

CRS Report for Congress

Andean Counterdrug Initiative (ACI) and Related Funding Programs: FY2007 Assistance

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Andean Counterdrug Initiative (ACI) and Related Funding Programs: FY2007 Assistance

Summary

In February 2007, the 110th Congress finished consideration of FY2007 foreign operations appropriations legislation, held over from 2006, that provided foreign assistance to the Andean region. In addition to the Andean Counterdrug Initiative (ACI), Andean countries benefit from Foreign Military Financing (FMF), International Military Education and Training (IMET) funds, and other types of economic aid. Congress continued to express concern with the volume of drugs readily available in the United States and elsewhere in the world. The three largest producers of cocaine are Colombia, Bolivia, and Peru. Ninety percent of the cocaine in the United States originates in, or passes through, Colombia.

The United States has made a significant commitment of funds and material support to help Colombia and the Andean region fight drug trafficking since the development of Plan Colombia in 1999. From FY2000 through FY2007, the United States provided a total of about \$5.7 billion for the region in ACI funds. The United States also provides funding for Development Assistance (DA), Child Survival and Health (CSH), and Economic Support Funds (ESF) to some countries in the region. The Defense Department maintains a central counternarcotics account that funds activities in Latin America. Since 2002, Congress has granted expanded authority to use counternarcotics funds for a unified campaign to fight both drug trafficking and terrorist organizations in Colombia. Three illegally armed groups in Colombia that participate in drug production and trafficking have been designated foreign terrorist organizations by the State Department. In 2004, Congress also increased the level of U.S. military and civilian contractor personnel allowed to be deployed in Colombia, in response to an Administration request.

The FY2007 budget request, submitted to Congress on February 6, 2006, included a total of \$721.5 million for ACI, an amount Congress approved in a continuing resolution. Congress did not complete work on the Foreign Operations bill in 2006, instead passing three continuing resolutions to maintain funding into 2007. The final bill, the FY2007 Continuing Resolution (H.J.Res. 20/P.L. 109-289, as amended by P.L. 110-5) was passed on February 15, 2007.

For FY2006, Congress approved the Administration's request for \$734.5 million in the Foreign Operations Appropriations Act (H.R. 3057/P.L. 109-102), although a 1% across-the-board rescission reduced it to \$727.2 million.

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Andean Counterdrug Initiative (ACI) and Related Funding Programs: FY2007 Assistance

In 2006 and early 2007, Congress considered a number of issues relating to the Andean Counterdrug Initiative, the U.S. assistance program to help Colombia and its neighbors address drug trafficking and economic development issues.¹ These issues included ongoing concerns with the effectiveness of the program, funding levels, human rights, and the future of the program. The region has been viewed as particularly important because it produces virtually all of the world's cocaine and increasing amounts of high quality heroin. It is estimated that 90% of the cocaine coming to the United States originates in, or passes through, Colombia. Moreover, the stability of Colombia and the region is threatened by Colombia's longstanding leftist guerrilla insurgency and rightist paramilitary groups, which are believed to be largely funded by their participation in illegal narcotics production and trafficking.

The Andean Counterdrug Initiative is the primary U.S. program that supports Plan Colombia, a six year plan developed in 1999 by President Andres Pastrana (1998-2002) of Colombia, and continued by current President Alvaro Uribe. The six-year plan has ostensibly ended, although the same level and types of activities are continuing. The Colombian government has reportedly developed a follow-on plan, Plan Colombia Consolidation Phase (PCCP), that would include support for the demobilization of rightist paramilitary groups.

Although ACI is the primary program, it is not the only one supporting counternarcotics and economic development in the Andean region. Countries in the region also receive Foreign Military Financing (FMF) and International Military Education and Training (IMET). The Department of Defense supports drug interdiction operations from its own counternarcotics account. In addition, the United States provides economic development aid from Development Assistance (DA), Child Survival and Health (CSH), and Economic Support Funds (ESF) accounts.² These programs are not considered part of the Andean Counterdrug Initiative, although they support many programs which are tangentially related, such as poverty reduction and infrastructure improvements.

¹ For earlier action, see CRS Report RL32337, *Andean Counterdrug Initiative (ACI) and Related Funding Programs: FY2005 Assistance*, and CRS Report RL33253, *Andean Counterdrug Initiative (ACI) and Related Funding Programs: FY2006 Assistance*, both by Connie Veillette.

² For more information on economic development programs in Latin America, see CRS Report RL32487, *U.S. Foreign Assistance to Latin America and the Caribbean*, coordinated by Connie Veillette.

Andean Counterdrug Initiative

The Andean Counterdrug Initiative was designed to provide assistance to seven countries in the broadly defined Andean region: Bolivia, Brazil, Colombia, Ecuador, Panama, Peru, and Venezuela.³ The region is important to U.S. drug policy because it includes three major drug producing countries (Colombia, Bolivia, and Peru) where virtually all the world's cocaine and significant quantities of high quality heroin destined for the United States are produced. U.S. objectives for the ACI program are to eliminate the cultivation and production of cocaine and opium, build law enforcement infrastructure, arrest and prosecute traffickers, and seize their assets.

The region also includes two major oil producing countries (Venezuela and Ecuador), members of the Organization of Petroleum Exporting Countries (OPEC), which supply significant quantities of oil to the United States. For the five traditional Andean countries (Colombia, Venezuela, Ecuador, Peru, and Bolivia), the Andes mountain range that runs through South America poses geographical obstacles to intra-state and inter-state integration, even though the countries are linked together in the Andean Community economic integration pact.

U.S. support for Plan Colombia began in 2000, when Congress passed legislation providing \$1.3 billion in interdiction and development assistance (P.L. 106-246) for Colombia and six regional neighbors. Funding for ACI from FY2000 through FY2007 totals about \$5.7 billion. ACI is managed by the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL). Some ACI funds are transferred to the U.S. Agency for International Development (USAID) for alternative development programs.

ACI funds are divided between programs that support eradication or interdiction efforts and those focused on alternative crop development and democratic institution building. On the interdiction side, programs train and support national police and military forces, provide communications and intelligence systems, support the maintenance and operations of host country aerial eradication aircraft, and improve infrastructure related to counternarcotics activities. On the alternative development side, funds support development programs in coca growing areas, including infrastructure development, and marketing and technical support for alternative crops. They also support programs assisting internally displaced persons, promoting the rule of law, and expanding judicial capabilities.

ACI also funds the Air Bridge Denial Program that is currently operational in Colombia, and temporarily suspended in Peru, after an accidental shooting down of a civilian aircraft carrying U.S. missionaries in 2001. After the incident, in which two Americans died, the program in both countries was suspended until enhanced safeguards were developed. The program in Colombia resumed in August 2003. The program supports an aircraft fleet, pilot training, and logistical and intelligence support. The program tracks aircraft suspected of being involved in drug trafficking,

³ Panama and Brazil are not considered Andean countries, but are included in ACI because they each share borders with Colombia. Bolivia is an Andean country but does not share a border with Colombia.

and forces them to land for inspection. If an aircraft is repeatedly unresponsive, it may be shot down, at the direction of the commander of the Colombian Air Force. The resumption of a program in Peru is still pending the development of safety enhancements.

FY2007 Funding Request

The Administration requested a total of \$721.5 million for FY2007 for the Andean Counterdrug Initiative, a slight reduction from FY2006.⁴ Included as part of the request was \$65.7 million for a Critical Flight Safety (CFS) Program, a multi-year effort to upgrade and refurbish State Department aircraft used for eradication and interdiction missions. FY2006 was the first year for which funds were requested for this function. Congress appropriated \$30 million instead of the requested \$40 million. In previous years, the Air Bridge Denial (ABD) Program was a separate line item in the request and appropriation. This year, funding for the program is included in the allocation for Colombia. In the two previous fiscal years, Congress cut funding for ABD from its request of \$21 million, providing \$11 million in FY2005 and \$13.8 million in FY2006.

Table 1. Andean Counterdrug Initiative, FY2007 Administration Request
(in millions \$)

Country	Interdiction	Alt. Dev.	Total
Colombia	313.85	151.15 ^a	465.00
Peru	56.00	42.50	98.50
Bolivia	35.00	31.00	66.00
Brazil	4.00	—	4.00
Ecuador	8.90	8.40	17.30
Panama	4.00	—	4.00
Venezuela	1.00	—	1.00
Air Bridge Denial ^b	—	—	0.00
Critical Flight Safety	65.70	—	65.70
Total	488.45	233.05	721.50

a. Alternative development includes \$26.15 million for rule of law programs.

b. Air Bridge Denial funds are included in the request for Colombia in FY2007.

⁴ Although Congress appropriated \$734.5 million for FY2006, a 1% rescission reduced the amount to \$727.2 million.



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Richard A. Arenberg

Foreword by Alan S. Frumin

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From year to year, the ACI allocation for Colombia has remained relatively stable, and the FY2007 request was level with previous years. For FY2007, the Administration proposed to fund the Air Bridge Denial from the Colombia allocation, since the program is only operational there. The State Department maintained that this will not result in less funding for other Colombia programs, as previous costs related to critical flight safety were proposed to be funded in the CFS program.

Table 2. FY2006 and FY2007 ACI Funding Estimates
(in millions \$)

Country	FY2006 Estimate	FY2007 Request	FY2007 Enacted
Colombia	464.78	465.00	465.00
Peru	106.92	98.50	103.17
Bolivia	79.20	66.00	66.00
Brazil	5.94	4.00	4.00
Ecuador	19.80	17.30	17.30
Panama	4.46	4.00	4.00
Venezuela	2.23	1.00	1.00
Air Bridge Denial	13.86	—	—
Critical Flight Safety	29.97	65.70	61.04
Total	727.16	721.50	721.51

Related Funding Programs

Additional funding for the Andean region is provided through the Foreign Military Financing (FMF) program and the International Military Education and Training (IMET) program, both managed by the State Department. Recipients are subject to an aid cutoff if they have not signed so-called Article 98 agreements with the United States.⁵ Such agreements, referring to Article 98 of the Rome Treaty on the International Criminal Court, prevent the International Criminal Court from proceeding with a request for the surrender of U.S. personnel present in the country. These agreements are required under the American Services Members Protection Act of 2002, that was incorporated as Title II of H.R. 4775, the FY2002 Supplemental Appropriations Act (P.L. 107-206).⁶ The President may waive the law if it is in the

⁵ The FY2007 Defense Authorization Act (H.R. 5122/P.L. 109-364) modified the law to end the ban on IMET assistance, while maintaining FMF.

⁶ Since FY2005, Section 574 of Foreign Operations Appropriation acts extends the provision
(continued...)

national interest. Colombia, the major recipient of military assistance in Latin America, has signed an agreement. Others, such as Bolivia, Brazil, Ecuador, Peru, and Venezuela, have not signed an agreement, or have not ratified such an agreement, and could see their assistance withheld. Counternarcotics funds are not affected. In addition to State Department programs, the Defense Department has a counternarcotics account for worldwide programs involving interdiction, training, equipment, and intelligence sharing. In the Western Hemisphere, these programs are managed by the U.S. Army Southern Command.

Foreign Military Financing (FMF)

Foreign Military Financing (FMF) provides funding grants to foreign nations to purchase U.S. defense equipment, services, and training. The program's objectives are to assist key allies to improve their defense capabilities, to strengthen military relationships between the United States and FMF recipients, and to promote the professionalism of military forces in friendly countries. FMF is provided to Colombia and the Andean region to support the efforts of those nations to establish and strengthen national authority in remote areas that have been used by leftist guerrilla organizations, rightist paramilitaries, and narcotics traffickers. A portion of FMF funding in Fiscal Years 2002 and 2003 went for infrastructure protection of oil pipelines in Colombia.

The FY2006 estimate for the Andean region is \$90.1 million, with \$89.1 million for Colombia. The FY2007 request was \$90.85 million for the region, with Colombia proposed to receive \$90 million, mainly to support Colombia's efforts to establish and strengthen national authority over remote areas that are used by terrorists and that support narcotics trafficking. For FY2007, Congress provided \$86.35 million, with funds for Colombia trimmed to \$85.5 million. Funds are to be used to provide interdiction boats, additional combat aircraft, training and infrastructure improvements, and maintenance and operation of the Colombian military's helicopter program. Funds are also to be used to support Colombia's interdiction capabilities, intelligence sharing, and communications.

International Military Education and Training (IMET)

The IMET program provides training on a grant basis to students from allied and friendly nations. Its objectives are to improve defense capabilities, develop professional and personal relationships between U.S. and foreign militaries, and influence these forces in support of democratic governance. Training focuses on the manner in which military organizations function under civilian control, civil-military relations, military justice systems, military doctrine, strategic planning, and operational procedures. IMET funding for the Andean region was estimated at \$3.4 million in FY2006 out of a total of \$13.4 million for all of Latin America. The request for FY2007 for the Andean countries was \$2.56 million out of a hemisphere-

⁶ (...continued)

of law to include Economic Support Funds. For more information, see CRS Report RL33337, *Article 98 Agreements and Sanctions on U.S. Foreign Aid to Latin America*, by Clare Ribando.

wide total \$12.6 million. The request for Colombia was \$1.68 million and would focus on civil-military issues for junior and mid-grade military officers, with an emphasis on human rights. Congress provided \$2.46 million in IMET for the Andean nations, with Colombia to receive \$1.61 million.

Defense Department Counternarcotics Account

The Department of Defense has authority for counternarcotics detection and monitoring under Sections 124, 1004, and 1033 of the National Defense Authorization Act. DOD requests a lump sum for counternarcotics programs worldwide and does not request amounts by country. The allocation for FY2005 DOD counternarcotics funding for Latin America was \$366.9 million, of which up to \$200 million was for Colombia.

For FY2006, DOD requested a total of \$896 million globally for counternarcotics programs, of which it estimated spending \$368 million in Latin America. Of this amount, \$122 million would be in direct support of Colombia. Activities include detection and monitoring operations to assist U.S. law enforcement agencies interdict drug trafficking. In the Andean region, support is provided in the form of training, equipment, and intelligence sharing activities. Requested levels for FY2007 were reportedly in the same range as FY2006.

U.S. Counternarcotics Assistance by Country

Colombia⁷

Colombia receives the single largest portion of ACI funds. For FY2007, the Administration requested \$465 million, of which \$313.9 million would be for interdiction and eradication efforts, \$125 million for alternative development and institution building programs, and \$26.2 million for rule of law programs. Interdiction funds would support the Colombian military's aviation program and drug units with training, logistics support, operating expenses, equipment, and to upgrade forward operating locations. Assistance would also be used to support Colombian National Police aviation, eradication and interdiction programs with equipment, logistical support, training, new base construction, communications and information links. Alternative development programs would support the introduction of new licit crops, the development of agribusiness and forestry activities, and the development of local and international markets for new products. Rule of law assistance would help promote democracy through judicial reform, support for vulnerable groups, and training and technical assistance for advisors in rule of law areas.

For FY2007, Congress provided the Administration's request of \$465 million. It is not clear at this time how the funds will be allocated among alternative development and interdiction activities. In the FY2006 Foreign Operations

⁷ For more information on Colombia, see CRS Report RL32250, *Colombia: Issues for Congress*.

Appropriations Act, Congress provided a total of \$469.5 million for Colombia, divided among \$310.9 million for interdiction, \$131.2 million for alternative development, and \$27.4 million for rule of law programs. The amount for alternative development represents a \$6.5 million increase from FY2005 levels. Colombia also receives small amounts of Non-proliferation, Anti-terrorism, Demining and Related Programs (NADR), that in FY2007, would be used to address arms trafficking across Colombian borders.

Colombia's spacious and rugged territory, whose western half is transversed by three parallel mountain ranges, provides ample isolated terrain for drug cultivation and processing, and contributes to the government's difficulty in exerting control throughout the nation. The country is known for a long tradition of democracy, but also for continuing violence, including a guerrilla insurgency dating back to the 1960s, and persistent drug trafficking activity. Recent administrations have had to deal with a complicated mix of leftist guerrillas, rightist paramilitaries (or "self-defense" forces), and independent drug trafficking cartels. The two main leftist guerrilla groups are the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). The rightist paramilitaries are coordinated by the United Self-Defense Forces of Colombia (AUC). All three groups participate in drug production and trafficking, regularly kidnap individuals for ransom, and have been accused of gross human rights abuses. The three have been designated foreign terrorist organizations by the United States. The AUC and Colombian military have been accused of collaborating in fighting the FARC and ELN.

**Table 3. U.S. Counternarcotics Assistance to Colombia,
FY2000-FY2007**
(in millions \$)

	ACI		FMF	IMET	NADR	DOD	Total
	Interdict.	Alt. Dev.					
FY2000	686.40	208.00	—	0.90	—	229.20	1124.50
FY2001	48.00	—	—	1.00	—	190.20	239.20
FY2002	243.50	136.40	—	1.20	25.00	119.10	525.20
FY2003	412.00	168.20	17.10	1.20	3.30	165.00	766.80
FY2004	324.60	159.30	98.50	1.70	0.20	122.00	706.30
FY2005	310.70	152.10	99.20	1.70	5.10	200.00	767.80
FY2006	307.70	157.00	89.10	1.67	5.48	122.00	682.95
FY2007	298.93	166.07	85.50	1.61	3.96	na	556.07
Total	2,631.83	1,147.07	389.40	10.98	43.04	1,147.50	5,368.82

Sources: Figures are drawn from the annual State Department and USAID Congressional Budget Justifications for fiscal years 2002 through 2007, and congressional testimony. FY2007 figures are from P.L. 110-5.

Note: FY2006 figures differ from those appropriated by Congress because of a 1% rescission that Congress included in the FY2006 Defense Appropriations Act (P.L. 109-148).

Peru

Peru is the second largest recipient of ACI funding with \$98.5 million requested for FY2007. This represented a reduction from \$106.9 million in FY2006. For FY2007, Congress provided \$103.17 million for Peru. The request proposed splitting ACI funds, with \$56 million for interdiction and \$42.5 million for alternative development and institution building. Interdiction funds would focus on improving Peruvian airlift operations, determining the extent of coca cultivation in the country, and demand reduction and money laundering programs. Alternative development funds would address roads, bridges, schools and health care access, land reform, and agri-business.

Peru shares its northern border with Colombia, and is the second largest cocaine producer in the world. It exports high purity cocaine and cocaine base to markets in South America, Mexico, Europe, and the United States. Nevertheless, Peru has been viewed as a success story in counternarcotics efforts because joint U.S.-Peru air and riverine interdiction operations, aggressive eradication efforts, and alternative development programs have significantly reduced coca production. Counternarcotics policy in Peru has faced growing resistance from indigenous communities that view coca leaf cultivation as a cultural right and source of income. A 2004 Peruvian study found that approximately two million people use coca leaf either habitually or occasionally, and another two million use it for tea, or for traditional or ceremonial purposes. Some regions have attempted to de-criminalize coca growing, a move that the government has resisted.

**Table 4. U.S. Counternarcotics Assistance to Peru,
FY2000-FY2007**
(in millions \$)

	ACI		FMF	IMET	Total
	Interdict.	Alt. Dev.			
FY2000	55.00	25.00	—	0.50	80.50
FY2001	21.00	27.00	—	0.50	48.50
FY2002	75.00	67.50	—	0.50	143.00
FY2003	59.50	68.60	1.00	0.60	129.70
FY2004	66.30	49.70	—	—	116.00
FY2005	61.50	53.90	—	—	115.40
FY2006	58.40	48.50	—	—	106.92
FY2007	56.00	47.17	0.03	0.05	103.24
Total	452.70	387.37	1.03	2.15	843.26

Sources: Figures are drawn from the annual State Department and USAID Congressional Budget Justifications for fiscal years 2002 through 2007. FY2007 figures are from P.L. 110-5.

Bolivia⁸

For FY2007, the Administration proposed spending, and Congress approved, \$66 million in Bolivia, a reduction from \$79.2 million in FY2006. The requested amount would be divided between \$35.0 million for interdiction and \$31.0 million for alternative development and institution building. Interdiction funds would be used to identify and eradicate illegal crops, and to disrupt trafficking operations. Alternative development would continue support for the production of licit crops, and establish integrated justice centers in conflictive regions.

Landlocked Bolivia shares no border with Colombia, but Bolivia's significant gains in reducing illegal coca production could be threatened by any successes in controlling production in Colombia. For some 20 years, U.S. relations with Bolivia have centered largely on controlling the production of coca leaf and coca paste, which was usually shipped to Colombia to be processed into cocaine. The United States has provided significant interdiction and alternative development assistance. There has been growing public opposition in Bolivia to counternarcotics policy that has served to fuel to popular discontent and political instability. Some critics believe that U.S. policy supporting forced drug crop eradication contributed to electoral support for left-of-center opposition political figures, such as Evo Morales, who won the presidency in 2005.

**Table 5. U.S. Counternarcotics Assistance to Bolivia,
FY2000-FY2007**
(in millions \$)

	ACI		FMF	IMET	Total
	Interdict.	Alt. Dev.			
FY2000	57.00	101.00	—	0.50	158.50
FY2001	32.00	20.00	—	0.70	52.70
FY2002	48.00	39.60	2.00	0.70	90.30
FY2003	49.00	41.70	2.00	0.80	93.50
FY2004	49.20	41.80	4.00	0.60	95.60
FY2005	48.60	41.70	—	—	90.30
FY2006	42.60	36.60	—	—	79.20
FY2007	35.00	31.00	0.03	0.05	66.08
Total	361.40	353.40	8.03	3.35	726.18

Sources: Figures are drawn from the annual State Department and USAID Congressional Budget Justifications for fiscal years 2002 through 2007. FY2007 figures are from P.L. 110-5.

⁸ For more information on Bolivia, see CRS Report RL32580, *Bolivia: Political and Economic Developments and Implications for U.S. Policy*, by Clare Ribando.

Ecuador⁹

Ecuador is the fourth largest recipient of ACI funds. For FY2007, the Administration requested, and Congress approved, \$17.3 million, a reduction from nearly \$20 million in FY2006. Funds would be divided between \$8.9 million for interdiction and \$8.4 million for alternative development and institution building. The objective of assistance to Ecuador is to stop or prevent any spillover of drug trafficking and guerrilla activities from Colombia, and to stop the transit of drugs destined for the United States.

On Colombia's southern border, Ecuador is the most exposed of Colombia's neighbors to the influx of drugs and guerrillas, being situated adjacent to areas in southern Colombia that are guerrilla strongholds and heavy drug producing areas. As a major transit country for cocaine and heroin from Colombia and Peru, Ecuador cooperates extensively with the United States in counternarcotics efforts. Nonetheless, the State Department reports that weak public institutions, the uneven implementation of new criminal proceedings, and widespread corruption limit the country's ability to counter drug trafficking. In November 1999, the United States signed a 10-year agreement with Ecuador for a forward operating location (FOL) in Manta, on the Pacific Coast, for U.S. aerial counterdrug detection and monitoring operations.

**Table 6. U.S. Counternarcotics Assistance to Ecuador,
FY2000-FY2007**
(in millions \$)

	ACI		FMF	IMET	Total
	Interdict.	Alt. Dev.			
FY2000	13.20	8.00	—	0.50	21.70
FY2001	2.20	—	—	0.60	2.80
FY2002	15.00	10.00	—	0.60	25.60
FY2003	15.00	15.90	1.00	0.60	32.50
FY2004	20.00	15.00	—	—	35.00
FY2005	10.90	14.90	—	—	25.80
FY2006	8.40	11.40	—	—	19.80
FY2007	8.90	8.40	0.03	0.05	17.38
Total	93.60	83.60	1.03	2.35	180.58

Sources: Figures are drawn from the annual State Department and USAID Congressional Budget Justifications for fiscal years 2002 through 2007. FY2007 figures are from P.L. 110-5.

⁹ For more information on Ecuador, see CRS Report RS21687, *Ecuador: Political and Economic Situation and U.S. Relations*, by Clare Ribando.

Brazil¹⁰

Congress approved the FY2007 ACI request for Brazil totaling \$4 million mainly for interdiction and law enforcement activities. Brazil's isolated Amazon region, populated largely by indigenous groups, forms Colombia's southeastern border. Brazil is not a significant drug-producing country, but is a conduit for the transit of coca paste and cocaine from Colombia to Europe and the United States. It is also becoming a final destination, with marked increases in crack cocaine and heroin abuse.

Brazilians have long been concerned about the sparsely populated territory in the huge Amazon region, and they have been fearful historically of foreign intervention. In an effort to exercise control over this vast territory, Brazil has constructed a \$1.4 billion sensor and radar project called the Amazon Vigilance System (SIVAM from its acronym in Portuguese), offering to share data from this system with neighbors and the United States. It has established a military base at Tabatinga, with 25,000 soldiers and policemen, with air force and navy support. In 2000, it launched COBRA, an inter-agency border security program to deal with spillover drug crime from Colombia. In 2003, Brazil expanded COBRA-like programs to its northern borders with Peru, Venezuela, and Bolivia. The programs focus on controlling land and air entry into Brazil and are headquartered at Tabatinga.

**Table 7. U.S. Counternarcotics Assistance to Brazil,
FY2000-FY2007**
(in millions \$)

	ACI		IMET	Total
	Interdict.	Alt. Dev.		
FY2000	5.00	—	0.20	5.20
FY2001	2.00	—	0.30	2.30
FY2002	6.00	—	0.40	6.40
FY2003	6.00	—	0.50	6.50
FY2004	10.20	—	—	10.20
FY2005	8.90	—	—	8.90
FY2006	5.90	—	—	5.90
FY2007	4.00	—	0.05	4.05
Total	48.00	—	1.45	49.45

Sources: Figures are drawn from the annual State Department and USAID Budget Justifications for fiscal years 2002 through 2007. Brazil did not receive FMF during this time period. FY2007 figures are from P.L. 110-5.

¹⁰ For further information, see CRS Report RL33456 *Brazil and U.S. Relations*, by Clare Ribando.

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The Constitution of the United States
The Bill of Rights
Amendments XI–XXVII



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Venezuela¹¹

The Administration proposed spending, and Congress approved, \$1 million in FY2007 counternarcotics assistance to Venezuela largely for interdiction and law enforcement purposes, a reduction from \$2.2 million in FY2006. Because of Venezuela's extensive 1,370-mile border with Colombia, it is a major transit route for cocaine and heroin destined for the United States. Despite political tensions in U.S.-Venezuelan relations, there has been continuing cooperation with the U.S. Drug Enforcement Agency (DEA).

On September 15, 2005, President Bush designated Venezuela, pursuant to international drug control certification procedures set forth in the Foreign Relations Authorization Act, FY2003 (P.L. 107-228), as one of two countries that had failed demonstrably to adhere to its obligations under international narcotics agreements. At the same time, the President waived economic sanctions that would have curtailed U.S. assistance for democracy programs in Venezuela, and ACI funding will not be affected. The justification noted that despite Venezuela's increase in drug seizures over the past four years, Venezuela has not addressed the increasing use of Venezuelan territory to transport drugs to the United States. The action was taken in the aftermath of Venezuela's August 2005 decision to suspend its cooperation with the DEA.

**Table 8. U.S. Counternarcotics Assistance to Venezuela,
FY2000-FY2007**
(in millions \$)

	ACI		IMET	Total
	Interdict.	Alt. Dev.		
FY2000	4.20	—	0.40	4.60
FY2001	1.20	—	0.40	1.60
FY2002	5.00	—	0.50	5.50
FY2003	2.10	—	0.70	2.80
FY2004	5.00	—	—	5.00
FY2005	2.98	—	—	2.98
FY2006	2.23	—	—	2.23
FY2007	1.00	—	0.04	1.04
Total	23.71	—	2.04	25.75

Sources: Figures are drawn from the annual State Department and USAID Budget Justifications for fiscal years 2002 through 2007. Venezuela did not receive FMF during this period. FY2007 figures are from P.L. 110-5.

¹¹ For more information on Venezuela, see CRS Report RL32488, *Venezuela: Political Conditions and U.S. Policy*, by Mark Sullivan.

Panama¹²

For FY2007, the Administration requested, and Congress approved, \$4 million for counternarcotics programs to assist Panama. Because of its geographic location bordering Colombia at the crossroads of North and South America, its largely unguarded coastline, and its well-developed transportation, banking, trade and financial sectors, Panama is a major transit route for illicit drugs and an attractive site for money laundering. Drug traffickers use fishing vessels, cargo ships, small aircraft, and speed boats to move illicit drugs — primarily cocaine, but also heroin and Ecstasy — through Panama.

According to the Department of State, security in Panama's Darien region bordering Colombia has improved in recent years, although the smuggling of weapons and drugs across the border continues. According to the Department of State's International Narcotics Control Strategy Report, Panama's cooperation with the United States on counternarcotics efforts is excellent, although the country's difficult fiscal situation has impeded Panama's law enforcement ability. For this reason, the Department of State maintains that U.S. assistance is critical in ensuring effective Panamanian law enforcement.

Table 9. U.S. Counternarcotics Assistance to Panama, FY2000-FY2007
(in millions \$)

	ACI		FMF	IMET	Total
	Interdict.	Alt. Dev.			
FY2000	5.00	—	—	0.10	5.10
FY2001	1.00	—	—	0.20	1.20
FY2002	5.00	—	—	0.20	5.20
FY2003	4.50	—	1.00	0.20	5.70
FY2004	6.50	—	2.00	0.60	9.10
FY2005	5.95	—	0.99	0.96	7.90
FY2006	4.46	—	0.99	0.89	6.34
FY2007	4.00	—	0.78	0.62	5.40
Total	36.41	—	5.76	3.77	45.94

Sources: Figures are drawn from the annual State Department and USAID Budget Justifications for fiscal years 2002 through 2007. FY2007 figures are from P.L. 110-5.

¹² For more information on Panama, see CRS Report RL30981, *Panama: Political and Economic Conditions and U.S. Relations*, by Mark Sullivan.

Congressional Conditions on Assistance

Since first approving expanded assistance to Colombia for counternarcotics programs in 2000, Congress has included a number of conditions on U.S. assistance in both authorization and appropriations legislation. The most recently enacted funding legislation is the FY2007 Foreign Operations Appropriations Act, as included in the Revised Continuing Appropriations Resolution (H.J.Res. 20, P.L. 110-5). The FY2007 National Defense Authorization Act (H.R. 5122, P.L. 109-364) also included provisions relating to Colombia. The FY2006 National Defense Authorization Act (H.R. 1815, P.L. 109-163) authorized funding for Department of Defense drug interdiction activities.

Expanded Authority

Both the FY2007 Foreign Operations Appropriations Act and the FY2007 National Defense Authorization, maintain language, first approved by Congress in 2002, authorizing support for a unified campaign against narcotics trafficking and activities by organizations designated as terrorist organizations. Appropriations report language notes that counternarcotics, alternative development, and judicial reform should remain the principal focus of U.S. policy in Colombia. This authority shall cease if the Secretary of State has credible evidence that the Colombian Armed Forces are not vigorously attempting to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

Personnel Caps

The FY2005 National Defense Authorization Act changed existing law with regard to the cap on the number of U.S. military and civilian contractors that can be deployed in Colombia in support of Plan Colombia. The cap on military personnel was raised from 400 to 800, and for civilian contractors, from 400 to 600. The number of deployed personnel changes as programs begin, expand, or finish. The personnel caps do not apply to foreign national contract employees, or to personnel stationed at the U.S. embassy.

Helicopters

The FY2007 Foreign Operations Appropriations Act maintains current law requiring that if any helicopter procured with ACI funds is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, the helicopter shall be immediately returned to the United States.

Reports

The FY2007 Foreign Operations Appropriations Act requires a report from the Secretary of State prior to the obligation of funds on the proposed programs, projects, and activities funded by ACI on a country-by-country basis.

Colombian Human Rights

The FY2007 Foreign Operations Appropriations Act allows the obligation of 75% of assistance to the Colombian Armed Forces without a determination and certification from the Secretary of State regarding respect for human rights and severing ties with paramilitary groups. The remaining 25% can be released in two installments of 12.5% each. The first installment can be made provided that the Secretary of State certifies that

- the Commander General of the Colombian Armed Forces is suspending members who have been credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary organizations;
- the Colombian government is vigorously investigating and prosecuting members of the military who have been credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary organizations, and promptly punishing those found guilty;
- the Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases;
- the Colombian Armed Forces have made substantial progress in severing links to paramilitary organizations;
- the Colombian government is dismantling paramilitary leadership and financial networks by arresting commanders and financial backers; and
- the Colombian government is taking effective steps to ensure that land and property rights of indigenous communities are not being violated by the Colombian Armed Forces.

The last installment can be made after July 31, 2007, if the Secretary of State certifies that the Colombian Armed Forces are continuing to meet the above conditions and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations. The law also requires that not later than 60 days after enactment, and every 90 days thereafter, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting these conditions.

The law denies visas to anyone who the Secretary of State determines has willfully provided any support to leftist guerrilla organizations or rightist paramilitaries, or has participated in the commission of gross violations of human rights in Colombia. The provision may be waived if the Secretary of State determines and certifies, on a case-by-case basis, that the issuance of a visa is



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necessary to support the peace process in Colombia, or for urgent humanitarian purposes.

In addition to these provisions that are specific to Colombia, the law includes a provision from previous legislation, often called the Leahy amendment, that denies funds to any unit of a security force for which the Secretary of State has credible evidence of gross human rights violations. The Secretary may continue funding if he determines and reports to Congress that the foreign government is taking effective measures to bring the responsible members of these security forces to justice.

Aerial Fumigation

The FY2006 Foreign Operations Appropriations Act required that not more than 20% of funds used for the procurement of chemicals for aerial coca and poppy fumigation be made available unless the Secretary of State certifies that 1) the herbicide mixture is in accordance with EPA label requirements for comparable use in the United States and any additional controls recommended by the EPA; and 2) the herbicide mixture does not pose unreasonable risks or adverse effects to humans or the environment, including endemic species. Further, the Secretary of State must certify that complaints of harm to health or licit crops caused by fumigation are evaluated and fair compensation is being paid for meritorious claims. These funds may not be made available unless programs are being implemented by USAID, the Colombian government, or other organizations to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation. Such programs are to include consultation with local communities. For FY2007, the Senate bill maintained the provision, whereas the House version was silent.

Prohibition on Participation in Combat Operations

The FY2007 Foreign Operations Appropriations Act continues the prohibition on U.S. military personnel or U.S. civilian contractors participating in any combat operations in Colombia. This provision has been included in appropriation legislation since the original Plan Colombia law approved by Congress in 2000.

Bolivian Human Rights

The FY2006 Foreign Operations Appropriations Act required the Secretary of State to certify that the Bolivian military was respecting human rights, and that civilian judicial authorities were investigating and prosecuting, with the military's cooperation, military personnel who have been implicated in gross violations of human rights. Such a certification was to be issued before any ACI funds were made available to the Bolivian military. House and Senate versions of the FY2007 bill contained differing report language relating to human rights (House) and seizure of natural gas fields (Senate).

Demobilization of Illegally Armed Groups in Colombia

The FY2007 Foreign Operations Appropriations Act makes funds available to assist in the demobilization and disarmament of former members of foreign terrorist organizations (FTOs), if the Secretary of State certifies that:

- assistance will be provided only for individuals who have verifiably renounced and terminated any affiliation or involvement with FTOs, and are meeting all the requirements of the Colombia Demobilization program;
- the Colombian government is fully cooperating with the United States in extraditing FTO leaders and members who have been indicted in the United States for murder, kidnaping, narcotics trafficking, and other violations of U.S. law;
- the Colombian government is implementing a concrete and workable framework for dismantling the organizational structures of FTOs; and
- funds will not be used to make cash payments to individuals, and funds will only be available for any of the following activities: verification, reintegration (including training and education), vetting, recovery of assets for reparations for victims, and investigations and prosecutions.

Major Legislative Activity in the 109th Congress, Second Session, and 110th Congress, First Session

FY2007 Foreign Operations Appropriations

The Andean Counterdrug Initiative, as well as FMF and IMET, are funded in the annual Foreign Operations Appropriation bill. The 109th Congress did not complete work on a number of appropriation bills, including Foreign Operations. Three continuing resolutions were passed to maintain funding into 2007 when the 110th Congress finished all held-over spending bills. The final bill, the FY2007 Continuing Resolution (H.J.Res. 20/P.L. 109-289, as amended by P.L. 110-5) was passed on February 15, 2007. Funding for ACI in FY2007 was set at \$721.5 million, an amount equal to the President's request. Many of the changes proposed by Congress (see House and Senate action below) were not maintained in the final version of the continuing resolution because many programs, including conditions and limitations, were retained from the FY2006 spending bill.

House Action. On May 25, 2006, the House Appropriations Committee marked up the FY2007 spending bill. The bill made significant changes to the way foreign aid to Colombia is provided, but largely approved the Administration's request with regard to funding levels. The most significant change was to provide some funding for Colombia from traditional aid accounts rather than the Andean

Counterdrug Initiative (ACI) and to create a new account — the Trade Capacity Enhancement Fund — to which some ACI funds would be transferred.

The bill provided a total of \$545.2 million for Colombia, an increase of \$80.4 million over the FY2006 level. Instead of funding alternative development and institution building from the ACI account, the bill provided \$135 million in Economic Support Funds (ESF) for alternative development, a \$10 million increase from the request. In addition, the bill provided \$26.2 million in International Narcotics Control and Law Enforcement (INCLE) funds for rule of law programs, equal to the request, that were previously provided from the ACI account. Funding for drug interdiction programs at \$313.9 million, equal to the request, was maintained in the ACI account. The provision of some funds from non-ACI accounts was characterized as beginning the process of treating Colombia as a strategic partner. The Subcommittee also included \$70.2 million for the Critical Flight Safety Program, earmarked for operations in Colombia. This was \$4.5 million above the request.

The bill increased funding for Peru by \$10.5 million over the request, providing \$46 million for alternative development and \$63 million for interdiction programs. These funds remain in the ACI account. The bill cut ACI funding for Bolivia by \$15 million from the request, all of it in interdiction programs. Funding for alternative development was set at \$31 million, and \$20 million for interdiction. The cut was made in response to reports that Bolivia's commitment to fighting drugs was lessening. ACI funding for Brazil (\$4 million), Ecuador (\$17.3 million), and Panama (\$4 million) was equal to the request. The \$1 million requested for Venezuela was not provided.

The Subcommittee created a new account — the Trade Capacity Enhancement Fund — and a new position at USAID to oversee and coordinate trade assistance programs. While the total amount provided was \$522 million, the bill transferred \$62.5 million of ACI funds to the new account for use in ACI countries. The Subcommittee's report noted that this is the amount of ACI funds that would have been committed to trade promotion activities.

Senate Action. The Senate Appropriations Committee reported its version of the Foreign Operations bill on June 29, and did not make as many changes to the ACI program as the House. The Senate bill provided \$699.4 million for ACI, a decrease of \$22 million. A portion of the decrease (\$9.8 million) was transferred to a Democracy Fund for similar types of programs as that provided by ACI. The remaining decrease was from interdiction activities and the Critical Flight Safety Program, which was cut by \$12.3 million. Both the House and Senate bills maintained reporting requirements from previous appropriations bills.

FY2006 Supplemental Appropriations¹³

The Administration did not request additional counternarcotics funds for the Andean region in the supplemental. However, an amendment on the House floor (H.R. 4939) added \$26.3 million for drug interdiction aircraft in Colombia. Sponsored by Representative Burton, the funds would be used to purchase three new DC-3 fixed-wing aircraft for the Colombian Navy. The bill passed the House on March 17 and the Senate on May 4. It was signed into law on June 15 (P.L. 109-234).

FY2007 John Warner National Defense Authorization Act

Congress included a number of provisions in the FY2007 National Defense Authorization Act (H.R. 5122, P.L. 109-702 signed into law on October 17, 2006) relating to DOD's role in counter-narcotics and Colombia. The bill re-authorized previous law authorizing the Defense Department to provide support for counterdrug activities of other government agencies (Sec. 1004) and to support counterdrug activities of some foreign governments (Sec. 1033). The legislation also authorized a unified counterdrug and counterterrorism campaign in Colombia.

Major Legislative Activity in the 109th Congress, First Session

FY2006 Foreign Operations Appropriations

On June 28, 2005, the House passed H.R. 3057 (H.Rept. 109-152) fully funding the ACI at \$734.5 million. The Senate passed H.R. 3057 on July 20, 2005 (S.Rept. 109-96) also fully funding the ACI. Both House and Senate versions included conditions on assistance, similar to current law, regarding human rights, expanded authority for a unified campaign, a prohibition on combat, and the use of U.S.-provided helicopters.

The House passed the conference report (H.Rept. 109-265) on November 4, 2005, and the Senate followed suit on November 10. The President signed it into law on November 14, 2005 (P.L. 109-102). The final agreement fully funded the ACI at \$734.5 million, but provided a different mix on how that money should be spent than did either the House or Senate bills.

The conference report made ACI funds available until September 30, 2008. It adopted language with regard to demobilization, and appropriated \$20 million to assist Colombia with the demobilization of rightist paramilitary groups. The conference report removed a Senate provision requiring the Secretary of State to consult with the U.N. High Commissioner for Human Rights in Colombia before making a certification that Colombia is meeting human rights conditions. Instead,

¹³ For more information on the FY2006 Supplemental, see CRS Report RL33298, *FY2006 Supplemental Appropriations: Iraq and Other International Activities; Additional Katrina Hurricane Relief*, by Paul M. Irwin and Larry Nowels, coordinators.

the conference report stated the expectation that the Secretary will consider the opinion of the High Commissioner and the Committees on Appropriations prior to making the certification. It also increased funding for alternative development and rule of law programs in Colombia from \$149.76 million, as provided by the Senate, to \$158.6 million.

Foreign Relations Authorization Act, FY2006 and FY2007

The House International Relations Committee reported H.R. 2601, the Foreign Relations Authorization Act, with a provision making U.S. assistance to Colombia contingent on a certification from the Secretary of State that Colombia has a workable framework in place for the demobilization and dismantling of former combatants, and that Colombia is cooperating with the United States on extradition requests. The bill also calls for a report from the Secretary of State that details tax code enforcement in Colombia. In floor action, the House approved a Burton amendment to authorize the transfer of two tactical, unpressurized marine patrol aircraft for use by the Colombian Navy for interdiction purposes. The bill passed the House on July 20, 2005.

The Senate had under consideration its version of the foreign relations authorization bill, S. 600. The bill authorizes funding for ACI and includes a number of conditions on assistance consistent with current law. The bill authorized a unified campaign against narcotics trafficking and terrorist activities; maintains the existing cap on military and civilian personnel allowed to be stationed in Colombia; prohibits U.S. military and civilian personnel from participating in combat operations; and maintains reporting requirements relating to human rights and the conduct of U.S. operations.

National Defense Authorization Act, FY2006

Both the House and Senate approved the FY2006 National Defense Authorization Act (H.R. 1815) on December 19, 2005, which was signed by the President on January 6, 2006 (P.L. 109-163). The law authorized \$901.7 million for DOD-wide global drug interdiction activities. Unlike the FY2005 authorization, it did not include provisions relating to Colombia or the Andean Counterdrug Initiative.

Appendix A. Map

Figure 1. Andean Counterdrug Initiative Countries



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