

103^D CONGRESS
2^D SESSION

H. R. 5246

IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, SEPTEMBER 12), 1994

Received

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **TITLE I—INTERNATIONAL NARCOTICS**

7 **CONTROL**

8 **SEC. 101. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT**

9 **OF 1961.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (B) by striking “security”; and

16 (4) by striking subsection (b).

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

21 (f) REPORTING REQUIREMENTS.—

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

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

4 (B) in subsection (a)—

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

8 (ii) in paragraph (3)—

9 (I) by striking subparagraph (B);

10 and

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

14 (C) by striking subsection (c);

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

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

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

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

1 (g) ANNUAL CERTIFICATION PROCEDURES.—

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

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

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

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

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

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

23 (F) in subsection (g)—

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

1 and inserting “SENATE PROCEDURES.—”;

2 and

3 (ii) by striking paragraph (2);

4 (G) in subsection (h)—

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

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

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

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

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

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

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

20 **SEC. 102. CONFORMING AMENDMENTS TO OTHER LAWS.**

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

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

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

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

12 **SEC. 103. REPEAL OF OBSOLETE PROVISIONS.**

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

16 (b) 1988 INTERNATIONAL NARCOTICS CONTROL
17 ACT.—The International Narcotics Control Act of 1988
18 (which is title IV of the Anti-Drug Abuse Act of 1988;
19 Public Law 100–690) is repealed except for the title head-
20 ing and section 4702 (a) through (f).

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

1 **SEC. 104. EXEMPTION OF NARCOTICS-RELATED MILITARY**
2 **ASSISTANCE FOR FISCAL YEAR 1995 FROM**
3 **PROHIBITION ON ASSISTANCE FOR LAW EN-**
4 **FORCEMENT AGENCIES.**

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

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

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

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

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

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

7 **SEC. 105. WAIVER OF RESTRICTIONS FOR NARCOTICS-RE-**
8 **LATED ECONOMIC ASSISTANCE.**

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

20 **SEC. 106. AUTHORITY FOR ANTICRIME ASSISTANCE.**

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

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

3 (b) AUTHORITY.—

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

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

14 **SEC. 107. ASSISTANCE TO DRUG TRAFFICKERS.**

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

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

4 (3) the United States, other NATO member na-
5 tions, and NATO itself should furnish appropriate
6 assistance to facilitate the transition to full NATO
7 membership at an early date of full and active par-
8 ticipants in the Partnership for Peace; and

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

15 **SEC. 203. AUTHORITY FOR PROGRAM TO FACILITATE TRAN-**
16 **SITION TO NATO MEMBERSHIP.**

17 (a) IN GENERAL.—The President may establish a
18 program to assist the transition to full NATO membership
19 of Poland, Hungary, the Czech Republic, Slovakia, and
20 other Partnership for Peace countries emerging from com-
21 munist domination designated pursuant to subsection (d).

22 (b) CONDUCT OF PROGRAM.—The program estab-
23 lished under subsection (a) shall facilitate the transition
24 to full NATO membership of the countries described in

1 such subsection by supporting and encouraging, inter
2 alia—

3 (1) joint planning, training, and military exer-
4 cises with NATO forces;

5 (2) greater interoperability of military equip-
6 ment, air defense systems, and command, control,
7 and communications systems; and

8 (3) conformity of military doctrine.

9 (c) TYPE OF ASSISTANCE.—In carrying out the pro-
10 gram established under subsection (a), the President may
11 provide to the countries described in such subsection the
12 following types of security assistance:

13 (1) The transfer of excess defense articles
14 under section 516 of the Foreign Assistance Act of
15 1961, without regard to the restrictions in para-
16 graphs (1) through (3) of subsection (a) of such sec-
17 tion (relating to the eligibility of countries for such
18 articles under such section).

19 (2) The transfer of nonlethal excess defense ar-
20 ticles under section 519 of the Foreign Assistance
21 Act of 1961, without regard to the restriction in
22 subsection (a) of such section (relating to the jus-
23 tification of the foreign military financing program
24 for the fiscal year in which a transfer is authorized).

1 (3) Assistance under chapter 5 of part II of the
2 Foreign Assistance Act of 1961 (relating to inter-
3 national military education and training).

4 (4) Assistance under section 23 of the Arms
5 Export Control Act (relating to the “Foreign Mili-
6 tary Financing Program”).

7 (d) DESIGNATION OF PARTNERSHIP FOR PEACE
8 COUNTRIES EMERGING FROM COMMUNIST DOMINA-
9 TION.—The President may designate countries emerging
10 from communism and participating in the Partnership for
11 Peace, especially Poland, Hungary, the Czech Republic,
12 and Slovakia, to receive assistance under the program es-
13 tablished under subsection (a) if the President determines
14 and reports to the Committee on Foreign Affairs of the
15 House of Representatives and the Committee on Foreign
16 Relations of the Senate that such countries—

17 (1) are full and active participants in the Part-
18 nership for Peace;

19 (2) have made significant progress toward es-
20 tablishing democratic institutions, a free market
21 economy, civilian control of their armed forces, and
22 the rule of law;

23 (3) are likely (in the near future) to be in a po-
24 sition to further the principles of the North Atlantic

1 Treaty and to contribute to the security of the
2 North Atlantic area; and

3 (4) are not selling or transferring defense arti-
4 cles to a state that has repeatedly provided support
5 for acts of international terrorism, as determined by
6 the Secretary of State under section 6(j) of the Ex-
7 port Administration Act of 1979.

8 (e) NOTIFICATION.—At least 15 days before des-
9 ignating any country pursuant to subsection (d), the
10 President shall notify the appropriate congressional com-
11 mittees in accordance with the procedures applicable
12 under section 634A of the Foreign Assistance Act of 1961.

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

17 **SEC. 204. ADDITIONAL AUTHORITIES.**

18 (a) ARMS EXPORT CONTROL ACT.—The President is
19 authorized to exercise the authority of sections 63 and 65
20 of the Arms Export Control Act with respect to any coun-
21 try designated under section 203(d) of this title on the
22 same basis authorized and with respect to NATO coun-
23 tries.

24 (b) OTHER NATO AUTHORITIES.—The President
25 should designate any country designated under section

1 203(d) of this title as eligible under sections 2350c and
2 2350f of title 10, United States Code.

3 (c) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that, in the interest of maintaining stability and pro-
5 moting democracy in Poland, Hungary, the Czech Repub-
6 lic, Slovakia, and any other Partnership for Peace country
7 designated under section 203(d) of this title, those coun-
8 tries should be included in all activities under section 2457
9 of title 10, United States Code, related to the increased
10 standardization and enhanced interoperability of equip-
11 ment and weapons systems, through coordinated training
12 and procurement activities, as well as other means, under-
13 taken by the North Atlantic Treaty Organization members
14 and other allied countries.

15 **SEC. 205. REPORTING REQUIREMENT.**

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

19 (1) A description of all assistance provided
20 under the program established under section 203(a),
21 or otherwise provided by the United States Govern-
22 ment to facilitate the transition to full NATO mem-
23 bership of Poland, Hungary, the Czech Republic,
24 Slovakia, and other Partnership for Peace countries

1 emerging from communist domination designated
2 pursuant to section 203(d).

3 (2) A description, on the basis of information
4 received from the recipients and from NATO, of all
5 assistance provided by other NATO member nations
6 or NATO itself to facilitate the transition to full
7 NATO membership of Poland, Hungary, the Czech
8 Republic, Slovakia, and other Partnership for Peace
9 countries emerging from communist domination des-
10 ignated pursuant to section 203(d).

Passed the House of Representatives October 7,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.

HR 5246 RDS——2