

107TH CONGRESS  
1ST SESSION

# S. 435

To provide that the annual drug certification procedures under the Foreign Assistance Act of 1961 not apply to certain countries with which the United States has bilateral agreements and other plans relating to counterdrug activities, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 1, 2001

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

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## A BILL

To provide that the annual drug certification procedures under the Foreign Assistance Act of 1961 not apply to certain countries with which the United States has bilateral agreements and other plans relating to counterdrug 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. FINDINGS.**

4       Congress makes the following findings:

5               (1) The international traffic in illicit drugs,  
6       particularly along the Southwest Border, poses a se-  
7       rious threat to the national security of the United

1 States and to every nation where the production,  
2 transit, or consumption of such drugs occurs.

3 (2) The United States considers combating  
4 international drug cartels to be one of its highest na-  
5 tional security and foreign policy priorities.

6 (3) In order to reduce and eliminate the illicit  
7 drug trade, the United States and countries where  
8 substantial production or transit of such drugs oc-  
9 curs must cooperate to eradicate and interdict sup-  
10 plies of such drugs and to penetrate the operations  
11 of major drug traffickers.

12 (4) It is in the national interest that the Presi-  
13 dent explore all possible mechanisms, including bilat-  
14 eral agreements and other plans on counternarcotics  
15 matters, in order to facilitate cooperation in joint  
16 counternarcotics programs and to better assist other  
17 governments in developing effective counternarcotics  
18 programs within their territories.

19 (5) The bilateral agreements and other plans on  
20 counternarcotics matters to which the United States  
21 is a party should establish concrete and measurable  
22 goals with transparent benchmarks for measuring  
23 progress in the achievement of such goals.

1 **SEC. 2. INAPPLICABILITY OF ANNUAL DRUG CERTIFI-**  
 2 **CATION PROCEDURES TO CERTAIN COUN-**  
 3 **TRIES COVERED BY BILATERAL**  
 4 **COUNTERDRUG AGREEMENTS AND PLANS**  
 5 **WITH THE UNITED STATES.**

6 (a) IN GENERAL.—Section 490 of the Foreign Assist-  
 7 ance Act of 1961 (22 U.S.C. 2991j) is amended by adding  
 8 at the end the following new subsection:

9 “(i) INAPPLICABILITY TO CERTAIN COUNTRIES HAV-  
 10 ING BILATERAL COUNTERDRUG AGREEMENTS AND  
 11 PLANS WITH THE UNITED STATES.—

12 “(1) INAPPLICABILITY.—Subsections (a)  
 13 through (g) shall not apply in a fiscal year to a  
 14 country to which such subsections would otherwise  
 15 apply in that fiscal year if the President determines,  
 16 not later than December 31 of that fiscal year,  
 17 that—

18 “(A) the country is a party to a bilateral  
 19 agreement and other plans with the United  
 20 States, which agreement and plans together—

21 “(i) are consistent with the goals and  
 22 objectives established by international  
 23 agreements on the illicit trafficking and  
 24 abuse of narcotics and psychotropic drugs  
 25 to which the United States and the coun-  
 26 try are parties;

1 “(ii) address issues relating to the  
2 control of illicit drugs, including produc-  
3 tion, distribution, and interdiction, demand  
4 reduction, the activities of criminal organi-  
5 zations, cooperation among law enforce-  
6 ment agencies (including the exchange of  
7 information and evidence), extradition of  
8 individuals involved in drug-related crimi-  
9 nal activity, border security, money laun-  
10 dering, firearms trafficking, corruption,  
11 control of chemicals, asset forfeiture, and  
12 training and technical assistance; and

13 “(iii) include timetables and objective  
14 and measurable standards to assess the  
15 progress made by both countries with re-  
16 spect to such issues; and

17 “(B) progress is being made in accordance  
18 with the agreement and plans with respect to  
19 the control of illicit drugs.

20 “(2) CONSULTATION.—The President shall  
21 make any determination under paragraph (1) after  
22 consultation with the Secretary of State, the Sec-  
23 retary of the Treasury, the Attorney General, the  
24 Director of the Office of National Drug Control Pol-  
25 icy, the Director of the Federal Bureau of Investiga-

1       tion, the Administrator of the Drug Enforcement  
2       Administration, the Commissioner of Immigration  
3       and Naturalization, and the Commissioner of Cus-  
4       toms.

5           “(3) REPORTS.—Not later than December 31  
6       and June 30 of a fiscal year, the President shall  
7       submit to Congress a report on the progress made  
8       with respect to the control of illicit drugs by each  
9       country determined to be covered by paragraph (1)  
10      for that fiscal year.”.

11      (b) EFFECTIVE DATE.—The amendment made by  
12      subsection (a) shall take effect on the date of the enact-  
13      ment of this Act, and shall apply with respect to the with-  
14      holding of bilateral assistance and opposition to multilat-  
15      eral assistance under section 490 of the Foreign Assist-  
16      ance Act of 1961 for fiscal years beginning after that date.

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