Public Law 103-447
103d Congress

An Act

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

Nov. 2, 1994
[H.R. 5246]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Narcotics Control Corrections Act of 1994".

International Narcotics Control Corrections Act of 1994. 22 USC 2151 note.

TITLE I—INTERNATIONAL NARCOTICS CONTROL

SEC. 101. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

(a) USE OF HERBICIDES FOR AERIAL ERADICATION.—Section 481(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(d)) is amended—

(1) by striking paragraph (2); and

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

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

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

(2) by amending paragraph (2) to read as follows:

"(2) the term 'major illicit drug producing country' means a country in which—

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

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

"(C) 5,000 hectares or more of illicit cannabis is cultivated or harvested during a year, unless the President determines that such illicit cannabis production does not significantly affect the United States;";

(3) by striking "; and" at the end of paragraph (5);

(4) by redesignating paragraph (6) as paragraph (8); and

(5) by inserting after paragraph (5) the following new paragraphs:

"(6) the term 'precursor chemical' has the same meaning as the term 'listed chemical' has under paragraph (33) of section 102 of the Controlled Substances Act (21 U.S.C. 802(33));

"(7) the term 'major money laundering country' means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking; and".

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

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

President.

"(e) ADVANCE NOTIFICATION OF TRANSFER OF SEIZED ASSETS.—The President shall notify the appropriate congressional committees at least 10 days prior to any transfer by the United States Government to a foreign country for narcotics control purposes of any property or funds seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity.".

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

(1) by striking "(a) ADDITIONAL ASSISTANCE FOR COUNTRIES TAKING SIGNIFICANT STEPS.—";

(2) by striking "security assistance" in the matter preceding paragraph (1) of subsection (a) and inserting "assistance under this Act";

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

(A) in the heading, by striking "SECURITY" and inserting "OTHER"; and

(B) by striking "security"; and

(4) by striking subsection (b).

(e) PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS.—Section 487(a)(1) of that Act (22 U.S.C. 2291f(a)(1)) is amended by inserting "to" after "relating".

(f) REPORTING REQUIREMENTS.—

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

(A) in the section heading, by striking "**FOR FISCAL YEARS 1993 AND 1994**" and inserting "**FOR FISCAL YEAR 1995**";

(B) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "April 1" and inserting "March 1"; and

(ii) in paragraph (3)—

(I) by striking subparagraph (B); and

(II) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(C) by striking subsection (c);

(D) by redesignating subsection "(d)" as subsection "(c)"; and

(E) by amending subsection (c) (as redesignated) to read as follows:

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

(2) CONFORMING AMENDMENT.—Section 489A of that Act (22 U.S.C. 2291i) is amended in the section heading by striking "**1994**" and inserting "**1995**".

(g) ANNUAL CERTIFICATION PROCEDURES.—

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

(A) in the section heading, by striking "**FOR FISCAL YEARS 1993 AND 1994**" and inserting "**FOR FISCAL YEAR 1995**";

(B) in subsection (a)(1), by striking "(as determined under subsection (h))";

(C) in subsection (a)(2), by striking "April 1" and inserting "March 1";

(D) in subsection (c), by striking "that such country has taken adequate steps" and all that follows and inserting "that such country maintains licit production and stockpiles at levels no higher than those consistent with licit market demand, and has taken adequate steps to prevent significant diversion of its licit cultivation and production into the illicit markets and to prevent illicit cultivation and production.";

(E) in subsection (d), by striking "45" and inserting "30";

(F) in subsection (g)—

(i) by striking "CONGRESSIONAL" and all that follows through "(1) SENATE.—" and inserting "SENATE PROCEDURES.—"; and

(ii) by striking paragraph (2);

(G) in subsection (h)—

(i) in the heading, by striking "FOR FISCAL YEARS 1993 AND 1994"; and

(ii) by striking "January 1" and inserting "November 1"; and

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

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

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

(A) in the section heading, by striking "1994" and inserting "1995"; and

(B) in the heading of subsection (g), by striking "1994" and inserting "1995".

SEC. 102. CONFORMING AMENDMENTS TO OTHER LAWS.

(a) EXPORT-IMPORT BANK ACT.—Section 2(b)(6)(C)(ii) of the Export-Import Bank Act of 1945 (22 U.S.C. 635(b)(6)(C)(ii)) is amended by striking "determined under section 490(h) or 481(e), as appropriate," and inserting "defined in section 481(e)". 12 USC 635.

(b) TITLE 18, U.S.C.—Section 981(i)(1)(C) of title 18, United States Code, is amended by striking "paragraph (1)(A) of section 481(h)" and inserting "section 490(a)(1)".

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

(d) CONTROLLED SUBSTANCES ACT.—Section 511(e)(1)(E) of the Controlled Substances Act (21 U.S.C. 881(e)(1)(E)) is amended by striking "481(h)" and inserting "490(b)".

SEC. 103. REPEAL OF OBSOLETE PROVISIONS.

(a) 1992 INTERNATIONAL NARCOTICS CONTROL ACT.—The International Narcotics Control Act of 1992 (Public Law 102-583) is repealed. 22 USC 2151 note, 2291h note, 2420 note.

(b) 1988 INTERNATIONAL NARCOTICS CONTROL ACT.—The International Narcotics Control Act of 1988 (which is title IV of the Anti-Drug Abuse Act of 1988; Public Law 100-690) is repealed except for the title heading and section 4702 (a) through (f). 22 USC 2151 note, 2291-2; 31 USC 5311 note; 41 USC 701 note.

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

22 USC 2151 note, 2291 note; 46 USC app. 1902 note. 22 USC 2420 note.

SEC. 104. EXEMPTION OF NARCOTICS-RELATED MILITARY ASSISTANCE FOR FISCAL YEAR 1995 FROM PROHIBITION ON ASSISTANCE FOR LAW ENFORCEMENT AGENCIES.

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

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

(2) funds made available for the "Foreign Military Financing Program" under section 23 of the Arms Export Control Act (22 U.S.C. 2763) that are used for assistance provided for narcotics-related purposes; or

(3) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 and following) that is provided for narcotics-related purposes.

President.

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

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

22 USC 2151 note.

SEC. 105. WAIVER OF RESTRICTIONS FOR NARCOTICS-RELATED ECONOMIC ASSISTANCE.

For fiscal year 1995, narcotics-related assistance under part I of the Foreign Assistance Act of 1961 may be provided notwithstanding any other provision of law that restricts assistance to foreign countries (other than section 490(e) of that Act (22 U.S.C. 2291j(e)) if, at least 15 days before obligating funds for such assistance, the President notifies the appropriate congressional committees (as defined in section 481(e) of that Act (22 U.S.C. 2291(e))[1] in accordance with the procedures applicable to reprogramming notifications under section 634A of that Act (22 U.S.C. 2394).

22 USC 2151 note.

SEC. 106. AUTHORITY FOR ANTICRIME ASSISTANCE.

(a) POLICY.—International criminal activities, including international narcotics trafficking, money laundering, smuggling, and corruption, endanger political and economic stability and democratic development, and assistance for the prevention and suppression of international criminal activities should be a priority for the United States.

(b) AUTHORITY.—

(1) IN GENERAL.—For fiscal year 1995, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may deter-

[1] When the original law was received by the National Archives and Records Administration there was a penciled editorial caret here, and in the adjacent margin, also in pencil was the word fragment *paren* handwritten and circled and below that a closing parenthesis mark. Through an oversight in the enrolling process this editorial direction was not incorporated into the text before it was printed and signed.

mine, for the prevention and suppression of international criminal activities.

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

SEC. 107. ASSISTANCE TO DRUG TRAFFICKERS.

8 USC 1182.

President.

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

TITLE II—NATO PARTICIPATION ACT OF 1994

NATO Participation Act of 1994. 22 USC 1928 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "NATO Participation Act of 1994".

SEC. 202. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the leaders of the NATO member nations are to be commended for reaffirming that NATO membership remains open to Partnership for Peace countries emerging from communist domination and for welcoming eventual expansion of NATO to include such countries;

(2) full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date, if such participants—

(A) maintain their progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law; and

(B) remain committed to protecting the rights of all their citizens and respecting the territorial integrity of their neighbors;

(3) the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition to full NATO membership at an early date of full and active participants in the Partnership for Peace; and

(4) in particular, Poland, Hungary, the Czech Republic, and Slovakia have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law since the fall of their previous communist governments.

SEC. 203. AUTHORITY FOR PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) IN GENERAL.—The President may establish a program to assist the transition to full NATO membership of Poland, Hungary,

the Czech Republic, Slovakia, and other Partnership for Peace countries emerging from communist domination designated pursuant to subsection (d).

(b) CONDUCT OF PROGRAM.—The program established under subsection (a) shall facilitate the transition to full NATO membership of the countries described in such subsection by supporting and encouraging, inter alia—

(1) joint planning, training, and military exercises with NATO forces;

(2) greater interoperability of military equipment, air defense systems, and command, control, and communications systems; and

(3) conformity of military doctrine.

(c) TYPE OF ASSISTANCE.—In carrying out the program established under subsection (a), the President may provide to the countries described in such subsection the following types of security assistance:

(1) The transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961, without regard to the restrictions in paragraphs (1) through (3) of subsection (a) of such section (relating to the eligibility of countries for such articles under such section).

(2) The transfer of nonlethal excess defense articles under section 519 of the Foreign Assistance Act of 1961, without regard to the restriction in subsection (a) of such section (relating to the justification of the foreign military financing program for the fiscal year in which a transfer is authorized).

(3) Assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training).

(4) Assistance under section 23 of the Arms Export Control Act (relating to the "Foreign Military Financing Program").

(d) DESIGNATION OF PARTNERSHIP FOR PEACE COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President may designate countries emerging from communism and participating in the Partnership for Peace, especially Poland, Hungary, the Czech Republic, and Slovakia, to receive assistance under the program established under subsection (a) if the President determines and reports to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that such countries—

(1) are full and active participants in the Partnership for Peace;

(2) have made significant progress toward establishing democratic institutions, a free market economy, civilian control of their armed forces, and the rule of law;

(3) are likely in the near future to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area; and

(4) are not selling or transferring defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.

(e) NOTIFICATION.—At least 15 days before designating any country pursuant to subsection (d), the President shall notify the appropriate congressional committees in accordance with the procedures applicable under section 634A of the Foreign Assistance Act of 1961. President.

(f) DETERMINATION.—It is hereby determined that Poland, Hungary, the Czech Republic, and Slovakia meet the criteria required in paragraphs (1), (2), and (3) of subsection (d).

SEC. 204. ADDITIONAL AUTHORITIES.

(a) ARMS EXPORT CONTROL ACT.—The President is authorized to exercise the authority of sections 63 and 65 of the Arms Export Control Act with respect to any country designated under section 203(d) of this title on the same basis authorized with respect to NATO countries.

(b) OTHER NATO AUTHORITIES.—The President should designate any country designated under section 203(d) of this title as eligible under sections 2350c and 2350f of title 10, United States Code.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in the interest of maintaining stability and promoting democracy in Poland, Hungary, the Czech Republic, Slovakia, and any other Partnership for Peace country designated under section 203(d) of this title, those countries should be included in all activities under section 2457 of title 10, United States Code, related to the increased standardization and enhanced interoperability of equipment and weapons systems, through coordinated training and procurement activities, as well as other means, undertaken by the North Atlantic Treaty Organization members and other allied countries.

SEC. 205. REPORTING REQUIREMENT.

The President shall include in the report required by section 514(a) of Public Law 103-236 (22 U.S.C. 1928 note) the following: President.

(1) A description of all assistance provided under the program established under section 203(a), or otherwise provided by the United States Government to facilitate the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other Partnership for Peace countries emerging from communist domination designated pursuant to section 203(d).

79-194 O—95—5 : QL 3 Part 6

(2) A description, on the basis of information received from the recipients and from NATO, of all assistance provided by other NATO member nations or NATO itself to facilitate the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other Partnership for Peace countries emerging from communist domination designated pursuant to section 203(d).

Approved November 2, 1994.

LEGISLATIVE HISTORY—H.R. 5246:

CONGRESSIONAL RECORD, Vol. 140 (1994):
Oct. 7, considered and passed House.
Oct. 8, considered and passed Senate.