

107TH CONGRESS  
1ST SESSION

# S. 219

To suspend for two years the certification procedures under section 490 of the Foreign Assistance Act of 1961 in order to foster greater multilateral cooperation in international counternarcotics programs, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2001

Mr. DODD (for himself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the committee on Foreign Relations

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## A BILL

To suspend for two years the certification procedures under section 490(b) of the Foreign Assistance Act of 1961 in order to foster greater multilateral cooperation in international counternarcotics programs, and for other purposes.

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

3 **SECTION 1. TWO-YEAR SUSPENSION OF DRUG CERTIFI-**  
4 **CATION PROCEDURES.**

5 (a) FINDINGS.—Congress makes the following find-  
6 ings:

1           (1) The international drug trade poses a direct  
2 threat to the United States and to international e  
3 fforts to promote democracy, economic stability,  
4 human rights, and the rule of law.

5           (2) The United States has a vital national in-  
6 terest in combating the financial and other resourc  
7 of the multinational drug cartels, which resource  
8 threaten the integrity of political and financial i  
9 tutions both in the United States and abroad.

10           (3) Illegal drug use occurs among members of  
11 every ethnic and socioeconomic group in the United  
12 States.

13           (4) Worldwide drug trafficking generates reve-  
14 nues estimated at \$400,000,000,000 annually.

15           (5) The 1961 Single Convention on Narcotic  
16 Drugs, the 1971 Convention on Psychotropic Sub-  
17 stances, and the 1988 Convention Against Illicit  
18 Traffic in Narcotic Drugs and Psychotropic Sub-  
19 stances form the legal framework for internationa  
20 dung control cooperation.

21           (6) The United Nations International Drug  
22 Control Program, the International Narcotics Con-  
23 trol Board, and the Organization of American States  
24 can play important roles in facilitating the devel  
25 ment and implementation of more effective multilat-

1 eral programs to combat both domestic and inter-  
2 national drug trafficking and consumption.

3 (7) The annual certification process required by  
4 section 490 of the Foreign Assistance Act of 1961  
5 (22 U.S.C. 2291j), which has been in effect since  
6 1986, does not currently foster effective and con-  
7 sistent bilateral or multilateral cooperation with  
8 United States counternarcotics programs because its  
9 provisions are vague and inconsistently applied and  
10 in many cases have been superseded by subsequent  
11 bilateral and multilateral agreements and because it  
12 alienates the very allies whose cooperation we seek.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that—

15 (1) many governments are extremely concerned  
16 by the national security threat posed by illicit  
17 production, distribution, and consumption, and  
18 crimes related thereto, particularly those in the  
19 Western Hemisphere;

20 (2) an enhanced multilateral strategy should be  
21 developed among drug producing, transit, and con-  
22 suming nations designed to improve cooperation with  
23 respect to the investigation and prosecution of drug  
24 related crimes, and to make available information on  
25 effective drug education and drug treatment;

1           (3) the President should at the earliest feasible  
2 date in 2001 convene a conference of heads of state  
3 of major illicit drug producing countries, major drug  
4 transit countries, and major money laundering coun-  
5 tries to present and review country by country drug  
6 reduction and prevention strategies relevant to the  
7 specific circumstances of each country, and agree  
8 a program and timetable for implementation of such  
9 strategies; and

10           (4) not later than one year after the date of the  
11 enactment of this Act, the President should transmit  
12 to Congress legislation to implement a proposed  
13 multilateral strategy to achieve the goals referred  
14 in paragraph (2), including any amendments to ex-  
15 isting law that may be required to implement that  
16 strategy.

17           (c) TWO-YEAR SUSPENSION OF DRUG CERTIFI-  
18 CATION PROCESS.—(1) Subsections (a) through (g) of sec-  
19 tion 490 of the Foreign Assistance Act of 1961 (22 U.S.C.  
20 2291j), relating to annual certification procedures for  
21 assistance for certain drug-producing countries and drug  
22 transit countries, shall not apply in the first 2 ca-  
23 years beginning after the date of the enactment of this  
24 Act.

1 (2) Notwithstanding any provision of paragraph (1),  
2 section 489 of the Foreign Assistance Act of 1961 (2  
3 U.S.C. 2291h), relating to the international narcotics  
4 control strategy report, and section 490(h) of that Act  
5 U.S.C. 2291j(h)), relating to determinations of major  
6 drug-transit countries and major illicit drug produc-  
7 tion countries, shall continue to apply in the 2 calendar  
8 years referred to in that paragraph.

9 (3) The President may waive the applicability of  
10 paragraph (1) to one or more countries in one or both  
11 of the calendar years referred to in that paragraph if  
12 the President determines that bilateral counternarcotics  
13 operations would be enhanced by the applicability of such  
14 sections (a) through (g) of section 490 of the Foreign  
15 Assistance Act of 1961 to such country or countries in such  
16 calendar year.

17 (d) APPLICABILITY.—(1) Except as provided in para-  
18 graph (2), the provisions of subsection (c) shall take  
19 effect on the date of the enactment of this Act and apply with  
20 respect to certifications otherwise required under section  
21 490 of the Foreign Assistance Act of 1961 in the first two  
22 fiscal years beginning after that date.

23 (2) If this Act is enacted on or before February 2  
24 2001, the provisions of subsection (c) shall take effect  
25 on the date of the enactment of this Act and apply with

1 spect to certifications otherwise required under sec  
2 490 of the Foreign Assistance of 1961 in fiscal years 2  
3 and 2002.

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