

FY 2013 MAJORS LIST

THE BAHAMAS

Q: Why is The Bahamas on the Major's List?

- Section 706 of the Fiscal Year 2003 Foreign Relations Authorization Act requires the President to report annually to Congress those countries determined to be major drug producing countries or major drug transit countries.
- The Bahamas lies in the transit zone for the trafficking of cocaine and other drugs from source countries to the United States and other destinations.
- A country's presence on the major's list is not necessarily an adverse reflection of its government's counternarcotics efforts or level of cooperation with the United States. We enjoy close collaboration with The Bahamas on counternarcotics and citizen security. The Bahamas' inclusion on this list reflects the ongoing challenge it faces in combating Transnational Organized Crime, and highlights the need for our continued support to counter this regional threat.

Q: How has The Bahamas cooperated with the United States on counternarcotics issues?

- The Government of the Commonwealth of the Bahamas (GCOB) has been a stalwart ally against illegal narcotics trafficking and is an important partner in the Caribbean Basin Security Initiative (CBSI).
- In 2011, The Bahamas' drug enforcement unit cooperated closely with the United States and other foreign law enforcement agencies on drug investigations through Operation Bahamas, Turks and Caicos (OPBAT). These efforts contributed to the seizure of 176 kilograms (kg) of cocaine and the seizure of 24 metric tons of marijuana by Bahamian authorities during the calendar year 2011. In addition, the Bahamian authorities arrested over 80 people on drug-related offenses and seized over \$938,521 in cash.

- The United States has a Comprehensive Maritime Agreement (CMA) with The Bahamas, which provides for cooperation in counternarcotics operations in and around Bahamian territorial waters, including the use of ship riders and expedited boarding authorizations and procedures. This agreement was utilized often in 2011, showcasing the Bahamian government's strong commitment to the U.S. and joint counternarcotics efforts.

Fact Sheet:

**PRESIDENTIAL DETERMINATION FOR MAJOR DRUG
PRODUCING AND TRANSIT COUNTRIES BACKGROUND**

As required by Section 706 of the Foreign Relations Authorization Act (FRAA), Fiscal Year 2003, the Presidential Majors List Determination must identify each country determined to be a major drug transit country and/or a major illicit drug producing country and must designate each majors list country, if any, that has “failed demonstrably, during the previous 12 months, to make substantial efforts” to adhere to its obligations under international counternarcotics agreements and to take certain other counternarcotics measures. Such report and designations, together with appropriate justifications, must be submitted to Congress by September 15.

Any majors list country not found to have “failed demonstrably” during the previous 12 months to adhere to its obligations under international counternarcotics agreements and take measures set forth in section 489(a)(1) of the FAA, is eligible, in the next fiscal year, for immediate obligation and expenditure of all U.S. assistance allocated to it. FY 1997 of the FOAA (P. L. 104-208) imposes an additional requirement with specific reference to Burma.

Any majors list country found to have “failed demonstrably” may receive certain U.S. assistance in the following fiscal year only if the President determines that assistance to the country is vital to the national interests of the United States; or, subsequent to the designation required by Section 706, that the country has made substantial efforts to meet certain counternarcotics-related conditions.

A major illicit drug-producing country is defined as one in which: (A) 1,000 hectares or more of illicit opium poppy are cultivated or harvested during a year; or (B) 1,000 hectares or more of illicit coca are cultivated or harvested during a year; or (C) 5,000 hectares or more of illicit cannabis are cultivated or harvested during a

year, unless the President determines that such illicit cannabis production does not significantly affect the United States. *FAA § 481(e)(2)*.

A **major drug-transit country** is defined as one: (A) that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States; or (B) through which are transported such drugs or substances. (The term “such drugs or substances” is interpreted to include the requirement that they significantly affect the United States.) *FAA § 481(e)(5)*.

Under Section 490(h) of the Foreign Assistance Act of 1961, as amended (the “FAA”), the President was formerly required to notify the appropriate committees of the Congress no later than November 1 of each year of those countries determined to be major illicit drug-producing countries or major drug-transit countries. Thereafter, the President was required to temporarily withhold 50 percent of most forms of U.S. government assistance from countries on this “Majors List” unless and until the President certified, at the time of the International Narcotics Control Strategy Report (“INCSR”), due March 1, that assistance was in U.S. vital national interests or that the country had taken adequate steps to “fully cooperate” with the standards in the FAA.

In each year since the Foreign Relations Authorization Act (FRAA) was amended in 2003, the Administration has used the optional Section 706 Presidential Determination on the major drug transit and producing countries in lieu of the “fully cooperating” certification procedures set forth in Section 490 of the FAA.