think we have fallen short of the mark. From your trip to the field and your staff's contact with my staff, I know that you and other members know about our efforts in Colombia. Nevertheless, I think it would be useful to give an account of what we have done and are trying to do:

- o Counternarcotics funds for Colombia from my Bureau alone amount to close to \$400 million since 1972.
- o As I mentioned, the Administration is consulting with Congress on use of special 614 authority to provide Colombia \$30 million in counternarcotics assistance as soon as possible.
- o Further, the President also made use of special drawdown authority for high priority counternarcotics support for Colombia. Under section 506(a)(2), we are providing \$40.5 million to Colombia for use by the CNP and the Colombian Armed Forces to operate against heavily-armed narcotraffickers.
- o Under the 506 drawdown, we are providing the CNP with twelve additional utility helicopters; flight crew and police field gear, two C-26 surveillance/transport aircraft, communications equipment, and other items. The 12 UH-1H helicopters were delivered on May 17. The 5.56mm ammunition is scheduled for delivery this week.

- o From the 506 package, the Colombian military will receive three Boston Whalers; six river patrol boats; one Utility Landing Craft; twenty UH-1H helicopter hulks for salvage parts; three C-26 surveillance/transport aircraft, spare parts, communications equipment, land navigation and troop field gear; utility vehicles, and training. The six river patrol boats and the UH-1H hulks for salvage parts arrived in Colombia on May 17 -- but have not been turned over to the Navy and Air Force pending completion of a satisfactory EUM agreement.
- o Since October 1996, the Department has deployed three additional T-65 aircraft to Colombia, provided four OV-10 aircraft and brought in additional fixed wing assets and search and rescue (SAR) helicopters.
- o To augment support for eradication, this year U.S. contractor personnel have been increased. They include a security specialist, pilots, mechanics and operations advisors.

Eradication of illegal crops in accord with our broader Andean Strategy continues to be the central challenge of our work with the Colombian National Police and the focal point for our programmatic spending. In fact, over the years, U.S. support to the police has outstripped that supplied to any other comparable anti-drug unit in the world. In 1997 we have doubled our assistance, mostly to the Anti-Narcotics Police, to some \$44 million as compared to \$22.6 million in program and aviation assistance in 1996. Part of this increase takes up the shortfall in equipment purchases as the result of frozen FMF after denial of narcotics certification for Colombia. This additional U.S. assistance also fills the void in funding to the CNP which was withdrawn by the Colombian government.

#### THE COLOMBIAN DRUG CONTROL RECORD

While stepping up our practical financial support for Colombian anti-drug efforts, we have also kept up the pressure at the political level. As we continue our strategy to balance our rejection of corruption in the Samper government by increasing support directly to the Colombian institutions that are combating drugs, we are seeing some hopeful signs. Secretary Albright was very clear about the specific improvements that Colombia must take when she announced the President's certification decisions this year. They were also presented formally to the Colombians in a demarche which was delivered less than a month later. In brief, we asked the Colombians to:

-- apply a more effective, safe, reasonably priced granular herbicide against coca and opium poppy;

--- introduce and/or fully support legislation to repeal article 35 of the Colombian Constitution, to pave the way for extradition of Colombian nationals;

-- fully and effectively implement newly-passed laws on asset forfeiture, money laundering and sentencing and the agreement to suppress illicit traffic by sea, especially the detection and monitoring provisions;

-- tighten prison security to prevent traffickers from carrying out their operations from jail; and

-- bring corrupt officials to justice.

I can highlight some developments since we delivered our demarche. Just last week, the Colombian government agreed to testing of granular herbicide against coca. As the Chairman knows, based on prior USDA tests, we are confident that testing in Colombia will show that a granular chemical can be used safely and effectively throughout the year, especially during the rainy season when liquid herbicides are problematic. Moreover, we believe it will provide additional safety from groundfire in that pilots can apply it from a higher altitude while flying faster. On the U.S.-Colombian maritime agreement, we are pleased with ad hoc cooperative shipboarding procedures, but still expect a much more serious Colombian effort to implement the accord through additional measures to allow U.S. assets to conduct sea and air detection and monitoring. Likewise, prison security seems to be improving. For example, with the CNP now in charge, escape attempts are reportedly being thwarted and quantities of communications and computer equipment have been confiscated.

A great deal of work remains for the Colombian government in the areas of asset forfeiture and anti-money laundering as well as against official corruption. During his election campaign, President Samper called 1997, "the transparent year," yet we have seen little effort to support investigations and prosecutions by the Prosecutor General's office to ensure that corrupt officials are brought to justice. Lamentable, too, are mixed results in terms of implementing new asset forfeiture and money laundering laws enacted by the Colombian legislature during the last 12 months.

Progress on extradition remains the most problematic area in our bilateral drug control efforts. Although the extradition bill has completed its first (of several) rounds in Colombian Congress, there are many details to be settled, among them is the issue of retroactivity which is key to the transfer to American soil of the four most prominent Colombian traffickers wanted by U.S. prosecutors. In all honesty, Mr. Chairman, we are worried about the outcome, especially for the real prospects for extradition of the top cartel leaders. However, on extradition -- and through all of our counternarcotics programs in Colombia -- we will continue to press the government and provide practical support to those honest segments of government and society that are resolved to overcome the traffickers' corrupting influences.

Despite our efforts to rapidly expand support for the CNP's eradication efforts during the past year, coca cultivation in Colombia has almost tripled since 1987. This worrisome trend, the result of a variety of complicated political and practical factors, represents one of the greatest challenges Colombians and we face to stamping out the drug trade. It reflects an overall lack of political commitment to take strong measures against narcotics trafficking or fully support those in Colombia who are, such as the Prosecutor General and the CNP. Within the next few months, we hope to have a more in-depth assessment of coca eradication between October and December of 1996. On a more positive note, our collaboration with the CNP has resulted in the stabilization of the Colombian opium poppy crop to about 64 hundred hectares, thus stemming the flow of cheap Colombian heroin to our country.

#### THE ROAD AHEAD

Domestically, the drug trade costs our society at least \$60 billion a year -- and that is without attempting to measure the tragic impact of lives wasted or destroyed by addiction to illegal drugs. Along with the general problem of transnational crime, the illegal narcotics business is as daunting as any problem we face in the post-Cold War era. In their frustration, many Congressmen and women wonder if we're making any headway at all. For the past four years, my Bureau has been charged with looking after the Administration's broad programs and policies designed to counter growing transnational crime. I can point to specific areas where we have made concrete progress:

- Tough use of certification, as in the case of Colombia, is exacting stronger political will and unprecedented practical measures;
- U.S. estimates show an 18 percent reduction in 1996 of coca grown coca in Peru;
- More notorious drug criminals in Latin America and elsewhere are being jailed; and
- New extradition treaties with Argentina, Bolivia, France, Poland, Cyprus and Spain signal fresh willingness to cooperate with the U.S.

To carry out programs and maintain the momentum we have achieved, we are extremely grateful for this Subcommittee's abiding support, especially for our funding request this year of \$230 million which includes a \$17 million increase over FY 1997. In fact, our FY 1998 request represents only about 1 percent of our entire national budget to counter the drug threat. At the same time, as our U.S. national drug control strategy makes clear, domestic initiatives are threatened unless they are bolstered by a solid U.S. foreign effort and significant multilateral support.

I also want to underscore, Mr. Chairman, that the Administration is taking fresh steps to ensure that drug control and crime assistance is spent wisely and in the context of broad foreign policy goals. Obviously, spending alone is not the solution. To shape the future we want for our children, our diplomats need to exercise leadership in exporting our techniques for fighting crime, opposing impunity and insisting upon reasonable standards for international conduct. It means that the array of Administration agencies must coordinate and collaborate, just as cooperation at the international level is paramount to success. Moreover, as we have seen in Colombia and other pivotal countries, we know that helping to ensure that functioning democracies and financial institutions operate with integrity depends importantly upon fostering reliable judicial sectors which are trusted by a nation's citizenry. In this sense, law enforcement training to enhance criminal justice sectors overseas is perhaps the most cost-effective tool at our disposal.

The principles I speak to apply dramatically to our bilateral drug control efforts with Colombia. The increasing sophistication of criminal elements must be matched and surpassed. President Clinton has repeatedly stressed the importance of combating drugs and crime in the context of our national security. Aggressive policies and programs, sufficient financial backing and consolidated efforts at home and abroad must be sustained to meet the challenges we face.

Mr. HASTERT. Thank you, Ambassador Becker.

Mr. Thessin.

Mr. THESSIN. Thank you, Mr. Chairman. I welcome the opportunity to provide a broad outline of the Department's approach to GAO requests for information. These principles guided the Department in responding to the GAO's request in the current case. Let me emphasize a few points.

First, the Department is committed to working with the GAO to provide it with the information it needs to perform its responsibilities in support of Congress. The Department attempts to respond promptly to GAO requests. But such matters as the complexity of the request and the volume of the materials may slow this process.

Second, releases of information to the GAO must take account of the executive branch's legitimate interest in protecting national security, preventing compromise of law enforcement efforts, and preserving the candor of its deliberative processes.

For example, advisors may temper their advice to avoid criticism if they fear their recommendations will be disclosed to the detriment of the decisionmaking process.

Third, the Department works to fashion practical solutions that accommodate the needs both of the GAO for information and of the Department to protect its interest in that information. Accommodations may involve such procedures as redaction of confidential sources, summaries of sensitive information and limitations on access.

If one approach is deficient, the Department is prepared to discuss alternative methods to meet GAO's needs. My colleagues and I stand ready to answer any questions the subcommittee may have on document matters. Thank you, Mr. Chairman.

[The prepared statement of Mr. Thessin follows:]

Statement of James H. Thessin  
Deputy Legal Adviser  
Department of State  
July 9, 1997

The Subcommittee has asked that I address the issue of GAO requests for information. I would like to provide a broad outline of the Department's approach to such requests. These principles guided the Department in responding to the GAO's requests in the current case.

The Department is committed to working with the GAO to provide it with the information it needs to perform its responsibilities in support of Congress. The Department attempts to respond promptly to GAO's requests, but such matters as the complexity of the requests and the volume of materials may slow this process.

Releases of information to the GAO must take account of the Executive Branch's legitimate interests in protecting national security, preventing compromise of law enforcement efforts, and preserving the candor of its deliberative processes. For example, advisers may temper their advice to avoid criticism if they fear their recommendations will be disclosed, to the detriment of the decisionmaking process.

The Department works to fashion practical solutions that accommodate the needs both of the GAO for information and of the Department to protect its interests in that information. Accommodations may involve such procedures as redaction of confidential sources, summaries of sensitive information and limitations on access. If one approach is deficient, the Department is prepared to discuss alternative methods to meet GAO's needs.

My colleagues and I stand ready to answer any questions the Subcommittee may have on document matters.

Mr. HASTERT. Thank you, Mr. Thessin.

Mr. Newberry.

Mr. NEWBERRY. Mr. Chairman, members of the subcommittee, thanks for this opportunity to appear before you and address your questions about the Department of Defense's support to our Nation's effort to stop the flow of illegal drugs.

Mr. HASTERT. Mr. Newberry, would you pull the mic up so we could hear you a little clearer.

Mr. NEWBERRY. Sure. How's that? Although we support both domestic and foreign law enforcement programs in the United States, Latin America and Asia, I understand this hearing will focus on activities in Colombia and possibly other areas in Latin America.

As you're aware, we have a variety of counterdrug activities ongoing in Colombia to include training, intelligence collection, providing target packages, detection and monitoring of air trafficking, joint planning, and assistance teams.

Additionally, as you alluded to, we are currently seeking new limited authority that will allow the Department of Defense to enhance the capabilities of foreign nations by procuring and transferring equipment and to providing spare parts and maintenance support for that equipment. I certainly welcome all the support that this committee can provide to successfully pass this legislation.

With that short summary, I'm prepared to answer any questions you have on our support to Colombia. Thank you.

[The prepared statement of Mr. Newberry follows:]

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to speak before you today. Our nation's drug problem is a serious one that affects the lives of millions of Americans. Crime and health problems associated with illicit drug use continue to have an adverse effect on our communities and among our young people. Meanwhile, illicit drug trafficking poses a serious threat to our national security.

Addressing this problem, the President's National Drug Control Strategy has articulated five strategic goals in our collective American effort to reduce illegal drug use and its consequences in America. The Department of Defense, with its unique resources and capabilities, plays a critical supporting role in two of these goals: shielding America's air, land, and sea frontiers from the drug threat; and breaking foreign and domestic drug sources of supply.

In support of this mission, the Drug Enforcement Policy and Support office has aggressively explored the use of new ideas and state-of-the-art systems unique to the Department, and employed those that had practical application. Moreover, we have regularly assessed the effectiveness of our existing counterdrug program, emphasizing cost-effective, high-impact projects that support the President's National Drug Control Strategy.

Today, I would like to talk about two areas of our counterdrug support: our efforts in the primary source nations of cocaine – specifically, Peru and Colombia – and, the support that we provide in the Transit Zone areas of Mexico and the Eastern Caribbean.

#### **SUPPORT TO SOURCE NATIONS**

The Department is a key player in assisting foreign and domestic counterdrug forces to break the foreign supply of cocaine into the United States. DoD provides three categories of support to foreign counterdrug forces: training; command, control, communications, computers, and intelligence support (C4I); and interdiction support. The focus of our efforts, as prescribed by Presidential Decision Directive, is on Colombia, Peru, and Bolivia, where nearly all of the world's cocaine is cultivated and produced. Our objective is to attack trafficking organizations in the region by disrupting their activities and imprisoning their leaders. These efforts also serve to strengthen the democratic institutions in source nations and encourage national resolve and regional cooperation.

In the last two years, we have seen both Peru and Colombia achieve a number of tactical successes against drug traffickers. DoD personnel played an integral part in training and providing intelligence information to Colombian and Peruvian counterdrug forces, thereby enhancing their interdiction efforts against air smugglers. Capitalizing on early successes against air smuggling, the Department engaged in two successful operations, GREEN CLOVER and LASER STRIKE – which modestly increased the level of personnel and detection and monitoring assets dedicated to source nation interdiction efforts. During these operations, the United States for the first time, worked side-by-side with countries throughout the region to assist them in developing and implementing operational plans against drug traffickers. The most encouraging

results of GREEN CLOVER and LASER STRIKE have been an unprecedented cooperation among countries of South America in the drug interdiction effort; and the involvement of countries that had heretofore been uninvolved in attacking the drug threat.

As a result of Peru's aggressive efforts against air smugglers, we initially saw a dramatic decrease in the price of coca base that traffickers were unable to move out of Peru. The monthly incidence of narco-trafficking by air in the source zone remains 50-80% below rates observed in 1994 before more aggressive interdiction efforts were instituted. Furthermore, the prices paid to coca farmers for their leaf remain severely depressed. Coca farmers are having great difficulty making a profit, and an increasing number are looking at alternative development opportunities. Moreover, recent intelligence reporting indicate that because of Peru's successful air interdiction efforts, traffickers are making greater use of river and land transport.

To address the changing drug trafficking threat, the Department is working in conjunction with the State Department and law enforcement agencies, to assist countries in the region to enhance their riverine capabilities. During LASER STRIKE, we began to increase our level of training support to enhance military and police riverine interdiction capabilities in both Peru and Colombia. For FY98, the Department has proposed legislation that would assist Peru and Colombia in developing their riverine interdiction capability. Specifically, this authority would allow the Department to procure equipment and supplies and provide associated maintenance support to enhance counterdrug riverine initiatives in these countries.

We are at a unique moment in time where we can take advantage of the impact we have made in the air by impacting the traffickers shift to the rivers. We must take advantage of the current declining coca producing activities in Peru by enhancing interdiction efforts. This is the leverage Peru needs to encourage alternative crop development. This is what we have been striving for these many years. The time to act is now.

#### **DETECTION AND MONITORING IN THE TRANSIT ZONE**

As the lead agency for detection and monitoring of aerial and maritime drug traffic into the United States, the Department plays an active role in shielding America's frontiers from the drug threat. Over the last several years, the Department sustained an efficient detection and monitoring capability in the Caribbean. Our capability was maintained by phasing out costly, low-impact, fixed systems, which were easily evaded by drug traffickers, in favor of more modern, cost-efficient, flexible, and agile assets (e.g., Relocatable Over-The-Horizon Radars (ROTHR), E-3s, P-3s, E-2s, and refitted TAGOS radar picket ships).

Recently, we have seen an increased use of maritime smuggling through the Eastern Caribbean. The narco-traffickers are taking advantage of the economic decline and limited law enforcement capabilities in the region to island-hop cocaine using small non-commercial maritime vessels through the region to Puerto Rico, where the cocaine is then smuggled into the U.S. DoD's proposed legislation would allow us to provide limited amounts of support to enhance the maritime law enforcement capabilities of these nations.

Furthermore, the Department has taken aggressive steps in shielding our southern border through which an estimated 70% of the cocaine enters the United States. The Department has worked closely with the Mexican military to enhance their counterdrug interdiction efforts. In October, 1995, Secretary Perry became the first Secretary of Defense to travel to Mexico. As a result of this trip, a bilateral working group was established with counterdrug cooperation as a particular focus. During this time, President Zedillo broadened his military's counterdrug mission, directing their involvement in counterdrug interdiction efforts: in the past, Mexico's military only participated in eradication operations. As a result of extensive consultations, DoD and the Mexican military together developed a comprehensive counterdrug initiative for enhancing Mexico's interdiction capability. This initiative involves the training and equipping of counterdrug rapid reaction groups and providing these groups with the air mobile capability necessary to successfully carry out their counterdrug missions. The work of the rapid reaction groups will be focused on the activities of the major drug traffickers in Mexico. There will also be a strong focus on Mexico's northern border, where the drug trafficking threat is most serious.

By the end of this fiscal year, we will have trained 1500 military personnel. Moreover, we are transferring 73 UH-1H helicopters to Mexico in support of their drug interdiction effort. Last year, Congress granted us one-year authority to spend up to \$8M to procure counterdrug equipment in support of the initial 20 helicopters we had transferred to Mexico. We used this authority to help the Mexican military acquire larger spare parts for these helicopters. In order to ensure the Mexican military's ability to stand up a viable air mobile capability in support of their counterdrug rapid reaction groups, we have requested an extension extension of the FY97 Mexico authority. This authority would likely again be used to procure additional necessary spare parts for the helicopters, as well as other necessary equipment.

#### CONCLUSION

There are no easy solutions to the problems of illicit drug use or trade. Nonetheless, our government can not and has not shirked its responsibility to attack the Nation's drug problem on all levels. Countering the flow of cocaine and other illicit drugs into America requires a multi-year effort with comprehensive supply and demand reduction programs, substantial resources, enormous energy, and creativity. During the last several years, the Department of Defense has continuously strived to improve our program management and effectiveness ensuring that the maximum operational impact is achieved with the funds available. While DoD's support to foreign and domestic law enforcement in and of itself will not solve the Nation's drug problem, we have made steady progress in running a cost-effective, high-impact program. Our program has provided desperately needed support to law enforcement. We look forward working with you as we continue to seek high-impact ways to support the work of law enforcement agencies both domestically and internationally.

Thank you.

Mr. HASTERT. Thank you, Mr. Newberry.  
Mr. Marshall.

Mr. MARSHALL. Mr. Chairman, members of the subcommittee, I thank you for the opportunity to appear here today to discuss the efforts of the Colombian national police and the Colombian military in our joint antinarcotic efforts. I'd like to thank you and the subcommittee for your continued support of our antinarcotic program. I know that you recently traveled to some of the source countries where you saw firsthand some of the initiatives that are being put into place as a result of the budget increases for Andean Ridge in fiscal year 1997.

As you probably know, the narcotraffickers from Colombia seized virtually total control of the cocaine trade in the late 1970's. The first group to dominate were the organized criminal groups headquartered in Medellin, Colombia, which were led by violent criminals like Fabio Ochoa, Jose Rodriguez Gacha, Carlos Lehder, and one of the most violent criminals in history, Pablo Escobar.

One by one these leaders were brought to justice by the Colombian national police. And having had a degree of personal involvement in this effort during that era, I can tell you that the one thing that these traffickers most feared was being brought before the U.S. criminal justice system.

I believe it was the extradition of Carlos Lehder during that era that really resulted in the beginning of the downfall of the Medellin cartel. So I can't overemphasize, Mr. Chairman, the fact that extradition is in fact a very important tool, as you have referred to and a couple of other witnesses here have referred to.

During this campaign to bring down the Medellin cartel, a group of young criminals in Cali, led by Miguel Rodriguez Orejuela and his brother Gilberto as well as Jose Santa Cruz Londoño, were then proceeding to build what would become one of the most successful criminal enterprises in history. Again, through the very courageous leadership of General Serrano, Colonel Gallego, and General Bedoyo of the Colombian military, Colombian authorities methodically tracked down each of these leaders until the entire infrastructure of the Cali mafia was either incarcerated or dead.

But the violence continues even today. On November 4, 1996, a van filled with dynamite was discovered outside a chemical plant which was owned by a family of the Senator sponsoring a bill to lift the ban on extradition of Colombian drug traffickers. This was just a few days before the bill was scheduled for debate.

On June 18 of this year 8 Colombian national police officers were killed and 12 others were wounded as they tried to disarm a powerful truck bomb. And the extraditables—drug traffickers—took responsibility for this bombing. The Orejuelas have ready access to both pay phones and cellular phones in their prison cells, but they are unable to fully control their vast empire from their jail cells.

Organized crime families in Mexico—most notably the Arrellano Felix brothers, the Caro-quintero organization, the Amesco brothers, and until his death last week, Amado Carrillo-Fuentes—have formed some very powerful alliances with the Colombian drug traffickers.

An estimated 15 percent of the world's coca leaf is grown in Colombia, and the vast majority of cocaine base and hydrochloride is

produced in laboratories throughout Colombia. This cocaine is then either shipped via maritime or aircraft to traffickers in Mexico or it is shipped through the Caribbean and into the United States.

Remnants of the Cali group are still being directed by the Orejuelas as well as Cali splinter groups who have become powerful drug trafficking forces in their own right. There are about five or six major groups of this type that we have targeted and are actively working, investigating with Colombian authorities.

Adding significantly to the dangers faced by the antinarcotic forces in Colombia are the revolutionary armed forces of Colombia—or the FARC—as well as the National Liberation Army. The CNP helicopters and planes used in drug eradication efforts continually receive ground fire from these guerrillas when they're conducting counterdrug operations.

Through the United States Government and DEA's law enforcement strategies we have been able to build cases on many of the bosses in Colombia as well as the United States based infrastructure of these Colombian syndicates. And with the assistance of foreign government, we have, in many cases, left these organizations in disarray. The central focus of the DEA office in Bogota and throughout Colombia is the identification, investigation and dismantling of the organized drug syndicates in Colombia.

DEA and the Colombian national police have developed a series of programs to enhance these investigations. The expansion of the DEA and CNP wire intercept program is critical to building criminal cases against the leadership of these organizations in Colombia. The recently established information analysis and operational center plays a vital role in coordinating United States and Colombian information, intelligence, and coordinating activities.

A flow reduction strategy will be extremely effective in reducing the movement of cocaine through the source zone. Maintaining and improving the investigative capabilities of special investigative units of the CNP are critical to our wire intercept and other enforcement programs in Colombia. Expansion of operations conducted jointly with the CNP is key to locating and destroying clandestine laboratories, air strips and storage sites.

An expansion of information collection and investigative activities and support of the international emergency powers act—or IEPA—and money laundering schemes by Colombian trafficker organizations is also vital. The DEA working in Colombia with the CNP and domestically with Federal, State and local law enforcement counterparts will concentrate on the vulnerabilities of these Colombian organizations and their Mexican partners.

First, we will continue to focus our domestic investigations on the United States based infrastructure of these groups, particularly those in the Caribbean theater, south Florida and the southwestern border. Second, we will work in Colombia to build cases on the leaders of the new groups vying to dominate the cocaine trade as well as direct resources against their production and transportation operations.

Again, I appreciate the opportunity to appear here, and I will be happy to answer any questions you might have.

[The prepared statement of Mr. Marshall follows:]

**Statement of  
Donnie Marshall  
Chief of Operations  
Drug Enforcement Administration  
Before the Subcommittee on National Security,  
International Affairs and Criminal Justice  
July 9, 1997**

Mr. Chairman, Members of the Subcommittee: I appreciate the opportunity to appear before the Subcommittee today to discuss the cooperative efforts of the Colombian National Police and military in our joint anti-narcotic efforts, as well as current initiatives DEA has in Colombia. First I would like to thank you, Mr. Chairman and the Subcommittee, for your continued support of DEA and its programs, both internationally and on the homefront. I know you recently showed your commitment and continued interest in the anti-narcotics efforts in the Western Hemisphere by traveling to the source countries of Colombia, Peru, and Bolivia. This allowed you to see first hand the initiatives that have been put into place as a result of the substantial budget increases for the Andean Ridge, strongly supported by this committee, in the FY-97 budget.

Narco-traffickers from Colombia seized total control of the cocaine trade in the late 1970's. The first to dominate this trade were the organized criminal groups headquartered in Medellin, Colombia, led by violent criminals like Fabio Ochoa, Jose Rodriguez-Gacha, Carlos Lehder, and arguably the most violent criminal in history, Pablo Escobar. These individuals ruled the drug trade in Colombia and in major cities in the United States, such as Miami and New York, with an iron fist. As with organized crime throughout history, their climb to success was rooted in bribery, intimidation and murder. The murder rate in Colombia has always been exponentially higher per capita than in the United States. During the heyday of Escobar and his confederates, as a result of their violence, up to 2,000 citizens and police officers were murdered per year in Medellin. At the height of his power, in an act of total impunity, Escobar placed a \$1,000/\$3,000 bounty on the lives of police officers in Colombia and he was the mastermind behind an Avianca commercial airliner being blown from the sky in

Bogota killing 107 persons. Numerous Colombian Supreme Court Justices considering the extradition of Colombian drug lords to the United States lost their lives at the hands of Escobar's ruthless henchmen.

One by one the leaders of the most violent organized criminal group in history were brought to justice by the Colombian National Police. Lehder was extradited to the United States, to stand trial for his crimes, and is currently serving life terms in a Federal Penitentiary. The Ochoa brothers were arrested, but received ridiculously short jail terms for their crimes, and were in fact recently released from a Colombian prison. Jose Gonzalo Rodriguez-Gacha and Pablo Escobar were killed in bloody gunfights with the Colombian National Police.

During the time the Colombian National Police were engaged in their campaign to bring down the Medellin Crime Syndicate, a group of young criminals in Cali, Colombia, led by Miquel Rodrigues Orejuela, his brother Gilberto, and Jose Santa Cruz Londono were building what was to become the most prolific and successful criminal enterprise in history. By the early 1990's, these traffickers from Cali, far less flamboyant and seemingly less violent than their counterparts from Medellin, had slowly established control over the cocaine trade in this hemisphere as well as in Europe, and even began opening new markets in the Far East.

Orejuela created an enormous monolithic organization that orchestrated the manufacture of hundreds of tons of cocaine in Colombia, which were moved through the Caribbean and later Mexico, to U.S. markets. The leadership of the Cali Cartel ruled this seven billion dollar per year business, while safely ensconced on foreign soil. In short, they became the prominent "mob leaders of the 1990's." However, they were far wealthier, far more dangerous, far more influential, and had a much more devastating impact on the day-to-day lives of the citizens of our country than either their domestic predecessors or the crime families from Medellin.

Miguel Orejuela and his confederates set up an extremely well-disciplined system of compartmentalization that spanned and insulated every facet of their drug business. The organization's tentacles reached into the cities and towns of the United States either through their U.S.-based infrastructure or their surrogates who sold crack cocaine on the streets of locations as varied as Chicago, Illinois

and Rocky Mount, North Carolina. At the height of his power, Orejuela was reportedly using as much as one-half of his seven billion dollar annual income from drug sales to bribe government officials, judges, and police officers in Colombia. Although they freely used their enormous wealth to bribe, they were just as prone to violence as the thugs from Medellin. Just as "traditional" organized crime was addressed over time in the United States by exposing its leaders, and systematically stripping away the pretense that they were legitimate businessmen, the organized criminal groups from Colombia have been eviscerated, and are now a fragment of what they once were.

The Colombian National Police (CNP), through tenacity, courage, and bravery that has seldom, if ever, been seen in law enforcement, faced down the most powerful organized criminal syndicate in history. Through the fearless leadership of General Rosso Serrano and Colonel Leonardo Gallego of the Colombian National Police, as well as that of General Harold Bedoya of the Colombian military, they built cases on the entire upper echelon of the Cali drug trafficking organization. They methodically tracked each leader down until the entire infrastructure of the Cali Mafia was either incarcerated or dead. There is no tribute too great for the brave men and women of the CNP who gave their lives in this effort.

Yet, even though Orejuela and his brother are in jail, the violence continues. On November 4, 1996, a van, filled with 360 pounds of dynamite, was discovered parked outside a chemical plant owned by the family of a Senator sponsoring a bill that lifted the ban on extradition of Colombian drug traffickers to the United States. The car-bomb, once the signature of the Medellin Cartel, was discovered just days before the extradition bill was scheduled for debate by the Colombian Senate. On June 18th, eight Colombian National Police Officers were killed and 12 others wounded as they tried to disarm a powerful truck-bomb that had been located during a cursory vehicle search just west of Bogota. A news outlet in Bogota reported receiving a telephone call from an individual indicating that "the Extraditables" were taking responsibility for the bombing. There have also been recent reports from Colombia that Miguel and Gilberto Orejuela are actively plotting their escape from La Picota Prison, a high security detention facility outside Bogota, where they are being held.

*The Emergence of New Trafficking Threats to the Western Hemisphere*

Despite accurate reports indicating the Orejuelas have ready access to both pay phones and cellular phones in their cells, they are unable to control their vast empire from jail. Consequently, their ability to function as the first among all others has been seriously degraded. There are many groups in Colombia and Mexico trying to fill the void left by the incarceration of the Cali leadership. Without question the organized crime families in Mexico, most notably the Arellano-Felix brothers, Miquel Caro-Quintero and Jesus Amezcua-Contreras, and, until his death last week, Amado Carrillo-Fuentes, have eclipsed the Colombian traffickers as the most dominant figures in the cocaine trade today.

Originally, these Mexican crime families received shipments of cocaine from the Cali group and then smuggled it across the U.S.- Mexico border, where it was turned over to Colombian distribution cells. First paid \$1000 to \$2000 per kilo for their services, they ultimately began receiving between 40% to 50% of each shipment as payment. Amado Carrillo-Fuentes and the other major traffickers quickly amassed fortunes from the profits of the sale of thousands of kilograms of cocaine and systematically expanded their distribution networks.

Although Colombian traffickers still dominate the movement of cocaine from the jungles of Bolivia and Peru to the large cocaine hydrochloride (HCL) conversion factories in Southern Colombia, they have lost their stranglehold on the U.S. wholesale market. The ascension to power by the groups from Mexico has garnered them enormous wealth and a demonstrative expansion in their spheres of influence. The organized criminal groups from Mexico now control virtually all cocaine sold in the western half of the United States and, for the first time, we are seeing a concerted effort on their part to expand into the lucrative East Coast market.

However, the remnants of the Cali group still directed by the Orejuelas, as well as Cali splinter groups such as the Grajales-Urdinolas, have become powerful forces in their own right. New independent traffickers from the Northern Valle del Cauca have risen to prominence, and are responsible for huge volumes of cocaine and heroin being shipped to the United States. With their surge to power, the face of the drug trade has changed.

These groups have enlisted the aid of traffickers and smugglers from the Dominican Republic to deliver their product to market and have placed an entire command and control infrastructure in the Caribbean, predominantly in Puerto Rico, to manage the movement of cocaine throughout the Caribbean Corridor. There has been a concerted effort on the part of these Colombian groups to franchise their smuggling and transportation operations to Puerto Rican and Dominican groups in order to minimize their presence on the island. This is an example of the recent decentralization of the cocaine trade in Colombia. The leadership of these new Colombian groups is adopting a less monolithic approach in their operations, as demonstrated by a willingness to sub-contract transportation services and franchise distribution operations in the United States.

This has effectively amputated one to two levels of the Colombian *cell system* and forced them to relinquish some profits and control. The *cell system* is still employed to provide security and compartmentalization, but it no longer exists to the extent that the Colombian traffickers exert complete control over the distribution networks. They have been using Dominican trafficking groups to handle, and to some degree, control wholesale and street level distribution of cocaine and heroin. By using this approach they may forego some profits, but they gain the insulation from U. S. justice that they desire. These new traffickers vying for the Cali throne understand that direct control creates vulnerability for the criminal organization's leadership in both the United States and Colombia.

Traffickers from the Dominican Republic have developed intricate trafficking networks to distribute cocaine and heroin for the Colombians in the lucrative New York market, as well as in cities all along the East Coast and operate with efficiency, relying heavily on counter surveillance, and operational security to ensure success. They use sophisticated communications equipment, cloned cellular communications, alarm systems, and police scanners to monitor the activity of law enforcement. They also rely heavily on the ingenious construction of vehicle "traps" to secrete and secure their drug loads for transportation in passenger vehicles or trucks for transportation to cities throughout the Northeast.

The criminal groups from the Dominican Republic also provide a natural conduit for Colombian heroin to the large addict population in New York and the

northeastern United States. Approximately 63 percent of the heroin seized in the United States last year was of South American origin. Abuse of high quality Colombian heroin, which can easily be snorted or smoked, rather than injection the traditional method of administration, has significantly increased over the last several years, and its use has unfortunately become "fashionable" for many young people. The heroin trade in Colombia is controlled by independent traffickers who harvest the poppy in the mountainous areas of the Andes and produce heroin in small laboratories throughout the area. They then employ an army of couriers who smuggle the heroin into the United States via ingestion, body carries and increasingly in concealed compartments in luggage. The couriers enter the United States primarily at the ports of San Juan, Puerto Rico, Miami, Florida and New York City from where they distribute this highly addictive drug all along the East Coast.

#### ***Colombian Situation Report***

An estimated 15% of the world's coca leaf is grown in Colombia and the vast majority of the cocaine base and cocaine HCL is produced in laboratories throughout Colombia. The fingerprints of Colombian traffickers are on the vast majority of the cocaine distributed in the United States today. Many of these activities take place in the southern rainforests and eastern lowlands of Colombia. Most of the coca cultivation occurs in the Departments of Guaviare, Caqueta, and Putumayo. Cocaine conversion labs range from small "family" operations to large facilities, employing dozens of workers. Common methods are still used to extract cocaine alkaloids from raw coca leaf and to remove impurities from cocaine base and cocaine HCL. Once the cocaine HCL is manufactured, it is either shipped via maritime or aircraft to traffickers in Mexico, or shipped through the Caribbean corridor, including the Bahama Island chain, to U.S. entry points in San Juan, Puerto Rico, Miami and New York City. The Cali splinter groups and the new groups from Colombia have returned to the traditional smuggling routes in the Caribbean, creating alliances with Dominican and Puerto Rican trafficking groups.

The following new independent traffickers from the Northern Valle del Cauca have risen to prominence:

**Jairo Ivan Urdinola Grajales** and his brother **Julio Fabio Urdinola Grajales** head a major drug trafficking organization associated with the so-called **Northern Valle del Cauca** drug mafias. The **Urdinolas** are related by marriage to the **Henao Montoya** family. The CNP arrested **Ivan** in April 1992, while **Fabio** later surrendered to Colombian authorities in March 1994. The incarceration of the **Urdinola Grajales** brothers notwithstanding, their organization reportedly remains active in the drug trade.

The **Henao Montoya** brothers, **Arcangel de Jesus** and **Jose Orlando**, run trafficking operations out of the Northern Valle del Cauca region. The **Henao Montoyas** run the most powerful of the various independent trafficking groups that comprise the North Valle drug mafia. The major North Valle drug mafia organizations are poised to become among the most powerful drug trafficking groups in Colombia. The Henao Montoya organization has been closely linked to the paramilitary group run by **Carlos Castano**, a major cocaine trafficker in his own right.

**Diego Montoya Sanchez** heads a North Valle trafficking organization that transports cocaine base from Peru to Colombia and produces multi-ton quantities of cocaine HCI for export to the United States and Europe. DEA considers **Montoya Sanchez** to be one of the most significant cocaine traffickers in Colombia today.

In March 1996, **Juan Carlos Ramirez Abadia** (aka "Chupeta"), surrendered to Colombian authorities. **Chupeta** is believed to have surrendered, in part, due to his fear for his personal safety and to be eligible for a more lenient prison sentence. In December 1996, Chupeta was sentenced to 24 years in prison, but may actually serve as little as 7 1/2 years due to Colombia's lenient sentencing laws. DEA and CNP reports indicate that **Chupeta** continues to direct his drug operations from prison.

**Julio Cesar Nasser David** heads a major polydrug trafficking and money laundering organization based out of Colombia's North Coast. His organization smuggles multi-ton quantities of cocaine and marijuana to the United States via commercial shipments and maritime vessels. In 1994 DEA and Swiss authorities arrested Nasser-David's wife and seized over 180 million dollars in drug proceeds concealed in secret Swiss bank accounts.

**Alberto Orlando Gamboa (aka "Caracal")** runs the most powerful drug trafficking organization on the North Coast. Gamboa exploits maritime and air routes to the Dominican Republic, Haiti, Puerto Rico, and other Caribbean islands, to smuggle multi-ton quantities of cocaine and marijuana into the United States.

*FARC Involvement in the Drug Trade*

Adding significantly to the dangers faced by the anti-narcotic forces in Colombia is the protection being afforded to the farmers, who grow the coca and to the traffickers who process it into cocaine base and cocaine HCL, by the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). The FARC factions continue to raise funds through extortion, by providing security services to traffickers, and charging a fee for each gallon of precursor chemicals and each kilo coca leaf and cocaine HCL moving in their region. Some of these groups have assisted the drug traffickers by storing and transporting cocaine and marijuana within Colombia, and certain FARC units in Colombia may be engaged in localized opiate trafficking.

CNP helicopters and planes used in drug eradication efforts continually receive ground fire when conducting counterdrug operations. Guerilla groups provide security for and aggressively defend coca and poppy fields and the processing laboratories, like the huge HCL conversion complex seized in January of 1997. The FARC, and other guerilla groups, were originally founded and built on ideological beliefs, but profits from the multi-billion dollar drug trade have sparked the guerillas' interest in selling their services to drug traffickers instead of pursuing ideology. To date, there is little to indicate the insurgent groups are trafficking in cocaine themselves, either by producing cocaine HCL and selling it to Mexican syndicates, or by establishing their own distribution networks in the United States.

***Law Enforcement's Response***

Cases against the leaders of these criminal groups most often originate from investigations being conducted in the United States. Through what was originally designated our Southwest Border Initiative, but has become a Hemispheric Strategy, we are able to build cases on the bosses and the U.S. based infrastructure of these international drug syndicates and with the assistance of foreign governments, their long-term incarceration leave entire organizations in disarray.

Combining resources from the Federal Bureau of Investigation (FBI), the Department of Justice (DOJ), the United States Attorney's Office, and other Federal, State, and local agencies, as well as the host country law enforcement agencies, as we did with the CNP, we can ensure that the leaders of these groups will be arrested and hopefully sentenced to prison terms commensurate with their crimes.

***DEA Bogota***

The central focus of the DEA office in Bogota is the identification and investigation of the organized drug syndicates in Colombia that control the growth, manufacturing, and flow of cocaine to the United States. These investigations, conducted with the CNP in support of domestic investigations, target the leadership and U.S. based infrastructure of their distribution cells by attacking the communications systems of their command and control functions in an effort to build criminal cases that will result in their conviction and incarceration in either the United States or Colombia. In support of this strategy DEA Bogota and the Colombian National Police have developed a series of programs and operations designed to enhance the criminal investigations, attack the weakness of the major criminal groups in Colombia, and inhibit the flow of cocaine through the key source zone located south and east of the Andes Mountains. These support programs have the immediately positive result of seizing cocaine, conversion laboratories, and aircraft. However, the overriding benefit of these programs is the critical intelligence and evidence they provide to our primary program of building cases on the criminal organizations' leadership and infrastructure. Key programs DEA has been able to either initiate or expand as a result of funding for the Andean Ridge in the FY97 budget are:

- The expansion of the DEA/CNP wire intercept program that is critical to our prime objective of building criminal cases against the leadership of the organized criminal drug organizations in Colombia. This program also provides key information used in our interdiction and disruption strategies.
- The recently established Information Analysis/Operations Center plays a vital role in the coordination of U.S. and Colombian information and intelligence related to the interdiction of drugs manufactured and transited through Colombia
- The lack of a developed transportation infrastructure in the source zone offers a viable target of opportunity. Traffickers are dependent on aircraft and the riverine network to transport chemicals, vital to the processing of cocaine base to HCL and to move cocaine base from Bolivia and Peru to the conversion complexes located mostly in the Departments of Gaviari, Caqueta and Putumayo. Given the paucity of the legitimate traffic on the rivers and the finite number of aircraft available and suitable for trafficker use, a flow reduction strategy will be extremely effective in denying transportation options to traffickers and substantially reducing the movement of cocaine in the source zone.
- Maintain and improve the investigative capabilities of the vetted Special Investigation Units (SIU ) of the CNP that are critical to our wire intercept and other enforcement programs in Colombia
- Expansion of operations conducted jointly with the CNP to locate and destroy clandestine laboratories, airstrips, and storage sites. In January of this year, the CNP seized the largest drug processing complex in Colombia's history, seizing 13.8 tons of cocaine and 455 tons of chemicals from the site hidden in the tropical savanna of Southwest Colombia. Although these complexes are often quite large, they are easily concealable in the triple canopy jungles of Colombia. However, through a variety of intelligence collection techniques we are able to locate and destroy the laboratories that produce thousands of kilograms of cocaine HCL weekly. The pressure to locate and seize cocaine HCL laboratories must be maintained along with efforts to stop the flow of cocaine base, most often

via aircraft, from Bolivia and Peru. Equally as important is the seizure of precursor chemicals which are essential to the manufacturing process (none of which are manufactured in Colombia). This strategy is critical to the success of our anti-narcotics program in Colombia.

- Expansion of information collection and investigative activities in support of the International Emergency Powers Act (IEEPA) and money laundering schemes by Colombian trafficking organizations.

### ***Conclusion***

The DEA, working in Colombia with the CNP, and domestically with our Federal, State, and local partners, will concentrate on the vulnerabilities of these Colombian organizations. First, we will continue to focus our domestic investigative efforts on the U.S.-based infrastructure of these groups, particularly those in the Caribbean theater and South Florida. For example, we know that the more powerful of the Colombian groups have moved high level managers from Colombia into Puerto Rico to direct and coordinate cocaine shipments through the region. The sophistication and volume of these smuggling operations was seen recently when six tons of cocaine were seized from the freighter *Limerick* when it was searched by Cuban authorities at our request after developing engine problems and washing into Cuban waters. Secondly, we will work in Colombia to build cases on the leaders of the new groups vying to dominate the cocaine trade as well as direct resources against their production and transportation operations.

Thank you again for giving me the opportunity to testify today and I will be happy to answer any questions you may have.

Mr. HASTERT. Thank you, Mr. Marshall.  
Mr. Hinton.

Mr. HINTON. Thank you, Mr. Chairman. Chairman Hastert, Chairman Burton, Mr. Barrett, members of the subcommittee, as requested, I am here today to discuss the problems the General Accounting Office has encountered in conducting its review of counternarcotics activities in Colombia.

On March 4, 1997, Mr. Chairman, you asked that we review the progress of United States and Colombian efforts to reduce drug trafficking activities and influence and any problems that exist. Subsequently, the chairman of the House Committee on International Relations and the Senate Caucus on International Narcotics control also requested that GAO address similar issues.

In response to these requests, we are in the process of No. 1, reviewing the length of time it took the executive branch to determine what assistance would be affected by the administration's decertification of Colombia and the subsequent impacts of decertification on United States assistance to Colombia; No. 2, the status of the proposed \$40 million emergency assistance package being provided to Colombia under section 506A of the Foreign Assistance Act; and, No. 3, the planning and implementation of United States antidrug efforts in Colombia.

Mr. Chairman, I have three main points to highlight: First, our review has been significantly delayed because the State Department has not given us timely and complete access to the information we require to address the issues you, Chairman Gilman, and Senator Grassley have raised.

For example, it has taken the Department almost 2 months to provide us with the large number of documents that we have requested. The Department has established an elaborate process for considering our document requests by screening documents through multiple time consuming reviews before they are released to us. To date, we still have not received 10 of the documents we requested.

I sent a letter to the Secretary of State on June 25 requesting assistance to break the log jam. I don't know whether it was that letter or the scheduling of this hearing, but we received a lot of documents last week—last Thursday, to be exact.

Second, the State Department has not granted us independent access to documents during this assignment. Based on our request, the Department determined what documents we could see and what documents would be provided to us. Throughout our visit to Colombia, we didn't have independent access to Embassy files or to the State Department instructions detailing how the Embassy was to provide us documents.

This is in contrast to other recently completed counternarcotic assignments we have conducted for this subcommittee in Colombia, Mexico, Peru, Bolivia, and the Caribbean. In none of those past assignments, including a 1995 review of the Colombian counternarcotics program, did the State Department attempt to control our independent access to information as they have on this job that we are currently doing.

Third, the Department has denied us access to some documents and deleted or redacted information from others. GAO's basic au-

thority to access records as contained in 31 U.S.C. 716. This statute gives GAO very broad rights of access to agency records for the purpose of conducting audits, investigations and evaluations. I would like to point out that there is no exemption for internal working papers or documents containing deliberative communications.

This is a point that has been brought up by the State Department to us as reasons for not making documents available to us. We believe we have a right of access to these records and plan to pursue access to them with the Department.

In summary, Mr. Chairman, our concern is with the delay that we have experienced in obtaining timely and independent access to information necessary to respond to your request. We're also concerned about the extent to which the State Department has controlled our access to all documents.

We cannot say at this time with certainty that we have been provided with all of the information necessary to conduct an independent review of United States counternarcotics activities in Colombia. Furthermore, while these delays and restrictions appear for now, to be limited to this assignment, I would be seriously concerned—and I think you would also share that concern, Mr. Chairman—if this practice by the State Department continues on future GAO work that we undertake for this committee and other congressional committees.

That concludes my statement. I stand ready to address any questions you may have.

[The prepared statement of Mr. Hinton follows:]

Mr. Chairman and Members of the Subcommittee:

As requested, I am here today to discuss the problems we have encountered in conducting our review of counternarcotics activities in Colombia. On March 4, 1997, you asked that we review the progress of U.S. and Colombian efforts to reduce drug trafficking activities and influence and any problems that exist. Subsequently, the Chairmen of the House Committee on International Relations and the Senate Caucus on International Narcotics Control also requested that GAO address similar issues.<sup>1</sup> Mr. Chairman, our review has been significantly delayed because the State Department did not give us timely and complete access to the information we require to address the issues you, Chairman Gilman and Senator Grassley have raised.

#### SUMMARY

GAO's basic authority to access records is contained in 31 U.S.C. 716. This statute gives GAO a very broad right of access to agency records for the purpose of conducting audits and evaluations. Generally, we do not encounter problems in accessing agency records in the course of most of our work. In fact, during the past 2 years, we have conducted a

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<sup>1</sup>In response to these requests, we are in the process of reviewing (1) the length of time it took the executive branch to determine what assistance would be affected by the March 1, 1996, decertification of Colombia and the subsequent impacts of decertification on U.S. assistance to Colombia; (2) the status of the proposed \$40-million emergency assistance package being provided to Colombia under section 506 (a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2318(a)(2)); and (3) the planning and implementation of U.S. antidrug efforts in Colombia.

number of counternarcotics-related reviews in Colombia, Mexico, Bolivia, Peru, and the Caribbean for this Subcommittee. In every case, the State Department and embassy officials were cooperative in providing us with timely and independent access to information.

In none of these past assignments did the State Department attempt to control our independent access to information. For example, in a 1995 review of the Colombia counternarcotics program, our team had independent and unrestricted access to program files of State's Bureau for International Narcotics and Law Enforcement Affairs (INL). We were allowed to review files and obtain immediate access to any document we requested. Furthermore, during our 1995 visit to Bogota, embassy officials provided similar access to their State Department files, enabling us to develop conclusions based on all readily available information. We were allowed to transmit all classified documents directly to our agency, in accordance with our established security procedures.

In contrast, throughout this review, the State Department has delayed us and imposed undue restrictions on our access to documents.<sup>2</sup> The Department has established an

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<sup>2</sup>These documents include cables, contractor and embassy reports, and correspondence. The documents cover a variety of areas such as progress reports on Colombia's status in meeting U.S. certification criteria; the impacts of decertification; concerns about the impact of Narcotics Affairs Section (NAS) funding of unplanned requirements such as increased coca and opium poppy eradication and the delivery of certain types of section 506 (a) assistance; weekly reports that show problems in managing the coca reduction program; the counternarcotics needs of the government of Colombia; and a variety of State Department concerns about end-use monitoring and human rights and the impact that these concerns have on the delivery and use of counternarcotics assistance by the

elaborate process for considering our document requests by "screening" documents through multiple, time-consuming reviews before they are released to us. And, the State Department has insisted that we review, under restrictive conditions, many of the documents that have been released to us. Moreover, in some cases, the Department has deleted some information from these documents. After several unsuccessful attempts to resolve these problems, we formally notified the Department on June 25, 1997, that our work was being obstructed by delays in obtaining information.

Here are some examples of the problems we have encountered.

#### DELAYS IN OBTAINING DOCUMENTS

Typically, we work with an agency's program officials in identifying and obtaining records relevant to our review, and we receive most documents directly from program officials either on the spot or with minimal delay. In the present case, all of the documents we requested from the State Department's INL Bureau and from the U.S. embassy in Bogota, Colombia, were subjected to review by multiple bureau's and offices, including INL and the Bureau for Inter-American Affairs (ARA), the Office of the Legal Advisor, and the office of the Deputy Assistant Secretary of State for Information Management. This multiple review process has been extremely time-consuming and has delayed our access to certain documents for months.

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Colombian police and military.

For example, on April 11, 1997, we requested 35 specific documents from INL files. INL did not respond to our request until June 9, 1997--almost 2 months after the request was made--and even then only gave us less than half of the documents. We did not receive access to all of the remaining documents until July 1. On May 8, 1997, we requested an additional 115 specific documents from INL files. On June 11, 1997, INL provided about half of the documents, and the rest were made available on July 1--almost 2 months after we had requested them.

We also experienced delays in obtaining access to information in connection with our 3 week visit to the U.S. embassy in Bogota, Colombia. About one week prior to our visit, we faxed and telephoned the embassy, providing them with a list of documents we wanted to review. At that time, embassy officials did not indicate there would be any problem in getting access to these documents. Upon arrival at the embassy on May 19, 1997, our team was informed that we could not begin our review until guidance was received from the Department about providing our team access to and release of documents requested in connection with the assignment. The next day, our team was told that the embassy had been instructed by the State Department to screen all document requests; determine the documents' releasability based on the Washington screening guidance; and then to send all the documents to the Department's ARA Bureau in Washington, which would, in turn, release them to us. Throughout the visit to Colombia, our team was not allowed to have independent access to embassy files or to have the instructions detailing how the embassy was to screen documents.

Furthermore, the team was informed that documents screened at the embassy and sent to State in Washington would not undergo another screening unless the embassy asked for it. However, it appears that all of the documents sent from the embassy underwent a second review in Washington. On May 28, 1997, the embassy sent 24 requested documents to ARA for release to our team; and, on June 5, ARA informed us that the classified documents had arrived. However, these documents were not released to us until July 3, 1997. Subsequently, on June 6, 1997, the Embassy sent another 322 documents that our team had requested during its visit. As with the earlier requested documents, these were not released until to us until July 3. We are now trying to reconcile our request for these documents with the documents provided by the State Department.

#### RESTRICTIONS ON REVIEW OF DOCUMENTS

After considerable delay, the State Department has now made most of the information we requested in Washington and at the embassy in Bogota available to us. However, the Department is delaying our review further by requiring that we read all classified documents--and there are over 100 of them--at the State Department. The Department has told us that we cannot have copies of any of these documents. We are concerned that the process of reviewing and making handwritten notes on this large number of documents at the State Department will create further unnecessary delays in our work. On other jobs, we routinely obtain copies of classified documents, including highly

classified national security information and materials. We have established procedures for ensuring that we provide these documents at least the same degree of protection as is afforded by the originating agency. Also, it is standard operating procedure for our office to seek a security classification review from the Department on a draft of any report that was derived from classified sources.

#### DOCUMENT WITHHOLDING AND DELETIONS

Based on guidance from the State Department, the embassy in Colombia denied us access to four requested documents. The Embassy advised us that the documents were drafts leading to the completion of the annual International Narcotics Control Strategy Report issued on March 1, 1997, and as such were part of the Department's deliberative process. Based on records we have reviewed in our prior work, these documents likely contain the embassy's description of the progress that a country is making in cooperating with the United States in counternarcotics matters. While the Embassy advised us to pursue our request with the State Department in Washington, we have not yet been given access to these documents. Under 31 U.S.C. 716(a), GAO has a broad right of access to agency records, and there is no exemption for internal working papers or documents containing deliberative communications.

In addition, the State Department has deleted or "redacted" portions of some documents. For example, the Department told us that it has redacted some documents to delete

sensitive information relating to such things as ongoing law enforcement operations and foreign relations activities. We are concerned about these redactions, since they prevent us from knowing whether all relevant information has been provided to us. While we understand the State Department's concern about protecting sensitive information from public disclosure, we have a right of access to this information. Moreover, we are confident we can protect it through appropriate safeguards.

#### CONCLUSIONS

In summary, Mr. Chairman, our concern is with the delay that we have experienced in obtaining timely and independent access to information necessary to respond to your request. We are also concerned about the extent to which the State Department has controlled our access to all documents. We can not say with certainty at this time that we have been provided with all of the information necessary to conduct an independent review of U.S. counternarcotics activities in Colombia.

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This concludes my prepared remarks, I would be pleased to respond to your questions.

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Mr. HASTERT. Thank you, Mr. Hinton. Let me ask you a question: why do you suppose that the information has not been given to you? Now, Mr. Thessin says that this is highly classified information. Don't all your folks have security clearances?

Mr. HINTON. Yes, sir. I personally approve staffing for every one of our jobs. I can assure you that our personnel have all the proper security clearances. We have the proper facilities to store the documents. We have a very, very good track record on the handling of very sensitive documents.

Mr. HASTERT. Now, when I was in Colombia, Ambassador Frechette supplied us with a list of cable numbers. And he said if we asked for those, we'd be able to get them and review them. We passed those on to you to make it a part of the—have you had a problem getting some of these cables?

Mr. HINTON. Yes, sir. We've had problems that have been as long as 2 months getting access to documents. And we have a pretty good track on everything we have asked for. It's been very time consuming. It's been very much laborious on the part of the Embassy and State Department. They're going through multiple reviews and I don't understand why that is necessary, compared to all the past work that we have done.

It's interesting to note, Mr. Chairman, how this job has happened. We basically have identified the files we want to review. In the past we received access to all of these files, to go through them, then ask the questions of the appropriate officials. The way it's worked on this one is that we have not had that access. We have had to ask on our own knowledge about particular documents. And then the Embassy folks or the State Department folks would make the determination themselves as to what we should and should not see.

As the government's independent investigator and auditor in this, we can assure ourselves that we've gotten access to everything that we need to see to be responsive to your request.

Mr. BURTON. Would Chairman Hastert yield briefly?

Mr. HASTERT. I yield to the chairman.

Mr. BURTON. Let me just say to Chairman Hastert and to Mr. Hinton that if you're not getting that proper cooperation, if Chairman Hastert feels that it's necessary for his subcommittee and the full committee to subpoena these documents and records that you cannot get access to, we're fully ready, Mr. Chairman, to work with you to issue subpoenas, to force the issue if the State Department and the Embassy in Colombia doesn't want to give those documents to the GAO or to you.

Mr. HASTERT. I thank the chairman for asking and supplying that. Ambassador Frechette gave us a list of cables, told us those cables would be available to us. And for some reason or other we're having trouble getting them. So I would expect the Ambassador and the State Department to live up to its commitment so—I would hope we wouldn't have to do that.

Mr. Hinton, is there any reason that you think this might happen, why you're having these difficulties?

Mr. HINTON. I don't have a good answer for that, Mr. Chairman. Chairman Burton knows the urgency of this job—when he called Jim Hinchman over at GAO to discuss when we would be in coun-

try. We've taken that very seriously. Before we even left, we sent a list of the general documents that the Embassy we needed to do the job in country. We did not know we would run into a problem.

When we got down there, they said, "Well, we can't release anything to you, subject to instructions from the State Department." That happened. Instructions came down.

Mr. HASTERT. Can I ask you a question? Has that ever happened to you before in your investigations?

Mr. HINTON. Not in this area. No, sir. We have not. All of our past work, we've had pretty much agreement with the State and the missions that we've been to. We've worked very closely with the folks. We don't have anything to hold back. In fact, what we did when we took documents from the files, we'd also make a copy for the people at the Embassy or State so that they knew what we had. This time it's the complete opposite of that.

Mr. HASTERT. Let me ask you another question on this. One of the things that I understand the documents that you've been denied are what we're talking about this granular herbicide issue—which kind of a side issue, I think—but the Ambassador mentioned a meeting that we had with the foreign minister of Colombia. And you're right, Ambassador, you made a statement that one of the reasons—and I'm paraphrasing, I can't quote you exactly—but one of the reasons we didn't offer the—one of the reasons that we had sanctions against Colombia was that they didn't use granular herbicide.

And the foreign minister said at that time, he said, "Well, Mr. Ambassador, you had a list of seven granular herbicides, and we chose one and after we chose that granular herbicide you took it off the list."

They have been using herbicides. It's a round up. Basically the same thing that my farmers use in the 14th district in Illinois to kill weeds and shrubs and bad things that grow. Are you having trouble getting those particular cables?

Mr. HINTON. They were part of the problem. To be specific, on May 8 we requested about 115 documents—2 of the cables pertaining to that subject were in that request that we made. We got a response back from the Department on June 11 with about half of the documents. The two cables that we were seeking dealing with that subject were not part of the package. We were told by State that that had to go through further review because of the very sensitive nature of it.

On July 1, we got another response from State. And they faxed over the two cables. They were faxed to us on an unsecured line, even though they had previously characterized them to us as being very sensitive. So I'm kind of at a loss to reconcile why they held off giving those to us and then, in turn, released them through the fax.

Mr. HASTERT. Thank you, Mr. Hinton. One of the other issues in this whole herbicide issue is that if this was one of the main issues for denying certification to Colombia—we also visited Bolivia. Bolivia used manual eradication. They went out and were chopping this stuff down. Very small use of herbicides, and it wasn't granular herbicides.

Peru hasn't used chemical herbicides until a very short time ago. Neither of these countries were denied certification. And I'm somewhat stymied. I question why is granular herbicides over liquid herbicides when a country is actually going out and chemically eradicating and other countries aren't held to the standard, and yet this standard is the decisionmaking point. Ambassador Becker, you might want to answer that. Why is this? It seems inconsistent to me.

Ms. BECKER. Thank you, Mr. Chairman. The laws in Bolivia and Peru currently do not allow for aerial eradication. We are working with those governments to try to change those laws. In Colombia, aerial eradication obviously is permitted. The reason—there are two principal reasons for our desire to move as quickly as possible in the direction of granular herbicides in Colombia.

The major reason has to do with safety of pilots. Granular herbicides can be applied from a significantly higher altitude than liquid, and the planes can be going significantly faster, making them far less vulnerable to ground fire, which has been a continuing problem.

I should mention, Mr. Chairman, that we are extremely concerned about the issue of pilot safety and, in fact, have spent a fair amount of resources in trying to improve the safety of the Colombia police and the United States contract pilots who fly side by side with them both in terms of armoring the aircraft and in terms of providing escorts—helicopters and surveillance—to ensure that they are not flying into a difficult situation that they cannot get out of.

The second attraction to granular herbicide is that, unlike liquid herbicide, it stays in the ground. Liquid herbicide can be washed off by rain. Statistically, it rains in Colombia at least one 1 of 3 days. So, 1 out of 3—whatever—is applied to the plants, is not effective.

With granular herbicide weather is not a factor. In addition, as I indicated in my testimony, granular herbicides are also far more effective than liquid herbicides against the opium poppy crop.

Mr. HASTERT. Ambassador, it still somewhat puzzles me. Once they chose a granular herbicide, the State Department took it off the list.

Ms. BECKER. No.

Mr. HASTERT. And, the issue of the—I think—I was on the ground. I watched the eradication process take place. I also understand the great risk to those pilots, most of them Colombian pilots. And we should be worried about those, plus the safety of the airplane. But mostly the lives of the pilots. Yet we consistently withhold miniguns, which are part of that process, that can ensure the life and the safety of those pilots. And we've withheld them and not made them possible. That was really the issue that will protect the lives of those pilots. I will recognize Mr. Barrett at this time.

Mr. BARRETT. Thank you, Mr. Chairman. The first thing I want to address is the GAO issue. Mr. Hinton, am I to understand that you now have received the documents that you requested?

Mr. HINTON. No, sir. Based on what we requested, we are 10 shy.

Mr. BARRETT. Ten shy. Ambassador, can you address this, please?

Ambassador FRECHETTE. No, Mr. Barrett, I cannot. This is a decision made by the Department of State, as I explained to the GAO team when they got down there. They can request the cables and the Department of State decides which of them they can receive.

Mr. BARRETT. Ms. Becker.

Ms. BECKER. Yes. The entire request from GAO totaled 517 documents, all of which were multiple pages from multiple sources, both from the Department of State and from the Embassy in Bogota. The initial request from GAO was in early April. And the initial access granted to the documents was—actually the dates were April 11, and the first set of documents was made available on April 24. That pace of production continued.

In addition, we unfortunately were unable to identify some of the documents for which the GAO provided numbers, because the numbers were not numbers that we could identify. To the best of our ability, we provided, as quickly as possible and as extensively as possible, access to the documents. As was indicated in the testimony. And I will ask perhaps for you to recognize our legal advisor as appropriate.

The documents were subject to a review process that is a standard review process that is mandated within the Department of State's procedures. All documents were made available with the exception of one. Four other documents were not made available because they contained drafts of information that was available in final form through a public source, that is, the INCSR—the International Narcotics Control Strategy Report.

Mr. BARRETT. Let me yield at this time to Mr. Blagojevich.

Mr. BLAGOJEVICH. Thank you, Mr. Barrett. Ambassador Becker, you were unable to complete your answer on the granular herbicide. Why was the granular herbicide taken off of the list by the State Department?

Ms. BECKER. The granular herbicide was not taken off the list by the State Department. We provided, in the course of discussions with the Colombians on the movement to granular herbicide, at Colombian request, a list of all the granular herbicides that are licensed for use in the United States. There are seven.

The Colombian Government, after deliberations within the cabinet level and discussions with us, we thought was going to pick—the object of this was to pick a number for testing. They picked one, which turns out to be the most expensive and the one that requires the most applications in succession in order to kill coca plants. So we asked the Colombian Government to—so we agreed to test that one, but we would also like to test an additional herbicide in order to give a comparative view of which one was more effective. And, also, we were concerned, again, about pilot safety. Having to go back again and again to the same field, as we would with the one which was selected, we thought created far too dangerous a situation for the pilots involved in this effort. May I—just to set the record straight, it was not withdrawn.

Second, if I may just say one thing about granular herbicides. We do not—the reason for the sensitivity, which there may have been. I'm not intimately and directly familiar with the documents that were the cause of difficulty, apparently, for the GAO relating to granular herbicides. The reason for the sensitivity is the trade

names. Companies are concerned about the safety of their personnel.

So we do not like to release information in public about what these herbicides are and what their trade names are. It's a safety issue with regard to the employees of the companies. Thank you.

Mr. BLAGOJEVICH. Can I just ask one more question? The procedure in terms of—the past procedure with the State Department, vis-a-vis, the GAO, in terms of document requests and so forth: has that changed recently? Was it past procedure to ask for specific documents and made specific requests, and now you've been asked to respond to more general kind of broad requests? Is that a fair question?

Mr. THESSIN. Mr. Congressman, I think we have—my experience is more with the practice that we've had with Members of Congress and with congressional committees. We have had a number of congressional requests where the sensitive documents were in fact reviewed at the State Department. When we were asked for guidance in this particular case on how the GAO's documents should be handled, we said, "We should have GAO review the documents at the State Department as well, the sensitive documents."

These sensitive documents are in the GAO's offices in the State Department. They have access to those documents, regular access whenever they please.

Mr. BLAGOJEVICH. Thank you. No further questions.

Mr. BARRETT. If I could followup a little bit on the whole issue of the monitoring agreements. And, again, I turn to you, Ambassador. My understanding from the claims I've heard is that the delay in providing the military assistance has been related to an insistence on end use monitoring agreements. Can you talk on that issue, please?

Ambassador FRECHETTE. Yes, I can, Mr. Barrett. I began discussing the question of the 506(a)(2) drawdown with the Colombian minister of defense on October 3, 1996. And I explained to him that we intended to make this equipment available but there would be some end use monitoring requirements as well as a human rights requirement. I continued to discuss this with the minister through November and December.

As I got more instructions and more clear instructions from the Department of what it was that we were expecting the Colombians to give us in the way of assurances—the minister of defense is now the Ambassador of Colombia to Washington. And he departed Colombia on January 18th. On January 14th he had still not given me the assurances that he had been telling me that he would. On January 15th, 3 days before he departed for Washington, he gave me a letter which was simply not useful in terms of what he and I discussed for a very long period of time.

So, I have explained carefully to that minister of defense and then to his successor, who lasted 6 weeks in office until it was revealed that he had received \$30,000 from a narco-trafficker for a Senatorial campaign in 1989. I have continued to discuss it with the current minister of defense.

My last meeting with the minister of defense, as I get more instructions from the Department—by now I have been discussing not just the 506(a)(2) drawdown, but the 614. My last meeting with

him was on July 7, just before coming here. And again they refused to undertake to give us the human rights requirements that we have.

Now, Colombia is a sovereign nation, Mr. Barrett, and it has a perfect right to refuse any assistance it wants to from the United States. But we're also a sovereign nation. And the taxpayers of the United States and the Congress of the United States have a perfect right to put whatever conditions it wants on the giving of this assistance. So we're sort of at a standoff.

I don't mean to say that the issue is closed. I intend to return to post tomorrow. I will return again to explain to the minister of defense what it is that we require in the way of human rights monitoring requirements. Because, quite frankly, as I told Chairman Hastert and the members of this subcommittee, I have been working since October 1996—that's many, many months—to try to get assistance for the Colombian Army, for the Air Force and the Navy, to recognize the support that they have given since at least May 1996 to a very good effort in the southern part of Colombia. Those are the facts.

If I may also, Mr. Chairman, add a couple of things raised by Mr. Blagojevich earlier. The account given to you at my residence on May 26 about removing one herbicide—it was not accurate. We had asked the Colombians to approve at least four herbicides so that we could do tests. Scientific tests are better if you can try several different products. They chose the least noxious.

I'm very happy to report—perhaps because the fact that this was raised in your presence, Mr. Chairman, and the members, and in the presence of your subcommittee on May 26—that they have approved a second herbicide. Now we can do some tests. And we can test two different herbicides to see whether one is more effective, not just in terms of lethality of killing the plants, but also in terms of cost, which is also an interest to the United States. We pay for that, not the Colombian Government.

Now, with respect to the names of the herbicides, when—about a year ago, Mr. Chairman, the people in Colombia who provide what we call Roundup in this country—glyphosate is the generic name—were threatened. And at one point they were frightened to continue to sell us glyphosate so that we could continue the spraying.

And at one point they even suggested that perhaps we could buy it from China, where they also produce it, or from Hungary, where they also produce it. This is a real problem in Colombia. Those people who produce these herbicides do not want the trade name known because then they will be threatened. And, of course, who threatens them? The narcos. Thank you, Mr. Chairman.

Mr. HASTERT. Well, thank you, Mr. Ambassador. I just want to make just a couple comments before I pass it on. It baffles me why you are withholding any documents from the U.S. Congress. I just don't understand that. And maybe through the process of this subcommittee hearing we can get some better explanation.

Second, the whole issue on granular herbicides—I think it's pretty trite of an issue. This is the only country we've held up because of the type of herbicide they're using. No other countries are using herbicides, they're starting to—but when you're talking about a

granular herbicide, and we're denying that, we took it off. But they chose one. I don't know how you want to explain it. You can explain it seven different ways, but they chose a granular herbicide to use because this is what the conditions we laid out were.

One of them that we held out—they chose it, and then we said, "Oh, you can't use that one that we gave you because it's too expensive."

We're talking airplanes protection. We're talking about human life protection. And most importantly, I mean, look at the billions and billions of dollars that we spend to try to snuff out drugs coming into this country. And at the same time we're saying, "Oh, by the way, you can't use this herbicide. It's too expensive." I pass it on to Mr. Burton.

Mr. BURTON. Thank you, Mr. Chairman. Mr. Chairman, I'd first like to ask Mr. Hinton—the State Department said that down at the State Department, all the records you want to look at are in a location where you have access to them whenever you want to, is that correct?

Mr. HINTON. I do not have all the documents, sir.

Mr. BURTON. So they're misleading us? Is that correct?

Mr. HINTON. We do not have 10 documents. I have some classified documents in our possession that we have access to. The point that I've tried to make here, that it's been over 2 months that it's taken us to gentleman these. There's been delays that we've encountered through the process. What we do now have—we've gotten the majority of them, Chairman Burton, and now we're starting to go through them.

Mr. BURTON. Mr. Thessin.

Mr. THESSIN. We can account for only five documents that they do not have.

Mr. BURTON. I thought you said just a moment ago that all the documents were at the State Department in an area where they had access to them. Is that correct or not?

Mr. THESSIN. I'd have to have my—

Mr. BURTON. Well, you just said a few minutes ago, sir.

Mr. THESSIN. What I was trying to communicate, Mr. Chairman, was—it came right after Ambassador Becker spoke about the five documents. The ones in Bogota—they were draft documents of the final report. Also, the one document that she had mentioned, that was a legal document that they did not have copies of.

Mr. BURTON. Well, the bottom line is that all of the documents requested by GAO at the request of Congress have not yet been delivered so they can look at them. Is that correct?

Mr. THESSIN. That is correct, Mr. Chairman. There are five documents that we can't account for.

Mr. BURTON. OK. Thank you. That's what I'd like to know. Because the implication a while ago of your answer was that they had access to everything when they don't. And the Congress wants GAO to take a close look at this at our instruction. I would also like to ask Ambassador Frechette. Back in 1994, Chairman Gilman and I served on the International Operations Committee. A question was asked of Robert Gelbard then the Assistant Secretary of State for Latin America, as I recall, about these miniguns and why they were being held up.

Also, there was some concern about the human rights record of the Danti unit—of the CNP down there. And I think that you said—or it was reported to the State Department and I believe to the Congress, that the Danti antinarcotics unit had a stellar human rights record.

Ambassador FRECHETTE. In the time that I have been in Colombia, sir, yes, they have had a very good record. And I got there on July 21, 1994.

Mr. BURTON. OK.

Ambassador FRECHETTE. I am not familiar with the statements made by Assistant Secretary Gelbard to you, sir.

Mr. BURTON. I understand. But the point is, in 1994 and after that, it was verified that the unit that would be utilizing these helicopters with miniguns, they had a stellar human rights record. And yet the miniguns were not and have not been delivered. Mr. Chairman, would it be possible for you to swear in Mike Ryan, the Acting Deputy Assistant Secretary for the INL? I'd like to ask him a question or two?

Mr. HASTERT. Is he present?

Mr. BURTON. I believe he is.

Mr. HASTERT. Would you—

Mr. BARRETT. Mr. Chairman, I reserve a point of order here. I don't recall that we've had this witness listed.

Mr. HASTERT. The witness volunteered to testify—and we thought because of the numbers. But if he has information and is here and is willing to testify.

Mr. BURTON. He has operational information, Mr. Chairman.

[Witness sworn.]

Mr. HASTERT. Let the record show that the witness answered in the affirmative.

Mr. BURTON. Mr. Ryan, I've spoken with you about the minigun issue I think more than once. You assured me that you would monitor the progress of the delivery and keep me informed. Moreover, you informed my staff that these miniguns would be delivered, mounted, and in operation within 30 days of our conversation.

Mr. BARRETT. Mr. Chairman, point of order. I don't know who this gentleman is.

Mr. HASTERT. Would you state your name?

Mr. RYAN. I'm sorry, sir. My name is Michael Ryan. My job is Executive Director Comptroller of the INL bureau in the Department of State. And currently I'm Acting Deputy Assistant Secretary reporting to Ambassador Becker.

Mr. BARRETT. Mr. Chairman, if I may continue my point of order. It appears obvious that Chairman Burton has some prepared questions. My understanding of the rules is that we have 3 days prior notice of a witness. It seems to me that the chairman has prepared questions. He knew that this gentleman was going to be a witness. Point of order.

Mr. HASTERT. Ambassador Becker and Mr. Ryan are cohorts. They work together. He is support for Ambassador Becker. And I would assume that his testimony would be part of her testimony as well. Do you have any objection, Ambassador Becker?

Ms. BECKER. No, Mr. Chairman, I don't. And I don't know what the rules of your committee are, to be honest.

Mr. BARRETT. Is it correct—if I may ask Ambassador Becker—is he a support person for you, so I understand the relationship between you two?

Ms. BECKER. Yes, Mr. Barrett, he is. And he is more familiar with the specific details on the minigun question that Congressman Burton is asking than I am. He is more familiar with those details.

Mr. BARRETT. Thank you.

Ms. BECKER. Thank you.

Mr. BURTON. Mr. Chairman, I hope that this will not take away from my time so I can conclude my questions.

Mr. HASTERT. You have 1 minute and 17 seconds extra.

Mr. RYAN. I'll talk fast.

Mr. BURTON. Mr. Ryan, let me restate the question. I've spoken with you about the minigun issue. You assured me that you monitor the progress of the delivery and keep me informed. Moreover, you informed my staff that the miniguns would be delivered, mounted and in operation within 30 days of our consultation, which by my calculation should have been by the first week in July. Now can you inform me as to the current status of the miniguns?

Mr. RYAN. Yes, sir. When we last spoke, we had—to back up the situation so everybody understands. We had requested 12 miniguns systems through normal channels in February. We made the request in the way we always request a loan of equipment from DOD. We've done it for M-60 machine guns in the past. We saw that request staffed through the Army up into the Assistant Secretary of the Army level here in Washington. And there was obviously a real reluctance on the part of the Army, which I don't quite understand, to release the weapon systems to us.

As a result of, I believe, your call, Mr. Chairman, to an official within DOD—

Mr. BURTON. Yes.

Mr. RYAN [continuing]. On the very next day we received a letter faxed that they'd sent to you saying that the 12 systems would be released to us. The systems were in Anniston Army depot. At that time I thought that they had 12 systems, that they would package them, and send them to our depot in Patrick Air Force Base.

I'm experienced with these kinds of matters. I wanted to inspect the systems. Because it's a serious matter. It's not sophisticated, but it's a lethal system. We wanted to inventory it, to get serial numbers on all the parts, to make sure that we knew what we had. And I also wanted to make sure that we had the complete systems.

Mr. BURTON. Let me—

Mr. RYAN. And I found out on Monday when I came back from leave that, in fact, on the 20th, a shipment arrived at Patrick, my staff opened them, inspected them, and found that they were barrel bolt assemblies, which while very useful and will be useful to the Colombians and to us, were not what we had expected. They were not a complete system.

Mr. BURTON. They're missing the motors?

Mr. RYAN. Missing the feeder/clinkers and a number of other items.

Mr. BURTON. Well, somebody said that this was due to a clerical error and that they were hunting for the motor somewhere else in

the defense inventory. You informed us that you're still looking for the motors or they are, and you've assured that they would be delivered, mounted and in operation by the first week in July. And, of course, that has not yet happened.

You said that you would try to get them on the second of two channel flights to Colombia on July 16 or 23?

Mr. RYAN. Yes, sir.

Mr. BURTON. However, they need to be a high enough priority. Can we be assured today that it's going to be a top priority to get them on those planes?

Mr. RYAN. All I can do is request from the Department of Defense to put them on the planes.

Mr. BURTON. Mr. Chairman, I would suggest or urge that we get a hold of the Department of Defense and make sure this is a top notch, high priority. I would just like to end up by saying, first of all, we'd like to know who we need to call to make sure they're on those flights. Second, an awful lot of the CNP officers have been killed, and we just wonder how many more have to be killed before this problem is solved.

These miniguns should have been delivered in 1994. The people that are going to handle them have a stellar human rights record according to the Ambassador. There's no need for them not to be delivered. We need to get them down there and we need to get them down there right now.

Mr. HASTERT. Mr. Chairman, I think we have a representative from the Department of Defense here and I'm sure he took note of what you said. The gentleman from Maryland.

Mr. CUMMINGS. Thank you very much, Mr. Chairman. Mr. Ryan, let me go back to what you were just talking about. It's my understanding that from what Mr. Burton just said that somebody in the Department of Defense said there was some kind of clerical error here?

Mr. RYAN. Well, let me—I don't completely understand it myself, sir, so let me not try to pretend that I know more than I know. But yesterday, it was explained that there was some confusion at the depot or warehouse. They just didn't ship or they didn't have the proper parts that they thought they had, that the parts were not compatible with Hueys but were compatible with UH-60's.

Mr. CUMMINGS. Mm-hmm.

Mr. RYAN. And when they shipped the bolt barrel assemblies, it didn't include the motors. The Department of Defense stepped up to the plate—the Office of the Secretary of Defense—and said that they would help us expeditiously try to find the proper motors, if they weren't indeed at Anniston and procure them.

Mr. CUMMINGS. Do you have any reason not to believe what they said?

Mr. RYAN. I don't have any reason not to believe, sir, no.

Mr. CUMMINGS. All right. Well, I don't think that there's anybody on this side that would disagree that if there's been a clerical error, we would like to see that clerical error cleared up and that these miniguns be delivered. I'm sure I speak for our side.

Mr. RYAN. Yes.

Mr. CUMMINGS. We want to do everything that we can, of course, to address this drug problem, because it's a very serious problem.

Mr. Ambassador, let me move on to you. I'm concerned about this human rights situation. And you said that you had had discussions with one Ambassador, the head of the defense, who lasted 6 weeks.

Ambassador FRECHETTE. Three defense ministers.

Mr. CUMMINGS. All right. Can you—I know you can't disclose maybe certain information. Can you tell us about these discussions as best you can, what your concerns were, and give us an idea of what kind of problems you had?

Ambassador FRECHETTE. Yes, sir. I was instructed to tell the Colombians that they had to give us certain assurances, not just with respect to the use of this equipment for counternarcotics, but also for human rights, to make sure that they were not in any way used for violations of human rights. This is a very sensitive issue in Colombia, sir. It's a very sensitive issue to the military. And, quite honestly, it was very difficult for the Colombians to in the end make a commitment to meet our conditions. And they still haven't done so.

Almost 9 months plus of discussions—they still—they come very close to a settlement and then they back away. And, as I said, I have explained as I get further clarification from the Department what it is we want. It seems to me we're getting close, and then it eludes me again; they refuse to do it.

I am going back, and I intend to raise the issue again, hoping that we can close the deal so that we can make equipment available to the Colombia Army, to the Air Force, the Navy, as well as the national police. We don't have these human rights problems or end use monitoring with the national police for two reasons: No. 1, All the equipment we give to the police is only to the counternarcotics police—that's all they do is fight narcos; and, No. 2, That unit, which is only 2.5 percent of the total force of the national police—there are about 100,000 national police, and we deal with 2,500 of them. The counternarcotics police have a very good human rights record, at least since I have been in Colombia. And they jealously guard that. They make sure that there are no suspicions or any violations of human rights.

So I will continue, sir, trying to get this assistance. Because we in Colombia and in the Department have tried very hard to make available counternarcotics assistance to the armed forces of Colombia to recognize the fact that since at least May 1996 they have been working hand in hand with the national police in the southern region of Colombia.

Mr. CUMMINGS. Let me make sure I understand this. Negotiations—as a lawyer I've been involved in a lot of negotiations. And there are a lot of times you have situations where you have a list of things that you want. And then maybe let's say you have 10 things and you're able to get 8. And then you try to figure out, can you compromise on the other two or whatever. Are these the kind of negotiations you have where you have a list of things you want and you just can't get all of them and then, do you go back to the State Department? How does that work?

Ambassador FRECHETTE. Yes, sir. I get the instructions from the State Department. I then present the position of the State Department—actually the U.S. Government. Because other agencies are involved in preparing this position. I present it to the Colombians

and then they give me their reaction. Yes, they like it. No, they don't like it. They'd like to have this changed. They wouldn't like to have this changed. And in some cases, the changes they propose I know are simply unacceptable simply from the background documentation given to me by the Department. In other cases I don't. I refer them to the Department.

I am not a lawyer. It is the Department that fixes that position for us. And then the Department tells us, this is acceptable, this is not acceptable. As a matter of fact, on the 614, we have now made two proposals to the Colombians. The first one they rejected for a number of reasons which were unacceptable to us because they didn't meet the requirements of the law or the policy that we had established for giving counternarcotics assistance to the armed forces.

So the Department and other agencies, crafted a totally new proposal, a very different one that we thought met their requirements. But to my frustration and disappointment, I found out that that also did not meet their requirements. As I said, I will keep going back to them as long as I can, because I would like to make available equipment to the Army, the Navy and the Air Force. And so does the Department of State.

Mr. CUMMINGS. All right. Thank you.

Mr. HASTERT. I now recognize Chairman Gilman from New York.

Mr. GILMAN. Thank you, Mr. Chairman. Mr. Chairman, let me try to set the record straight on the Leahy amendment. It does not apply, as I understand it, to a 506 drawdown or to the 614 waiver. I just don't understand the rationale of attempting to apply it to those situations. Does anyone want to comment on that?

Mr. DAVIDOW. Mr. Gilman, the decision to apply the provisions relating to human rights of the Leahy amendment to articles provided under the narcotics legislation was a matter of policy. It was a policy decision. The decision was made to provide a consistency in the kinds of end use monitoring that we would conduct in Colombia and other countries that were receiving or are receiving goods, services, and military equipment from more than one account in the United States.

The idea of providing consistency makes good sense. If a certain item is provided out of one governmental pot of money in the United States—let's say a helicopter. If the same helicopter is provided from another governmental pot of money, it seems to me that if we're going to have our messages understood about human rights in what we want to do, and established clear cooperation with the country in question, then it makes sense to have clear guidance that are applicable in all cases.

Mr. GILMAN. What do you base your application of the Leahy amendment to the 506 drawdown and the 614? What language are you using?

Mr. DAVIDOW. We're using the language of the Leahy amendment. And as a matter of policy we made the decision to move ahead and apply it to 506 and 614.

Mr. GILMAN. Doesn't that apply only to INL money?

Mr. DAVIDOW. The Leahy amendment itself. And I'll ask the head of INL—yes, is restricted in its application. However, a policy decision was made to amplify that application.

Mr. GILMAN. Well, you're holding up all of the assistance, and yet this applies only to INL money. Perhaps the INL representative could clarify that for us.

Ms. BECKER. Yes, sir. The Leahy amendment applies to—in its entirety—including certification by the Secretary of State—that no funding from the INL account is going to any unit of any security force that is suspected—where credible evidence exists that there has been an engagement in gross human rights violations. The certification only applies to the INL account.

However, as Ambassador Davidow indicated, there was an administration—

Mr. GILMAN. Could you move the mic a little closer to you, please?

Ms. BECKER. OK. Sorry. However, as Ambassador Davidow indicated, there was an administration decision taken that the Leahy standards without the certification—the Leahy standards would apply to all counternarcotics assistance.

Mr. GILMAN. Well, isn't that extending it beyond the statute? You're extending it to all situations, and yet the Leahy amendment was only applicable to the INL account.

Ms. BECKER. In strict point of fact, sir, that is true. However, in the course of the consultations that the administration undertook with the Congress in support of the 506(a)(2) package and the preconsultations that were undertaken in April on the 614 package, it was made very clear by a number of key members that unless there were standards similar to Leahy applied to these transfers that those members would oppose them quite strenuously.

Mr. GILMAN. Secretary Becker, who were those consultations with? I'm chairman of the International Relations Committee. I don't recall any consultation. Chairman Burton may recall come consultation.

Mr. BURTON. I recall no consultation, Mr. Chairman.

Mr. GILMAN. Who were your consultations with?

Ms. BECKER. They were with the—I will have to get the specific names of staff who were consulted.

Mr. GILMAN. With staff? Are you saying consultations were with staff?

Ms. BECKER. They were with the staffs of the Appropriations and Operations committees on both sides of the aisle.

Mr. GILMAN. Authorization committee?

Ms. BECKER. Both the House and the Senate were consulted, sir, at the time. And we received at least two communications from—one from the Senate—both from the Senate with regard to the opposition of various Senators to the 614 package and the 506A package unless there was appropriate attention paid to human rights considerations, as expressed. I would be very happy to share those.

Mr. GILMAN. Are you saying there were only two letters, and they came from the Senate? Is that correct?

Ms. BECKER. There are two letters. Excuse me, one of the letters from the Senate was signed by 12 Members and the other—I'm sorry, the other is from the House, sir, signed by 5 Members.

Mr. GILMAN. Who signed the House letter?

Ms. BECKER. Congressmen Pelosi, Yates, Obey, Torres and Lowey.

Mr. BURTON. Are any of those in the majority?

Mr. GILMAN. What was the date of that letter?

Ms. BECKER. March 20.

Mr. GILMAN. March 20?

Ms. BECKER. 1997.

Mr. GILMAN. Were there any majority Members and were any of the Members on our International Relations Committee?

Ms. BECKER. The committee staff—as I said, both sides of the aisle—were briefed on this package. And as a result of this briefing, this letter was received.

Mr. GILMAN. But none of these Members that you recited are members of our International Relations Committee. Were there any of those Members, Mr. Burton, of your committee?

Mr. BURTON. There were none of my committee. I think it's reprehensible they make a decision with only one side.

Ms. BECKER. May I also refer to the letter from the Senate, which was dated October and which refers to the 506(a)(2) package and to subsequent packages, which was signed by Senators Leahy, Dodd, Kerry, Jeffords, Obey, Yates, Sarbanes, Feingold and Representatives Torres, Hamilton, and Senator Harkin, which requests that in the future under 506(a)(2) and any other counternarcotics assistance, that written agreements for the transfer and receipt of lethal equipment or aircraft, that there be an explicit understanding with regard to those transfers.

Mr. HASTERT. The time of the gentleman has expired.

Ms. BECKER. In addition to that, may I also—I'm sorry, sir.

Mr. GILMAN. Mr. Chairman, I'm going to ask that those letters be made part of the record.

Mr. HASTERT. Without objection.

[The information referred to follows:]

United States Senate

WASHINGTON, DC 20510

October 1, 1996

The Honorable Warren Christopher  
Secretary of State  
Washington, DC 20520

Dear Mr. Secretary:

We are writing concerning the administration's decision to transfer up to \$112,000,000 of Defense Department articles and services in two drawdowns for counter-narcotics assistance to Mexico, Colombia, Venezuela, Peru, and countries of the Eastern Caribbean. We received two letters and memoranda of justification for these transfers dated September 14.

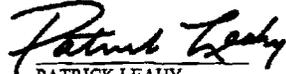
When Congress expanded section 506(a)(2) of the Foreign Assistance Act of 1961 to include counter-narcotics, it was done with the understanding and expectation that the administration would consult with the appropriate congressional committees prior to utilizing this authority. This is the underlying premise of section 506 drawdown authority, and we are disturbed that this procedure was not followed in this instance.

We support counter-narcotics assistance but are concerned about the possible misuse of equipment to be transferred. The armed forces in many of these countries, especially Colombia and Peru, have well-documented records of human rights violations. In addition, there have been instances when equipment transferred for counter-narcotics activities has been used for counter-insurgency operations. We therefore request that in the written agreements for the transfer and receipt of any lethal equipment or aircraft, including helicopters, that there be explicit understandings that the equipment is for counter-narcotics activities and, if necessary, to respond to humanitarian emergencies. This should be standard procedure for use of this authority.

Finally, because of the human rights problems that persist in these countries, we expect the administration to make every effort to ensure that the recipients of the equipment have not engaged in abuses, and that the end-use of the equipment is adequately monitored.

Thank you for your assistance.

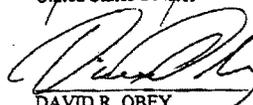
Sincerely,



PATRICK LEAHY  
United States Senator



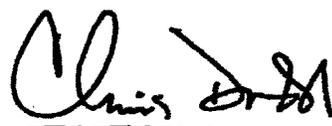
JOHN F. KERRY  
United States Senator



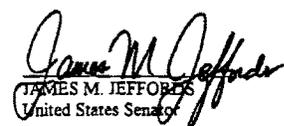
DAVID R. OBEY  
United States Representative



RUSSELL FEINGOLD  
United States Senator



CHRISTOPHER J. DODD  
United States Senator



JAMES M. JEFFORDS  
United States Senator



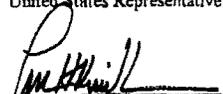
SIDNEY R. YATES  
United States Representative



PAUL S. SARBANES  
United States Senator

  
ESTEBAN EDWARD TORRES  
United States Representative

  
TOM HARKIN  
United States Senator

  
LEE H. HAMILTON  
United States Representative

JUSTON, LOUISIANA  
 JACOB, PENNSYLVANIA  
 JAMES, FLORIDA  
 JAMES, CALIFORNIA  
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 JAMES, MISSOURI  
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Congress of the United States  
 House of Representatives  
 Committee on Appropriations  
 Washington, DC 20515-0015

March 20, 1997

JAMES, CALIFORNIA  
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 JAMES, MISSOURI  
 JAMES, ARIZONA

Honorable Madeleine Albright  
 Secretary  
 Department of State  
 Washington, DC 20520

Dear Madam Secretary:

The President recently informed Congress that Colombia does not meet the standards set forth in section 490 (b) of the Foreign Assistance Act of 1961 for certification that they are fully cooperating with the United States, or taking adequate steps on their own, to achieve full compliance with the goals and objectives of the 1988 United Nations Convention Against Illicit Traffic in Narcotics, Drugs and Psychotropic Substances.

According to the information provided in Congress, Colombia remained the world's leading supplier of cocaine and an important supplier of heroin and marijuana. The Colombian government made only limited progress against pervasive narcotics related corruption, continues to refuse US government requests for extradition of major drug traffickers and has not agreed to stepped up eradication efforts. In addition over the past twelve months human rights violations including political killings, torture and disappearances have continued at an alarming rate.

It is in this context that we express our opposition to the administration's intention to invoke section 614 authority to waive aid restrictions and provide Colombia with \$50 million in additional assistance in FY 1997. Colombia will receive \$30 million in assistance from the International Narcotics and Law Enforcement program despite their decertification. In addition they will receive \$40.5 million in military goods and services as a result of the use of 506(a) drawdown authority invoked in September of 1996. The provision of this initial \$70 million to Colombia has never been specifically approved by Congress and is a concern, particularly in the context of the continuing reluctance from

the highest levels of government to fully cooperate with the U.S. and its decertification by the President.

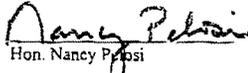
The assistance proposed under the section 614 waiver would result in an additional \$31 million in military assistance to the Colombian military including the resumption of lethal aid. While we appreciate the intention of the administration to apply the human rights restrictions on assistance in the FY 1997 bill to all forms of military assistance, there is no track record of implementation and therefore we have no basis to judge whether the goals of the restrictions will be achieved. In plain terms the extra military assistance provided through the use of these extraordinary authorities is simply too much too soon.

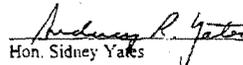
We forcefully condemn the rampant violence and killings whether committed by guerrilla groups, paramilitary groups or security forces. However, efforts by the Colombian government to take action to curb the increased abuses committed by paramilitary groups, or to curb extrajudicial executions, disappearances, torture, political killings and other forms of human rights abuses committed by security forces are not sufficient to warrant the provision of over \$100 million in military assistance and the resumption of lethal aid.

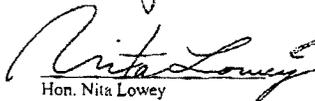
We are also concerned about the use of this authority to provide assistance from the Overseas Private Investment Corporation and the Trade and Development Agency. While we agree that investment from the United States may help Colombia diversify its economy, we are not confident that sufficient safeguards exist to ensure that these programs can protect themselves from illegitimate sources of investment from within Colombia.

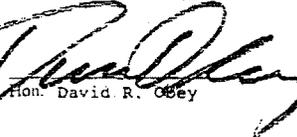
We strongly urge you to reconsider the intention to provide Colombia this additional \$50 million through use of this extraordinary authority.

Sincerely,

  
Hon. Nancy Pelosi

  
Hon. Sidney Yates

  
Hon. Nita Lowey

  
Hon. David R. Obey

  
Hon. Esteban Torres

Mr. GILMAN. And I certainly would raise an objection to the fact that you had an agreement with the House and essentially, neither of the committees that have jurisdiction—the authorization committees—were consulted with regard to this change in policy.

Mr. HASTERT. I'm going to move on, but I just want to make a comment. I just find it very interesting that we're changing policy here not because of law or not because of the letter of the law, but because of interpretation of letters that are passed on. That might be a new way to legislate here. We'll just write letters, and we'll get the things done. But I am just aghast at what I hear. I'm going to yield to the gentleman from Chicago, IL.

Mr. BLAGOJEVICH. Thank you, Mr. Chairman. I would like to just open by saying that I had the pleasure of going down to South America with Chairman Hastert and the codel that specifically studied this issue of drug interdiction, not only in Colombia, but in Peru, Bolivia, and in Panama, as well. I will say as a ranking freshman on that codel who happens also to be a freshman and the only Democrat who happened to be there, it was a journey that was done in a bipartisan way.

And while we probably did not reach the same conclusions on all of the issues, there is an area where I think all of the members on our trip would agree, and that is on the success of the Peruvian air interdiction campaign, interdicting the coca base from Peru to Colombia before it's manufactured in the labs in Colombia. And because of that success, the desire of drug traffickers to do their transport either by ground or on the rivers, which leads to me to my question.

I'd like to direct this to Mr. Newberry. And that is, the appropriations from the Department of Defense is presently in the Senate, I understand, in trying to get some of the necessary assets to supplement the riverine efforts down in South America, particularly in Peru, Colombia, and Bolivia. Can you tell us how that is going and what, if anything, we here on this committee can do so that we can try to get the money necessary to be able to help the drug interdiction war by providing those resources on the rivers down in South America?

Mr. NEWBERRY. Yes, sir, I'd be pleased to. You're correct in saying that the traffic apparently is moving toward the rivers at this time, not that air is completely gone. Much of the traffic on the river is to get the coca paste close to the borders so that they can short hop the flights across and deter detection with the short hops. Traffickers also overfly Brazil as a way to transit from Peru to Colombia.

As you are aware, we already in the Department of Defense have authority to provide training and have authority to provide or establish bases of operation. When you look at Peru especially and some parts of Colombia, to startup a good riverine program you need all three things: training, bases of operation, and equipment.

Although we can provide equipment through section 506 and by providing excess equipment to help out in the air detection and monitoring—air interdiction—we don't have that capability when it comes to small boats. We don't have a large inventory of small boats. The special forces have some. But not really sufficient to es-

establish a riverine program in Peru or to enhance the one in Colombia. They have one started.

The authority we've asked for was an extension of a similar authority we got this year for Mexico, where we were allowed to procure and transfer new equipment and also procure parts and provide maintenance support for systems. In Mexico it was oriented toward helping out with the UH-1H helicopters that we're transferring to them.

To do the riverine program we were asking for 5 years of authority to help out Peru and Colombia. The need for the 5 year authority is a lesson we learned with Mexico. In order to work with our budget office and actually construct a long-term program, you need more than 1 year authority or incremental authority.

One year authority allows us to go out and buy something really quick, get something going. But we can't program through the budget process for the next year and for the follow on years unless we have an extended authority. And that's why we were really asking for the 5 year program.

I solicit your help. We are under some criticism right now because it is a new initiative. We're being asked—there's concerns—well, are we stepping into the riverine program without a real threat assessment? In fact, we've had a recent threat assessment done by Defense Intelligence Agency, and CNC is doing one now at the request of the Office of National Drug Control Policy.

There are concerns about a plan. As many of you are aware, SOUTHCOM developed a concept for riverine as part of the overall program in South America. The Peruvian country team has developed a strategy recently which is similar in substance to the SOUTHCOM concept. And now it's time to do a plan.

There's concern that the plan doesn't exist yet, that we don't have a coordinated inter-agency plan, that we don't have a joint country team SOUTHCOM plan. I think that's maybe an unnecessary concern.

Mr. BLAGOJEVICH. Could I just interject a minute?

Mr. NEWBERRY. There's nothing that DOD ever does without a plan.

Mr. BLAGOJEVICH. Right.

Mr. NEWBERRY. I can tell you, we don't polish shoes without a plan.

Mr. BLAGOJEVICH. I must tell you, though, while we were there we had the opportunity of being briefed by SOUTHCOM. And it certainly seemed to me that they had an idea of the need for the resources down on the rivers and, in particular, how they would use them. I would only remind you that I can speak for myself. I am very supportive of the concept of trying to be able to get those resources so we can help the riverine process. And I would only ask you to tell us what we need to do to help get that necessary money and to send it in the conference.

Mr. NEWBERRY. There is some concern in the Senate Foreign Relations Committee about us circumventing the FMF system, or foreign assistance program. I think, if you know DOD well, we certainly don't give away our money easily. And it was quite an accomplishment in our building just to get through our building legis-

lation that we would actually use DOD funds to buy something and give it away to somebody.

We've offered that. We've offered it for a short-term program to get the riverine system started. And then once it's established, to back away from long-term sustainment. So we're not circumventing the system, we're really supplementing it in a small way. We do have money already for training. We have money we can use for building facilities.

We just need the funds for procuring systems. Anything that you can do to help on the Senate side or to get an amendment to get this thing going, I'd appreciate it. Right now the Senate Authorization Committee does have something for Mexico, Peru and Colombia. We'd like to keep it on the dock. Then in conference with the House, get the legislation passed.

The House right now has nothing. They didn't approve anything on the House side.

Mr. HASTERT. The time of the gentleman has expired. I just want to say, I really appreciate Mr. Blagojevich giving up some time around Memorial Day to accompany us on a trip. It was certainly a bipartisan effort. He made a great contribution. And I have to say that General Wes Clark from SOUTHCOM is really working I think some good concepts and perspective.

We're losing him to the European command, unfortunately. And the DEA has worked to make especially the riverine project workable. So we keep that in mind. Now I yield to the gentleman from Florida, Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman. Ambassador Frechette, good to see you back. And I appreciate the opportunity to work with you over the years in different capacities. As you know, in the opening statement Chairman Burton referred to the missionaries that have been held hostage longer than I guess any other American hostages. Those three missionaries are from my district.

And we've discussed the situation. I had lost some hope actually from the beginning of year. We now have a number of positive indications that they may be alive and continue to be held. I understand that there was a trade of some prisoners or hostages—military. Has there been any additional indication possibly from any of these individuals—are they being interrogated as to the whereabouts or to the condition of our three Christian hostages that are being held?

Ambassador FRECHETTE. Mr. Mica, as you know, you and I have discussed this issue over the phone. I assured you that throughout my time—because these were kidnapped fully a year and a half before I arrived in Colombia—we have pursued every single lead. I have been visited by the spouses of these three missionaries. It's heartbreaking, because they ask me, "Are they alive or are they dead?"

I always give them the same answer: "We occasionally get indications that they might be alive and we track down every single indication." Here I might say that I have a legal attache—that is, some FBI people—in the mission. They work very hard with this. I have gone many times to the Colombians to ask for their cooperation with respect to this.

We did ask them when this trade of the 60 soldiers and the 10 Marines was going to take place on June 15 if they would consider asking for them, and the answer was, no. I want to assure you, sir, that we will continue to followup every lead. I'm not at liberty at this open session to tell you some of things that we have done, some of the governments that we have gone to to ask for information on this.

I might also say that for a very long time, the FARC—which is the guerilla group that we believe took them—have not even confirmed that they have them. In other words, they were taken by the FARC in Panama, not in Colombia. But the FARC crossed the border and then took them back into Colombia.

But for a very long time the FARC has refused to acknowledge that they even have them. We believe they did take them. And in some of these messages that we have sent to the FARC from intermediaries from other governments we have said, "For goodness sake, return them." And the answer given to these intermediaries from other countries is generally they won't even acknowledge that they have them. But let me assure you as I've assured the families continually, we will continue to follow every lead, every possible indication that they may be alive.

Mr. MICA. Were any of the individuals—was anyone from our State Department involved in the negotiation for the release of 60 Colombians and 10 Marines? They were not.

Ambassador FRECHETTE. No, sir. They were not.

Mr. MICA. Is it that—

Ambassador FRECHETTE. There was one American international observer at the time that those people were handed over. He is Mr. Robert Pastor of the Carter Center in Atlanta. But nobody from the United States Government was involved in any way in the negotiations for the release of those 60 soldiers and 10 Colombian Marines.

Mr. MICA. Has anyone from the State Department, to your knowledge, or Office of the President, expressed to the Colombians our interest in securing the release of our three hostages, say, above your level, to your knowledge, in the last 6 months?

Ambassador FRECHETTE. I believe so. But I can't tell you when and who did it, but I believe so. I believe that there have been people more senior to me and not just in the State Department who have raised this issue.

Mr. DAVIDOW. Mr. Mica, if I may add something?

Mr. MICA. Yes.

Mr. DAVIDOW. The issue—of course, you know there are six American hostages in Colombia. We are concerned with all of them. In relation to the 3 that you are mentioning, just recently—indeed, coincidental with the return of the 60 or 70 Colombian soldiers, we had conversations with a friendly government that was represented at that turnover ceremony.

At our request, we initiated contact to see if there were something that could be done in terms of the, in particular, the three that you have noted. The friendly government, which I don't identify for obvious reasons in this session, made it quite clear that this is a major concern of the U.S. Government. The conversations that were held with FARC representatives—

Mr. HASTERT. Would the gentleman yield for a second?

Mr. DAVIDOW. Sure.

Mr. HASTERT. You said friendly government? I couldn't quite understand.

Mr. DAVIDOW. Yes. I'm sorry.

Mr. HASTERT. Friendly government?

Mr. DAVIDOW. Yes. A government that is——

Mr. HASTERT. Friendly to us?

Mr. DAVIDOW. Yes, sir.

Mr. HASTERT. And also is friendly to the FARC?

Mr. DAVIDOW. No, sir.

Mr. HASTERT. Has contact with the FARC?

Mr. DAVIDOW. No, sir. It's not friendly to the FARC. It is seen as a government that has——

Mr. HASTERT. I'm just trying—they have contacts and they can——

Mr. DAVIDOW. They have.

Mr. HASTERT. OK. I'm just trying to clarify.

Mr. DAVIDOW. They have. But not contacts which would in any way help the FARC.

Mr. HASTERT. OK. I yield back to the gentleman from Florida.

Mr. DAVIDOW. Yes. The response was from the FARC representatives who were at the turnover had no information. The FARC is an organization which is highly fractionated. There is no indication that the group that was holding the Colombian Marines is the same group that may be holding the three missionaries.

As Ambassador Frechette has said, one of the requests that we made through the intermediary was to receive some indication that the three gentleman are indeed alive. It's an unfortunate topic to discuss. There has been no indication or credible information that I'm aware of in recent years that the gentleman are alive. We'd like to see some of that. But I just wanted to inform you about this.

We can talk in greater depth in some other forum. This is a topic that we are following at the State Department as well as at the Embassy in Bogota.

Mr. MICA. Well, my time has expired. But I do want to inform all the representatives of State and other agencies that this is a priority—these three hostages and the other three Americans.

Mr. DAVIDOW. Mm-hmm.

Mr. MICA. If Colombia can secure the release of their own folks, it should certainly be one of our priorities to secure the release of our citizens. If it isn't, we need to know what's going on.

Mr. HASTERT. The time of the gentleman is expired. The gentleman from Georgia, Mr. Barr.

Mr. BARR. Mr. Chairman, I would ask unanimous consent to insert into the record an article from the July 8 edition of La Nacion, which lists the—looks like about 20—brave Colombian military and other individuals who were killed when the helicopter was shot down just last weekend.

Mr. HASTERT. Without objection.

[The information referred to follows:]

## Lista oficial de muertos y heridos

La Segunda División del Ejército expidió ayer un comunicado con la siguiente lista oficial sobre las víctimas del ataque:

**Muertos:** teniente Gustavo Benítez Duque; cabo primero Carlos Guzmán Méndez; soldados: Noel Angel Montes, Carlo Ernesto Buitrago Conde, Alexander Caicedo, Argelín Castillo Rodríguez, Ricardo Duarte Ascanio, Néstor William Lindarte Urbina, Naún Manosalva Chávez, Luis Merchán Niño, José Alberto Orozco Cárdenas, Joaquín Ramos Fuentes, Juan Carlos Saldarriaga Varona, Rogelio Sánchez León, Gilberto Alonso Santana Romero, Jorge Argenio Soler Madero, Héctor Suárez Tangarife, Germán Geovany Téllez Forero, José Manuel Varón Cabezas y Francisco Javier Sanabria López. Técnico Orlando Cáceres Muñoz, de Helicóptero.

**Heridos:** soldados Iván Tobón Cardona, Reynel Aponte López, José Edilmer Quiñones y Eduardo Rojas Ortega, quienes presentan quemaduras de primer y segundo grado en la cara y brazos y otras partes del cuerpo. Resultaron ilesos los siguientes miembros de la tripulación: capitán Rodolfo Mejía Restrepo, capitán Juan Carlos Canay y el ingeniero Justo Forero Fonseca.

(Ver solo texto) | [Primera Página](#) | [En Foco](#) | [Primer Plano](#) | [Opinión](#) | [Política](#) | [Judicial](#) | [La Nación](#) | [Economía](#) | [Deportes](#) | [Bogotá](#) | [Internacional](#) | [Vida de Hoy](#) | [Breves](#) | [Computadores](#) | [Medio Ambiente](#) | [Deporte en Cifras](#) | [Tiempo de Ciencia](#) | [Viajar](#) | [Tierras y Ganados](#) | [Correo al Director](#) |

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Mr. BARR. And I would appreciate all of the State Department witnesses at least considering in their own minds whether or not those brave men would be alive today had it not been for the bloviation, the obfuscation and the delays which we have been witnessing with the last many months in providing the helicopters, the guns, the ammunition, the armor plating, the vests and all the other equipment that is designed to save lives and defend.

I'd also like, Mr. Chairman, to request unanimous consent to insert two pages of Title XXXI of the United States Code Section 716, which was referred to earlier by Mr. Hinton, which provides the authority under which the GAO "shall"—that is a word quoted from the statute—be given the information that they have requested and that we have requested through them, and draw specific reference to the fact that the GAO may bring a civil action to enforce its requests and it may seek an order of contempt for failure to provide that.

And I would encourage the GAO to reread those statutes and take some action.

Mr. HASTERT. Without objection.

[The information referred to follows:]

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
715(a).....	31:61(a)(1st, 2d sentences).	Dec. 24, 1973, Pub. L. 93-198, § 738, 87 Stat. 823.
715(b).....	31:61(b)(1).	
715(c)(1).....	31:61(b)(2).	
715(c)(2).....	31:61(b)(2).	
715(d).....	31:61(a) (last sentence).	

In subsection (a), the words "Comptroller General" are substituted for "General Accounting Office" for consistency. The words "of Columbia" are added for clarity. The words "rules and" are omitted as surplus. The word "way" is substituted for "procedures" and "detail" to eliminate unnecessary words. The words "of the United States" are omitted as surplus. The word "records" is substituted for "vouchers and other documents" to eliminate unnecessary words.

In subsection (b), the words "of the District of Columbia" are added for clarity. The words "comments and" are omitted as surplus. The word "audited" is substituted for "to which the reports relate" for consistency and to eliminate unnecessary words. The words "with respect thereto" are omitted as surplus.

In subsection (c)(2), the words "After the Council receives the statement of the Mayor" are substituted for "After the Mayor has had an opportunity to be heard", and the words "of the Comptroller General" are added for clarity. The word "thereto" is omitted as surplus.

In subsection (d), the words "To carry out this section" are added for clarity. The words "records and property of or used by" shall be made available to the Comptroller General" are substituted for 31:61(a)(last sentence 1st-30th words) for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words. The words "of Columbia government" are added for consistency. The words "The Mayor shall provide facilities to carry out an audit" are substituted for 31:61(a)(last sentence words after last comma) for clarity.

## CODIFICATION

Section is also set out in D.C. Code, § 47-118.1.

## AMENDMENTS

1991—Subsec. (e). Pub. L. 102-102 added subsec. (e).

## EFFECTIVE DATE OF 1991 AMENDMENT

Section 2(e) of Pub. L. 102-102 provided that: "The amendments made by this section (amending this section) shall take effect on the date of the enactment of this Act [Aug. 17, 1991]."

## § 716. Availability of information and inspection of records

(a) Each agency shall give the Comptroller General information the Comptroller General requires about the duties, powers, activities, organization, and financial transactions of the agency. The Comptroller General may inspect an agency record to get the information. This subsection does not apply to expenditures made under section 3524 or 3526(e) of this title.

(b)(1) When an agency record is not made available to the Comptroller General within a reasonable time, the Comptroller General may make a written request to the head of the agency. The request shall state the authority for inspecting the records and the reason for the inspection. The head of the agency has 20 days after receiving the request to respond. The response shall describe the record withheld and

the reason the record is being withheld. If the Comptroller General is not given an opportunity to inspect the record within the 20-day period, the Comptroller General may file a report with the President, the Director of the Office of Management and Budget, the Attorney General, the head of the agency, and Congress.

(2) Through an attorney the Comptroller General designates in writing, the Comptroller General may bring a civil action in the district court of the United States for the District of Columbia to require the head of the agency to produce a record—

(A) after 20 days after a report is filed under paragraph (1) of this subsection; and

(B) subject to subsection (d) of this section.

(3) The Attorney General may represent the head of the agency. The court may punish a failure to obey an order of the court under this subsection as a contempt of court.

(c)(1) Subject to subsection (d) of this section, the Comptroller General may subpoena a record of a person not in the United States Government when the record is not made available to the Comptroller General to which the Comptroller General has access by law or by agreement of that person from whom access is sought. A subpoena shall identify the record and the authority for the inspection and may be issued by the Comptroller General. The Comptroller General may have an individual serve a subpoena under this subsection by delivering a copy to the person named in the subpoena or by mailing a copy of the subpoena by certified or registered mail, return receipt requested, to the residence or principal place of business of the person. Proof of service is shown by a verified return by the individual serving the subpoena that states how the subpoena was served or by the return receipt signed by the person served.

(2) If a person residing, found, or doing business in a judicial district refuses to comply with a subpoena issued under paragraph (1) of this subsection, the Comptroller General, through an attorney the Comptroller General designates in writing, may bring a civil action in that district court to require the person to produce the record. The court has jurisdiction of the action and may punish a failure to obey an order of the court under this subsection as a contempt of court.

(d)(1) The Comptroller General may not bring a civil action for a record withheld under subsection (b) of this section or issue a subpoena under subsection (c) of this section if—

(A) the record related to activities the President designates as foreign intelligence or counterintelligence activities;

(B) the record is specifically exempted from disclosure to the Comptroller General by a statute that—

(i) without discretion requires that the record be withheld from the Comptroller General;

(ii) establishes particular criteria for withholding the record from the Comptroller General; or

(iii) refers to particular types of records to be withheld from the Comptroller General; or

(C) by the 20th day after a report is filed under subsection (b)(1) of this section, the President or the Director certifies to the Comptroller General and Congress that a record could be withheld under section 552(b)(5) or (7) of title 5 and disclosure reasonably could be expected to impair substantially the operations of the Government.

(2) The President or the Director may not delegate certification under paragraph (1)(C) of this subsection. A certification shall include a complete explanation of the reasons for the certification.

(e)(1) The Comptroller General shall maintain the same level of confidentiality for a record made available under this section as is required of the head of the agency from which it is obtained. Officers and employees of the General Accounting Office are subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the agency.

(2) The Comptroller General shall keep information described in section 552(b)(8) of title 5 that the Comptroller General obtains in a way that prevents unwarranted invasions of personal privacy.

(3) This section does not authorize information to be withheld from Congress.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 892.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
718(a).....	31:54(a).	June 10, 1921, ch. 18, § 313(a), 42 Stat. 26, Apr. 3, 1920, Pub. L. 96-225, § 102, 94 Stat. 312.
718(b).....	31:54(b).	June 10, 1921, ch. 18, 42 Stat. 26, § 313(b)-(f), edited Apr. 3, 1980, Pub. L. 96-225, § 102, 94 Stat. 312.
718(c).....	31:54(c).	
718(d).....	31:54(d).	
718(e).....	31:54(e), (f).	

In the section, the word "records" is substituted for "books, documents, papers, or records", "books, records, correspondence, memoranda, papers, and documents", and "written information, books, documents, papers, or records" for consistency in the revised title and with other titles of the United States Code. The word "Congress" is substituted for "Speaker of the House of Representatives, and the President of the Senate" for consistency in the revised title.

In subsections (a) and (b), the word "agency" is substituted for "departments and establishments" because of section 701 of the revised title.

In subsection (a), the words "methods of business" are omitted as surplus. The words "or any of his assistants or employees, when duly authorized by him" are omitted because of sections 702(b) and 711 of the revised title. The word "inspect" is substituted for "shall . . . have access to and the right to examine" for consistency. The cross reference to section 3524 is added for clarity.

In subsection (b)(1), the words "to the Comptroller General" are substituted for "access to" for clarity and consistency. The words "in his discretion", "in addition to subsection (a)", "a period of", and "to the written request of the Comptroller General" are omitted as surplus. The words "or any of his designated as-

stants or employees" are omitted because of sections 702(b) and 711 of the revised title.

In subsection (b)(2), before clause (A), the words "bring a civil action" are substituted for "apply" to conform to rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). In clause (A), the words "calendar" and "written" are omitted as surplus.

In subsection (b)(3), the words "head of the agency" are substituted for "defendant official" for consistency.

In subsection (c)(1), the words "require by . . . the production of" are omitted as surplus. The words "person not in the United States Government" are substituted for "contractors, subcontractors, or other non-Federal persons" for consistency and to eliminate unnecessary words. The words "from whom access is sought", "in the case of service by certified or registered mail", and "post office" are omitted as surplus.

In subsection (c)(2), the words "judicial district" are substituted for "jurisdiction of any district court of the United States" for consistency and to eliminate unnecessary words. The words "contumacy or" are omitted as surplus. The words "may bring a civil action" are substituted for "upon application made by" to conform to rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (d)(1), before clause (A), the words "requiring the production of material" are omitted as surplus. In clause (C), the words "in writing", "consists of matters which . . . from disclosure", "United States Code", "of such material to the Comptroller General", and "Federal" are omitted as surplus.

In subsection (e)(1), the words "the head of" are added for consistency. The words "from which such material was obtained" are omitted as surplus.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3523 of this title; title 12 section 1833c; title 20 section 1082; title 22 section 3143; title 38 section 7368; title 44 section 3519; title 50 App. section 2411.

§ 717. Evaluating programs and activities of the United States Government

(a) In this section, "agency" means a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government.

(b) The Comptroller General shall evaluate the results of a program or activity the Government carries out under existing law—

(1) on the initiative of the Comptroller General;

(2) when either House of Congress orders an evaluation; or

(3) when a committee of Congress with jurisdiction over the program or activity requests the evaluation.

(c) The Comptroller General shall develop and recommend to Congress ways to evaluate a program or activity the Government carries out under existing law.

(d)(1) On request of a committee of Congress, the Comptroller General shall help the committee to—

(A) develop a statement of legislative goals and ways to assess and report program performance related to the goals, including recommended ways to assess performance, information to be reported, responsibility for reporting, frequency of reports, and feasibility of pilot testing; and

Mr. BARR. I would also like unanimous consent to insert into the record a letter dated July 7, 1997, from the U.S. Department of State by Barbara Larkin, Assistant Secretary, Legislative Affairs—a one-page letter and a three-page attachment. This is the 614 waiver letter. And I'd like, Mr. Chairman, to have that inserted into the record.

Mr. HASTERT. Without objection.  
[The information referred to follows:]



United States Department of State

Washington, D.C. 20520

JUL 7 1997

Dear Mr. Chairman:

This letter is to inform you that the President proposes to exercise his authority under section 614(a)(2) of the Foreign Assistance Act of 1961, as amended, to authorize the expenditure of up to \$30 million in Foreign Military Financing (FMF) funds to support counternarcotics operations in Colombia. This would allow us to provide approximately \$9.8 million in FY-95 funds which were not committed against specific FMS cases before March 1, 1996, as well as the selected release of approximately \$20 million in previously obligated counternarcotics FMF funds already committed against FMS cases for the Colombian police and military.

The President also proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act to authorize the furnishing of up to \$600,000 in FY-97 International Military Education and Training (IMET) funds for Colombia.

As described in more detail in the enclosed Memorandum of Justification, we believe the use of section 614 authority in these circumstances is appropriate.

Please do not hesitate to contact us if you require additional information or believe that we may be of further assistance.

Sincerely,

Barbara Larkin  
Assistant Secretary  
Legislative Affairs

Enclosure:  
Memorandum of Justification

The Honorable  
Benjamin A. Gilman, Chairman,  
Committee on International Relations,  
House of Representatives.

MEMORANDUM OF JUSTIFICATION  
UNDER SECTION 614 OF THE FOREIGN ASSISTANCE ACT  
TO SUPPORT THE PROVISION OF FOREIGN MILITARY FINANCING FUNDS  
AND INTERNATIONAL MILITARY EDUCATION AND TRAINING  
TO THE GOVERNMENT OF COLOMBIA

On February 28, 1997, the President again made the difficult but necessary decision not to certify the Government of Colombia (GOC) under provisions of section 490 of the Foreign Assistance Act of 1961, as amended, (the "FAA") for failing to cooperate fully with the United States or to take adequate steps on its own to achieve full compliance with the goals and objectives established by the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Military assistance had been provided to Colombia, a significant amount of it for counternarcotics purposes. This consisted of Foreign Military Financing (FMF) funds and International Military Education and Training (IMET) funds which were frozen when the decision was made in 1996 not to make a certification for Colombia.

Notwithstanding that action, those elements of the GOC which are cooperating with us continue to need our support to sustain current critical counternarcotics operations, such as eradication of coca and the interdiction of drugs moving through Colombia and onward to the United States.

We believe that the expenditure of up to \$30 million in FMF funds is vital to the national security interests of the United States, and that, similarly, the furnishing of up to \$600,000 in IMET funding is important to the security interests of the United States.

Abuse by Americans of drugs produced abroad is growing alarmingly after decades of decline. Reducing abuse of addictive drugs, and consequent crime and violence, is virtually impossible unless U.S. borders are protected against this foreign drug threat, which three Presidents have declared a vital U.S. national security interest. Colombia is the processing or transit country for virtually all of the cocaine which reaches the United States and is a producer of heroin as well. Colombian security forces act aggressively against drug smuggling by air and water, and the storage, processing and transshipment of illegal drugs. More extensive action -- particularly on the part of the Colombian National Police -- is prevented primarily by lack of specific resources which could be provided by U.S. military assistance. Lack of this assistance entails continuing serious damage to this vital national security interest of the American people.

FMF

Expenditure of the FMF funds is critical to the accomplishment of exactly the type of programs we must continue with those elements of the GOC which are committed to the counternarcotics effort, and particularly to the Colombian National Police (CNP). The Government of Colombia recently agreed to an enhanced, more effective eradication program. The ultimate goal would be to eliminate the entire Colombian coca crop. Despite strong resistance and threats of violence by drug-trafficking organizations, this has proven to be the most effective eradication effort undertaken in the major coca growing region, and is disrupting the drug trade.

Approximately \$9.8 million of FY-95 FMF funds had been obligated but not committed against specific FMS cases for Colombia when the non-certification provisions initially went into effect on March 1, 1996. The majority of these funds were intended for use to provide counternarcotics support to the CNP. The remainder were intended for use to provide support to elements of the Colombian Armed Forces.

In addition, substantial amounts of FMF funds had been committed to counternarcotics cases at the time assistance was cut off in 1996. We now seek to waive restrictions on the use of not only the approximately \$9.8 million in uncommitted funds, but also on the use of approximately \$20 million in selected FMS "pipeline" cases for counternarcotics assistance to the Colombian police and military. The exercise of the section 614 authority would allow us, after a case-by-case review, to resume expending funds to provide counternarcotics FMS that had been obligated before March 1, 1996, as well as to shift funds between and modify cases, as required.

Under our proposal, the section 614 authority would be invoked to authorize the expenditure of up to \$30.0 million in FMF funds. The Administration estimates that up to \$15 million of this would be used for spare parts and refurbishing of CNP helicopters used to support eradication operations.

These helicopters are at the heart of the counternarcotics effort in Colombia. They are used to provide security to INL's and the CNP's spray planes, deployment of troops, search-and-rescue missions and in interdiction operations. Proper funding of this helicopter support has become even more critical, because we added 12 UH-1H helicopters to the CNP fleet in the past year and have just added 12 more.

It is anticipated that the remaining funds may be used to provide other critical counternarcotics support including weapons and ammunition; auxiliary fuel tanks and armor plating for CNP aircraft; hardware and software to support the CNP aviation maintenance program; technical training assistance for the Colombian Armed Forces; and for other FMS support included in selected "pipeline" cases for the CNP and for elements of the Colombian military with counternarcotics support roles.

We would conduct a case-by-case review before expending any funds that have been committed to FMS cases, and would proceed only with those cases we judged to be fully justified on counternarcotics grounds and consistent with our legal and policy requirements concerning human rights.

#### IMET

In FY 97, \$600,000 in IMET funds, including funds for expanded IMET -- which fosters respect for human rights, civilian control over the military, and improved military justice -- was allocated for Colombia, but cannot be utilized because of the decision on March 1, 1997, not to make a certification for Colombia under the provisions of FAA section 490(e). We believe that the expenditure of up to \$600,000 of IMET is important to the security interests of the United States.

IMET is at the heart of our efforts in Colombia to promote Colombian military understanding and adherence to international human rights norms and proper civilian-military relationships. It would be used for training which has a positive impact on the Colombian military and police struggle against drug-trafficking interests as well as for training which promotes professional development and which fosters respect for human rights, civilian control over the military, and improved military justice.

The lengthy and still ongoing Colombian political crisis that has weakened the government reminds us that Colombia's tradition of military respect for civilian rule is essential and must be reinforced. Our IMET training -- and the exposure to U.S. civilian-military tradition that it provides -- will serve important U.S. interests by helping to strengthen Colombia's democratic institutions during this critical period in its history.

Mr. BARR. Mr. Thessin, on page 3 of the attachment to that letter, that attachment being titled: "Memorandum of Justification Under Section 614 of the Foreign Assistance Act to Support the Provision of Foreign Military Financing Funds and International Military Education and Training to the Government of Colombia."

The second paragraph on page 3 says the following: "We would conduct a case by case review before expending any funds that have been committed to FMS cases and would proceed only with those cases we judged to be fully justified on counternarcotics grounds and consistent with our legal and policy requirements concerning human rights."

Is that a giant loophole that is going to be used as a justification for the Department of State to continue to delay and delay and delay the provision of this necessary equipment to the Colombians?

Mr. THESSIN. Mr. Congressman, I am not an expert on that section. Let me have Ambassador Becker—

Mr. BARR. You're not an expert on it? When we were down in Colombia we heard many references to the fact that it was in fact your office that was making these interpretations that were leading to the delays in providing the equipment.

Mr. DAVIDOW. Well—

Mr. BARR. Maybe that's the reason you're not an expert.

Mr. THESSIN. I am not personally involved in that matter, so I—

Mr. BARR. You did not review this letter?

Mr. THESSIN. No. I had no personal involvement with the letters. I'm sorry.

Mr. BARR. OK. These letters from the Assistant Secretary for Legislative Affairs that deal with references to U.S. laws that deal with interpretations of the laws under which waivers are conducted did not go through the legal office at the Department of State?

Mr. THESSIN. No, let me clarify, Mr. Congressman.

Mr. BARR. Please do.

Mr. THESSIN. I was asked to attend this hearing because of my knowledge about document procedures.

Mr. BARR. OK. So you don't know anything about this? You don't know what that language means?

Mr. THESSIN. No. I think Ambassador Becker can address that.

Mr. BARR. Let me decide who I want to answer my questions. Do you know what that language means?

Mr. THESSIN. I'd have to study it, Mr. Congressman. I'm sorry that I haven't studied it.

Mr. BARR. Do any of the witnesses know what that language means?

Mr. DAVIDOW. Yes, sir.

Mr. BARR. Let's hear it, please.

Mr. DAVIDOW. The language refers to what I was discussing before. In the provision of U.S. assistance overseas concern for human rights is a fundamental factor.

Mr. BARR. Under what statute? Are these the so-called human rights assurances that Ambassador Frechette kept referring to?

Mr. DAVIDOW. Yes, sir.

Mr. BARR. Under what specific legal authority can that be used as an impediment to providing aid that Congress has determined

should go to that country and that the President has requested a waiver?

Mr. DAVIDOW. I am not aware, Congressman. Congressman, what we are trying to do, sir, is to ensure that no equipment will be provided to units if we have credible evidence that such units have committed gross human rights violations.

Mr. BARR. OK. So what we're talking about here is the Leahy law?

Mr. DAVIDOW. Well, the spirit of the Leahy law. Yes, sir.

Mr. BARR. No. Answer—are we talking about the Leahy law?

Mr. DAVIDOW. Leahy—

Mr. BARR. I don't know what the spirit of Leahy means, and I'm getting tired of hearing about it.

Mr. DAVIDOW. Well—

Mr. BARR. Are we talking about the Leahy law?

Mr. DAVIDOW. Yes. We're talking about—

Mr. BARR. OK. The Leahy law says—and the State Department legal office may not be familiar with this, so let me read it—"None of the funds made available under this heading may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence to believe such unit has committed gross violations of human rights," et cetera.

Where in there is the authority for the Ambassador to a particular country—in this case Colombia—to demand human rights assurances before lawfully certified equipment is given to the Colombian forces?

Mr. DAVIDOW. It—

Mr. BARR. This says—and I think it's an important point—this doesn't say anything about demanding assurances. This says that only if the State Department has credible evidence of gross violations of human rights can the assistance be held up.

Mr. DAVIDOW. What the Ambassador has been trying to obtain under the instructions of the government and the State Department is assurances from the Government of Colombia that they accept the human rights provision. And, indeed, if it is the role of this committee of Congress that we should not be concerned about human rights or critical evidence that human rights violations—

Mr. BARR. No. Now, come on. That's not the point at all. What I'm talking about here is language in statutes—

Mr. DAVIDOW. Right.

Mr. BARR [continuing]. That we here, at least, up here, believe have some meaning and ought to be adhered to. There is a difference between the language of the Leahy law and what the Ambassador was talking about, demanding assurances of human rights. And I'm just curious as to where this requirement that human rights assurances be given. I would also—may I ask unanimous consent for 1 more minute, Mr. Chairman?

Mr. HASTERT. I'll give you a minute off of my time.

Mr. BARR. OK. Unless we're going to have another round?

Mr. HASTERT. We're going to have another round.

Mr. BARR. OK. I'll hold.

Mr. HASTERT. You reserve?

Mr. BARR. Sure.

Mr. HASTERT. All right. Let me ask Mr. Marshall a couple things. The DEA, a year ago, for fiscal year 1997, this committee and others were very instrumental in making sure that 15 DEA agents were added to the ability for—were added to Colombia—to be able to do that. Now, DEA agents, as you well know, do a number of things: intelligence, special agents, all types of things. Why haven't you put those 15 agents in? How come they're not inserted in the country?

Mr. MARSHALL. Chairman, following the allocation of the—

Mr. HASTERT. And let me just clarify—this is the 10th month of that fiscal year.

Mr. MARSHALL. Mr. Chairman, DEA requested in the NSDD38 process in a cable in January of this year authorization to place 11 special agents and 4 support personnel. And thus far we have received approval to place four special agents and three support personnel.

Mr. HASTERT. When did you get that approval?

Mr. MARSHALL. I'm sorry, sir?

Mr. HASTERT. When did you get that approval?

Mr. MARSHALL. When? June 6 according to my records, sir.

Mr. HASTERT. All right—

Mr. MARSHALL. Well, let me clarify that. The support positions were approved on April 24, the four agent positions were approved on June 6.

Mr. HASTERT. And some of those were replacement, is that right?

Mr. MARSHALL. No, sir. I'm referring directly to the new agents.

Mr. HASTERT. Who makes that decision?

Mr. MARSHALL. It's done through the NSDD38 process. And the State Department people would be better qualified to answer—

Mr. HASTERT. Well, who do you deal with?

Mr. MARSHALL. We deal with INL and ARA, and we actually, on the local level, deal with the Embassy there through the NSDD38 process.

Mr. HASTERT. Mr. Thessin, can you tell us, why aren't they there.

Mr. THESSIN. Ambassador Becker.

Mr. HASTERT. Ambassador Becker, that's fine.

Ms. BECKER. Yes. Mr. Chairman, the NSDD38 process, which is administered by the State Department reserves to the Chief of Mission determination with regard—

Mr. HASTERT. Who is the Chief of Mission?

Ms. BECKER. Ambassador Frechette.

Mr. HASTERT. So maybe I should ask Ambassador Frechette, right? We've gone one, two, three, boom, you're in.

Ms. BECKER. I was just explaining how the process works, sir.

Mr. HASTERT. Why haven't they been in country?

Ambassador FRECHETTE. Mr. Chairman, I represent the President of the United States in Colombia. The President of the United States has instructed every Ambassador in the world under the NSDD38 procedure to make sure that each new position, from whatever agency of the Federal Government, asked to be placed in an Embassy, to be reviewed by the chief of mission, No. 1, to make sure that that position is consistent with the goals of that agency

at that post; No. 2, is consistent with the goals of the post in general; and, No. 3, that there is room for that person, and so on.

There is a series of—

Mr. HASTERT. That's why they're not there?

Ambassador FRECHETTE [continuing]. Requirements levied upon each Ambassador by the President of the United States.

Mr. HASTERT. You've made that decision that there's no room?

Ambassador FRECHETTE. I beg your pardon, sir?

Mr. HASTERT. There's no room in your Embassy?

Ambassador FRECHETTE. No, sir. I didn't say that.

Mr. HASTERT. DEA—Drug Enforcement Agency—

Ambassador FRECHETTE. Mr. Chairman—

Mr. HASTERT. A drug problem in Colombia.

Ambassador FRECHETTE. Mr. Chairman—

Mr. HASTERT. I'm just asking—

Ambassador FRECHETTE. I was asked for 15 positions. So far I have approved seven. I have informed Mr. Burton, who is not with us any longer, that that process of discussion with the Bogota country attache of the DEA will continue. And we will continue so that he can explain to me what it is those people—

Mr. HASTERT. Let me just remind you, Mr. Ambassador.

Ambassador FRECHETTE. If I may, Mr. Chairman.

Mr. HASTERT. I reclaim my time.

Ambassador FRECHETTE. Mr. Chairman—

Mr. HASTERT. Let me remind you that appropriation was made last year—a year ago, over a year ago. The fiscal year started October 1, 1996. We're 10 months into that fiscal year.

Ambassador FRECHETTE. I understand.

Mr. HASTERT. It was certainly the intent of this Congress to supplement the ability for the folks that we have in country—and you're chief of mission—and your mission—to do a more quantitative job, if you will. And it was the intent of this Congress to do this. You have not—I would use the word “stall,” but I wouldn't put that on your shoulders. You've not let this happen.

Ambassador FRECHETTE. Mr. Chairman, when I approved three DEA positions recently in April, I was forced to ask two representatives of another agency to leave. I am very close on space in that Embassy. And we are soon going to be in a situation where if I take more DEA agents—

Mr. HASTERT. Are you saying that you don't have space—and that's a brand new Embassy.

Ambassador FRECHETTE. That is correct.

Mr. HASTERT. We were there.

Ambassador FRECHETTE. Yes.

Mr. HASTERT. It is spacious, acreage.

Ambassador FRECHETTE. I do not have space.

Mr. HASTERT. It's a fort in the middle of Bogota.

Ambassador FRECHETTE. Yes. To take all those DEA agents I may be forced to ask other agencies to leave. I have other people who work for the Treasury, who work for the Customs, who work for the FBI, who also work on counternarcotics, not just the DEA. I may have to ask some of them to leave. It is the President's intention that each Ambassador judge who can come in and who can

leave on the basis of his overall knowledge of the objectives of the country team. I am the Ambassador at that point.

Mr. HASTERT. I'm going to reclaim my time so I can ask another question.

Ambassador FRECHETTE. Yes, sir.

Mr. HASTERT. You were talking about the human rights negotiation that you were having, I would guess, with General Bedoya or the—

Ambassador FRECHETTE. Minister of defense.

Mr. HASTERT [continuing]. Minister of defense, that's right. And one of the things that you said is that one of the points that you're looking for—you're never specific. What are you asking? What are you asking that they aren't delivering specifically?

Ambassador FRECHETTE. All right. They have to understand that if the Secretary of State reaches a conclusion that there is credible evidence of gross human rights violations by a unit of the Colombian armed forces—

Mr. HASTERT. Right.

Ambassador FRECHETTE [continuing]. And that that process is not being taken care of by the regular judicial process in Colombia, then assistance should be cutoff to that unit. That's what I am asking for specifically.

Mr. HASTERT. I have a letter here from General McCaffrey written to General Bedoya. And it goes onto the issue of human rights. And I'm just going to take part of it. But I'll start in the middle of this paragraph. "It's a respect for democratic institutions and individual rights. I know you and I are in complete agreement on the importance of the armed forces as protecting and promoting human rights. Your leadership in this issue will continue to be vital."

Now, you're saying that Bedoya and others—you have a suspect that they'll be able to do this. There seems to me a conflict in this letter and what you're saying.

Ambassador FRECHETTE. No, sir. I asked General McCaffrey to write that letter.

Mr. HASTERT. June 20, 1997.

Ambassador FRECHETTE. I also asked him to call. Yes. And I also asked him to telephone General Bedoya. I also asked General Clark at SOUTHCOM to telephone General Bedoya to make him understand that this is what we are offering Colombia and that they should not lose this opportunity to gain assistance from the United States. It is my understanding although I have not personally spoken to both of those generals, that they intend to make that pitch to General Bedoya.

Mr. HASTERT. Well, my time has expired. And I'm going to yield to the gentleman from Wisconsin.

Mr. BARRETT. Mr. Chairman, I would yield to Mr. Blagojevich. I think I have a vote in another meeting, so I'll come back for another round. If you'll excuse me.

Mr. BLAGOJEVICH. Thank you, Mr. Barrett. I would like to direct this question to Ambassador Frechette. Ambassador Frechette, a top general in the Colombian Army recently made press statements to the effect that he was unwilling to sign a human rights end use monitoring agreement with the United States.

Ambassador FRECHETTE. I'm sorry, sir, could you repeat that? I didn't hear you.

Mr. BLAGOJEVICH. A top general in the Colombian army has recently made press statements—I believe it's General Bonett—to the effect that he was unwilling to sign a human rights end use monitoring agreement with the United States. Could you provide more details about that, and that impasse with the Colombian Army?

Ambassador FRECHETTE. Yes, sir. I have not discussed this issue with General Bonett. I have discussed it with the minister of defense. It's a democratic government and they have a civilian minister of defense. That's who I deal with. Occasionally the minister brings in the generals. I have never discussed this issue with General Bonett.

General Bonett has on at least two occasions publicly said for domestic consumption, obviously, that he refuses to sign anything that would condition any assistance from the United States to any human rights concerns. Now, that is not the official position of the Government of Colombia. In fact, the Government of Colombia continues to assure me at the ministerial level, and the foreign minister level and even the president, that they wish to receive that assistance if we can work something out.

So, General Bonett has said it twice. He's said it very clearly. But, again, he doesn't represent, in my view, the views of the Colombian Government.

Mr. BLAGOJEVICH. His failure to sign any kind of end use agreement does not necessarily preclude aid to the Colombian Army or the Colombian Government, is that right?

Ambassador FRECHETTE. I think what he's referring to, sir, is this 506 and now 614 drawdown. The assurances that I've been specifically instructed to get. I think that's what he's referring to. But I have not even discussed his public statements with him because he and I see each other very infrequently and we just haven't had a chance to sit down together so that I could really know what it is he means.

Mr. BLAGOJEVICH. OK. In the last 3 minutes or so that I have, could you just tell us, in your experience down in Colombia, perhaps the difference in terms of the Colombian national police and how they've been in terms of working with the United States Government, vis-a-vis, the Colombian military?

Ambassador FRECHETTE. Yes, sir. I'd be happy to do that. The Colombian national police reports to the minister of defense but does not report through the military command structure. They have procedures that allow the director of the national police, General Serrano, or whoever the director happens to be, to remove in an expeditious manner officers and enlisted men who have been accused of corruption or other violations of Colombian law.

General Serrano and Colonel Gallego, who works for him as the head of the counternarcotics police, are extremely careful to make sure that the 2,500 men in the counternarcotics police understand that human rights is, along with counternarcotics, job one.

Mr. BLAGOJEVICH. Now, could I just interject just briefly? And the two of them—General Serrano and Colonel Gallego—it's fair to say, try to press upon the United States, those that they seek aid

from, that they are in fact going the extra mile on this issue of human rights? Is that fair to say?

Ambassador FRECHETTE. Yes, sir. And I know them both personally. I spend a great deal of time with them even socially. And I'm here to tell you that all the evidence I have had in my 3 years in Colombia is that they take special pains. And if anything comes up about anybody in the counternarcotics police, any kind of a shadow at all, they either transfer them out of the counternarcotics police to some other branch of the police or, in fact, fire them.

Now, the process in the military, Army, Navy and Air Force, is nowhere near as expeditious and does not give the commanders the latitude that the commander of the national police has. And while I don't know the origin of that, I suspect it's simply that the national police works closer to the people and is perhaps more sensitive to human rights concerns and public concerns.

Mr. BLAGOJEVICH. From the standpoint of the United States and our ability to help them, that makes it, of course, a lot more difficult, does it not, working with the Colombian national military with regard to monitoring how they use our money and how they use our equipment?

Ambassador FRECHETTE. Yes, sir. It makes it more difficult. We—I have put in place a more thorough end use monitoring process which is not perfect, I can assure you. I don't have enough people at the post and I can't put my military officers in harm's way to send them where the Colombian Army is fighting to verify that every piece of equipment is used only for counternarcotics.

But I feel, as I told you in Bogota when you asked me a similar question, I feel that this is about as good as it's going to get. And I am prepared to testify before any committee of Congress that based on the information in the process that we have set in place, I would feel relatively comfortable about coming here and saying to you that the equipment is being used for the purposes for which it was intended by the U.S. taxpayer and the Congress.

Mr. BLAGOJEVICH. Thank you.

Mr. HASTERT. Just briefly, Mr. Ambassador, you just said you didn't have enough people in post. What kind of people might those be that would help you make those decisions?

Ambassador FRECHETTE. Well, sir. I am prohibited from sending military officers into a zone of conflict.

Mr. HASTERT. The question is that you didn't have enough people in post. What kind of people do you need?

Ambassador FRECHETTE. Well, I don't have enough people in the military group who are familiar with this kind of stuff who could do that. But even if I did, I cannot send them into harm's way, Mr. Chairman.

Mr. HASTERT. Fine. You just said that you didn't have enough people in post to make that decision.

Ambassador FRECHETTE. That is correct.

Mr. HASTERT. I just wanted to clarify that, thank you.

Ambassador FRECHETTE. No. It's not to make the decision, to be able to—I cannot, as I told you in Bogota, it is to guarantee, Mr. Chairman, that absolutely everything is being all the time for the purposes intended.

Mr. HASTERT. I recognize the gentleman from Florida.

Ambassador FRECHETTE. But I would like to be able to assure you that I am satisfied that it is so.

Mr. MICA. Thank you, Mr. Chairman. Last year, I was down with the committee and we visited, of course, Peru, Colombia, Bolivia. Peru is doing an excellent job on air strategy, containing some of the drug trafficking. And we surmised the need of a riverine strategy. It's my understanding that the United States Marine Corps has had a full blown riverine program at Camp Lejeune, NC, where they've been training Colombians for 10 years.

Mr. Newberry, you had testified earlier that the DOD doesn't have the boats or the personnel to operate such a program or assist with such a program. What are you talking about here?

Mr. NEWBERRY. No, sir. What I said was, we're able to help other countries in the air side and helicopter side often with equipment by giving them excess equipment or with 506 drawdowns. We don't have that luxury with providing that equipment to Peru and Colombia as far as small boats go. The Marines have boats that we bought for them to help train foreign nations on operating small boats, but we don't have the number where we could take away boats from the Marines or the special forces and send them down country to create a large riverine force or units.

Mr. MICA. So all you can do is the training?

Mr. NEWBERRY. That's all we can do right now, is train. Now, we had some drawdown to small boats, but we're talking about three, four, half dozen.

Mr. MICA. I thought there was some request to provide some assistance in equipment last year.

Mr. NEWBERRY. We have new legislation we're asking for this year.

Mr. MICA. Last year.

Mr. NEWBERRY. Last year, there was a 506 drawdown of, I think, a half dozen. I'd have to look at the boats. Some Mark 3s. And we did provide those. We took them—special forces had some extra boats. And we did accomplish that drawdown.

Mr. MICA. They were provided and they are there?

Mr. NEWBERRY. Yes.

Mr. MICA. OK. Ms. Becker, INL funds for riverine strategy. What's the status as far as Peru? Have the boats been ordered?

Ms. BECKER. Mr. Chairman, the equipment that INL provides to foreign governments is generally EDA—excess defense equipment—provided under various DOD drawdowns. We do not have a budget. As I indicated, our annual budget worldwide is slightly over \$200 million. We simply do not have the kind of funds available in there to engage in equipment purchases.

Mr. MICA. We had talked with Ambassador Gelbard last year, wasn't it—your predecessor—and I thought we were ordering boats. There was a manufacturer that was waiting on an order.

Ms. BECKER. I'm not familiar with the specific conversations, sir. I will check into it and get back to you on the details.

[The information referred to follows:]

Six Boston Whaler riverine patrol craft were designated under the 506(a)(2) drawdown for Peru and Colombia. These boats are being drawn from Department of Defense stocks and should be delivered to Peru and Colombia in September 1997. We are unaware of any commitment made by the U.S. government to purchase newly manufactured boats for riverine patrol in Peru. Section 506 drawdown only

authorizes the drawdown of existing stocks for counternarcotics use, not the purchase of new equipment.

Mr. MICA. Well, we have a riverine strategy, we're providing training, and we're not assisting—I thought the last hearing we had, that there was either an acquisition in process—INL.

Ms. BECKER. I'm sorry, sir, but I'm not familiar with any commitment that was made to provide riverine boats to any country from INL funds. As I said, we generally, in the case of equipment, rely on excess defense equipment or other types of drawdown. We do not generally provide new equipment, because we simply do not have the funds.

Mr. HASTERT. Would the gentleman yield for just a second?

Mr. MICA. Yes.

Mr. HASTERT. You might want to read the appropriation report to your department.

Mr. MICA. Ms. Becker, the CNP has less than 2 weeks ammunition left and they're fighting and dying as I understand it everyday in their war against the narcotraffickers. Can you explain why that we've had a delay in delivery of 506A drawdown assistance of ammunition that was slated for delivery June 30 of this year?

Ms. BECKER. My understanding of the situation is that the first available transport for that ammunition would have been on July 7. However, at the request of the country team, that flight was delayed. And it will go now on Saturday. And the ammunition will be delivered on Saturday the 12th.

Mr. HASTERT. Clarification, who is the country team?

Ms. BECKER. The Embassy in Bogota.

Mr. HASTERT. So that's the Ambassador.

Ms. BECKER. The Ambassador and his——

Mr. HASTERT. Thank you.

Mr. MICA. So you're telling us now that it will be there on the 12th. Are there any other items remaining for delivery to the Colombian national police other than ammunition?

Ms. BECKER. Yes, sir. There are two C-26 aircraft which are currently undergoing refurbishing.

Mr. MICA. When will they be delivered?

Ms. BECKER. As soon as that is finished, which should be—I can't give you an estimate, but it should be hopefully by the end of the year. And I can give you a specific date. I'm not familiar off the top of my head on the date.

Mr. MICA. Could you supply the subcommittee with that information?

[The information referred to follows:]

Delivery of the C-26 aircraft for Colombia is tied to the training of Colombian National Police (CNP) pilots and mechanics. The U.S. Air Force has scheduled CNP pilot and mechanic training beginning 22 September 1997. Delivery of the aircraft will take place at the end of October 1997.

Ms. BECKER. Yes.

Mr. MICA. Mr. Chairman, I'd like that as soon as possible, hopefully within the next week that we could get a date certain.

Ms. BECKER. Yes.

Mr. MICA. Can you tell me, is there any other equipment under the drawdown items remaining for delivery?

Ms. BECKER. For the police I will have to get back with you. The items I'm familiar with off the top of my head are the ammunition and the C-26 aircraft. The C-26 are certainly the largest. But I will get that information to you tomorrow.

Mr. MICA. Mr. Chairman, I'd have the same request that that be delivered to the subcommittee immediately. Thank you.

Mr. HASTERT. The gentleman from Wisconsin.

Mr. BARRETT. Thank you, Mr. Chairman.

Ambassador FRECHETTE. Mr. Chairman, may I make a comment please to a question raised by Mr. Mica?

Mr. HASTERT. I think we'll address you at a certain time. Let the gentleman from Wisconsin.

Ambassador FRECHETTE. OK.

Mr. BARRETT. Thank you, Mr. Chairman. Go ahead, Ambassador.

Ambassador FRECHETTE. OK. Thank you very much, Mr. Barrett. Mr. Mica, the reason why I asked for a delay in that C-5A flight was because, in addition to the ammunition for the police, there was also equipment there for the Air Force and the Navy. It makes no sense to ask the Ambassador to seek certain assurances from the Colombian Government and to keep pouring in equipment that the Colombian Government has not yet agreed to receive and deal with in accordance with the instructions given to me by the Department.

So I asked that that flight either be delayed or that only the equipment for the police be delivered. The Department's decision was to put it off for a week in the hope that I could get the Colombian Navy and Air Force to agree. They have not agreed. I would hope that that flight comes only with the equipment for the police.

Now, what we have not delivered yet to the police out of the 506(a)(2) drawdown is flight crew equipment, field equipment, field rations, boots, ammunition—2 million rounds—and communications gear and two C-26 aircraft. That is what we have not yet delivered to the Colombian national police.

But, again, I did not say to stop the flight and prevent the ammunition to get to the Colombian national police. I asked that the stuff for the Air Force and the Navy be taken off of that flight so as not to undercut what the Department is asking me to negotiate with the Colombians, which is, get them to agree to the end use monitoring provisions.

I just wanted to make that for record, sir, because I think the chairman thought that I had stopped ammunition going to the police.

Mr. BARRETT. I'd like to try to bring the 506 and 614 together.

Mr. HASTERT. I'm just going to say that I'm starting your time from scratch.

Mr. BARRETT. Thank you, Mr. Chairman. It's my understanding—correct me if I'm wrong—that the 506 drawdown, that is going to the police? Who is that going to? Is that going to the military or is that going to the police?

Ambassador FRECHETTE. No, sir. It was going to the police, the Army, the Navy and the Air Force.

Mr. BARRETT. So it is going to the military as well?

Ambassador FRECHETTE. Oh, yes.

Mr. BARRETT. OK.

Ambassador FRECHETTE. If they will agree to the conditions.

Mr. BARRETT. Well, I guess that's my question. They obviously have not agreed to the conditions. So up to this point, who has it gone to?

Ambassador FRECHETTE. All right. We have delivered to the Colombian Air Force only the 12 helicopters that we promised them. They arrived in Santa Marta. Before the chairman arrived. And they are being utilized by the Colombian police now.

Mr. BARRETT. OK. Even without—obviously you don't feel that it's necessary to have end use type monitoring for that.

Ambassador FRECHETTE. No, sir. And I'll tell you why, Mr. Barrett. Because all that assistance goes only to the counternarcotics police. Therefore, by definition, it is used only for counternarcotics. Second, they have taken extraordinary pains to avoid human rights violations, at least during my 3 years. Therefore, the human rights concern does not exist.

Mr. HASTERT. Would the gentleman yield for a second?

Mr. BARRETT. Yes.

Ambassador FRECHETTE. Did I say the Air Force, I beg your pardon. They went to the police, not the Air Force. I misspoke, myself.

Mr. HASTERT. The police, not the Air Force.

Mr. BARRETT. OK.

Mr. HASTERT. Thank you.

Mr. BARRETT. I think you both corrected him. Let's go to the 614. Now, the 614 process basically has just begun, though. Am I correct there? And what are your intentions there?

Ambassador FRECHETTE. Well, again, until we get the assurances from the Army, Navy and Air Force, it is my understanding that we will deliver none of the 614 to them until they give us the assurances. We will, however, be able to go forward with the national police.

Mr. BARRETT. OK. So your position is absent the end use monitoring agreement from the military, they will not obtain these?

Ambassador FRECHETTE. It's not my position, Mr. Barrett, it's the instructions that I received in writing from the Department of State.

Mr. BARRETT. That's fine. I'm not quibbling as to whose instructions they are. I just want to make sure what the United States' policy is.

Ambassador FRECHETTE. Yes. The reason I made that clarification is that some Members seem to be under the impression that I'm inventing stuff, when, in fact, I receive direct written instructions from the Department of State.

Mr. BARRETT. OK. I understand Mr. Barr's criticism based on the Leahy amendment, that he feels that the human rights allegations don't come into play other than for the international narcotics control funds. But could you tell me from a practical perspective, if you were to have restrictions on one source of funds and not on another source of funds, what would be your way to monitor that? Again, I say that—and, again, I understand where Mr. Barr is coming from.

Ambassador FRECHETTE. It would be incredibly difficult. It would be very difficult if we had one kind of restriction on some stuff and a different one on another, obviously. But what we're talking about

here is counternarcotics assistance—only counternarcotics assistance. And the Department has taken the spirit of the Leahy amendment and made a policy decision that it applies to the 506(a)(2) drawdown as well as to the 614.

Mr. BARRETT. And do you know of—and maybe Mr. Barr will address this—as I look at the 614 procedure, I see where the President is the one who initiates this—or the executive branch of the State Department—

Ambassador FRECHETTE. Yes.

Mr. BARRETT. Although I don't see the expressed language that you have for the Leahy amendment that applies to the other funding, I also don't see the converse that says he cannot fashion some sort of conditions on doing that. I mean, what is your position on that?

Ambassador FRECHETTE. Well, sir, I have done my level best for 9 months to carry out the instructions of the Department of State. I have been unable to do so because the Colombians refuse to give us the assurances required by the United States Government.

Mr. BARRETT. Let me ask Mr. Thessin or Ambassador Becker what your understanding is as to the conditions that the President or the executive branch can put on a 614 release. In other words, I'm asking you to respond to Mr. Barr's statements.

Ms. BECKER. Yes. As a matter of policy, the administration, taking account of the views expressed by members and staff of the House and Senate appropriations and authorization committees—

Mr. BARRETT. Let's not get into that.

Ms. BECKER. But I just want to make it clear.

Mr. BARRETT. OK.

Ms. BECKER. Made a policy decision—the administration made a policy decision that all counternarcotics assistance, regardless of source, including 614, including 506(a)(2), including the INL/INC account would be covered by Leahy provisions. The 614 proposal which is going to be consulted later on this week is based on that. And the proposal is that any service which agrees to appropriate end use monitoring regime will be eligible to receive funding or equipment under 614.

Mr. BARRETT. Are you aware of anything that prohibits you from doing that?

Ms. BECKER. Pardon?

Mr. BARRETT. Are you aware of anything that prohibits you from doing that?

Ms. BECKER. No. This is a matter of policy. And I realize that there are some people present who disagree with that policy, but it is a matter of administration policy.

Mr. BARRETT. I saw you nodding your head. What is your response?

Mr. DAVIDOW. The answer is no unless Congress wishes to pass legislation prohibiting the President from considering human rights criteria in terms of 614 or 506A. The President is in accordance with his executive powers and substantial elements of United States policy, not only in Colombia, but elsewhere in the world relating to human rights. He has the authority and, indeed, the responsibility to use human rights considerations in such matters.

Mr. BARRETT. OK. Thank you. And if I could briefly turn to—and I'm sorry, I don't see your name there. Mr. Thessin, is that correct?

Mr. NEWBERRY. No. Newberry.

Mr. BARRETT. I'm sorry. Mr. Newberry. How closely has the Department of Defense been working with the State Department on the riverine interdiction effort?

Mr. NEWBERRY. Very closely. Daily. In fact, I have a meeting tomorrow with State Department to discuss how we're going to—the process of developing the final plan.

Mr. BARRETT. And has there been any discussion of having the State Department actually oversee this as opposed to Defense?

Mr. NEWBERRY. I guess I've never looked at it that way, as somebody overseeing something. SOUTHCOM and the country should be working together on implementing a plan, if we're using DOD appropriations and DOD people, to put together a plan to do that.

Mr. BARRETT. The reason I ask that is because of the report language that raised that concern, but I think I'm out of time. So I yield back the balance of my time.

Mr. HASTERT. Just a couple of clarifications for the record. Ambassador Becker, basically, then, you take responsibility for giving Ambassador Frechette the ability to lever or use the leverage of holding up the ammunition to the CNP to get assurances out of the military. Is that your position?

Ms. BECKER. No, sir. That is not.

Mr. HASTERT. But he said that he had instructions from you to do that.

Ms. BECKER. No, sir. That is not—

Mr. HASTERT. You didn't do that? Somebody else did that?

Ms. BECKER. No, sir. That is not factual. The ammunition is going to the CNP, as I said, on a flight that's going on Saturday.

Mr. HASTERT. It's not going to the CNP. It's being held up.

Ms. BECKER. No. It's going on a flight on Saturday.

Mr. HASTERT. I pass to the gentleman from Georgia.

Mr. BARR. Mr. Chairman, I'm almost but not quite at a loss for words here after listening to this. But first, let me ask unanimous consent to have five letters inserted into the record. These were from Chairman Burton.

Mr. HASTERT. Without objection.

Mr. BARRETT. Without objection. Those are all letters from Chairman Burton?

Mr. BARR. They're letters that he wanted to have inserted into the record.

Mr. BARRETT. But what I'm asking, are they all letters from him?

Mr. BARR. No.

Mr. HASTERT. Would you like to take a look at them?

Mr. BARRETT. Yes. And I reserve the right to object after that. [The information referred to follows:]

DAN BURTON  
 8th District, Indiana  
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 GOVERNMENT REFORM AND OVERSIGHT  
 CHAIRMAN  
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Congress of the United States  
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June 13, 1997

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 WORLDWIDE WEB PAGE  
<http://www.house.gov/burton>

The Honorable Mike Ryan  
 Acting Deputy Assistant Secretary  
 U.S. Department of State  
 Bureau of International Narcotics and Law Enforcement  
 Room 7333  
 Washington, D.C. 20250

Dear Mr. Secretary:

The Department of the Army has released the long-awaited M-134 mini-guns to the Department of State for use by the Colombian National Police. Therefore, I would request that your office facilitate the shipment of this defense equipment to Colombia so that delay can be minimized.

I would like you to notify me as soon as the M-134 mini-guns arrive in Colombia. Moreover, please notify me when the M-134 mini-guns are mounted and operational in the Huey Helicopters for the defensive support of both the USG and the Colombian National Police.

The Colombian National Police are our allies in the war on drugs and deserve our support and prompt attention. Thank you in advance for your prompt attention to this matter.

Sincerely,

Dan Burton  
 Member of Congress

DB:mad

cc: The Honorable Myles Frchette  
 United States Ambassador to Colombia

The Honorable Brian Sheridan  
 Principal Deputy Assistant Secretary  
 of Defense for Special Operations and  
 Low Intensity Conflicts

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**House of Representatives**  
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REPRESENTATIVE  
INDEPENDENT

June 26, 1997

The Honorable Madeleine Albright  
Secretary of State  
Department of State  
Washington DC 20250

Dear Madame Secretary:

Recently, our House Committee on Government Reform and Oversight's Subcommittee on National Security, International Affairs, and Criminal Justice conducted an intensive fact-finding mission to Panama, Colombia, Bolivia, and Peru. During that trip, led by Chairman Dennis Hastert, a number of issues surfaced with regard to counterdrug operations in Colombia. One in particular has caused a great deal of concern to this Committee and Subcommittee – the absence of critically-needed DEA agents at the US Embassy in Bogota, Colombia, and the US Ambassador's role in this serious oversight.

As you must know, Congress realized the pressing need for a greater DEA presence in Colombia early last year, and acted decisively to remedy the absence of vital DEA agents in Colombia, Mexico, Bolivia, and Peru. Again, in the wake of an intensive fact-finding trip lead by Congressman J. Dennis Hastert in 1996, Congress appropriated monies in FY 1997 for 75 more DEA agents overseas, and the additional support personnel to assist them in their duties. We ear-marked 15 DEA personnel specifically for Colombia. Since January, 1997, an urgent request for 11 additional DEA agents and at least 4 support positions has been pending State Department approval. Additionally, this Committee has learned that the DEA office at the US Embassy in Bogota has been undermanned for nearly a year, since July 1996. Apparently, this State Department decision has originated with the current US Ambassador to Colombia. This is an impairment of our willingness to encourage and inspire those brave Colombians who are risking their lives to stop drugs from reaching our streets.

A hearing by our Subcommittee on National Security, International Affairs, and Criminal Justice, held on February 14, 1997, highlighted this and other problems involving State Department obstacles to effective conduct of the Drug War in Colombia. Since then, little progress has been made by the US Embassy in Bogota, and very recent reports raise even deeper concerns.

In essence, it is apparent that efforts of dedicated DEA agents in Bogota are being undermined by the triumph of bureaucracy over desperately needed results. In short, Chairman Hastert's recent fact-finding mission has brought to light some serious concerns.

The United States is supposed to be waging a War on Drugs. One of the front lines in this battle is Colombia. The American people deserve to have all fighting positions manned and ready. As it stands now, we are short-changing the American taxpayers – and worse – telling the American people that we are serious.

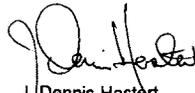
If the State Department were genuinely serious, positions in one of the key drug-fighting agencies in the most important drug-trafficking country in this hemisphere would not have been allowed to languish at fifty-percent strength for a year. We urge you to investigate this situation and exert as much influence as needed on the US Embassy in Bogota to put these much-needed DEA agents in place. Currently, Congressional hearings by the Subcommittee are scheduled for July on this and related State Department deficiencies, including the unfulfilled promise to grant a much needed 614 waiver to Colombia; as you know, without that waiver, expressly promised by the Administration in March of this year, Colombia's counternarcotics efforts are being needlessly compromised.

For your own keen interest in the nation's ongoing international counterdrug operations, we thank you. We also look forward to working with you closely on this and related issues in the future. Together, we must make progress in – and, in fact, we must resolve to win – the Drug War. Your prompt reply to this request is greatly appreciated.

Sincerely,



Dan Burton  
Chairman  
Committee on Government Reform  
& Oversight



J.J. Dennis Hastert  
Chairman  
Subcommittee on National  
Security, International Affairs, and  
Criminal Justice.



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
INSTALLATIONS LOGISTICS AND ENVIRONMENT  
110 ARMY PENTAGON  
WASHINGTON DC 20310-0110



June 6, 1997

The Honorable Dan Burton  
Chairman, Government Reform and Oversight Committee  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

In response to our telephone conversation yesterday, I have authorized the loan of M-134 mini-guns to the Department of State for use onboard U.S. Government-owned helicopters for the defensive support of USG and host country (Colombian National Police) personnel engaged in counternarcotics operations such as aerial eradication and law enforcement. I expect the transfer of these weapons to occur within the next week to ten days.

Your interest in this matter is appreciated.

A handwritten signature in cursive script that reads "Alma B. Moore".

Alma B. Moore  
Acting Assistant Secretary of the Army  
(Installations, Logistics and Environment)

## APPROVAL OF LOAN TO THE U.S. DEPARTMENT OF STATE

Pursuant to AR 700-131, Loan and Lease of Army Materiel, 1 Oct 96, 12-each M-134 7.62mm Machine Guns (Mini-Guns) are approved for loan to the U.S. Department of State in support of counternarcotics operations in Colombia. The loan period is for one year and is effective at the time of signature authority with an option to extend for an additional year. The U.S. Department of State will assume all responsibilities, liabilities, and costs related to the transportation, use, care, security, loss, damage, and repair(if required) of the weapons.

ITEM	QUANTITY
M-134 7.62mm Machine Gun (Mini-Gun)	12-each

6/5/97  
Date

Alma B. Moore  
Alma B. Moore

Principal Deputy Assistant Secretary of the Army  
(Installations, Logistics and Environment)

Mr. BARR. It's really difficult to know where to start, Mr. Chairman. I have heard some of the most astounding statements born, I don't know whether it's of abject ignorance or absolute arrogance, today. We have an Ambassador saying that because it might be incredibly difficult to determine the applicability of a certain law, they just ignore it.

Then we have an Ambassador stating that despite a law passed by Congress and signed by the President that mandates that certain personnel in our national security interest be placed in an Embassy, because he believes there's not sufficient space, it does not happen.

We have an official from the State Department that says the State Department can make a "policy decision" that would, in effect, change a congressional law. Now, I don't know what's going on here, Mr. Chairman, but I would certainly hope that the Inspector General's Office at the Department of State would look into what I think are very clearly ultra vires actions.

There may be somebody over there that can look that word up. It means operating outside of a legal mandate. We have the Leahy law and we have already established here today that it applies only to INL moneys. And in that Leahy law we have already established today that in it is found the language to the effect that if there is credible evidence to believe that such unit has committed gross violations of human rights, then the funds otherwise available wouldn't apply.

Let me bring two other things to the attention of our learned witnesses today. Section 614, which we have talked about today, is not effected by Leahy. I also have, Mr. Chairman—I would like unanimous consent to insert this into the record—a "Draft Memorandum of Understanding: End Use Monitoring."

Mr. HASTERT. Without objection.

[The information referred to follows:]

DRAFT MEMORANDUM OF UNDERSTANDING  
END USE MONITORING

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF COLOMBIA CONCERNING PROCEDURES TO BE EMPLOYED REGARDING THE TRANSFER, USE, SECURITY AND MONITORING OF ARTICLES, SERVICES AND RELATED TRAINING WHICH MAY BE TRANSFERRED TO THE GOVERNMENT OF COLOMBIA BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

THE GOVERNMENT OF THE UNITED STATES OF AMERICA, AS REPRESENTED BY THE EMBASSY OF THE UNITED STATES, AND THE GOVERNMENT OF COLOMBIA, AS REPRESENTED BY THE MINISTRY OF DEFENSE;

DESIRING TO ESTABLISH PROCEDURES TO BE EMPLOYED REGARDING THE TRANSFER, USE, SECURITY AND MONITORING OF ARTICLES, SERVICES AND RELATED TRAINING TRANSFERRED TO THE GOVERNMENT OF COLOMBIA BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR USE BY UNITS OF THE COLOMBIAN MILITARY SERVICE FOR COUNTERNARCOTICS PURPOSES PURSUANT TO THE FISCAL YEAR 1996 DRAW DOWN UNDER SECTION 506 OF THE FOREIGN ASSISTANCE ACT (FAA), OR THROUGH THE USE OF FOREIGN MILITARY FINANCING (FMF) OR INTERNATIONAL NARCOTICS CONTROL (INC) FUNDS FOR ANY FISCAL YEAR;

TAKING NOTE OF THE EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF COLOMBIA DATED DECEMBER 12, 1996, CONCERNING THE TRANSFER, USE, SECURITY AND MONITORING OF ARTICLES, SERVICES OR RELATED TRAINING PROVIDED PURSUANT TO THE FISCAL YEAR 1996 DRAW DOWN UNDER SECTION 506 OF THE FAA;

INTEND THAT THE FOLLOWING SHALL GOVERN THE PROVISION OF ARTICLES, SERVICES AND RELATED TRAINING AS CONTEMPLATED HEREIN:

1. THE GOVERNMENT OF THE UNITED STATES OF AMERICA INTENDS TO TRANSFER SUCH ARTICLES, SERVICES AND RELATED TRAINING ONLY TO THOSE COLOMBIAN MILITARY SERVICE UNITS (SELECTED BY THE COLOMBIAN MINISTRY OF DEFENSE) AND APPROVED BY THE UNITED STATES EMBASSY. COUNTERNARCOTICS-RELATED ASSISTANCE PROVIDED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO THE GOVERNMENT OF COLOMBIA FOR USE BY THE COLOMBIAN NATIONAL POLICE IS NOT SUBJECT TO THIS MEMORANDUM OF UNDERSTANDING.

2. THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL NOT APPROVE THE TRANSFER OF SUCH ARTICLES, SERVICES OR RELATED TRAINING TO ANY COLOMBIAN MILITARY SERVICE UNIT IF

IT COMES TO THE ATTENTION OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA (OR THE GOVERNMENT OF COLOMBIA) THAT CREDIBLE EVIDENCE EXISTS THAT SUCH UNIT, OR MEMBERS THEREOF, HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS. THE GOVERNMENT OF THE UNITED STATES OF AMERICA EXPECTS, AND THE GOVERNMENT OF COLOMBIA ASSURES, THE FULL COOPERATION OF THE GOVERNMENT OF COLOMBIA IN ASSURING THAT REPORTS OF SUCH VIOLATIONS ARE SWIFTLY AND FULLY INVESTIGATED AND, IF APPROPRIATE, THAT INDIVIDUALS RESPONSIBLE ARE BROUGHT TO JUSTICE WITHOUT DELAY.

3. UNLESS OTHERWISE AGREED BETWEEN THE UNITED STATES EMBASSY AND THE COLOMBIAN MINISTRY OF DEFENSE, THE UNITED STATES EMBASSY INTENDS TO APPROVE THE TRANSFER OF ARTICLES, SERVICES OR RELATED TRAINING AS CONTEMPLATED HEREIN ONLY TO COLOMBIAN MILITARY SERVICE UNITS OPERATING IN THOSE GEOGRAPHIC AREAS CHARACTERIZED BY THE HIGHEST CONCENTRATION OF COUNTERNARCOTICS ACTIVITY AND THE LOWEST CONCENTRATION OF ILLEGAL ARMED GROUPS OFTEN REFERRED TO BY THE COLOMBIAN MEDIA AS PARAMILITARY GROUPS (HEREAFTER THE "DESIGNATED AREAS"), AS MUTUALLY AGREED UPON BY THE UNITED STATES EMBASSY AND THE COLOMBIAN MINISTRY OF DEFENSE IN IMPLEMENTING ARRANGEMENTS.

4. UNLESS OTHERWISE AGREED BETWEEN THE UNITED STATES EMBASSY AND THE COLOMBIAN MINISTRY OF DEFENSE, THE ARTICLES, SERVICES OR RELATED TRAINING PROVIDED TO A UNIT OPERATING IN A DESIGNATED AREA ARE EXPECTED TO REMAIN IN THE DESIGNATED AREA, EVEN IF THE RECEIVING UNIT OR A PORTION THEREOF IS ASSIGNED TO CONDUCT OPERATIONS OUTSIDE OF THE DESIGNATED AREA. AIR ASSETS, WHICH MAY BE STATIONED OUTSIDE THE DESIGNATED AREAS, ARE EXPECTED TO BE DEDICATED TO COUNTERNARCOTICS OPERATIONS PRIMARILY INSIDE THE DESIGNATED AREAS.

5. THE GOVERNMENT OF COLOMBIA AGREES THAT NONE OF THE ARTICLES, SERVICES OR RELATED TRAINING PROVIDED AS CONTEMPLATED HEREIN WILL BE:

(A) TRANSFERRED TO OR USED BY THOSE COLOMBIAN MARINE UNITS ABOUT WHICH HUMAN RIGHTS CONCERNS HAVE BEEN RAISED AND REFERENCED IN A MAY 2, 1997 LETTER BY THE COLOMBIAN MINISTER OF DEFENSE TO THE UNITED STATES AMBASSADOR, UNTIL SUCH TIME AS THESE CONCERNS ARE RESOLVED TO THE MUTUAL SATISFACTION OF THE UNITED STATES EMBASSY AND THE COLOMBIAN MINISTRY OF DEFENSE; OR

(B) RETRANSFERRED FROM THE UNIT TO WHICH SUCH ARTICLES, SERVICES OR RELATED TRAINING WERE ORIGINALLY TRANSFERRED TO ANY OTHER UNIT WITHOUT THE PRIOR CONSENT OF THE UNITED STATES EMBASSY;

6. THE PROVISIONS SET FORTH IN THE EXCHANGE OF NOTES REFERRED TO ABOVE ARE UNDERSTOOD TO APPLY WITH REGARD TO

*2 copies  
in envelope*

THE ARTICLES, SERVICES OR RELATED TRAINING PROVIDED THROUGH THE USE OF FME OR INC FUNDS, AS WELL AS PURSUANT TO THE FISCAL YEAR 1996 DRAW DOWN UNDER SECTION 506 OF THE FAA. TO THAT END, THE COLOMBIAN MINISTRY OF DEFENSE INTENDS TO FACILITATE PERIODIC VISITS BY UNITED STATES EMBASSY PERSONNEL TO COLOMBIAN MILITARY SERVICE UNITS WHICH HAVE RECEIVED ARTICLES, SERVICES OR RELATED TRAINING AS CONTEMPLATED HEREIN, AND THE COLOMBIAN MINISTRY OF DEFENSE INTENDS TO PROVIDE THE UNITED STATES EMBASSY WITH BOTH SEMI-ANNUAL OPERATIONAL REPORTS AS WELL AS ITS USUAL ANNUAL REPORTS REGARDING THE USE OF THE ARTICLES, SERVICES OR RELATED TRAINING.

SIGNED AT -----, THIS ---- DAY OF -----, 1997, IN THE ENGLISH AND SPANISH LANGUAGES.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF COLOMBIA:

Mr. BARR. This, apparently, is the document—and I don't whether anybody here today will own up to authorship of this document? The legal office? Draft memorandum of understanding: end use monitoring between the Government of the United States of America and the Government of Colombia, concerning procedures to be employed regarding the transfer, use, security and monitoring of articles, services and related training which may be transferred to the Government of Colombia by the Government of the United States of America.

Mr. DAVIDOW. That was probably part of the instructions. Without having seen the full document I can't attest to it, but it's probably part of the instructions that were sent to Ambassador Frechette from the Department of State urging him to present that to the Government of Colombia for negotiation.

Mr. BARR. OK. Now, this document, which is now part of the record—it is not limited in its terms to INL matters, but applies very broadly to basically all transfers of equipment or training or services from the United States to Colombia. And apparently this is being attempted to be forced on the Colombians as a requirement for them to receive anything from the United States of America.

And in it one of the requirements is the language from Leahy.

Mr. DAVIDOW. Mm-hmm.

Mr. BARR. Now, where does the United States Department of State get off interjecting between lawful transfer of equipment, services and so forth to Colombia that are not prohibited by Leahy by simply making a policy decision, drafting up a memorandum of understanding, sending it to the Ambassador, and in effect telling him, "Don't give this stuff to the Colombians because we want Leahy to apply even though Congress did not make Leahy apply?"

And don't give this business that simply because there's no law that says we can't do it, we can do it. Let's go back to legislative interpretation 101. If you have transfer authority for category A and transfer authority to category B, and let's say there are no restrictions placed on them—Congress comes along in the person of a hypothetical Senator Leahy and says, "I'm going to place a certain restriction on category A."

You cannot then say, "Well, simply because it wasn't placed on B and simply because there's no law that says it can't be placed on B, we can therefore place those same limitations that are placed by law on category A transfers to category B." You can't do that.

Congress intended for these types of military equipment that we're talking about—and that is non-INL transfers—to get to the Colombians. The President has said in the 614 waiver now, which says explicitly that these other restrictions don't apply. These are other laws that explicitly don't apply.

Now I know the State Department legal advisor is just sitting very quietly and disavowing any knowledge of anything here today, but could somebody shed some light on where the Department of State gets its legal authority to override the laws of this country, make up laws, simply based on some very broad interpretation of policy, not apply laws because it might find it incredibly difficult to do so? Where do you all get the authority to do those things?

Mr. DAVIDOW. Congressman, obviously I can't enter into a constitutional debate with you.

Mr. BARR. Yes, you can. I'm asking you to.

Mr. DAVIDOW. OK. I will. Thank you. I was actually trying to be polite.

Mr. BARR. You don't need to be polite. Just be honest.

Mr. DAVIDOW. OK. I am honest. And I hope I'm not one of the people that you think is either ignorant or arrogant. By a standard of common sense, if we're putting the same kinds of equipment into a country under various authorities that are going to be used perhaps by the same units—if that unit gets its left boots under one authority and its right boot under another authority, if we're going to maintain any sort of consistency in terms of end use monitoring, then we ought to have a consistency in the standards that apply.

Mr. BARR. Congress has already made those decisions in the different laws that it passes and the different requirements on different categories. And if you all don't like it, wouldn't the proper remedy be to come back to the Congress and say, "It is impossible to make the distinctions here. We need to have the same restrictions apply across the board."

You're trying to come in through the back door what Congress has not authorized you to do in the front door.

Mr. DAVIDOW. Well, I think there is room here for congressional activity. In fact, as Ambassador Becker said—

Mr. BARR. There already has been.

Mr. DAVIDOW. No. I think as Ambassador Becker said—

Mr. BARR. There's been Presidential authority, too.

Mr. DAVIDOW [continuing]. The certification legislation which was passed by Congress, I think, inadvertently—or perhaps advertently—eliminated our ability to give FMF and IMET assistance to countries that have been decertified. That only became apparent when Colombia was decertified, because the countries that had been decertified before Colombia had not received such assistance.

Attempts to discuss with Congress or within Congress itself to amend the certification legislation apparently did not prosper.

Mr. BARR. May I ask unanimous consent just to ask one final question.

Mr. HASTERT. And then we'll move on to Mr. Blagojevich.

Mr. BARR. Can we have your assurances on behalf of the State Department and the United States Government here today that in light of the President's 614(a)(2) waiver, that this memorandum of understanding which tries to apply the restrictive language of Leahy to FMF and everything else, is no longer operative, no further efforts whatsoever will be made to force it on the Colombians in light of the fact that the 614(a)(2) waiver, which clearly states that these other provisions of law don't apply, that those efforts will completely cease and desist?

Mr. DAVIDOW. No. I cannot give you that, sir.

Mr. BARR. Can we have those assurances from anybody today? Mr. Ambassador?

Ambassador FRECHETTE. Sir, I cannot give you that assurance.

Mr. BARR. Why not? You just want to ignore the language of 614(a)(2)?

Ambassador FRECHETTE. Sir?

Mr. BARR. Is this another law you just choose to ignore?

Ambassador FRECHETTE. The way Ambassadors operate is they get their instructions from the Department of State and they carry them out.

Mr. BARR. Sir, they get their instructions from the laws of the United States of America.

Ambassador FRECHETTE. I'm sorry, sir. I cannot make that distinction.

Mr. HASTERT. The gentleman's time is—

Mr. BARR. Unbelievable.

Mr. HASTERT. The gentleman from Chicago, IL.

Mr. BLAGOJEVICH. This won't be as difficult. I'll try to be kinder and gentler, although I'm happy to yield some of the my time to Representative Barr, because he certainly is exploring a lot of issues that need to be explored.

I just want to talk about the international narcotics control funds and the general principles. And I'm going to direct this question to Mr. Davidow—and, perhaps if you want to refer to some other member of the panel, that's fine. In the end use monitoring, are we applying those rules of end use monitoring in the international narcotics control funds equally to other countries in South America or are we just using a different standard for Colombia?

Mr. DAVIDOW. It is my understanding that we're applying our concerns globally about the need for end use monitoring on international narcotics funds to take into consideration human rights factors. I'll ask Ambassador Becker if she wants to make a comment specifically relating to one or other countries.

Mr. BLAGOJEVICH. I wish you would.

Ms. BECKER. Thank you. That is correct. I should note that the only country in which we've had these difficulties arise has been Colombia. Thank you.

Mr. BLAGOJEVICH. How are we doing in Peru? Are we providing funds to Peru and are they complying with end use monitoring with the United States?

Ms. BECKER. Yes.

Mr. BLAGOJEVICH. And Bolivia?

Ms. BECKER. Same thing.

Mr. BLAGOJEVICH. OK. So Colombia is different from every other country in South America?

Ms. BECKER. The only country in which we are having substantial difficulties with the end use monitoring provisions as they relate to Leahy is in Colombia.

Mr. BLAGOJEVICH. And, more specifically, in Colombia the problem has less to do with the Colombian national police and more to do with other aspects of the Colombian Government?

Ms. BECKER. Yes, sir. The problem in Colombia has nothing to do with the Colombian national police. It has only to do with the Colombian military.

Mr. BLAGOJEVICH. OK. It's also the position of the State Department that the FARC and some of the revolutionary groups down there, whether they be on the right or on the left, are not friends of the U.S. Government. Is that fair to say?

Ms. BECKER. Absolutely not.

Mr. BLAGOJEVICH. And, so, we certainly would like to hold members of the FARC accountable to human rights violations if we were in a position to do that? Is that fair to say?

Ms. BECKER. Yes.

Mr. BLAGOJEVICH. OK. Thank you.

Mr. HASTERT. Well, this has turned out—what I thought would be a routine hearing has turned into something that I think is just incredible. Mr. Davidow, you want to go into the doctrine of common sense. I'm not sure that's written into law. I'm not an attorney or a lawyer, so I wouldn't even know where to look for that doctrine of common sense.

But I've tried to do common sense things around here for the 11 years I've been in Congress. But to me common sense would mean that the Ambassador wouldn't hold up the shipment especially when the CNP is running out of ammunition. I would think that they could sort that stuff out at the Santa Mar. Take military out and police stuff out and supply that. I don't know why we couldn't do that.

We have helicopter hulks sitting there and other things. That would be common sense to me to separate out and give it to the good guys and withhold where you suspect. We didn't do that. That is another doctrine of common sense.

The other doctrine of common sense is whose human rights are we protecting. And what the law that you hold up is that for none of these funds made available under the heading may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence—has credible evidence—to believe that such units has committed—past tense—gross violations of human rights.

Now let me just tell you. You're there. I was there. Been down there twice. You're getting people—Army people—shot up by the FARC. You're getting shot up by narcotraffickers, getting people shot up by paramilitary groups that support the narcotics business people. Whose human rights are we protecting?

It seems to me that you're protecting the human rights of the FARC. You're protecting the human rights of those people who are breaking the law. And you're protecting the human rights of people who want to transgress against the children of this country.

We lost 20,000 people on the street corners of this country last year—20,000—either to narcotics or violence from street gangs and narcotics. 20,000, Mr. Ambassador. What about their human rights? What about the human rights of their families? What about the human rights of those people in those communities who are being ravaged by drugs and narcotics, most of them coming from Colombia day in and day out.

And we're saying—you're saying that you're holding up the ammunition that these people can fight and stop narcotraffickers, because they want to stop narcotics in their own country and moving into our country. But no. What we're doing is holding up their ability to stop narcotics. The FARC, Mr. Ambassador, who, we understand, can bring in up to \$6 million a month, because they're involved in narcotrafficking. And they used to get their money from Fidel Castro in Cuba.

And they used to get their money from Eastern Europe but that money was shut down. Now they get their money from narcotraffickers and being in the narcotics business. But the very people that want to be counter to them, to fight them, to stop narcotics, especially coming into this country, we're holding up aid and we're holding up ammunition to those people to try to help us.

Where is common sense? Mr. Davidow, tell me about common sense doctrine here, would you, please?

Ambassador FRECHETTE. Mr. Chairman—

Mr. HASTERT. I'm asking Mr. Davidow.

Ambassador FRECHETTE. You asked a question.

Mr. HASTERT. I asked Mr. Davidow.

Mr. DAVIDOW. Mr. Chairman, I'm not concerned about the human rights of the FARC. I'm concerned about credible evidence that has existed over time of human rights violations that security forces in—

Mr. HASTERT. Then let me ask you—

Mr. DAVIDOW. Well, are you interested in my answer or not?

Mr. HASTERT. I'm asking this question. The law says that you have to provide any unit of the security forces of a foreign country—the Secretary of State has credible evidence to believe such unit has committed gross violations of human rights. Has that happened? Has the CNP done that?

Mr. DAVIDOW. No, sir. We believe the CNP has—

Mr. HASTERT. But you're holding up their ammunition?

Mr. DAVIDOW. Sir, the CNP's ammunition will be there on Saturday. The issue that we're trying to negotiate now with the Colombian military services is that they accept the concept that if a unit does have credible human rights charges against it, they will take the appropriate action. I don't think that is illogical.

Before we can give them the assistance that we would like to give under 506A and 614, we ask that they accept that as a concept, but that has not been done as of yet. That's what we're trying to negotiate. We've had that idea accepted on a couple of occasions and then they have pulled back.

Mr. HASTERT. You see, Mr. Davidow, I think you're being a little silly. I see the drug threat to this country and to the children of this country being something that we can't hardly describe. Kids in my district are getting crack cocaine. They're finding heroin on the street delivered by crack cocaine dealers, because it's coming from Colombia and they're using the same distribution system. And they're getting killed.

And gangs. I spent all day Monday having hearings in my district about gang violence being funded by heroin, crack cocaine, and marijuana. And kids getting killed and families. A mother watching her son being shot down on the steps of a courthouse in Sycamore, IL—a rural community—because of drug involvement.

And you're bringing piddly little "If this happened," to stop people from having the wherewithal to stop drugs in this country. And in my opinion, you're aiding and abetting a very, very serious enemy. And that's not acceptable to me. And I don't think that's acceptable to most people in this Congress.

I don't care how you stretch a common sense theory or doctrine. It doesn't make very much sense to me. And what you're doing is

helping a very, very dark and evil group of people play their trade. Because you're taking the ability for the people who want to stop that away. I don't how you explain and I don't apply your doctrine of common sense to that. Because I think it's a little bit twisted.

Mr. BARRETT. Thank you, Mr. Chairman. Although I share the outrage that the chairman has stated about the drugs in America, I frankly think that the people who are here today are people who are trying to deal with this problem. And it is obviously a very complex problem. It is a problem that we're trying to fight on many, many fronts. And, Ambassador, I don't think you're aiding and abetting anyone who is trying to do anything bad.

I think you are trying to solve a very serious problem and I commend your efforts in doing so. I recognize that this is a difficult fight. This is not a situation where we have one perfect country dealing with another perfect country. If it were, we wouldn't be sitting here today. And if the institutions in Colombia were perfect, there would be no need to have end use monitoring agreements. There would be no need to have legislative language, whether it applies to one type of assistance to another, where Congress did specifically—a majority of Congress did specifically say that we do care about human rights, that we do think that that's an important component.

And I'm not here to defend the human rights of drug traffickers. I can guarantee there's not a single Member on this side of the aisle who is here to do that. But what I think that what we do have to do, is we do have to work together. I frankly don't think it's productive for us to be hurling these insults back and forth to each other.

I do think that the Department of State has made some mistakes with the GAO. I urge the GAO to continue its fight to get those documents. I think that the Department of State should get those documents to them tomorrow. I don't see any reason to be holding back on any of these documents. We in Congress want to find out what the truth is. We want to have effective policies.

We shouldn't have to be spending our time here today fighting over that. But I think we're making a mistake if we're going to say that the Ambassador to Colombia is the one responsible for the drug problems in the United States. Because I do not think you are. I don't think that the Ambassador from the Department of State is. I don't think anybody here today is responsible for it.

I think, frankly, that the blame can be put on Members of Congress just as easily as it can be put on you. So I would ask that as we move forward, we work together. And if there are problems, they are not problems that should fester for several months. They are problems that should be handled in an adult-like fashion and solved quite quickly. Because it doesn't behoove anyone to let this situation get into the type of situation where tempers can flare and we have people throwing insults back and forth to each other.

I encourage you to do what you can to stop the flow of drugs into this country. And I know that you are doing that. And I yield back the balance of my time.

Mr. HASTERT. The gentleman from Florida.

Mr. MICA. Thank you, Mr. Chairman. Some of the faces are new to our panel here. I've been on the committee since 1992. I was con-

cerned then in 1993 when I got first served after the 1992 elections, about the dismantling of some of the strategies that had brought down the production, transshipment of narcotics, and I sat on this panel when nothing was done from 1992 to 1994.

This panel has resurrected through the leadership of this chairman and the predecessor, Mr. Zeff, really, the war on drugs, and particularly the war on drugs at its source, which is part of the topic here, which I personally believe, having been in this since 1981, is very cost effective.

But we're trying to put Humpty Dumpty back together again. I don't know if you sense this, but there certainly is outrage from all the members that we are not seeing a responsiveness from the bureaucracy or from the agencies to get the equipment, to get whatever it takes to these source countries to do the job.

I was down there in April of last year—a year ago, not this year—and we were assured that this waiver was coming. We wrote the President. We begged. We asked. We pleaded. The waiver came yesterday or the day before yesterday.

This equipment we want there. We set the policy for the Federal Government under law. We've tried to legislate that this equipment get through DOD. If it comes through international narcotics office and can be expedited, we want that implemented. The riverine strategy—we want not just us to be training people in these source countries that don't have a boat to operate in. It's great to train them, but we've got to have equipment in place.

Ambassador, I was there last year, and I was told that heroin is now epidemic as far as its production in Colombia—10,000 hectares they told me were—they anticipated under cultivation. Is that still the case? Is heroin on the rise—the production?

Ambassador FRECHETTE. Mr. Mica, I don't think there are 10,000 hectares. But does INL have a figure on how much? Ms. BECKER. It's constant at 6,500, about.

Ambassador FRECHETTE. It's about constant at 6,500.

Mr. MICA. About 60 percent of the heroin—DEA—is coming in now through Colombia?

Mr. MARSHALL. Yes. That's our estimate. About 60 percent of the seizures at least. The Colombian heroin is predominant on the Eastern coast of the United States.

Mr. MICA. See, let me put a face on it like the chairman did. I've had nine teenagers die in central Florida. I'm in one of the most prosperous districts in America. Highest per capita probably in Florida. They're dying in the streets. We've got 70 percent of the people in our jails, are there because they have been involved in some drug-related crime. That's human rights violation.

It's devastating to this country. The minority population of this country—the black males are getting wiped out. Four hundred in Washington, DC. Close to 400 of the deaths are young, black, potentially productive males slaughtered on the streets between the ages of 14 and 44. Look at them.

Look at last week's—and this committee wants to get whatever resources it takes into these countries. Does heroin, Mr. Marshall, require a precursor chemical in big labs to produce heroin in Colombia?

Mr. MARSHALL. Not to the extent that cocaine does. No, sir.

Mr. MICA. Is heroin transported in small 1 kilo lots and is it more difficult to interdict than cocaine?

Mr. MARSHALL. It's transported in much smaller lots. And, yes, it's more difficult.

Mr. MICA. So, the best place to fight heroin is at the source. And what kind of personnel do you have down there? Are you getting the personnel that you need?

Mr. MARSHALL. Well, we have to have a heroin strategy that operates across the full spectrum that the traffickers themselves operate. That includes domestic investigations as well as foreign—

Mr. MICA. Sixty percent of the heroin coming into the United States now—and I was told that production is going to be 10,000 hectares. We're going to have an epidemic. And we are having an epidemic of heroin. You'll be able to buy heroin cheaper on the streets in my community than you can cocaine. When are we doing it?

How many folks do we have? Do we have the resources in place? Do we have an Embassy space shortage, I'm told?

Mr. MARSHALL. Well, part of the reason that we requested the increased of the 11 agents and 4 support personnel are to increase our efforts in the heroin strategy in Colombia.

Mr. MICA. When did you request them?

Mr. MARSHALL. In January of this year.

Mr. MICA. And they're still not there.

Mr. MARSHALL. Some of them are. But they're still some that haven't been approved.

Mr. MICA. OK.

Mr. MARSHALL. Now, we are investing at the outset of fiscal 1997 about a little over \$500,000 in heroin operations in Colombia. We also have a plan to get with the Colombian Government and establish a joint binational strategy in the not too distant future.

Mr. MICA. All right. Well, we'll continue trying to get you whatever you need. Ms. Becker, this waiver, if we're trying to get boats into Colombia, will this waiver allow us to get boats now through FMS money—or riverine strategy, or should we just forget the riverine strategy?

Ms. BECKER. May I go through very briefly what the intent is with this package for the Colombian Navy? May I also note that 614 package includes FMF cases that previously existed. So, we are limited to some extent with regard to—we need to stick with what originally—

Mr. MICA. If we get you FMS funds in this appropriations, are you going to block a riverine?

Ms. BECKER. Absolutely not. Sir, I would be very happy—

Mr. MICA. So, the boats will go if we fund them?

Ms. BECKER. I would be very happy to take over responsibility in relation to the questions that were asked before of Mr. Newberry for a program similar to what Mr. Newberry is describing. However, the State Department has not had the funds available to it to make that a reality. The Colombian Navy—what's supposed to be given to the Colombian Navy in the 614 package includes spare and repair parts for patrol boats, acquisition of spare parts for 22-foot patrol boats which are used by the Colombian Marine Corps

riverine interdiction units, vehicle spare parts, weapons spare parts, and ammunition.

But there are spare parts for boats that are included in the 614 package.

Mr. MICA. Mr. Chairman, just one final question of Ms. Becker and then I'm going to leave. Was it you that made the decision in 1994 to pull the plug on providing the miniguns to the CNP?

Ms. BECKER. Sir, I joined INL in June 1995. And so the history of the miniguns before that time is not known to me. And I would have to get—if you have specific questions I will endeavor to the best of my ability to get you the answers. But I do not know.

Mr. MICA. So you were not involved in that decision. Thank you.

Mr. BARR [presiding]. The gentleman from Illinois is recognized for 5 minutes.

Mr. BLAGOJEVICH. Thank you, Mr. Chairman. I would just like to say that I want to commend Congressman Mica and Chairman Hastert for their anger and their outrage and their frustration, because they have a right to be. They sincerely love their country and want to do everything they possibly can to win this war on drugs. We are all very much frustrated. It's difficult because not all of this is in our control.

Not all of what we can do is directly something that we specifically can do. We have to rely on others and other countries and other governments. One thing we can do, however, to help alleviate some of the anger, is press the Department of Defense and press the Senate to come up with the money so that we can get the resources to fight the drug interdiction program on the rivers, the riverine equipment. That is in more of our control than some of the other things.

Relying on the Colombian Government is a whole different question. While, again, the testimony has been pretty consistent that the Colombian national police have been doing a pretty good job. And we've tried to provided them with the resources to interdict drugs. I think it's fair to have some doubts about the Colombian Government.

The campaign treasurer. The Colombian president admitted that the president took \$5.9 million in drug cartel money. Twelve members of the legislature down in Colombia have been linked to receiving pay-offs from drug cartels. Were under investigation for drug related corruption. Colombian legislators publicly acknowledge that drug traffickers influence the country's political system.

One member of the Colombian Congress said that most political campaigns had received cartel money over the previous 15 years. So my question is, without the end use monitoring agreements, how do we, the United States and the State Department, in that environment, track the use of our military equipment and our resources if they won't comply with our end use monitoring? And why would we trust them when we have those kinds of allegations and that track record? I'll send this question to anybody who wants to answer it.

Ms. BECKER. I think the answer is obvious. And that is that we can't. What we're seeking here is a workable mechanism to be able to do exactly what the Congressman just described. And I think what we've lost track of perhaps in the course of this hearing, is

who is causing this problem. I don't think, as was pointed out earlier by the Congressman from Wisconsin, that it's the people at this table.

I think the problem has been caused by the senior levels of the Colombian Government who have been insidiously toying with us. How else can you explain the fact that in mid-February Ambassador Frechette was promised by a minister of defense that the end use monitoring was fully agreeable, only to have a month later that agreement overturned by a successor?

How can you explain that at the end of April, again, there was an ad ref agreement promised by the Colombian Navy and Air Force with regard to end use monitoring which was then repudiated? How can you explain that? See, what is happening is the senior levels of the Colombian Government, as the administration has consistently said, have not been cooperating in the fight against drugs.

That's why we have this problem. That's why Colombia was decertified. And the problem is with the senior levels of the Colombian Government. They are the ones who are preventing the police and the military from getting the assistance that they need to protect their lives. They are the ones who cut for no reason the budget of the CNP, forcing the United States—my bureau—to come in with double the funding that we provided last year, which we were very happy to do. There are a series of incidents like this—and I'm sure Ambassador Frechette can embellish this as well—indicating that the senior levels of the Colombian Government have consistently tried to undercut the valiant efforts of the police and the military units who are supporting them. Thank you very much.

Mr. BLAGOJEVICH. Thank you. No further questions.

Mr. BARR. I thank the gentleman from Illinois. I would like to state very sincerely that I think there are some individuals at the witness table that are doing a tremendous amount to win the war against drugs. That's our DEA colleagues. Both from my knowledge as a United States attorney as well as my work here in the Congress, and most recently on our trip to South America that we've referenced here today, I've been uniformly impressed with the dedication and hard work and results by DEA both here in country as well as in the countries that we've visited.

Mr. Marshall, is the zeal with which DEA agents in Colombia or any other foreign country approach their job, is how they perform their job, is the success of their job related in any way, shape or form to the size of their office?

Mr. MARSHALL. I would say yes, sir, it is. Obviously—

Mr. BARR. You surprise me, because I've worked in OCDETF programs and administered OCDETF programs in which we have DEA agents crammed in two and three to a small office, and they yield tremendous results. I'm sorry that there are some that won't perform if they don't get a big office.

Mr. MARSHALL. No. I misunderstood your question, sir. I thought you meant the size of the office, referring to personnel.

Mr. BARR. No. The physical size of the office.

Mr. MARSHALL. No, sir. DEA agents are not generally particular about the physical accommodations.

Mr. BARR. Because apparently that's a very important factor for the State Department. I've been to the Embassy. Now, granted, we did not see a lot of the Embassy down in Bogota. We were in a very nice facility that gave every appearance of being fairly large, spacious. Yet, apparently, you're not able to get the additional agents down that General Serrano for one, among many, told us, he would very much like to see down there. Apparently you all have a very good working relationship with the Colombians, is that true?

Mr. MARSHALL. That's true.

Mr. BARR. And is it your understanding as well that General Serrano would like very much to have additional help through additional DEA agents in country in Colombia?

Mr. MARSHALL. Yes, Congressman, that's my understanding.

Mr. BARR. Is it your view that those agents could be extremely productive in fighting the war against narcotrafficking?

Mr. MARSHALL. I believe that we could. Yes, sir.

Mr. BARR. Just for the record, we have not stopped the flow of illicit drugs from Colombia into the United States, have we?

Mr. MARSHALL. No, sir.

Mr. BARR. So there remains much to be done?

Mr. MARSHALL. Yes, there does.

Mr. BARR. Despite the fact that you all may not have the largest, most luxurious offices in the world.

Mr. MARSHALL. Correct.

Mr. BARR. I introduced into the record earlier an article from the July 8 edition of La Nacion, and it lists—as I said—I think over 20 brave Colombian soldiers and others, some of whom are teniente Gustavo Benitez Duque, cabo primero Carlos Guzmán Méndez, Noel Angel Montes, Carlos Ernesto Buitrago Conde, Alexander Calcedo, Argelin Castillo Rodríguez, Ricardo Duarte Ascanio, Néstor William Lindarte Urbina, Naún Manosalva Chávez, Luis Merchán Niño, José Alberto Orozco Cárdenas, Joaquín Ramos Fuentes, Juan Carlos Saldarriaga Varona, Rogelio Sánchez León, Gilberto Alonso Santana Romero, Jorge Argenio, Soler Madero, Héctor Suárez Tangarife, Germán Geovany Télles Forero, José Manuel Varón Cabezas, and Francisco Javier Sanabria López.

In addition, Técnico Orlando Cáceres Muñoz. All of these brave men died less than a week ago, shot out of the sky very likely because they were riding in an outdated, poorly armored, technologically inferior non-American-built helicopter.

And we have here a four-page document of gobbledegook. A draft memorandum of understanding on end use monitoring and because of this document, perhaps that list of brave young men died. Because our State Department has decided it knows more about laws than this Congress or the President of the United States because it finds it difficult to interpret the laws, because they have made policy decisions that provisions in one law should apply to another law even through by the terms of that other law they don't, because an Ambassador has decided that additional DEA agents shall not be stationed at the Embassy even though the Congress and a law signed by the President has directed that they be, because in his view there is not enough room.

I think that what we've heard here today really is outrageous. I don't know, Ms. Becker, how much you know about dealing with

Latin American countries—maybe a great deal—and the way you deal with South American or Latin American military, but I suspect that there are quite a few perhaps graduate or even undergraduate students with some background in Latin American culture that could give you any number of reasons why if you put this document, which very clearly on its face says that the standards that we're applying apply to one branch of the military but not another, why it would be very difficult for them to sign this document quite aside from what I consider the illegal intent behind the document as we've already talked about with regard to whether or not certain United States laws apply.

I do appreciate the witnesses being here today. Mr. Hinton, perhaps you can see now that you may not really be surprised that the State Department has obstructed providing information to you. They give every appearance today of believing that they are completely above the law.

But we do appreciate GAO's effort to get at the truth here. We very much appreciate the work of all the men and women who serve in Colombia and other foreign countries, particularly the very brave personnel of DEA. And, Mr. Chairman, that's concluded the final round of questioning. Is there additional questioning?

Mr. HASTERT. I thank the gentleman from Georgia. You know, I think we all have to understand that this is a very, very important issue. I think it's one of the most important national security issues before this country at this time. And you'll have to excuse me if I get a little emotional about it, because I think this is something that we have to do.

We have to win this war to protect our kids, to protect our neighborhoods, to protect our country. Because if we don't do it now we may lose the ability to do it ever. We may lose generations—a generation of children because of it. I feel very strongly about that. And I just wanted to let you know that I feel strongly about that.

What do we get out of this hearing. I'd certainly like to have assurances from all our State Department witnesses here that we'll first of all get to the GAO all the documents that they need to get their report together. I hope that we'd be able to do that. Mr. Thessin, do you think that's possible?

Mr. BARRETT. Let me concur with that, Mr. Chairman, as well.

Mr. THESSIN. We're committed to working with the GAO. I think we can resolve the difficulties. Could I, if I might, Mr. Chairman, clarify one thing? I think as a former staffer to a Member of Congress I'm particularly sensitive to the need not to leave any misimpression. I know Chairman Burton was concerned that I may have done so in my previous remarks.

I mentioned to him that there were five documents of the responsive documents we could find that GAO has not been provided. I want to make sure the committee is also aware that I'm informed that the Department has excised parts of approximately 10 documents in the substance involving matters such as foreign government information, intelligence information, law enforcement information, deliberations information, and information not relevant to the request.

And I reiterate, we are prepared to sit down with the GAO and continue to work with them to resolve this matter.

Mr. HASTERT. I think that's a positive statement. I wanted to also get an assurance that you at least understand—maybe not agree with—but understand that many members of this committee in Congress, and likely the majority of the Members of Congress do not believe that Leahy applies at all to block the 614.

We think that's a different issue. I think we think, many of us, believe that you're misapplying the law. And in fact, in many instances, by many people and the State Department—Ambassador Gelbard before he went to the Middle East and others—said, 614 is going to happen. The waiver is going to happen.

We're sitting here 4 months after that point in time. It hasn't happened. Whether you construe that there's a probability that maybe this may happen and the law says something else. I don't know how you construe that. But we're at that point. I would like to have you understand that, that we believe very strongly on that.

We also want to make sure that we feel, Mr. Ambassador, that the DEA agents that we appropriated for last year get placed. We think that's very important. You may disagree. But we think that's important. We hope that you would go along with the wishes of the Congress passed and signed by the President, incidentally. It's an appropriation bill. So two bodies of this government said that that should happen.

I hope that we can work together. The whole drug issue is something that's bigger than this State Department. It's bigger than this Congress. It's going to take an incredible effort to make a dent and win the war. And I have to be very honest with you, I'm just a little bit dismayed after this hearing today. Because I think we get so tied into—I think the word was gobbledegook that another Member used—that we tend up to get into the gobbledegook and not the common sense that Mr. Davidow was talking about. There seems to be little common sense here.

I would hope we use more of it in fighting this war. And I look forward to working with you. We need to work and do a lot of work together. I hope that we're both on the same side of this issue. I think we are and if there is no further comment, I will leave the record open for 2 weeks for questions for the record.

This hearing is closed.

[Whereupon, at 5:15 p.m., the subcommittee was adjourned.]

[The prepared statement of Hon. Elijah E. Cummings and additional information submitted for the hearing record follows:]

STATEMENT BY REP. CUMMINGS  
JULY 9, 1997  
NATIONAL SECURITY SUBCOMMITTEE HEARING ON COLUMBIA

I want to thank the Chairman of the Subcommittee, Mr. Hastert for holding this important hearing. The issue that we are discussing this afternoon is very important to me and the citizens of my congressional district of Baltimore. Thank you members of the panel for appearing before us to share your testimony.

Everyone in this room realizes the unfortunate contribution that the nation of Columbia makes to the global consumption of drugs. It seems as if the people and the leaders in Columbia are literally held hostage by the drug-traffickers that supply three-quarters of the world's cocaine.

In addition to the corruption in the Colombian government, I am particularly concerned with the reported wide-spread human-rights abuses taking place in Columbia. I am disturbed that U.S. assistance proceeds so easily in the face of these abuses.

Finally, I wish to voice my concerns about the President's intention to exercise his authority under section 614 to authorize \$30 million in foreign Military financing for counter narcotics operations in Columbia. I need strict assurance and end-use mechanisms to ensure this aid does not directly or indirectly aid production of drugs that we are dedicated to destroy.

Again, thank you Mr. Hastert for holding this hearing. I look forward to hearing the testimony of our witnesses.

**Question for the Record submitted to  
Ambassador Myles R.R. Frechette  
National Security, International Affairs and  
Criminal Justice Subcommittee  
July 9, 1997**

1. In your testimony, you said that you had to send two people from other agencies home after you added the new DEA slots in April.

- What agency were these two people from?
- Have these two people actually left Bogota yet?
- Were they scheduled to "leave" Bogota due to an end of a TDY or under normal rotation anyway?

A: On April 7, 1997 I authorized DEA three (3) new positions -- one intelligence analyst and two administrative personnel. In concert with those increases and in consultation with other agencies at post, I decided to reduce two DOD intelligence analysts assigned on ninety day temporary duty basis. This gave us a net increase of one person. The DEA analyst has been identified and is scheduled to arrive on or about 8/17/97. We have no dates of arrival for the administrative staff positions.

DOD has for several years provided us with military personnel to perform tactical analysis in support of our counter-drug efforts. The addition of this one permanent DEA analyst will permit us to reduce two DOD TDY persons assigned as intelligence officers. DOD has been informed

and agrees to the reduction. The DOD reductions will occur in the September/October time frame and at the end of their normal rotation cycle. These changes in personnel allow us to adjust our staffing to best address one of the primary missions of this embassy.

**Question for the Record submitted to  
Ambassador Myles R.R. Frechette  
National Security, International Affairs and Criminal  
Justice Subcommittee  
July 9, 1997**

2: In your testimony, you stated that one of the criteria for approving new personnel into your embassy was if there was a sufficient need.

- If Colombia is the largest drug-exporting/producing country in the world, and Congress has directed you to add 15 additional DEA slots, is there not a pressing need to add these agents/support staff?

A: Every ambassador world-wide is required by the President's letter of instructions to: keep U.S. presence to the minimum numbers necessary to accomplish the mission; and to review carefully any requests to add personnel, keeping in mind the needs of all agencies making such requests, the national security interests to be served, the ability of the State Department administrative structure to support those positions, and the secure office space available to house additional personnel. All requests made by the federal agencies, including law enforcement agencies, for new or increased staffing at embassies come to the ambassador as the President's personal representative for evaluation, prioritization and response, and he must determine what increases best serve the interests of the U.S. Government. Washington agencies do not clear their appropriation requests with ambassadors, yet ambassadors are given the

responsibility to determine the size and composition of the embassy staff.

In the case of Colombia, in recognition of the tremendous volume of illegal narcotics which are produced and exported to the United States, several federal agencies maintain a presence at Embassy Bogota in support of counternarcotics operations. I have approved seven (7) of the fifteen (15) new positions authorized by Congress and requested by DEA. The remainder of these positions are still under review in the context of the overall mission requirements. As background, it is useful to point out that a review of DEA staffing in Colombia reveals that dating back to 1987, DEA has been unable to fill all approved positions. During this time, DEA staffing showed anywhere from 5 to 23 percent of approved positions unencumbered. DEA, under these circumstances, made up these staffing gaps through the assignment of short-term TDY personnel.

**Question for the Record submitted to  
Ambassador Myles R.R. Frechette  
National Security, International Affairs and  
Criminal Justice Subcommittee  
July 9, 1997**

3: In your testimony, you also stated another criteria for approving new personnel into your embassy was the amount of space available.

- Has the DEA agent in charge presented you with a detailed plan outlining the duties of his current personnel, along with a plan for the additional personnel once they are assigned?
- If so, when?
- Has the DEA agent in charge presented a floor plan which would indicate the seating locations of all old and new personnel?
- Do you still contend there is not enough room for the new DEA personnel Congress directed be sent to Bogota and Barranquilla?

A: On June 4, 1997, the DEA agent in charge presented me a detailed plan outlining the duties of his current staff along with a space allocation plan and the duties for the new positions authorized by Congress. I had already approved three new positions; as a result of that meeting, I have authorized four (4) additional agent positions for a total of seven (7) of the fifteen (15) positions requested, with the remainder under further review.

The DEA agent in charge has presented me a floor plan which indicated the seating locations for all presently authorized staff as well as the seven new positions

authorized. The floor plan also identifies the space other law enforcement agencies and the military unit members will occupy. At this time we do not agree on the availability of space for additional positions, which would leave several agents already assigned to this mission without office space.

In December 1995, the embassy relocated to a new and more secure chancery facility. This Inman facility incorporates many state-of-the-art security enhancements recommended for USG facilities in high threat foreign locations. This building was designed in the late 1980's and the growth of the mission was not anticipated. Space in the chancery secure area was already tight when we moved in December 1995, so much so that space has been a consideration for all requests for adding new U.S. personnel positions. We are now at a point where any augmentation to existing staff would have to be offset by staff reductions from other agencies. In the past two years we have reduced the mission by one officer of the Department of Agriculture and the Naval Attaché position. Before I had an opportunity to review our AID staffing, AID Washington, during a downsizing exercise, recommended the reduction and I

concluded to reduce the AID mission staff by one American officer position.

The Barranquilla office does not involve an issue of space. We now have ten (10) U.S. authorized positions, and DEA has requested I authorize an additional four (4) positions to that post. I plan to review the program and the staffing in its present form and will make my decision after I perform that review.

**Question for the Record submitted to  
Ambassador Myles R.R. Frechette  
National Security, International Affairs and Criminal  
Justice Subcommittee  
July 9, 1997**

4: In your testimony, you stated that you had U.S. Customs and FBI presence in your embassy to be utilized in counternarcotics efforts.

- What role does the FBI and U.S Customs have in fighting narcotics outside the U.S.?
- How much time do these two agencies' personnel in Colombia devote to drugs?

A: The FBI special agent assigned to the DEA, who works on FBI drug investigations full time, is assigned to DEA office space and reports to the DEA agent-in-charge. This assignment is a result of a Department of Justice agreement, resolution 6, which places all foreign drug investigations under DEA. Resolution 6, established under the Attorney General's order number 1814-93, was issued by the director of investigative agency policies to address the conduct of Department of Justice criminal investigations overseas with the objective of enhancing inter-agency coordination of drug investigations conducted in foreign countries.

Because of lack of adequate space, we have denied requests for additional FBI personnel to be assigned to Bogota. These positions would have been used to provide training and other assistance to Colombian police and other

investigators involved in counter-narcotics investigations directly related to drug cartel members and who assist with investigations of U.S. citizens taken hostage in Colombia. Instead, we authorize their presence on TDY basis only.

The U.S. Customs Service presently has no staff at the embassy. I have approved three (3) Customs positions, one (1) attaché, one (1) secretary for the attaché and one (1) intelligence analyst. The analyst will work for DEA in the intelligence analysis/operational center (IA/OC) on a full time basis on drug trafficking issues. The Customs attaché will play a significant role in investigating the movement of contraband American goods, undervaluing and other customs activities often related to drug money-laundering activities, along with other functions of equal importance to the U.S. Government. They too will be co-located in the DEA office area. We have other U.S. Government law enforcement agencies involved in the counter-drug effort also housed in this area. Other agencies with U.S. personnel assigned:

- IRS criminal investigations division -- work closely with DEA on money laundering investigations which often have

links in the U.S. They also provide the information to IRS offices in the U.S. for follow-on investigations;

- U.S. Treasury Office of Foreign Asset Controls (OFAC) -- tasked with the responsibility to bring down the Cali cartel front companies that were created with money generated from drug sales and often trade with U.S. firms;
- U.S. Treasury Alcohol, Tobacco & Firearms (ATF) -- supports the Colombian law enforcement authorities in their counter-drug efforts by providing expertise on firearms and explosives in order to combat the illegal acquisition of these items by Colombian narcotics traffickers. The proper identification of U.S.-source firearms and explosives seized from narcotics traffickers in Colombia allows ATF to trace these items to their source;
- DOD elements -- assist us in the coordination of tracking drug carrying planes and vessels.

**Question for the Record submitted to  
Ambassador Myles R.R. Frechette  
National Security, International Affairs and Criminal  
Justice Subcommittee  
July 9, 1997**

5: In its testimony, the GAO indicated it has not gotten all of the documents it requested from the U.S. Embassy in Bogota.

- Why has the U.S. Embassy in Bogota stonewalled the GAO in its attempt to fulfill its obligations as the investigative arm of Congress?

A: The General Accounting Office visiting team that worked at Embassy Bogota indicated to the Ambassador at the time of their departure that they considered that the Embassy had been responsive in complying with instructions received from the Department of State, and in responding to requests for access to documents made by the GAO visiting team while the team was in Bogota.

Of the 519 documents that the GAO requested both from the Department and from the Embassy in Bogota, more than 500 had been made available by July 2. Only a handful were redacted because of deliberative materials, sensitive foreign government or intelligence information; two were provided on a "read-only" basis because of deliberative materials and sensitive foreign government information, and one was not turned over because it contained deliberative material.

**Question for the Record submitted to  
Ambassador Myles R.R. Frechette  
ational Security, International Affairs and  
Criminal Justice Subcommittee  
July 9, 1997**

6. The State Department in April designated both the FARC and the ELN as terrorist groups in its annual report to Congress, "Patterns of Global Terrorists." In statements before the Appropriations Committee by Secretary Albright and then-Ambassador Phil Wilcox, coordinator for counter-terrorism, said, "When international terrorist crisis strike, we have an emergency response team, led by State counter-terrorism, and including crisis management experts from various agencies, as needed, that can be deployed promptly anywhere in the world. *The team's job is to respond to requests from the U.S. Ambassador on the scene...*"

- Given the facts that the State Department itself considers the FARC a terrorist group, and the three longest-held American hostages are being detained by the FARC as well as three other Americans, and given the quote taken from Sec. Albright and Ambassador Wilcox, why hasn't an emergency response team been called to Colombia?
- What do we need to do to get one there?
- Please provide a detailed explanation as to what the State Department has done with regard to each current American hostage in Colombia thus far.

A: Emergency response teams are requested and deployed in cases of terrorist acts carried out for political reasons overseas. The teams are typically deployed in cases involving aircraft hijacking, major bombings, or the takeover of a facility where official U.S. representatives are present.

In the case of the U.S. citizens held captive in Colombia, we do not know the precise location of the hostages, information which would be essential to considering deployment of a response team. The Government of Colombia has not invited U.S. government interventive action, and the families of the victims do not want rescue attempts to be made, given the record that Colombian kidnapers have in the past -- hostages were killed during rescue attempts.

The hostage-takers are motivated by extortion rather than political demands. While terrorist groups sometimes hold hostages for extended periods of time, as is the case with the New Tribes Missionaries, most are released in relatively good health after payment of ransoms.

Various forms of assistance are being provided in the case of the American citizens currently held hostage in Colombia. The Department has worked closely with family members, intermediaries, and law enforcement officials to collect information and pursue possible leads. The consular section at the Embassy in Bogota, together with the Bureau of Consular Affairs at the

Department, maintain contact with family members to share information and provide appropriate services.

I and other senior State Department officials have continually raised the issue of U.S. hostages with senior Colombian government officials and, of importance, secured Colombian government cooperation in restricting military operations in areas we believe hostages may be held. We have also engaged friendly governments to work through their channels to appeal for the hostages' release.

The State Department would be happy to arrange a classified briefing on the status of American hostages, at the Committee's request.

**Question for the Record submitted to  
Assistant Secretary Jeffrey Davidow  
National Security, International Affairs and Criminal  
Justice Subcommittee  
July 9, 1997**

2. The State Department in April designated both the FARC and the ELN as terrorist groups in its annual report to Congress, "Patterns of Global Terrorists." In statements before the Appropriations Committee by Secretary Albright and then-Ambassador Phil Wilcox, coordinator for counter-terrorism, said, "When international terrorist crisis strike, we have an emergency response team, led by State counter-terrorism, and including crisis management experts from various agencies, as needed, that can be deployed promptly anywhere in the world. *The team's job is to respond to requests from the U.S. Ambassador on the scene...*"

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We would be happy to arrange a classified briefing on the status of American hostages, at the Committee's request.

July 29, 1997

Question for the Record Submitted to the Department of State  
by Chairman Dan Burton  
Committee on Government Reform and Oversight  
National Security, International Affairs and Criminal  
Justice Subcommittee

1. In its testimony, the GAO indicated it has not gotten all the documents it requested from the U.S. Embassy in Bogota or the State Department, and Mr. Thessin agreed.

\* Why has the U.S. Embassy in Bogota and the State Department stonewalled the GAO in its attempt to fulfill its obligations as the investigative arm of Congress?

Answer: The State Department is not "stonewalling" the GAO. In fact, the State Department is working with the GAO to provide it with the information it needs to perform its legislative duties. To this end, the State Department has met on several occasions with the GAO, including after the July 9 hearing. In a recent meeting, for example, we asked GAO to identify any additional State Department documents to which they required access but had not received it. We then redoubled our efforts to find the State Department documents requested and to provide the GAO with access.