

amount is increased from \$545.09 (26×\$2,995×.007) to \$571.73 (27×\$3,025×.007), effective with the date of annuity reinstatement, March 1, 1993.

**§ 226.92 Effect of recomputation on spouse and divorced spouse annuity.**

The annuity of a spouse or divorced spouse is recomputed to use the employee's recomputed tier I PIA and tier II rate, if the recomputation results in a lump-sum payment of more than \$5 or an increase in the spouse or divorced spouse annuity rate of more than \$1 a month. The spouse or divorced spouse annuity rate is recomputed beginning with the same date the employee's annuity rate is recomputed.

**PART 232—SPOUSES' ANNUITIES—[REMOVED]**

2. For the reasons set out in the preamble, Part 232—Spouses' Annuities, is proposed to be removed.

Dated: February 1, 1995.

By Authority of the Board.

**Beatrice Ezerski,**

*Secretary to the Board.*

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**DEPARTMENT OF STATE**

**Bureau of International Narcotics Matters**

**22 CFR Part 140**

[Public Notice 2159]

**Prohibition on Assistance to Drug Traffickers**

**AGENCY:** Bureau of International Narcotics Matters, Department of State.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of International Narcotics Matters plans to issue regulations to implement Section 487 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. Sec. 2291f). Section 487(a) directs the President to take all reasonable steps to ensure that assistance provided under the Foreign Assistance Act or the Arms Export Control Act is not provided to or through any individual or entity that the President knows or has reason to believe: (1) has been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States, a State or the District of Columbia, or a foreign country relating to narcotic or psychotropic drugs or other controlled substances; or (2) is or has been an illicit trafficker in any such controlled substance or is or has been a

knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking of any such substance. The law further directs that regulations be issued to carry out the section and be submitted to Congress before they take effect. The proposed regulation will be set forth in a new part of the Code of Federal Regulations, 22 CFR part 140, which will establish a single governmentwide enforcement mechanism for Section 487. The proposed regulations seek to achieve rigorous statutory enforcement in a manner consistent with efficient foreign assistance program administration. They also seek to ensure protection of the procedural rights and interests of assistance recipients.

**DATES:** Comments due: April 10, 1995.

**ADDRESSES:** Send comments to: Bureau of International Narcotics and Law Enforcement Affairs, Room 7334, 2201 C Street NW., Washington, DC 20520.

**FOR FURTHER INFORMATION CONTACT:**

William R. Brownfield, Office of International Narcotics and Law Enforcement Affairs, Department of State, 202-647-0457, or Jo Brooks, Office of the Legal Adviser, Department of State, 202-647-7324.

**SUPPLEMENTARY INFORMATION:** This rule will implement Section 487 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. Sec. 2291f). The requirements of Section 487 are described in the Summary, above.

The procedures prescribed by these regulations apply to assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act. The regulations are set up in three Subparts: General (Subpart A, §§ 140.1-140.3); Applicability (Subpart B, § 104.4); and Enforcement (Subpart C, §§ 140.5-140.14).

The General Subpart (Subpart A) provides a statement of the regulations' purpose (§ 140.1), based upon the language of Section 487 of the Foreign Assistance Act; identifies the authorities for issuance of the regulations (§ 140.2); and defines key terms used in the regulations (§ 140.3). The broad coverage of the regulations is reflected in the definitions of drug trafficking (§ 140.3(b)), money laundering (§ 140.3(c)), and narcotics offense (§ 140.3(d)), which are intended to be comprehensive. As noted in the definition of drug trafficking, it encompasses drug-related money laundering.

Two of the key terms defined in the regulations are "covered country" (§ 140.3(e)) and "covered assistance" (§ 140.3(f)). The term "covered country" corresponds to those countries listed on

the "majors list," i.e., the list of major illicit drug producing countries and major drug-transit countries, determined annually by the President and transmitted to the appropriate Congressional committees as required by Chapter 8 of Part I of the Foreign Assistance Act. The term "covered assistance" is defined broadly, while excluding assessed contributions to an international organization and assistance that by operation of law is not subject to Section 487. The definition further provides that assistance in amounts less than \$100,000 is excluded unless it pertains to: recipients of scholarships, fellowships, or participant training; or a covered individual or entity reasonably suspected of being or having been involved in drug trafficking. These definitions are intended to ensure rigorous application of the statutory prohibition on assistance to drug traffickers, while fostering efficient program administration.

For ease of reference, the term "covered individual or entity" is defined in § 140.4, where it is used, rather than in the definition section. Likewise, the term "key individual" is described in § 140.6(a)(3), where it is introduced.

The Applicability Subpart (Subpart B) explains the scope of the regulations. Their applicability is keyed primarily to "covered individuals and entities" that receive or provide direct or first-tier "covered assistance" and are located or providing assistance within a "covered country." However, the regulations have been drafted carefully to ensure they are given their full statutory scope, i.e., that they are applied whenever an affected agency has reasonable grounds to suspect that a proposed recipient individual or entity may be or may have been involved in drug trafficking or may have been convicted of a narcotics offense (see § 140.4(c); see also §§ 140.3(f)(2), 140.7(a), 140.9(a), and 140.11). They are also applicable where a government agency providing covered assistance has specifically designated a recipient beyond the first tier (see §§ 140.4(c), 140.7(b)). Additionally, the regulations apply to individuals who receive a scholarship, fellowship, or participant training (unless the assistance is provided through a multilateral institution or international organization and the recipient has not been designated by the agency providing assistance). Further assurance that drug traffickers will not receive assistance is provided by the requirement that where an agency providing covered assistance to a multilateral institution or international