

105TH CONGRESS  
2D SESSION

# S. 2522

To support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 1998

Mr. DEWINE (for himself, Mr. COVERDELL, Mr. GRAHAM, Mr. FAIRCLOTH, Mr. BOND, Mr. D'AMATO, Mr. BREAUX, Mr. HELMS, Mrs. FEINSTEIN, Mr. MACK, Mr. HATCH, Mr. CRAIG, Mr. ABRAHAM, Mr. HUTCHINSON, Mr. ALLARD, Mr. FRIST, Mr. MURKOWSKI, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. BROWNBACK, Mr. BURNS, Mr. BENNETT, Mr. ASHCROFT, Mr. COCHRAN, Mr. BAUCUS, Mr. SMITH of Oregon, Mr. ROBERTS, Mr. CLELAND, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries.

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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5   “Western Hemisphere Drug Elimination Act”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.  
 Sec. 2. Findings and statement of policy.

#### TITLE I—ENHANCED SOURCE AND TRANSIT COUNTRY COVERAGE

- Sec. 101. Expansion of radar coverage and operation in source and transit countries.  
 Sec. 102. Expansion of Coast Guard drug interdiction.  
 Sec. 103. Expansion of aircraft coverage and operation in source and transit countries.

#### TITLE II—ENHANCED ERADICATION AND INTERDICTION STRATEGY IN SOURCE COUNTRIES

- Sec. 201. Additional eradication resources for Colombia.  
 Sec. 202. Additional eradication resources for Peru.  
 Sec. 203. Additional eradication resources for Bolivia.  
 Sec. 204. Miscellaneous additional eradication resources.  
 Sec. 205. Bureau of International Narcotics and Law Enforcement Affairs.

#### TITLE III—ENHANCED ALTERNATIVE CROP DEVELOPMENT SUPPORT IN SOURCE ZONE

- Sec. 301. Alternative crop development support.  
 Sec. 302. Authorization of appropriations for Agricultural Research Service counterdrug research and development activities.  
 Sec. 303. Master plan for mycoherbicides to control narcotic crops.

#### TITLE IV—ENHANCED INTERNATIONAL LAW ENFORCEMENT TRAINING

- Sec. 401. Enhanced international law enforcement academy training.  
 Sec. 402. Enhanced United States drug enforcement international training.  
 Sec. 403. Provision of nonlethal equipment to foreign law enforcement organizations for cooperative illicit narcotics control activities.

#### TITLE V—ENHANCED DRUG TRANSIT AND SOURCE ZONE LAW ENFORCEMENT OPERATIONS AND EQUIPMENT

- Sec. 501. Increased funding for operations and equipment; report.  
 Sec. 502. Funding for computer software and hardware to facilitate direct communication between drug enforcement agencies.  
 Sec. 503. Sense of Congress regarding priority of drug interdiction and counterdrug activities.

#### TITLE VI—RELATIONSHIP TO OTHER LAWS

- Sec. 601. Authorizations of appropriations.

#### TITLE VII—CRIMINAL BACKGROUND CHECKS ON PORT EMPLOYEES

- Sec. 701. Background checks.

## TITLE VIII—DRUG CURRENCY FORFEITURES

Sec. 801. Short title.

Sec. 802. Drug currency forfeitures.

1 **SEC. 2. FINDINGS AND STATEMENT OF POLICY.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) Teenage drug use in the United States has  
5 doubled since 1993.

6 (2) The drug crisis facing the United States is  
7 a top national security threat.

8 (3) The spread of illicit drugs through United  
9 States borders cannot be halted without an effective  
10 drug interdiction strategy.

11 (4) Effective drug interdiction efforts have been  
12 shown to limit the availability of illicit narcotics,  
13 drive up the street price, support demand reduction  
14 efforts, and decrease overall drug trafficking and  
15 use.

16 (5) A prerequisite for reducing youth drug use  
17 is increasing the price of drugs. To increase price  
18 substantially, at least 60 percent of drugs must be  
19 interdicted.

20 (6) In 1987, the national drug control budget  
21 maintained a significant balance between demand  
22 and supply reduction efforts, illustrated as follows:

1 (A) 29 percent of the total drug control  
2 budget expenditures for demand reduction pro-  
3 grams.

4 (B) 38 percent of the total drug control  
5 budget expenditures for domestic law enforce-  
6 ment.

7 (C) 33 percent of the total drug control  
8 budget expenditures for international drug  
9 interdiction efforts.

10 (7) In the late 1980's and early 1990's,  
11 counternarcotic efforts were successful, specifically  
12 in protecting the borders of the United States from  
13 penetration by illegal narcotics through increased  
14 seizures by the United States Coast Guard and  
15 other agencies, including a 302 percent increase in  
16 pounds of cocaine seized between 1987 and 1991.

17 (8) Limiting the availability of narcotics to  
18 drug traffickers in the United States had a promis-  
19 ing effect as illustrated by the decline of illicit drug  
20 use between 1988 and 1991, through a—

21 (A) 13 percent reduction in total drug use;

22 (B) 35 percent drop in cocaine use; and

23 (C) 16 percent decrease in marijuana use.

24 (9) In 1993, drug interdiction efforts in the  
25 transit zones were reduced due to an imbalance in

1 the national drug control strategy. This trend has  
2 continued through 1995 as shown by the following  
3 figures:

4 (A) 35 percent for demand reduction pro-  
5 grams.

6 (B) 53 percent for domestic law enforce-  
7 ment.

8 (C) 12 percent for international drug inter-  
9 diction efforts.

10 (10) Supply reduction efforts became a lower  
11 priority for the Administration and the seizures by  
12 the United States Coast Guard and other agencies  
13 decreased as shown by a 68 percent decrease in the  
14 pounds of cocaine seized between 1991 and 1996.

15 (11) Reductions in funding for comprehensive  
16 interdiction operations like OPERATION GATE-  
17 WAY and OPERATION STEELWEB, initiatives  
18 that encompassed all areas of interdiction and at-  
19 tempted to disrupt the operating methods of drug  
20 smugglers along the entire United States border,  
21 have created unprotected United States border areas  
22 which smugglers exploit to move their product into  
23 the United States.

24 (12) The result of this new imbalance in the  
25 national drug control strategy caused the drug situa-

tion in the United States to become a crisis with serious consequences including—

(A) doubling of drug-abuse-related arrests for minors between 1992 and 1996;

(B) 70 percent increase in overall drug use among children aged 12 to 17;

(C) 80 percent increase in drug use for graduating seniors since 1992;

(D) a sharp drop in the price of 1 pure gram of heroin from \$1,647 in 1992 to \$966 in February 1996; and

(E) a reduction in the street price of 1 gram of cocaine from \$123 to \$104 between 1993 and 1994.

(13) The percentage change in drug use since 1992, among graduating high school students who used drugs in the past 12 months, has substantially increased—marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent.

(14) The Department of Defense has been called upon to support counter-drug efforts of Federal law enforcement agencies that are carried out in source countries and through transit zone interdiction, but in recent years Department of Defense as-

1 sets critical to those counter-drug activities have  
2 been consistently diverted to missions that the Sec-  
3 retary of Defense and the Chairman of the Joint  
4 Chiefs of Staff consider a higher priority.

5 (15) The Secretary of Defense and the Chair-  
6 man of the Joint Chiefs of Staff, through the De-  
7 partment of Defense policy referred to as the Global  
8 Military Force Policy, has established the priorities  
9 for the allocation of military assets in the following  
10 order: (1) war; (2) military operations other than  
11 war that might involve contact with hostile forces  
12 (such as peacekeeping operations and noncombatant  
13 evacuations); (3) exercises and training; and (4)  
14 operational tasking other than those involving hos-  
15 tilities (including counter-drug activities and human-  
16 itarian assistance).

17 (16) Use of Department of Defense assets is  
18 critical to the success of efforts to stem the flow of  
19 illegal drugs from source countries and through  
20 transit zones to the United States.

21 (17) The placement of counter-drug activities in  
22 the fourth and last priority of the Global Military  
23 Force Policy list of priorities for the allocation of  
24 military assets has resulted in a serious deficiency in  
25 assets vital to the success of source country and

1 transit zone efforts to stop the flow of illegal drugs  
2 into the United States.

3 (18) At present the United States faces few, if  
4 any, threats from abroad greater than the threat  
5 posed to the Nation's youth by illegal and dangerous  
6 drugs.

7 (19) The conduct of counter-drug activities has  
8 the potential for contact with hostile forces.

9 (20) The Department of Defense counter-drug  
10 activities mission should be near the top, not among  
11 the last, of the priorities for the allocation of De-  
12 partment of Defense assets after the first priority  
13 for those assets for the war-fighting mission of the  
14 Department of Defense.

15 (b) STATEMENT OF POLICY.—It is the policy of the  
16 United States to—

17 (1) reduce the supply of drugs and drug use  
18 through an enhanced drug interdiction effort in the  
19 major drug transit countries, as well support a com-  
20 prehensive supply country eradication and crop sub-  
21 stitution program, because a commitment of in-  
22 creased resources in international drug interdiction  
23 efforts will create a balanced national drug control  
24 strategy among demand reduction, law enforcement,  
25 and international drug interdiction efforts; and



1           (2) develop and establish comprehensive drug  
 2 interdiction and drug eradication strategies, and  
 3 dedicate the required resources, to achieve the goal  
 4 of reducing the flow of illegal drugs into the United  
 5 States by 80 percent by as early as December 31,  
 6 2001.

7 **TITLE I—ENHANCED SOURCE**  
 8 **AND TRANSIT COUNTRY COV-**  
 9 **ERAGE**

10 **SEC. 101. EXPANSION OF RADAR COVERAGE AND OPER-**  
 11 **ATION IN SOURCE AND TRANSIT COUNTRIES.**

12       (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 13 are authorized to be appropriated for the Department of  
 14 the Treasury for fiscal years 1999, 2000, and 2001 for  
 15 the enhancement of radar coverage in drug source and  
 16 transit countries in the total amount of \$14,300,000  
 17 which shall be available for the following purposes:

18           (1) For restoration of radar, and operation and  
 19 maintenance of radar, in the Bahamas.

20           (2) For operation and maintenance of ground-  
 21 based radar at Guantanamo Bay Naval Base, Cuba.

22       (b) REPORT.—Not later than January 31, 1999, the  
 23 Secretary of Defense, in conjunction with the Director of  
 24 Central Intelligence, shall submit to the Committee on Na-  
 25 tional Security and the Permanent Select Committee on

1 Intelligence of the House of Representatives and the Com-  
2 mittee on Armed Services and the Select Committee on  
3 Intelligence of the Senate a report examining the options  
4 available to the United States for improving Relocatable  
5 Over the Horizon (ROTHR) capability to provide en-  
6 hanced radar coverage of narcotics source zone countries  
7 in South America and transit zones in the Eastern Pacific.  
8 The report shall include—

9           (1) a discussion of the need and costs associ-  
10       ated with the establishment of a proposed fourth  
11       ROTHR site located in the source or transit zones;  
12       and

13           (2) an assessment of the intelligence specific  
14       issues raised if such a ROTHR facility were to be  
15       established in conjunction with a foreign govern-  
16       ment.

17 **SEC. 102. EXPANSION OF COAST GUARD DRUG INTERDIC-**  
18 **TION.**

19       (a) OPERATING EXPENSES.—For operating expenses  
20 of the Coast Guard associated with expansion of drug  
21 interdiction activities around Puerto Rico, the United  
22 States Virgin Islands, and other transit zone areas of op-  
23 eration, there is authorized to be appropriated to the Sec-  
24 retary of Transportation \$151,500,000 for each of fiscal

1 years 1999, 2000, and 2001. Such amounts shall include  
2 (but are not limited to) amounts for the following:

3 (1) For deployment of intelligent acoustic detec-  
4 tion buoys in the Florida Straits and Bahamas.

5 (2) For a nonlethal technology program to en-  
6 hance countermeasures against the threat of trans-  
7 portation of drugs by so-called Go-Fast boats.

8 (b) ACQUISITION, CONSTRUCTION, AND IMPROVE-  
9 MENT.—

10 (1) IN GENERAL.—For acquisition, construc-  
11 tion, and improvement of facilities and equipment to  
12 be used for expansion of Coast Guard drug interdic-  
13 tion activities, there is authorized to be appropriated  
14 to the Secretary of Transportation for fiscal year  
15 1999 the total amount of \$630,300,000 which shall  
16 be available for the following purposes:

17 (A) For maritime patrol aircraft sensors.

18 (B) For acquisition of deployable pursuit  
19 boats.

20 (C) For the acquisition and construction of  
21 up to 15 United States Coast Guard 87-foot  
22 Coastal Patrol Boats.

23 (D) For—

24 (i) the reactivation of up to 3 United  
25 States Coast Guard HU-25 Falcon jets;

1 (ii) the procurement of up to 3 C-37A  
2 aircraft; or

3 (iii) the procurement of up to 3 C-  
4 20H aircraft.

5 (E) For acquisition of installed or  
6 deployable electronic sensors and communica-  
7 tions systems for Coast Guard Cutters.

8 (F) For acquisition and construction of fa-  
9 cilities and equipment to support regional and  
10 international law enforcement training and sup-  
11 port in Puerto Rico, the United States Virgin  
12 Islands, and the Caribbean Basin.

13 (G) For acquisition or conversion of mari-  
14 time patrol aircraft.

15 (H) For acquisition or conversion of up to  
16 2 vessels to be used as Coast Guard Medium or  
17 High Endurance Cutters.

18 (I) For acquisition or conversion of up to  
19 2 vessels to be used as Coast Guard Cutters as  
20 support, command, and control platforms for  
21 drug interdiction operations.

22 (J) For acquisition of up to 6 Coast Guard  
23 Medium Endurance Cutters.

24 (K) For acquisition of up to 6 HC-130J  
25 aircraft.

1           (2) CONTINUED AVAILABILITY.—Amounts ap-  
2       propriated under this subsection may remain avail-  
3       able until expended.

4       (c) REQUIREMENT TO ACCEPT PATROL CRAFT FROM  
5       DEPARTMENT OF DEFENSE.—The Secretary of Transpor-  
6       tation shall accept, for use by the Coast Guard for ex-  
7       panded drug interdiction activities, 7 PC-170 patrol craft  
8       offered by the Department of Defense.

9       **SEC. 103. EXPANSION OF AIRCRAFT COVERAGE AND OPER-**  
10                   **ATION IN SOURCE AND TRANSIT COUNTRIES.**

11       (a) DEPARTMENT OF THE TREASURY.—Funds are  
12       authorized to be appropriated for the Department of the  
13       Treasury for fiscal years 1999, 2000, and 2001 for the  
14       enhancement of air coverage and operation for drug source  
15       and transit countries in the total amount of \$886,500,000  
16       which shall be available for the following purposes:

17           (1) For procurement of 10 P-3B Early Warn-  
18       ing aircraft for the United States Customs Service  
19       to enhance overhead air coverage of drug source  
20       zone countries.

21           (2) For the procurement and deployment of 10  
22       P-3B Slick airplanes for the United States Customs  
23       Service to enhance overhead air coverage of the drug  
24       source zone.

1           (3) In fiscal years 2000 and 2001, for operation  
2           and maintenance of 10 P-3B Early Warning air-  
3           craft for the United States Customs Service to en-  
4           hance overhead air coverage of drug source zone  
5           countries.

6           (4) For personnel for the 10 P-3B Early  
7           Warning aircraft for the United States Customs  
8           Service to enhance overhead air coverage of drug  
9           source zone countries.

10          (5) In fiscal years 2000 and 2001, for operation  
11          and maintenance of 10 P-3B Slick airplanes for the  
12          United States Customs Service to enhance overhead  
13          coverage of the drug source zone.

14          (6) For personnel for the 10 P-3B Slick air-  
15          planes for the United States Customs Service to en-  
16          hance overhead air coverage of drug source zone  
17          countries.

18          (7) For construction and furnishing of an addi-  
19          tional facility for the P-3B aircraft.

20          (8) For operation and maintenance for over-  
21          head air coverage for source countries.

22          (9) For operation and maintenance for over-  
23          head coverage for the Caribbean and Eastern Pacific  
24          regions.

1           (10) For purchase and for operation and main-  
2           tenance of 3 RU-38A observation aircraft (to be pi-  
3           loted by pilots under contract with the United  
4           States).

5           (b) REPORT.—Not later than January 31, 1999, the  
6           Secretary of Defense, in consultation with the Secretary  
7           of State and the Director of Central Intelligence, shall  
8           submit to the Committee on National Security, the Com-  
9           mittee on International Relations, and the Permanent Se-  
10          lect Committee on Intelligence of the House of Represent-  
11          atives and to the Committee on Armed Services, the Com-  
12          mittee on Foreign Relations, and the Select Committee on  
13          Intelligence of the Senate a report examining the options  
14          available in the source and transit zones to replace How-  
15          ard Air Force Base in Panama and specifying the require-  
16          ments of the United States to establish an airbase or air-  
17          bases for use in support of counternarcotics operations to  
18          optimize operational effectiveness in the source and transit  
19          zones. The report shall identify the following:

20               (1) The specific requirements necessary to sup-  
21               port the national drug control policy of the United  
22               States.

23               (2) The estimated construction, operation, and  
24               maintenance costs for a replacement counterdrug  
25               airbase or airbases in the source and transit zones.

1           (3) Possible interagency cost sharing arrange-  
2           ments for a replacement airbase or airbases.

3           (4) Any legal or treaty-related issues regarding  
4           the replacement airbase or airbases.

5           (5) A summary of completed alternative site  
6           surveys for the airbase or airbases.

7           (c) TRANSFER OF AIRCRAFT.—The Secretary of the  
8           Navy shall transfer to the United States Customs Serv-  
9           ice—

10           (1) ten currently retired and previously identi-  
11           fied heavyweight P-3B aircraft for modification into  
12           P-3 AEW&C aircraft; and

13           (2) ten currently retired and previously identi-  
14           fied heavyweight P-3B aircraft for modification into  
15           P-3 Slick aircraft.

16 **TITLE II—ENHANCED ERADI-**  
17 **CATION AND INTERDICTION**  
18 **STRATEGY IN SOURCE COUN-**  
19 **TRIES**

20 **SEC. 201. ADDITIONAL ERADICATION RESOURCES FOR CO-**  
21 **LOMBIA.**

22           (a) DEPARTMENT OF STATE.—Funds are authorized  
23           to be appropriated for the Department of State for fiscal  
24           years 1999, 2000, and 2001 for the enhancement of drug-  
25           related eradication efforts in Colombia in the total amount



1 of \$201,250,000 which shall be available for the following  
2 purposes:

3 (1) For each such fiscal year for sustaining  
4 support of the helicopters and fixed wing fleet of the  
5 national police of Colombia.

6 (2) For the purchase of DC-3 transport air-  
7 craft for the national police of Colombia.

8 (3) For acquisition of resources needed for pris-  
9 on security in Colombia.

10 (4) For the purchase of minigun systems for  
11 the national police of Colombia.

12 (5) For the purchase of 6 UH-60L Black  
13 Hawk utility helicopters for the national police of  
14 Colombia and for operation, maintenance, and train-  
15 ing relating to such helicopters.

16 (6) For procurement, for upgrade of 50 UH-  
17 1H helicopters to the Huey II configuration  
18 equipped with miniguns for the use of the national  
19 police of Colombia.

20 (7) For the repair and rebuilding of the  
21 antinarcotics base in southern Colombia.

22 (8) For providing sufficient and adequate base  
23 and force security for any rebuilt facility in southern  
24 Colombia, and the other forward operating

1        antinarcotics bases of the Colombian National Police  
2        antinarcotics unit.

3        (b)    COUNTERNARCOTICS    ASSISTANCE.—United  
4 States counternarcotics assistance may not be provided for  
5 the Government of Colombia under this Act or under any  
6 other provision of law on or after the date of enactment  
7 of this Act if the Government of Colombia negotiates or  
8 permits the establishment of any demilitarized zone in  
9 which the eradication of drug production by the security  
10 forces of Colombia, including the Colombian National Po-  
11 lice antinarcotics unit, is prohibited.

12 **SEC. 202. ADDITIONAL ERADICATION RESOURCES FOR**  
13 **PERU.**

14        (a) DEPARTMENT OF STATE.—Funds are authorized  
15 to be appropriated for the Department of State for fiscal  
16 years 1999, 2000, and 2001 for the establishment of a  
17 third drug interdiction site in Peru to support air bridge  
18 and riverine missions for enhancement of drug-related  
19 eradication efforts in Peru, in the total amount of  
20 \$3,000,000, and an additional amount of \$1,000,000 for  
21 each of fiscal years 2000 and 2001 for operation and  
22 maintenance.

23        (b) DEPARTMENT OF DEFENSE STUDY.—The Sec-  
24 retary of Defense shall conduct a study of Peruvian coun-  
25 ternarcotics air interdiction requirements and, not later

1 than 90 days after the date of enactment of this Act, sub-  
2 mit to Congress a report on the results of the study. The  
3 study shall include a review of the Peruvian Air Force's  
4 current and future requirements for counternarcotics air  
5 interdiction to complement the Peruvian Air Force's A-  
6 37 capability.

7 **SEC. 203. ADDITIONAL ERADICATION RESOURCES FOR BO-**  
8 **LIVIA.**

9 Funds are authorized to be appropriated for the De-  
10 partment of State for fiscal years 1999, 2000, and 2001  
11 for enhancement of drug-related eradication efforts in Bo-  
12 livia in the total amount of \$17,000,000 which shall be  
13 available for the following purposes:

- 14 (1) For support of air operations in Bolivia.  
15 (2) For support of riverine operations in Bo-  
16 livia.  
17 (3) For support of coca eradication programs.  
18 (4) For procurement of 2 mobile x-ray ma-  
19 chines, with operation and maintenance support.

20 **SEC. 204. MISCELLANEOUS ADDITIONAL ERADICATION RE-**  
21 **SOURCES.**

22 Funds are authorized to be appropriated for the De-  
23 partment of State for fiscal years 1999, 2000, and 2001  
24 for enhanced precursor chemical control projects, in the  
25 total amount of \$500,000.

1 **SEC. 205. BUREAU OF INTERNATIONAL NARCOTICS AND**  
2 **LAW ENFORCEMENT AFFAIRS.**

3 (a) SENSE OF CONGRESS RELATING TO PROFES-  
4 SIONAL QUALIFICATIONS OF OFFICIALS RESPONSIBLE  
5 FOR INTERNATIONAL NARCOTICS CONTROL.—It is the  
6 sense of Congress that any individual serving in the posi-  
7 tion of assistant secretary in any department or agency  
8 of the Federal Government who has primary responsibility  
9 for international narcotics control and law enforcement,  
10 and the principal deputy of any such assistant secretary,  
11 shall have substantial professional qualifications in the  
12 fields of—

13 (1) management; and

14 (2) Federal law enforcement or intelligence.

15 (b) FOREIGN MILITARY SALES.—

16 (1) IN GENERAL.—Notwithstanding any other  
17 provision of law, upon the receipt by the Department  
18 of State of a formal letter of request for any foreign  
19 military sales counternarcotics-related assistance  
20 from the head of any police, military, or other ap-  
21 propriate security agency official, the principle agen-  
22 cy responsible for the implementation and processing  
23 of the counternarcotics foreign military sales request  
24 shall be the Department of Defense.

25 (2) ROLE OF STATE DEPARTMENT.—The De-  
26 partment of State shall continue to have a consult-

1       ative role with the Department of Defense in the  
 2       processing of the request described in paragraph (1),  
 3       after receipt of the letter of request, for all counter-  
 4       narcotics-related foreign military sales assistance.

5       (c) SENSE OF CONGRESS RELATING TO DEFICI-  
 6       CIENCIES IN INTERNATIONAL NARCOTICS ASSISTANCE  
 7       ACTIVITIES.—It is the sense of Congress that the respon-  
 8       siveness and effectiveness of international narcotics assist-  
 9       ance activities under the Department of State have been  
 10      severely hampered due, in part, to the lack of law enforce-  
 11      ment expertise by responsible personnel in the Department  
 12      of State.

### 13   **TITLE   III—ENHANCED   ALTER-** 14       **NATIVE CROP DEVELOPMENT** 15       **SUPPORT IN SOURCE ZONE**

#### 16   **SEC. 301. ALTERNATIVE CROP DEVELOPMENT SUPPORT.**

17       Funds are authorized to be appropriated for the  
 18       United States Agency for International Development for  
 19       fiscal years 1999, 2000, and 2001 for alternative develop-  
 20       ment programs in the total amount of \$180,000,000  
 21       which shall be available as follows:

22               (1) In the Guaviare, Putumayo, and Caqueta  
 23       regions in Colombia.

24               (2) In the Ucayali, Apurimac, and Huallaga  
 25       Valley regions in Peru.

1           (3) In the Chapare and Yungas regions in Bo-  
 2       livia.

3   **SEC. 302. AUTHORIZATION OF APPROPRIATIONS FOR AGRI-**  
 4                   **CULTURAL           RESEARCH           SERVICE**  
 5                   **COUNTERDRUG RESEARCH AND DEVELOP-**  
 6                   **MENT ACTIVITIES.**

7       (a) IN GENERAL.—There is authorized to be appro-  
 8       priated to the Secretary of Agriculture for each of fiscal  
 9       years 1999, 2000, and 2001, \$23,000,000 to support the  
 10      counternarcotics research efforts of the Agricultural Re-  
 11      search Service of the Department of Agriculture. Of that  
 12      amount, funds are authorized as follows:

13           (1) \$5,000,000 shall be used for crop eradi-  
 14      cation technologies.

15           (2) \$2,000,000 shall be used for narcotics plant  
 16      identification, chemistry, and biotechnology.

17           (3) \$1,000,000 shall be used for worldwide crop  
 18      identification, detection tagging, and production esti-  
 19      mation technology.

20           (4) \$5,000,000 shall be used for improving the  
 21      disease resistance, yield, and economic competitive-  
 22      ness of commercial crops that can be promoted as  
 23      alternatives to the production of narcotics plants.

24           (5) \$10,000,000 to contract with entities meet-  
 25      ing the criteria described in subsection (b) for the

1 product development, environmental testing, reg-  
 2 istration, production, aerial distribution system de-  
 3 velopment, product effectiveness monitoring, and  
 4 modification of multiple mycoherbicides to control  
 5 narcotic crops (including coca, poppy, and cannabis)  
 6 in the United States and internationally.

7 (b) CRITERIA FOR ELIGIBLE ENTITIES.—An entity  
 8 under this subsection is an entity which possesses—

- 9 (1) experience in diseases of narcotic crops;
- 10 (2) intellectual property involving seed-borne
- 11 dispersal formulations;
- 12 (3) the availability of state-of-the-art contain-
- 13 ment or quarantine facilities;
- 14 (4) country-specific mycoherbicide formulations;
- 15 (5) specialized fungicide resistant formulations;
- 16 or
- 17 (6) special security arrangements.

18 **SEC. 303. MASTER PLAN FOR MYCOHERBICIDES TO CON-**  
 19 **TROL NARCOTIC CROPS.**

20 (a) IN GENERAL.—The Director of the Office of Na-  
 21 tional Drug Control Policy shall develop a 10-year master  
 22 plan for the use of mycoherbicides to control narcotic  
 23 crops (including coca, poppy, and cannabis) in the United  
 24 States and internationally.

1 (b) COORDINATION.—The Director shall develop the  
2 plan in coordination with—

3 (1) the Department of Agriculture;

4 (2) the Drug Enforcement Administration of  
5 the Department of Justice;

6 (3) the Department of Defense;

7 (4) the Environmental Protection Agency;

8 (5) the Bureau for International Narcotics and  
9 Law Enforcement Activities of the Department of  
10 State;

11 (6) the United States Information Agency; and

12 (7) other appropriate agencies.

13 (c) REPORT.—Not later than March 1, 1999, the Di-  
14 rector of the Office of National Drug Control Policy shall  
15 submit to Congress a report describing the activities un-  
16 dertaken to carry out this section.

17 **TITLE IV—ENHANCED INTER-**  
18 **NATIONAL LAW ENFORCE-**  
19 **MENT TRAINING**

20 **SEC. 401. ENHANCED INTERNATIONAL LAW ENFORCEMENT**  
21 **ACADEMY TRAINING.**

22 (a) ENHANCED INTERNATIONAL LAW ENFORCE-  
23 MENT ACADEMY TRAINING.—Funds are authorized to be  
24 appropriated for the Department of Justice for fiscal years  
25 1999, 2000, and 2001 for the establishment and operation



1 of international law enforcement academies to carry out  
2 law enforcement training activities in the total amount of  
3 \$13,400,000 which shall be available for the following pur-  
4 poses:

5 (1) For the establishment and operation of an  
6 academy which shall serve Latin America and the  
7 Caribbean.

8 (2) For the establishment and operation of an  
9 academy in Bangkok, Thailand, which shall serve  
10 Asia.

11 (3) For the establishment and operation of an  
12 academy in South Africa which shall serve Africa.

13 (b) MARITIME LAW ENFORCEMENT TRAINING CEN-  
14 TER.—Funds are authorized to be appropriated for the  
15 Department of Transportation and the Department of the  
16 Treasury for fiscal years 1999, 2000, and 2001 for the  
17 joint establishment, operation, and maintenance in San  
18 Juan, Puerto Rico, of a center for training law enforce-  
19 ment personnel of countries located in the Latin American  
20 and Caribbean regions in matters relating to maritime law  
21 enforcement, including customs-related ports management  
22 matters, as follows:

23 (1) For each such fiscal year for funding by the  
24 Department of Transportation, \$1,500,000.

1           (2) For each such fiscal year for funding by the  
2       Department of the Treasury, \$1,500,000.

3       (c) UNITED STATES COAST GUARD INTERNATIONAL  
4 MARITIME TRAINING VESSEL.—Funds are authorized to  
5 be appropriated for the Department of Transportation for  
6 fiscal years 1999, 2000, and 2001 for the establishment,  
7 operation, and maintenance of maritime training vessels  
8 in the total amount of \$15,000,000 which shall be avail-  
9 able for the following purposes:

10           (1) For a vessel for international maritime  
11 training, which shall visit participating Latin Amer-  
12 ican and Caribbean nations on a rotating schedule  
13 in order to provide law enforcement training and to  
14 perform maintenance on participating national as-  
15 sets.

16           (2) For support of the United States Coast  
17 Guard Balsam Class Buoy Tender training vessel.

18 **SEC. 402. ENHANCED UNITED STATES DRUG ENFORCE-**  
19 **MENT INTERNATIONAL TRAINING.**

20       (a) MEXICO.—Funds are authorized to be appro-  
21 priated for the Department of Justice for fiscal years  
22 1999, 2000, and 2001 for substantial exchanges for Mexi-  
23 can judges, prosecutors, and police, in the total amount  
24 of \$2,000,000 for each such fiscal year.

1       (b) BRAZIL.—Funds are authorized to be appro-  
2       priated for the Department of Justice for fiscal years  
3       1999, 2000, and 2001 for enhanced support for the Bra-  
4       zilian Federal Police Training Center, in the total amount  
5       of \$1,000,000 for each such fiscal year.

6       (c) PANAMA.—

7             (1) IN GENERAL.—Funds are authorized to be  
8       appropriated for the Department of Transportation  
9       for fiscal years 1999, 2000, and 2001 for operation  
10      and maintenance, for locating and operating Coast  
11      Guard assets so as to strengthen the capability of  
12      the Coast Guard of Panama to patrol the Atlantic  
13      and Pacific coasts of Panama for drug enforcement  
14      and interdiction activities, in the total amount of  
15      \$1,000,000 for each such fiscal year.

16            (2) ELIGIBILITY TO RECEIVE TRAINING.—Not-  
17      withstanding any other provision of law, members of  
18      the national police of Panama shall be eligible to re-  
19      ceive training through the International Military  
20      Education Training program.

21       (d) VENEZUELA.—There are authorized to be appro-  
22      priated for the Department of Justice for each of fiscal  
23      years 1999, 2000, and 2001, \$1,000,000 for operation  
24      and maintenance, for support for the Venezuelan Judicial  
25      Technical Police Counterdrug Intelligence Center.

1       (e) ECUADOR.—Funds are authorized to be appro-  
2       priated for the Department of Transportation and the De-  
3       partment of the Treasury for each of fiscal years 1999,  
4       2000, and 2001 for the buildup of local coast guard and  
5       port control in Guayaquil and Esmeraldas, Ecuador, as  
6       follows:

7               (1) For each such fiscal year for the Depart-  
8       ment of Transportation, \$500,000.

9               (2) For each such fiscal year for the Depart-  
10      ment of the Treasury, \$500,000.

11      (f) HAITI AND THE DOMINICAN REPUBLIC.—Funds  
12      are authorized to be appropriated for the Department of  
13      the Treasury for each of fiscal years 1999, 2000, and  
14      2001, \$500,000 for the buildup of local coast guard and  
15      port control in Haiti and the Dominican Republic.

16      (g) CENTRAL AMERICA.—There are authorized to be  
17      appropriated for the Department of the Treasury for each  
18      of fiscal years 1999, 2000, and 2001, \$12,000,000 for the  
19      buildup of local coast guard and port control in Belize,  
20      Costa Rica, El Salvador, Guatemala, Honduras, and Nica-  
21      ragua.

1 **SEC. 403. PROVISION OF NONLETHAL EQUIPMENT TO FOR-**  
2 **EIGN LAW ENFORCEMENT ORGANIZATIONS**  
3 **FOR COOPERATIVE ILLICIT NARCOTICS CON-**  
4 **TROL ACTIVITIES.**

5 (a) IN GENERAL.—The Administrator of the Drug  
6 Enforcement Administration, in consultation with the Sec-  
7 retary of State, may transfer or lease each year nonlethal  
8 equipment, of which each piece of equipment may be val-  
9 ued at not more than \$100,000, to foreign law enforce-  
10 ment organizations for the purpose of establishing and  
11 carrying out cooperative illicit narcotics control activities.

12 (b) ADDITIONAL REQUIREMENT.—The Adminis-  
13 trator shall provide for the maintenance and repair of any  
14 equipment transferred or leased under subsection (a).

15 (c) SENSE OF CONGRESS.—It is the sense of Con-  
16 gress that—

17 (1) all United States law enforcement personnel  
18 serving in Mexico should be accredited the same sta-  
19 tus under the Vienna Convention on Diplomatic Im-  
20 munity as other diplomatic personnel serving at  
21 United States posts in Mexico; and

22 (2) all Mexican narcotics law enforcement per-  
23 sonnel serving in the United States should be ac-  
24 corded the same diplomatic status as Drug Enforce-  
25 ment Administration personnel serving in Mexico.

1 **TITLE V—ENHANCED DRUG**  
 2 **TRANSIT AND SOURCE ZONE**  
 3 **LAW ENFORCEMENT OPER-**  
 4 **ATIONS AND EQUIPMENT**

5 **SEC. 501. INCREASED FUNDING FOR OPERATIONS AND**  
 6 **EQUIPMENT; REPORT.**

7 (a) DRUG ENFORCEMENT ADMINISTRATION.—Funds  
 8 are authorized to be appropriated for the Drug Enforce-  
 9 ment Administration for fiscal years 1999, 2000, and  
 10 2001 for enhancement of counternarcotic operations in  
 11 drug transit and source countries in the total amount of  
 12 \$58,900,000 which shall be available for the following pur-  
 13 poses:

- 14 (1) For support of the Merlin program.
- 15 (2) For support of the intercept program.
- 16 (3) For support of the Narcotics Enforcement  
 17 Data Retrieval System.
- 18 (4) For support of the Caribbean Initiative.
- 19 (5) For the hire of special agents, administra-  
 20 tive and investigative support personnel, and intel-  
 21 ligence analysts for overseas assignments in foreign  
 22 posts.

23 (b) DEPARTMENT OF STATE.—Funds are authorized  
 24 to be appropriated for the Department of State for fiscal  
 25 year 1999, 2000, and 2001 for the deployment of commer-

1 cial unclassified intelligence and imaging data and a Pas-  
2 sive Coherent Location System for counternarcotics and  
3 interdiction purposes in the Western Hemisphere, the  
4 total amount of \$20,000,000.

5 (c) DEPARTMENT OF THE TREASURY.—Funds are  
6 authorized to be appropriated for the United States Cus-  
7 toms Service for fiscal years 1999, 2000, and 2001 for  
8 enhancement of counternarcotic operations in drug transit  
9 and source countries in the total amount of \$71,500,000  
10 which shall be available for the following purposes:

11 (1) For refurbishment of up to 30 interceptor  
12 and Blue Water Platform vessels in the Caribbean  
13 maritime fleet.

14 (2) For purchase of up to 9 new interceptor  
15 vessels in the Caribbean maritime fleet.

16 (3) For the hire and training of up to 25 spe-  
17 cial agents for maritime operations in the Caribbean.

18 (4) For purchase of up to 60 automotive vehi-  
19 cles for ground use in South Florida.

20 (5) For each such fiscal year for operation and  
21 maintenance support for up to 10 United States  
22 Customs Service Citations Aircraft to be dedicated  
23 for the source and transit zone.

24 (6) For purchase of non-intrusive inspection  
25 systems consistent with the United States Customs

1       Service 5-year technology plan, including truck x-  
2       rays and gamma-imaging for drug interdiction pur-  
3       poses at high-threat seaports and land border ports  
4       of entry.

5       (d) DEPARTMENT OF DEFENSE REPORT.—Not later  
6       than January 31, 1999, the Secretary of Defense, in con-  
7       sultation with the Director of the Office of National Drug  
8       Control Policy, shall submit to the Committee on National  
9       Security and the Permanent Select Committee on Intel-  
10      ligence of the House of Representatives and the Commit-  
11      tee on Armed Services and the Select Committee on Intel-  
12      ligence of the Senate a report examining and proposing  
13      recommendations regarding any organizational changes to  
14      optimize counterdrug activities, including alternative cost-  
15      sharing arrangements regarding the following facilities:

16           (1) The Joint Inter-Agency Task Force, East,  
17      Key West, Florida.

18           (2) The Joint Inter-Agency Task Force, West,  
19      Alameda, California.

20           (3) The Joint Inter-Agency Task Force, South,  
21      Panama City, Panama.

22           (4) The Joint Task Force 6, El Paso, Texas.



1 **SEC. 502. FUNDING FOR COMPUTER SOFTWARE AND HARD-**  
2 **WARE TO FACILITATE DIRECT COMMUNICA-**  
3 **TION BETWEEN DRUG ENFORCEMENT AGEN-**  
4 **CIES.**

5 (a) AUTHORIZATION.—Funds are authorized to be  
6 appropriated for the development and purchase of com-  
7 puter software and hardware to facilitate direct commu-  
8 nication between agencies that perform work relating to  
9 the interdiction of drugs at United States borders, includ-  
10 ing the United States Customs Service, the Border Patrol,  
11 the Federal Bureau of Investigation, the Drug Enforce-  
12 ment Agency, and the Immigration and Naturalization  
13 Service, in the total amount of \$50,000,000.

14 (b) AVAILABILITY.—Funds authorized pursuant to  
15 the authorization of appropriations in subsection (a) shall  
16 remain available until expended.

17 **SEC. 503. SENSE OF CONGRESS REGARDING PRIORITY OF**  
18 **DRUG INTERDICTION AND COUNTERDRUG**  
19 **ACTIVITIES.**

20 It is the sense of Congress that the Secretary of De-  
21 fense should revise the Global Military Force Policy of the  
22 Department of Defense in order—

23 (1) to treat the international drug interdiction  
24 and counter-drug activities of the Department as a  
25 military operation other than war, thereby elevating  
26 the priority given such activities under the Policy to

1 the next priority below the priority given to war  
 2 under the Policy and to the same priority as is given  
 3 to peacekeeping operations under the Policy; and

4 (2) to allocate the assets of the Department to  
 5 drug interdiction and counter-drug activities in ac-  
 6 cordance with the priority given those activities.

## 7 **TITLE VI—RELATIONSHIP TO** 8 **OTHER LAWS**

### 9 **SEC. 601. AUTHORIZATIONS OF APPROPRIATIONS.**

10 The funds authorized to be appropriated for any de-  
 11 partment or agency of the Federal Government for fiscal  
 12 years 1999, 2000, or 2001 by this Act are in addition to  
 13 funds authorized to be appropriated for that department  
 14 or agency for fiscal year 1999, 2000, or 2001 by any other  
 15 provision of law.

## 16 **TITLE VII—CRIMINAL BACK-** 17 **GROUND CHECKS ON PORT** 18 **EMPLOYEES**

### 19 **SEC. 701. BACKGROUND CHECKS.**

20 (a) BACKGROUND CHECKS.—Upon the request of  
 21 any State, county, port authority, or other local jurisdic-  
 22 tion of a State, the Attorney General shall grant to such  
 23 State, county, port authority, or other local jurisdiction  
 24 access to information collected by the Attorney General  
 25 pursuant to section 534 of title 28, United States Code,

1 for the purpose of allowing such State, county, port au-  
 2 thority, or other local jurisdiction to conduct criminal  
 3 background checks on employees, or applicants for em-  
 4 ployment, at any port under the jurisdiction of such State,  
 5 county, port authority, or other local jurisdiction.

6 (b) PORT DEFINED.—In this section, the term  
 7 “port” means any place at which vessels may resort to  
 8 load or unload cargo.

## 9 **TITLE VIII—DRUG CURRENCY** 10 **FORFEITURES**

### 11 **SEC. 801. SHORT TITLE.**

12 This title may be cited as the “Drug Currency For-  
 13 feitures Act”.

### 14 **SEC. 802. DRUG CURRENCY FORFEITURES.**

15 (a) IN GENERAL.—Section 511 of the Controlled  
 16 Substances Act (21 U.S.C. 881) is amended by inserting  
 17 after subsection (j) the following:

18 “(k) REBUTTABLE PRESUMPTION.—

19 “(1) DEFINITIONS.—In this subsection—

20 “(A) the term ‘drug trafficking offense’  
 21 means—

22 “(i) with respect to an action under  
 23 subsection (a)(6), any illegal exchange in-  
 24 volving a controlled substance or other vio-

1           lation for which forfeiture is authorized  
2           under that subsection; and

3           “(ii) with respect to an action under  
4           section 981(a)(1)(B) of title 18, United  
5           States Code, any offense against a foreign  
6           nation involving the manufacture, importa-  
7           tion, sale, or distribution of a controlled  
8           substance for which forfeiture is authorized  
9           under that section; and

10          “(B) the term ‘shell corporation’ means  
11          any corporation that does not conduct any on-  
12          going and significant commercial or manufac-  
13          turing business or any other form of commer-  
14          cial operation.

15          “(2) PRESUMPTION.—In any action with re-  
16          spect to the forfeiture of property described in sub-  
17          section (a)(6) of this section, or section  
18          981(a)(1)(B) of title 18, United States Code, there  
19          is a rebuttable presumption that property is subject  
20          to forfeiture, if the Government offers a reasonable  
21          basis to believe, based on any circumstance described  
22          in subparagraph (A), (B), (C), or (D) of paragraph  
23          (3), that there is a substantial connection between  
24          the property and a drug trafficking offense.

1           “(3) CIRCUMSTANCES.—The circumstances de-  
2       scribed in this paragraph are that—

3           “(A) the property at issue is currency in  
4       excess of \$10,000 that was, at the time of sei-  
5       zure, being transported through an airport, on  
6       a highway, or at a port-of-entry, and—

7           “(i) the property was packaged or  
8       concealed in a highly unusual manner;

9           “(ii) the person transporting the prop-  
10      erty (or any portion thereof) provided false  
11      information to any law enforcement officer  
12      or inspector who lawfully stopped the per-  
13      son for investigative purposes or for pur-  
14      poses of a United States border inspection;

15          “(iii) the property was found in close  
16      proximity to a measurable quantity of any  
17      controlled substance; or

18          “(iv) the property was the subject of  
19      a positive alert by a properly trained dog;

20          “(B) the property at issue was acquired  
21      during a period of time when the person who  
22      acquired the property was engaged in a drug  
23      trafficking offense or within a reasonable time  
24      after such period, and there is no likely source  
25      for such property other than that offense;

1 “(C)(i) the property at issue was, or was  
2 intended to be, transported, transmitted, or  
3 transferred to or from a major drug-transit  
4 country, a major illicit drug producing country,  
5 or a major money laundering country, as deter-  
6 mined pursuant to section 481(e) or 490(h) of  
7 the Foreign Assistance Act of 1961 (22 U.S.C.  
8 2291(e) and 2291j(h)), as applicable; and

9 “(ii) the transaction giving rise to the for-  
10 feiture—

11 “(I) occurred in part in a foreign  
12 country whose bank secrecy laws render  
13 the United States unable to obtain records  
14 relating to the transaction by judicial proc-  
15 ess, treaty, or executive agreement; or

16 “(II) was conducted by, to, or through  
17 a shell corporation that was not engaged in  
18 any legitimate business activity in the  
19 United States; or

20 “(D) any person involved in the trans-  
21 action giving rise to the forfeiture action—

22 “(i) has been convicted in any Fed-  
23 eral, State, or foreign jurisdiction of a  
24 drug trafficking offense or a felony involv-  
25 ing money laundering; or

1                   “(ii) is a fugitive from prosecution for  
2                   any offense described in clause (i).

3                   “(4) OTHER PRESUMPTIONS.—The establish-  
4                   ment of the presumption in this subsection shall not  
5                   preclude the development of other judicially created  
6                   presumptions, or the establishment of probable cause  
7                   based on criteria other than those set forth in this  
8                   subsection.”.

9                   (b) MONEY LAUNDERING FORFEITURES.—Section  
10 981 of title 18, United States Code, is amended by adding  
11 at the end the following:

12                   “(k) REBUTTABLE PRESUMPTION.—In any action  
13 with respect to the forfeiture of property described in sub-  
14 section (a)(1)(A), there is a rebuttable presumption that  
15 the property is the proceeds of an offense involving the  
16 felonious manufacture, importation, receiving, conceal-  
17 ment, buying, selling, or otherwise dealing in a controlled  
18 substance (as defined in section 102 of the Controlled  
19 Substances Act), and thus constitutes the proceeds of  
20 specified unlawful activity (as defined in section 1956(c)),  
21 if any circumstance set forth in subparagraph (A), (B),  
22 (C), or (D) section 511(k)(3) of the Controlled Substances  
23 Act (21 U.S.C. 881(k)(3)) is present.”.

○