

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1750

To amend section 490 of the Foreign Assistance Act of 1961 to establish an additional certification with respect to major drug-producing and drug-transit countries, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 12, 1998

Mrs. HUTCHISON (for herself and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To amend section 490 of the Foreign Assistance Act of 1961 to establish an additional certification with respect to major drug-producing and drug-transit countries, 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. ADDITIONAL CERTIFICATION REGARDING**  
4                       **DRUG-PRODUCING     AND     DRUG-TRANSIT**  
5                       **COUNTRIES.**

6       (a) ADDITIONAL CERTIFICATION.—

1           (1) IN GENERAL.—Subsection (b)(1) of section  
2 490 of the Foreign Assistance Act of 1961 (22  
3 U.S.C. 2291j) is amended—

4           (A) by striking “or” at the end of subpara-  
5 graph (A);

6           (B) by redesignating subparagraph (B) as  
7 subparagraph (C);

8           (C) by inserting after subparagraph (A)  
9 the following new subparagraph (B):

10           “(B) during the previous year, the coun-  
11 try—

12           “(i) has cooperated with the United  
13 States, or has taken steps on its own, to  
14 achieve compliance with the goals and ob-  
15 jectives established by the United Nations  
16 Convention Against Illicit Traffic in Nar-  
17 cotic Drugs and Psychotropic Substances;  
18 but;

19           “(ii) has not made adequate progress  
20 toward meeting certain plans, programs, or  
21 timetables (including plans, programs, or  
22 timetables relating to the Convention)  
23 identified in the most recent report of the  
24 President under section 489(a)(4); or”;  
25 and

1 (D) in subparagraph (C), as so redesignated, by inserting “or (B)” after “subparagraph (A)”.

2  
3  
4 (2) CONFORMING AMENDMENTS.—That section  
5 is further amended—

6 (A) in subsection (b)(3), by striking “paragraph (1)(B)” and inserting “paragraph (1)(C)”;

7  
8  
9 (B) in subsection (c), by striking “subsection (b)(1)(A)” and inserting “subparagraph (A) or (B) of subsection (b)(1)”;

10  
11  
12 (C) in subsection (f)—

13 (i) in paragraph (1), by striking “subsection (b)(1)(A) or (b)(1)(B)” and inserting “subsection (b)”;

14  
15  
16 (ii) in paragraph (2)—

17 (I) by striking “subsection (b)(1)(B)” each place it appears and inserting “subsection (b)(1)(C)”;

18  
19  
20 (II) in clause (ii)(I), by striking “subsection (b)(1)(A)” and inserting “subsection (b)(1)(A) or (b)(1)(B)”.

21  
22  
23 (b) ADDITIONAL REQUIREMENTS RELATING TO  
24 QUALIFIED CERTIFICATION.—That section is further  
25 amended by adding at the end the following:

1       “(i) ADDITIONAL REQUIREMENTS RELATING TO  
2 QUALIFIED CERTIFICATION.—

3           “(1) HIGH-LEVEL CONTACT GROUP.—In the  
4 event of a certification with respect to a country  
5 under subsection (b)(1)(B), a high-level contact  
6 group should be convened consisting of, but not lim-  
7 ited to, the following officials (or their designees)  
8 from the United States and their counterparts from  
9 the country:

10           “(A) The Attorney General.

11           “(B) The Director of the Office of Na-  
12 tional Drug Control Policy.

13           “(C) The Secretary of the Treasury.

14           “(D) The Secretary of State.

15           “(E) The Administrator of the Drug En-  
16 forcement Administration.

17           “(F) The Director of the Federal Bureau  
18 of Investigation.

19           “(G) The Commissioner of Customs.

20       “(2) RESPONSIBILITIES.—

21           “(A) IN GENERAL.—Each high-level con-  
22 tact group with respect to a country should es-  
23 tablish specific, achievable benchmarks for the  
24 country for each plan, program, and timetable

1 referred to in subsection (b)(1)(B)(ii) for which  
2 inadequate progress has been made.

3 “(B) PURPOSE.—The purpose of a bench-  
4 mark under this paragraph is to permit the  
5 United States and the country concerned to  
6 verify in an objective manner the progress of  
7 the country under the plan, program, or time-  
8 table concerned.

9 “(C) ELEMENTS.—Each benchmark under  
10 this paragraph shall—

11 “(i) establish one or more specific,  
12 measurable goals or objectives with respect  
13 each plan, program, or timetable con-  
14 cerned, including a goal or objective relat-  
15 ing to arrests, extradition, eradication of  
16 drug-related crops, money-laundering, and  
17 other appropriate matters; and

18 “(ii) fix the time in which each such  
19 goal or objective is to be met.

20 “(3) DEADLINE.—A high-level contact group  
21 with respect to a country should complete its activi-  
22 ties under paragraph (2) not later than 60 days  
23 after the date of the certification with respect to the  
24 country under subsection (b)(1)(B).

25 “(4) BENCHMARK REPORT.—

1           “(A) REQUIREMENT.—Not later than Sep-  
2           tember 1 each year, the President shall, after  
3           consultation with the Attorney General, submit  
4           to Congress a report setting forth the bench-  
5           marks established under this subsection during  
6           that year.

7           “(B) ELEMENTS.—A report under sub-  
8           paragraph (A) shall—

9                   “(i) identify each country covered by  
10                  the report;

11                   “(ii) set forth each benchmark estab-  
12                  lished with respect to the country; and

13                   “(iii) describe any progress made by  
14                  the country in meeting each such bench-  
15                  mark.

16           “(5) REPORT ON PROGRESS.—With respect to  
17           each country for which benchmarks are established  
18           under this subsection in a year, the President shall,  
19           after consultation with the Attorney General, include  
20           in the report submitted to Congress under section  
21           489(a) in the following year a report that describes  
22           the progress made by the country in meeting such  
23           benchmarks.

24           “(j) USE OF BENCHMARKS IN FUTURE CERTIFI-  
25           CATIONS.—In the case of a country for which benchmarks

1 are established under subsection (i) in a year, the Presi-  
2 dent shall place the greatest emphasis on the progress  
3 made by the country with respect to each such benchmark  
4 (as described in the report under paragraph (5) of that  
5 subsection) in making a certification with respect to the  
6 country under this section in the following year.”.

7 (c) APPLICABILITY TO MEXICO.—It is the sense of  
8 Congress that—

9 (1) a high-level contact group should be con-  
10 vened with respect to Mexico in 1998, as described  
11 in subsection (i) of section 490 of the Foreign As-  
12 sistance of 1961, as added by subsection (b);

13 (2) the provisions of such subsection (i) should  
14 apply to the activities of the contact group; and

15 (3) the provisions of subsection (j) of that sec-  
16 tion, as so added, should apply to the certification  
17 of Mexico in 1999 under such section.

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