

areas of biological or ecological importance within the territory of that country.

(b) Assessment of list; agreement for future use of areas

The Administrator of the Agency for International Development shall assess the list submitted by each country under subsection (a) of this section and shall seek to reach agreement with the host country for the restoration and future sustainable use of those areas.

(c) Grants for purchase of discounted commercial debt on open market; retention of interest by grantee

(1) The Administrator of the Agency for International Development is authorized to make grants, on such terms and conditions as may be necessary, to nongovernmental organizations for the purchase on the open market of discounted commercial debt of a foreign government of an eligible sub-Saharan country in exchange for commitments by that government to restore natural resources identified by the host country under subsection (a) of this section or for commitments to develop plans for sustainable use of such resources.

(2) Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in section (a)¹ may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes.

(Pub. L. 87-195, pt. I, § 466 [476], as added Pub. L. 101-240, title VII, § 711, Dec. 19, 1989, 103 Stat. 2523.)

CODIFICATION

Another section 466 of Pub. L. 87-195 is classified to section 2276 of this title.

PART VIII—INTERNATIONAL NARCOTICS CONTROL

§ 2291. Policy, general authorities, coordination, foreign police actions, definitions, and other provisions

(a) Policy and general authorities

(1) Statements of policy

(A) International narcotics trafficking poses an unparalleled transnational threat in today's world, and its suppression is among the most important foreign policy objectives of the United States.

(B) Under the Single Convention on Narcotic Drugs, 1961, and under the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the parties are required to criminalize certain drug-related activities, provide appropriately severe penalties, and cooperate in the extradition of accused offenders.

(C) International narcotics control programs should include, as priority goals, the suppression of the illicit manufacture of and traffick-

ing in narcotic and psychotropic drugs, money laundering, and precursor chemical diversion, and the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are derived.

(D) International criminal activities, particularly international narcotics trafficking, money laundering, and corruption, endanger political and economic stability and democratic development, and assistance for the prevention and suppression of international criminal activities should be a priority for the United States.

(E) The international community should provide assistance, where appropriate, to those producer and transit countries which require assistance in discharging these primary obligations.

(F) The objective of the United States in dealing with the problem of international money laundering is to ensure that countries adopt comprehensive domestic measures against money laundering and cooperate with each other in narcotics money laundering investigations, prosecutions, and related forfeiture actions.

(G) Effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs.

(2) In order to promote such cooperation, the President is authorized to conclude agreements, including reciprocal maritime agreements, with other countries to facilitate control of the production, processing, transportation, and distribution of narcotics analgesics, including opium and its derivatives, other narcotic and psychotropic drugs, and other controlled substances.

(3) In order to promote international cooperation in combatting international trafficking in illicit narcotics, it shall be the policy of the United States to use its voice and vote in multilateral development banks to promote the development and implementation in the major illicit drug producing countries of programs for the reduction and eventual eradication of narcotic drugs and other controlled substances, including appropriate assistance in conjunction with effective programs of illicit crop eradication.

(4) Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of narcotic and psychotropic drugs and other controlled substances, or for other anticrime purposes.

(b) Coordination of all United States anti-narcotics assistance to foreign countries

(1) Responsibility of Secretary of State

Consistent with chapter 1 of the National Narcotics Leadership Act of 1988,¹ the Secretary of State shall be responsible for coordinating all assistance provided by the United States Government to support international efforts to combat illicit narcotics production or trafficking.

¹ So in original. Probably should be "paragraph (1)".

¹ See References in Text note below.

(2) Rule of construction

Nothing contained in this subsection or section 2291h(b) of this title shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

(c) Participation in foreign police actions**(1) Prohibition on effecting an arrest**

No officer or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action with respect to narcotics control efforts, notwithstanding any other provision of law.

(2) Participation in arrest actions

Paragraph (1) does not prohibit an officer or employee of the United States, with the approval of the United States chief of mission, from being present when foreign officers are effecting an arrest or from assisting foreign officers who are effecting an arrest.

(3) Exception for exigent, threatening circumstances

Paragraph (1) does not prohibit an officer or employee from taking direct action to protect life or safety if exigent circumstances arise which are unanticipated and which pose an immediate threat to United States officers or employees, officers or employees of a foreign government, or members of the public.

(4) Exception for maritime law enforcement

With the agreement of a foreign country, paragraph (1) does not apply with respect to maritime law enforcement operations in the territorial sea or archipelagic waters of that country.

(5) Interrogations

No officer or employee of the United States may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person.

(6) Exception for Status of Forces arrangements

This subsection does not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.

(d) Use of herbicides for aerial eradication**(1) Monitoring**

The President, with the assistance of appropriate Federal agencies, shall monitor any use under this part of a herbicide for aerial eradication in order to determine the impact of such use on the environment and on the health of individuals.

(2) Annual reports

In the annual report required by section 2291h(a) of this title, the President shall report on the impact on the environment and the health of individuals of the use under this part of a herbicide for aerial eradication.

(3) Report upon determination of harm to environment or health

If the President determines that any such use is harmful to the environment or the health of individuals, the President shall immediately report that determination to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, together with such recommendations as the President deems appropriate.

(e) Definitions

For purposes of this part and other provisions of this chapter relating specifically to international narcotics matters—

(1) the term “legal and law enforcement measures” means—

(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

(2) the term “major illicit drug producing country” means a country in which—

(A) 1,000 hectares or more of illicit opium poppy is cultivated or harvested during a year;

(B) 1,000 hectares or more of illicit coca is cultivated or harvested during a year; or

(C) 5,000 hectares or more of illicit cannabis is cultivated or harvested during a year, unless the President determines that such illicit cannabis production does not significantly affect the United States;

(3) the term “narcotic and psychotropic drugs and other controlled substances” has the same meaning as is given by any applicable international narcotics control agreement or domestic law of the country or countries concerned;

(4) the term “United States assistance” means—

(A) any assistance under this chapter (including programs under subpart IV of part II of this subchapter, relating to the Overseas Private Investment Corporation), other than—

(i) assistance under this part,

(ii) any other narcotics-related assistance under this subchapter (including part IV of subchapter II of this chapter), but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 2394-1 of this title,

(iii) disaster relief assistance, including any assistance under part IX of this subchapter,

(iv) assistance which involves the provision of food (including monetization of food) or medicine, and

(v) assistance for refugees;

(B) sales, or financing on any terms, under the Arms Export Control Act [22 U.S.C. 2751 et seq.];

(C) the provision of agricultural commodities, other than food, under the Food for Peace Act [7 U.S.C. 1691 et seq.]; and

(D) financing under the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.];

(5) the term “major drug-transit country” means a country—

(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; and

(6) the term “precursor chemical” has the same meaning as the term “listed chemical” has under paragraph (33) of section 802 of title 21;

(7) the term “major money laundering country” means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking; and

(8) the term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(Pub. L. 87-195, pt. I, §481, as added Pub. L. 92-352, title V, §503, July 13, 1972, 86 Stat. 496; amended Pub. L. 93-189, §11(a), Dec. 17, 1973, 87 Stat. 719; Pub. L. 94-329, title V, §504(b), June 30, 1976, 90 Stat. 764; Pub. L. 95-384, §§3, 4, Sept. 26, 1978, 92 Stat. 730; Pub. L. 96-92, §3(b), Oct. 29, 1979, 93 Stat. 702; Pub. L. 97-113, title V, §502(a)(1), (b), title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1538, 1539, 1560; Pub. L. 98-164, title X, §1003, Nov. 22, 1983, 97 Stat. 1053; Pub. L. 99-83, title VI, §§604-606, 618, Aug. 8, 1985, 99 Stat. 228, 229, 233; Pub. L. 99-570, title II, §§2005, 2008, 2009, 2017, Oct. 27, 1986, 100 Stat. 3207-61, 3207-64, 3207-68; Pub. L. 100-202, §101(e) [title V, §585(a)], Dec. 22, 1987, 101 Stat. 1329-131, 1329-184; Pub. L. 100-204, title VIII, §805, Dec. 22, 1987, 101 Stat. 1397; Pub. L. 100-461, title V, §578(e)(2), (g)(1), (3), (h), (i), Oct. 1, 1988, 102 Stat. 2268-47, 2268-48; Pub. L. 100-690, title IV, §4202(b), 4401-4403, 4405(a), 4407(a), (b)(1), 4502, 4802(b), Nov. 18, 1988, 102 Stat. 4267, 4275-4277, 4281, 4285, 4294; Pub. L. 101-231, §§15, 17(a)-(f), Dec. 13, 1989, 103 Stat. 1963-1965; Pub. L. 102-550, title XV, §1519, Oct. 28, 1992, 106 Stat. 4060; Pub. L. 102-583, §§4(a)-(d), 5(b), 6(b)(1)-(3), 11(a), Nov. 2, 1992, 106 Stat. 4914, 4915, 4931, 4932, 4934; Pub. L. 103-447, title I, §101(a), (b), Nov. 2, 1994, 108 Stat. 4691; Pub. L. 104-164, title I, §131(a), July 21, 1996, 110 Stat. 1429; Pub. L. 105-20, §2(b), June 27, 1997, 111 Stat. 234; Pub. L. 110-246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

REFERENCES IN TEXT

The National Narcotics Leadership Act of 1988, referred to in subsec. (b)(1), is subtitle A of title I of Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, as amended. Chapter 1 of the Act was classified principally to subchapter I (§1501 et seq.) of chapter 20 of Title 21, Food

and Drugs, prior to repeal by Pub. L. 100-690, title I, §1009, Nov. 18, 1988, 102 Stat. 4188. For complete classification of this Act to the Code, see Tables.

Executive Order Number 12333, referred to in subsec. (b)(2), is set out as a note under section 401 of Title 50, War and National Defense.

This chapter, referred to in subsec. (e)(4)(A), was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (e)(4)(B), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

The Food for Peace Act, referred to in subsec. (e)(4)(C), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

The Export-Import Bank Act of 1945, referred to in subsec. (e)(4)(D), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to subchapter I (§635 et seq.) of chapter 6A of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables.

PRIOR PROVISIONS

A prior section 481 of Pub. L. 87-195, pt. I, as added Pub. L. 92-226, pt. I, §109, Feb. 7, 1972, 86 Stat. 24, contained similar subject matter, prior to repeal by section 503 of Pub. L. 92-352.

AMENDMENTS

2008—Subsec. (e)(4)(C). Pub. L. 110-246 substituted “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954”.

1997—Subsec. (b)(1). Pub. L. 105-20 substituted reference to chapter 1 of the National Narcotics Leadership Act of 1988 for reference to subtitle A of title I of the Anti-Drug Abuse Act of 1988.

1996—Subsec. (a)(1)(D) to (G). Pub. L. 104-164, §131(a)(1), added subpar. (D) and redesignated former subpars. (D) to (F) as (E) to (G), respectively.

Subsec. (a)(4). Pub. L. 104-164, §131(a)(2), inserted “, or for other anticrime purposes” before period at end.

1994—Subsec. (d)(2) to (4). Pub. L. 103-447, §101(a), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out heading and text of former par. (2). Text read as follows: “The Secretary of State shall inform the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency of the use or intended use by any country or international organization of any herbicide for aerial eradication in a program receiving assistance under this part.”

Subsec. (e). Pub. L. 103-447, §101(b)(1), substituted “For” for “Except as provided in sections 2291j(h) and (i) of this title with respect to the definition of major illicit drug producing country and major drug-transit country, for”.

Subsec. (e)(2). Pub. L. 103-447, §101(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “the term ‘major illicit drug producing country’ means a country that illicitly produces during a fiscal year 5 metric tons or more of opium or opium derivative, 500 metric tons or more of coca, or 500 metric tons or more of marijuana;”.

Subsec. (e)(6) to (8). Pub. L. 103-447, §101(b)(3)-(5), added pars. (6) and (7) and redesignated former par. (6) as (8).

1992—Pub. L. 102-583, §4(a), added section catchline and struck out former catchline which read as follows: “International narcotics control”.

Subsec. (a)(1). Pub. L. 102-583, §4(a), added par. (1) and struck out former par. (1) which read as follows: "It is the sense of the Congress that—

"(A) under the Single Convention on Narcotic Drugs, 1961, each signatory country has the responsibility of limiting to licit purposes the cultivation, production, manufacture, sale, and other distribution of scheduled drugs;

"(B) suppression of international narcotics trafficking is among the most important foreign policy objectives of the United States;

"(C) the international community should provide assistance, where appropriate, to those producer and transit countries which require assistance in discharging these primary obligations;

"(D) international narcotics control programs should include, as a priority, the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are derived, and should also include the suppression of the illicit manufacture of and traffic in narcotic and psychotropic drugs;

"(E) the objective of the United States in dealing with the problem of international money laundering should be to ensure that countries adopt comprehensive domestic measures against money laundering and cooperative with each other in narcotics money laundering investigations, prosecutions, and related forfeiture actions; and

"(F) effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs."

Subsec. (a)(1)(D) to (F). Pub. L. 102-550, §1519(a), struck out "and" at end of subpar. (D), added subpar. (E), and redesignated former subpar. (E) as (F).

Subsec. (a)(2). Pub. L. 102-583, §4(b), inserted ", including reciprocal maritime agreements," after "agreements".

Subsec. (b). Pub. L. 102-583, §4(c), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Not later than September 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed midyear report on the activities and operations carried out under this part prior to such date. Such midyear report shall include, but not be limited to, the status of each agreement concluded prior to such date with other countries to carry out the purposes of this part."

Subsec. (c)(4). Pub. L. 102-583, §4(d), inserted "or archipelagic waters" after "sea".

Subsec. (d)(3). Pub. L. 102-583, §6(b)(1), substituted "section 2291h(a) of this title" for "subsection (e) of this section".

Subsec. (e). Pub. L. 102-583, §§6(b)(2), (3), 11(a), redesignated subsec. (i) as (e), substituted "Except as provided in sections 2291j(h) and (i) of this title with respect to the definition of major illicit drug producing country and major drug-transit country, for purposes of this part and other provisions of this chapter relating specifically to international narcotics matters" for "As used in this section" in introductory provisions, substituted "; and" for period at end of par. (5), added par. (6), and struck out former subsec. (e) which directed President to make annual reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate related to United States policy to promote an international strategy against the cultivation, and manufacture of and traffic in controlled substances, and described contents of those reports.

Pub. L. 102-550, §1519(b), added par. (7) and redesignated former pars. (7) and (8) as (8) and (9), respectively. As added, par. (7) read as follows:

"(A) Each report pursuant to this subsection shall include a report on major money laundering countries. This report shall specify—

"(i) which countries are major money laundering countries;

"(ii) which countries identified pursuant to clause (i) have financial institutions engaging in currency transactions involving international narcotics trafficking proceeds that include significant amounts of United States currency or currency derived from illegal drug sales in the United States or that otherwise significantly affect the United States;

"(iii) which countries identified pursuant to clause (i) have not reached agreement with the United States authorities on a mechanism for exchanging adequate records in connection with narcotics investigations and proceedings;

"(iv) which countries identified pursuant to clause (iii)—

"(I) are negotiating in good faith with the United States to establish such a record-exchange mechanism, or

"(II) have adopted laws or regulations that ensure the availability to appropriate United States Government personnel and those of other governments of adequate records in connection with narcotics investigations and proceedings; and

"(v) which countries identified pursuant to clause (i)—

"(I) have ratified the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and are taking steps to implement that Convention and other applicable agreements and conventions such as the recommendations of the Financial Action Task Force, the policy directive of the European Community, the legislative guidelines of the Organization of American States, and other similar declarations, and

"(II) have entered into bilateral agreements for the exchange of information on money-laundering with countries other than the United States,

"(B) In addition, for each major money laundering country, the report shall include findings on the country's adoption of law and regulations considered essential to prevent narcotics-related money laundering. Such findings shall include whether a country has—

"(i) criminalized narcotics money laundering;

"(ii) required banks and other financial institutions to know and record the identity of customers engaging in significant transactions, including the recording of large currency transactions at thresholds appropriate to that country's economic situation;

"(iii) required banks and other financial institutions to maintain, for an adequate time, records necessary to reconstruct significant transactions through financial institutions in order to be able to respond quickly to information requests from appropriate government authorities in narcotics-related money laundering cases;

"(iv) required or allowed financial institutions to report suspicious transactions;

"(v) established systems for identifying, tracing, freezing, seizing, and forfeiting narcotics-related assets;

"(vi) enacted laws for the sharing of seized narcotics assets with other governments;

"(vii) cooperated, when requested, with appropriate law enforcement agencies of other governments investigating financial crimes related to narcotics; and

"(viii) addressed the problem on international transportation of illegal-source currency and monetary instruments.

The report shall also detail instances of refusals to cooperate with foreign governments, and any actions taken by the United States Government and any international organization to address such obstacles, including the imposition of sanctions or penalties.

"(C) The report shall also include information on multilateral and bilateral strategies pursued by the Department of State, the Department of Justice, the Department of the Treasury, and other relevant United States Government agencies, either collectively or individually, to ensure the cooperation of foreign governments with respect to narcotics-related money laundering.

“(D) The report shall include specific detail to demonstrate that all United States Government agencies are pursuing a common strategy with respect to achieving international cooperation against money laundering and are pursuing a common strategy with respect to major money laundering countries, including a summary of United States objectives on a country-by-country basis.

“(E) As used in this paragraph, the term ‘major money laundering country’ means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking.”

Subsecs. (f) to (h). Pub. L. 102-583, §6(b)(2), struck out subsec. (f) relating to consultation with members of Congress, subsec. (g) relating to congressional committee hearings, and subsec. (h) relating to annual certification procedures.

Subsec. (i). Pub. L. 102-583, §6(b)(3), redesignated subsec. (i) as (e).

Subsec. (i)(4). Pub. L. 102-583, §5(b), amended par. (4) generally. Prior to amendment, par. (4) consisted of subpars. (A) to (E) and concluding provisions, which defined “United States assistance”.

Subsec. (i)(5). Pub. L. 102-550, §1519(c), inserted “or” at end of subpar. (A), substituted a period for “or” at end of subpar. (B), and struck out subpar. (C) which read as follows: “through which significant sums of drug-related profits or monies are laundered with the knowledge or complicity of the government.”

Subsecs. (j), (k). Pub. L. 102-583, §6(b)(2), struck out subsec. (j) relating to actions by international bodies and subsec. (k) relating to procedures for determining major drug-transit countries.

1989—Subsec. (a)(1). Pub. L. 101-231, §17(a), struck out at end “This cooperation should include the development and transmittal of plans by each signatory country to the Single Convention on Narcotic Drugs, 1961, in which illicit narcotics and psychotropic crop cultivation exists, which would advise the International Narcotics Control Board, the United Nations Commission on Narcotic Drugs, and the international community of the strategy, programs, and timetable such country has established for the progressive elimination of that cultivation.”

Subsec. (b). Pub. L. 101-231, §17(b), inserted “Mid-year report” as heading, struck out par. (1) which required quarterly reports on the programming and obligation of funds under this part, redesignated former par. (2) as subsec. (b), and substituted “Not later than September” for “Not later than August”.

Subsec. (c). Pub. L. 101-231, §15, inserted “Participation in foreign police actions” as heading and amended text generally, inserting par. headings, redesignating provisions comprising former par. (1) as pars. (1) and (2) and, in par. (2), inserting provision not prohibiting presence of officers and employees when foreign officers are effecting an arrest, and striking out former par. (2) which prohibited officers or employees from engaging or participating in direct police action in a foreign country with respect to narcotics control efforts.

Subsec. (d). Pub. L. 101-231, §17(c), inserted “Use of herbicides for aerial eradication” as heading and amended text generally, substituting pars. (1) to (4) for former pars. (1) to (5).

Subsec. (h)(2)(A)(i)(IV). Pub. L. 101-231, §17(d)(1), substituted “illicit production” for “production”.

Subsec. (h)(2)(B)(iii). Pub. L. 101-231, §17(d)(2), substituted “education and treatment programs” for “treatment”.

Subsec. (h)(2)(B)(v). Pub. L. 101-231, §17(d)(3), substituted “essential precursor chemicals” for “precursor chemicals”.

Subsec. (h)(3)(D). Pub. L. 101-231, §17(d)(4), substituted “illicit production” for “production”.

Subsec. (i)(2). Pub. L. 101-231, §17(e), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “the term ‘major illicit drug producing country’ means a country producing five metric tons or more of opium or opium derivative during a fiscal year or producing

five hundred metric tons or more of coca or marijuana (as the case may be) during a fiscal year.”

Subsec. (k)(4). Pub. L. 101-231, §17(f), struck out par. (4) which required that reports under subsec. (e) discuss changes made since notification provided pursuant to subsec. (k)(2) and (3).

1988—Subsec. (a)(1)(B) to (E). Pub. L. 100-690, §4502, added subpar. (B), and redesignated former subpars. (B) to (D) as (C) to (E), respectively.

Subsec. (d)(5). Pub. L. 100-690, §4202(b), added par. (5).

Subsec. (e)(4). Pub. L. 100-690, §4401, inserted provisions after first sentence requiring each determination of President to be expressed in numerical terms.

Subsec. (e)(8). Pub. L. 100-690, §4402, added par. (8).

Subsec. (h)(1). Pub. L. 100-690, §4407(a), added par. (1) and struck out former par. (1) which related to withholding of assistance to major illicit drug producing countries or major drug-transit countries.

Pub. L. 100-461, §578(h), inserted before “Subject” the following: “Not later than October 1 of each year, the Secretary of State shall submit a report to the Congress of those countries identified by the Secretary as being major drug producing or major drug transit countries (including the definition used to determine such drug transit countries) for purposes of the withholding requirements contained in subparagraph (A) of this paragraph and the certification requirements contained in paragraph (2) of this subsection.”

Subsec. (h)(2). Pub. L. 100-690, §4407(a), added par. (2) and struck out former par. (2) which related to removal of restrictions imposed under par. (1).

Subsec. (h)(2)(A)(i)(I). Pub. L. 100-461, §578(g)(3), inserted “or multilateral agreement which achieves the objectives of this subsection,” after “(i)”.

Subsec. (h)(2)(A)(ii). Pub. L. 100-461, §578(g)(1), amended cl. (ii) generally, substituting “A bilateral narcotics agreement referred to in clause (i)(I) is an agreement between the United States and a foreign country whereby the foreign country agrees to undertake specific activities including, where applicable, efforts to reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution; drug interdiction and enforcement; drug consumption and treatment; identification and elimination of illicit drug laboratories; identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs; cooperation with United States drug enforcement officials; and, where applicable, participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement.” for “A bilateral narcotics agreement referred to in clause (i)(I) is an agreement between the United States and a foreign country whereby the foreign country agrees to take specific activities including but not limited to, efforts to reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution; drug interdiction and enforcement; drug consumption and treatment; identification and elimination of illicit drug laboratories; identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs; cooperation with United States drug enforcement officials; and, where applicable, participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement.”

Subsec. (h)(2)(B). Pub. L. 100-461, §578(i), substituted “subparagraph (A)(i)(II)” for “clause (A)(ii)”.

Subsec. (h)(3). Pub. L. 100-690, §4407(a), added par. (3) and struck out former par. (3) which related to certification by President.

Subsec. (h)(4). Pub. L. 100-690, §4407(a), added par. (4). Subpar. (A) of former par. (4), which related to Congressional disapproval of certification, was struck out and subpar. (B) of former par. (4) redesignated par. (6)(B).

Subsec. (h)(5). Pub. L. 100-690, §4407(a), (b)(1)(A), added par. (5) and struck out former par. (5) which re-

lated to prohibition of assistance or financing to any country for which President has not made certification under par. (2) or with respect to which Congress has enacted a joint resolution disapproving such certification unless President makes certification or Congress enacts joint resolution approving certification.

Subsec. (h)(6)(A). Pub. L. 100-690, § 4407(a), added subpar. (A).

Subsec. (h)(6)(B). Pub. L. 100-690, § 4407(a), (b)(1)(B)(i), (ii), redesignated par. (4)(B) as (6)(B) and substituted “Any joint resolution under this subsection” for “Any such joint resolution” in cl. (i).

Subsec. (h)(6)(B)(ii). Pub. L. 100-690, § 4407(b)(1)(B)(iii), which directed substitution of “resolutions” for “resolution” was executed by making the substitution the first place it appears, thus correcting grammatical error, as the probable intent of Congress.

Subsec. (i)(4)(vi). Pub. L. 100-690, § 4802(b), made technical amendment to reference to section 2151b(c)(2) of this title to correct reference to corresponding section of original act.

Subsec. (i)(4)(vii). Pub. L. 100-690, § 4403, substituted “2151x(b)(2) of this title (but any such assistance shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 2394-1 of this title),” for “2151x of this title;”

Pub. L. 100-461, § 578(e)(2)(A), added cl. (vii). Former cl. (vii) redesignated cl. (viii).

Subsec. (i)(4)(viii). Pub. L. 100-461, § 578(e)(2)(B), redesignated cl. (vii) as (viii).

Subsec. (k). Pub. L. 100-690, § 4405(a), added subsec. (k).

1987—Subsec. (e)(7). Pub. L. 100-204, § 805(a), added par. (7).

Subsec. (h)(2)(A). Pub. L. 100-202 designated existing provisions of subpar. (A) as cl. (i), redesignated former cls. (i) and (ii) as subcls. (I) and (II), respectively, and in subcl. (I) inserted “in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States, (as described in (ii)) and,” after “on its own,” and added cl. (ii).

Subsec. (h)(4)(A). Pub. L. 100-204, § 805(b), which directed that subpar. (A) of subsec. (h) of this section be amended by substituting “45” for “30”, was executed by making the substitution in subpar. (A) of subsec. (h)(4) of this section to reflect the probable intent of Congress.

1986—Subsec. (a)(3), (4). Pub. L. 99-570, § 2017, added par. (3) and redesignated former par. (3) as (4).

Subsec. (c). Pub. L. 99-570, § 2009, amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

“(1) Notwithstanding any other provision of law, no officer or employee of the United States may engage or participate in any direct police arrest action in any foreign country with respect to narcotics control efforts. No such officer or employee may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person. The provisions of this paragraph shall not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.

“(2) Paragraph (1) of this subsection shall not prohibit officers and employees of the United States from being present during direct police arrest actions with respect to narcotic control efforts in a foreign country to the extent that the Secretary of State and the government of that country agree to such an exemption. The Secretary of State shall report any such agreement to the Congress before the agreement takes effect.”

Subsec. (e)(1). Pub. L. 99-570, § 2005(b), substituted “March” for “February”.

Subsec. (e)(3)(D). Pub. L. 99-570, § 2008, added subpar. (D).

Subsec. (h). Pub. L. 99-570, § 2005(a), amended subsec. (h) generally, revising and restating as pars. (1) to (5) provisions of former pars. (1) to (4).

Subsec. (i)(4). Pub. L. 99-570, § 2005(d), in concluding provisions, added cl. (vi), and redesignated former cl. (vi) as (vii).

Subsec. (i)(5). Pub. L. 99-570, § 2005(c), added par. (5). 1985—Subsec. (b). Pub. L. 99-83, § 604, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

“(1) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programing and obligation, on a calendar quarter basis, of funds under this part prior to such date.

“(2) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the activities and operations carried out under this part prior to such date. Such semiannual report shall include, but shall not be limited to—

“(A) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this part; and

“(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to such date—

“(i) to carry out the purposes of this part with respect to each country and each international organization receiving assistance under this part, including the costs of United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

“(ii) to carry out each program conducted under this part in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

“(iii) for administrative support services within the United States to carry out the purposes of this part, including the cost of United States personnel engaged in carrying out such purposes in the United States.”

Subsec. (c)(2). Pub. L. 99-83, § 605, added par. (2).

Subsec. (e)(6). Pub. L. 99-83, § 606, added par. (6).

Subsec. (h)(4). Pub. L. 99-83, § 618, added par. (4).

1983—Subsec. (a). Pub. L. 98-164, § 1003(a), amended subsec. (a) generally, substituting provisions relating to applicability and implementation of Single Convention on Narcotic Drugs, 1961, and development, promotion and assistance respecting international narcotics control, for provisions relating to agreements, assistance, sanctions, etc., to facilitate international narcotics control.

Subsec. (e). Pub. L. 98-164, § 1003(b), amended subsec. (e) generally, substituting requirements for annual reports on cultivation and manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances and the specific contents of the reports for requirements for annual reports on the status of United States policy regarding production, interdiction, and interception of trafficking in narcotics.

Subsecs. (f) to (j). Pub. L. 98-164, § 1003(b), added subsecs. (f) to (j).

1981—Subsec. (c)(2). Pub. L. 97-113, § 734(a)(1), struck out par. (2) which provided for a Presidential study of multilateral narcotics control activities and transmission of this study to the Speaker of the House and the President of the Senate no later than June 30, 1977.

Subsec. (d). Pub. L. 97-113, § 502(a)(1), substituted provisions requiring the Secretary of State to inform the Secretary of Health and Human Services of any use of herbicides to eradicate marihuana in a program receiving assistance under this part, directing the Secretary of Health and Human Services to monitor the impact on the health of persons using such marihuana and if he determines their exposure to the herbicide harms their

health, report to Congress such determination with any recommendations, urging the President to use not less than \$100,000 to develop a substance that clearly and readily warns potential marihuana users that the marihuana has been sprayed with paraquat or other herbicide harmful to the health of the persons using it, and directing the Secretary of Agriculture, if such a substance is developed, to use such substance in conjunction with the spraying of paraquat or other herbicide for provisions prohibiting the use of funds under this part for spraying a herbicide to eradicate marihuana if that practice is likely to seriously harm the health of users of the sprayed marihuana, except if the substance is used with a substance that will clearly and readily warn potential users of the sprayed marihuana of the use of herbicide, and requiring the Secretary of State to submit a report to Congress not later than January 1 of each year detailing efforts taken to ensure compliance with this subsection.

Subsec. (e). Pub. L. 97-113, §502(b), added subsec. (e). 1979—Subsec. (d)(1). Pub. L. 96-92 substituted “for the purpose of” for “or used for any program involving”.

1978—Subsec. (c)(1). Pub. L. 95-384, §3, inserted provisions prohibiting any agent or employee of the United States Government from interrogating, or from being present at the interrogation of, any United States person arrested in any foreign country in the absence of the written consent of the person arrested and provisions relating to the applicability of this paragraph to the activities of the United States Armed Forces.

Subsec. (d). Pub. L. 95-384, §4, added subsec. (d). 1976—Subsec. (c). Pub. L. 94-329 added subsec. (c). 1973—Pub. L. 93-189 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-246 effective May 22, 2008, see section 4(b) of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 101(e) [title V, §585(b)] of Pub. L. 100-202 provided that: “The amendments made by paragraph (1) [probably means subsec. (a) which amended this section] shall apply with respect to any certification of the President under section 481(h)(2)(A) of the Foreign Assistance Act of 1961 [22 U.S.C. 2291(h)(2)(A)] made on or after March 1, 1989.”

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

PREVENTION OF SMUGGLING OF METHAMPHETAMINE INTO THE UNITED STATES FROM MEXICO

Pub. L. 109-177, title VII, §723, Mar. 9, 2006, 120 Stat. 269, provided that:

“(a) IN GENERAL.—The Secretary of State, acting through the Assistant Secretary of the Bureau for International Narcotics and Law Enforcement Affairs, shall take such actions as are necessary to prevent the smuggling of methamphetamine into the United States from Mexico.

“(b) SPECIFIC ACTIONS.—In carrying out subsection (a), the Secretary shall—

“(1) improve bilateral efforts at the United States-Mexico border to prevent the smuggling of methamphetamine into the United States from Mexico;

“(2) seek to work with Mexican law enforcement authorities to improve the ability of such authorities to combat the production and trafficking of meth-

amphetamine, including by providing equipment and technical assistance, as appropriate; and

“(3) encourage the Government of Mexico to take immediate action to reduce the diversion of pseudoephedrine by drug trafficking organizations for the production and trafficking of methamphetamine.

“(c) REPORT.—Not later than one year after the date of the enactment of this Act [Mar. 9, 2006], and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the implementation of this section for the prior year.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$4,000,000 for each of the fiscal years 2006 and 2007.”

REPORTS ON ACTIVITIES IN COLOMBIA

Pub. L. 107-228, div. A, title VI, §694, Sept. 30, 2002, 116 Stat. 1415, provided that:

“(a) REPORT ON REFORM ACTIVITIES.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Sept. 30, 2002], and not later than April 1 of each year thereafter, the Secretary shall submit to the appropriate congressional committees a report on the status of activities funded or authorized, in whole or in part, by the Department or the Department of Defense in Colombia to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights.

“(2) CONTENTS.—Each such report shall contain the following:

“(A) A summary of activities described in paragraph (1) during the previous 12-month period.

“(B) An estimated timetable for the conduct of such activities in the subsequent 12-month period.

“(C) An explanation of any delay in meeting timetables contained in the previous report submitted in accordance with this subsection.

“(D) An assessment of steps to be taken to correct any delays in meeting such timetables.

“(b) REPORT ON CERTAIN COUNTERNARCOTICS ACTIVITIES.—

“(1) DECLARATION OF POLICY.—It is the policy of the United States to encourage the transfer of counter-narcotics activities carried out in Colombia by United States businesses that have entered into agreements with the Department or the Department of Defense to conduct such activities, to Colombian nationals, in particular personnel of the Colombian antinarcotics police, when properly qualified personnel are available.

“(2) REPORT.—Not later than 180 days after the date of the enactment of this Act [Sept. 30, 2002], and not later than April 1 of each year thereafter, the Secretary shall submit to the appropriate congressional committees a report on the activities of United States businesses that have entered into agreements in the previous 12-month period with the Department or the Department of Defense to carry out counter-narcotics activities in Colombia.

“(3) CONTENTS.—Each such report shall contain the following:

“(A) The name of each United States business described in paragraph (2) and description of the counter-narcotics activities carried out by the business in Colombia.

“(B) The total value of all payments by the Department and the Department of Defense to each such business for such activities.

“(C) A written statement justifying the decision by the Department and the Department of Defense to enter into an agreement with each such business for such activities.

“(D) An assessment of the risks to personal safety and potential involvement in hostilities incurred by employees of each such business as a result of their activities in Colombia.

“(E) A plan to provide for the transfer of the counter-narcotics activities carried out by such

United States businesses to Colombian nationals, in particular personnel of the Colombian anti-narcotics police.

“(4) DEFINITION.—In this subsection, the term ‘United States business’ means any person (including any corporation, partnership, or other organization) that is subject to the jurisdiction of the United States or organized under the laws of the United States, but does not include any person (including any corporation, partnership, or other organization) that performs contracts involving personal services.”

[For definitions of “Secretary”, “Department”, and “appropriate congressional committees” as used in section 694 of Pub. L. 107–228, set out above, see section 3 of Pub. L. 107–228, set out as a note under section 2651 of this title.]

LIMITATION ON COUNTERNARCOTICS ASSISTANCE TO COLOMBIA

Pub. L. 105–277, div. C, title VIII, §821(b), Oct. 21, 1998, 112 Stat. 2681–700, provided that:

“(1) LIMITATION ON PROVISION OF ASSISTANCE.—Except as provided in paragraph (2), United States counternarcotics assistance may not be provided for the Government of Colombia under this title [see Tables for classification] or under any other provision of law on or after the date of enactment of this Act [Oct. 21, 1998] if the Government of Colombia negotiates or permits the establishment of any demilitarized zone in which the eradication of drug production by the security forces of Colombia, including the Colombian National Police antinarcotics unit, is prohibited.

“(2) EXCEPTION.—If the Government of Colombia negotiates or permits the establishment of a demilitarized zone described in paragraph (1), United States counternarcotics assistance may be provided for the Government of Colombia for a period of up to 90 consecutive days upon a finding by the President that providing such assistance is in the national interest of the United States.

“(3) NOTIFICATION.—In each case in which counternarcotics assistance is provided for the Government of Colombia as a result of a finding by the President described in paragraph (2), the President shall notify the Committees on Appropriations and the authorizing committees of jurisdiction of the House of Representatives and the Senate not later than 5 days after such assistance is provided.”

[For delegation of functions of President under section 821(b) of Pub. L. 105–277, div. C, title VIII, set out above, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.]

REPORT ON ARMED FORCES STATIONED IN ANDEAN COUNTRIES

Pub. L. 101–623, §8, Nov. 21, 1990, 104 Stat. 3355, which required the President to submit to Congress a monthly report listing the number of members of United States Armed Forces assigned or detailed to, or otherwise performing functions in, each Andean country, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 18 of House Document No. 103–7.

PRECURSOR CHEMICALS

Pub. L. 101–513, title V, §599H, Nov. 5, 1990, 104 Stat. 2068, provided that:

“(a) NEGOTIATIONS.—(1) The Attorney General shall enter into negotiations with the appropriate law enforcement and judicial agencies and any other officials of any foreign country with jurisdiction over companies who manufacture, market, sell or purchase certain precursor and/or essential chemicals used in the production of illicit narcotics. The priority of negotiations should be determined based on an assessment by the Attorney General which countries have jurisdiction over companies that may be knowingly or unknowingly

supplying chemicals for the illicit manufacture of controlled substances.

“(2) The purposes of the negotiations shall be to (a) establish a list of precursor and essential chemicals contributing to the illicit manufacture of controlled substances, as defined in section 102 of the Controlled Substances Act (21 USC 802); (b) reach one or more international agreements on a method for maintaining records of transactions of these listed chemicals; (c) establish a procedure by which such records may be made available to (and kept confidential as necessary by) United States law enforcement authorities for the exclusive purpose of conducting an investigation relative to precursor chemicals, essential chemicals and/or controlled substances contributing to the manufacture of illicit narcotics; and (d) encourage chemical source countries to enact national chemical control legislation which would (i) impose specific record keeping and reporting requirements for domestic transactions involving listed chemicals; (ii) establish a system of permits or declarations for imports and exports of listed chemicals; and (iii) authorize government officials to seize or suspend shipments of listed chemicals based on evidence that they may be destined for the illicit manufacture of controlled substances.

“(b) REPORTS.—Not later than one year after the date of enactment of this Act [Nov. 5, 1990], the Attorney General shall submit an interim report to the Judiciary Committee and the Foreign Relations Committee of the Senate on progress in the negotiations. Not later than eighteen months from the date of enactment, the Attorney General shall submit a final report to the aforementioned Senate Committees on the result of negotiations identifying countries with which agreements have not been reached and which have jurisdiction over companies believed to be engaged in the manufacture, marketing, sale or purchase of precursor and/or essential chemicals used in illicit manufacture of controlled substances.

“(c) PENALTIES.—After consulting with the Attorney General and the Director of the Office of National Drug Control Policy, the President shall impose penalties or sanctions including temporarily or permanently prohibiting any corporation, partnership, individual or business association (i) refusing to maintain records for the purpose of monitoring and regulating transactions of listed precursor chemicals, or (ii) refusing to make such records available to United States law enforcement authorities for investigative purposes (in coordination with the local law enforcement agency in which such corporation, partnership, individual, or business association resides, is created or has its principal place of business) from engaging in any or all transactions, in goods or services, within the commerce of the United States.

“(d) DEFINITIONS.—A record under subsection (a) shall be retrievable and include the date of the transaction, the identity of each party to the transaction, including the ultimate consignee, and accounting of the quantity and form of listed chemical(s) and a description of the method of transfer.

“(e) This section shall not apply to the manufacture, distribution, sale, import or export of any drug which may, under the Federal Food, Drug and Cosmetic Act [21 U.S.C. 301 et seq.] be lawfully sold over-the-counter without prescription.”

LINKAGE OF DEBT REDUCTION LOANS TO REDUCTION IN DRUG TRAFFICKING; REPORT TO CONGRESS

Pub. L. 101–240, title IV, §407, Dec. 19, 1989, 103 Stat. 2504, provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) the Brady Initiative is a positive step, recognizing as it does the need for reducing the debt and debt service burdens of the indebted developing countries;

“(2) the multilateral development banks should, as part of this debt reduction process, encourage such countries to further reform their economies by reducing their dependence on production and trafficking of illicit narcotics; and

“(3) reduction of debt should relieve some of the financial burden on these countries, and thereby enable them to rely on legal income-generating activities.

“(b) INSTRUCTION OF UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank that, in voting with respect to loans from the multilateral development bank to reduce the debt and debt burden of borrowing countries which are major producers, processors, traffickers, or exporters of illegal drugs to the United States, the Executive Director shall give preference to those countries which show marked improvement in reducing the volume of cultivation, processing, trafficking, and export to the United States of illegal drugs. In making a determination under the preceding sentence with respect to a country's improvement, the Secretary of the Treasury shall consult with the heads of the relevant agencies.

“(c) REPORT TO CONGRESS.—The Secretary of the Treasury shall include, in the detailed accounting required by section 2018(c) of the International Narcotics Control Act of 1986 (22 U.S.C. 2191 note) [section 2018(c) of Pub. L. 99-570 set out below], relating to multilateral development bank assistance for drug eradication and crop substitution programs, an additional discussion of the steps taken and the progress made in implementing the goals set forth in subsection (b) of this section, and further steps needed to secure the achievement of these goals.

“(d) DEFINITIONS.—As used in this section—

“(1) the term ‘multilateral development bank’ includes the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Asian Development Bank, the African Development Bank, and the African Development Fund; and

“(2) the term ‘illegal drugs’ means ‘narcotic and psychotropic drugs and other controlled substances’, as defined in section 481(i)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(3)).”

DEBT-FOR-DRUGS EXCHANGES

Section 10 of Pub. L. 101-231 provided that:

“(a) AUTHORITY.—The President may release Bolivia, Colombia, or Peru from its obligation to make payments to the United States Government of principal and interest on account of a loan made to that country under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to foreign assistance programs) or credits extended for that country under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military sales credits) if the President determines that that country is implementing programs to reduce the flow of cocaine to the United States in accordance with a formal bilateral or multilateral agreement, to which the United States is a party, that contains specific, quantitative and qualitative, performance criteria with respect to those programs.

“(b) CONGRESSIONAL REVIEW OF AGREEMENTS.—The President shall submit any such agreement with Bolivia, Colombia, or Peru to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate at least 15 days before exercising the authority of [sub]section (a) with respect to that country.

“(b) [(c)] COORDINATION WITH MULTILATERAL DEBT RELIEF ACTIVITIES.—The authority provided in subsection (a) shall be exercised in coordination with multilateral debt relief activities.

“(c) [(d)] EFFECTIVE DATE.—Subsection (a) takes effect on October 1, 1990.”

ADDITIONAL ASSISTANCE TO COUNTRIES MEETING DRUG ERADICATION TARGETS OR TAKING SIGNIFICANT STEPS AGAINST DRUG PRODUCTION OR TRAFFICKING

Pub. L. 101-167, title V, § 569(d), Nov. 21, 1989, 103 Stat. 1244, provided that:

“(1) If any funds made available for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of any provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production of [or] trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

“(A) Those funds may be transferred to and consolidated with the funds made available to carry out section 481 of the Foreign Assistance Act of 1961 [22 U.S.C. 2291] in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funds for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610 of the Foreign Assistance Act [22 U.S.C. 2360].

“(B) Any such funds not used under subparagraph (A) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures of the Committees on Appropriations) in order to provide additional security assistance for those countries.

“(2) As used in this section, the term ‘security assistance’ means economic support fund assistance, foreign military financing, and international military education and training.”

DEFINITION OF TERMS USED IN INTERNATIONAL NARCOTICS CONTROL ACT OF 1988

Section 4003 of title IV of Pub. L. 100-690 defined terms “drug” and “narcotic” to mean narcotic and psychotropic drugs and other controlled substances as defined in subsec. (i)(3) of this section for purposes of title IV of Pub. L. 100-690, prior to repeal by Pub. L. 102-583, § 6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

REGIONAL ANTI-NARCOTICS FORCES

Section 4101 of Pub. L. 100-690 stated need for anti-narcotics multinational force in Western Hemisphere and authorized diplomatic efforts toward creation of such a force, prior to repeal by Pub. L. 102-583, § 6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

DETERMINING MAJOR DRUG-TRANSIT COUNTRIES WITH RESPECT TO FISCAL YEAR 1989

Section 4405(b) of Pub. L. 100-690 directed Secretary of State to make determination of major drug-transit countries with respect to fiscal year 1989, prior to repeal by Pub. L. 102-583, § 6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

BILATERAL NARCOTICS AGREEMENTS REQUIRED FOR CERTIFICATIONS FOR FISCAL YEAR 1989 AND THEREAFTER

Section 101(e) [title V, § 585(c)] of Pub. L. 100-202, as amended by Pub. L. 100-461, title V, § 578(g)(2), Oct. 1, 1988, 102 Stat. 2268-47, provided that beginning with certifications with respect to fiscal year 1989 and each subsequent year, a country which in the previous year had been designated a major drug producing or drug transit country would not be deemed as cooperating fully unless it had in place a bilateral narcotics agreement with the United States, or a multilateral agreement which achieves the objectives of this section, prior to repeal by Pub. L. 100-690, title IV, § 4407(b)(2), Nov. 18, 1988, 102 Stat. 4281.

REVIEW OF EFFECTIVENESS OF INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM

Section 2007 of Pub. L. 99-570 directed Comptroller General to review effectiveness of assistance provided under this part, prior to repeal by Pub. L. 102-583, § 6(e)(2), Nov. 2, 1992, 106 Stat. 4933.

MULTILATERAL DEVELOPMENT BANK ASSISTANCE FOR
DRUG ERADICATION AND CROP SUBSTITUTION PROGRAMS

Section 2018 of Pub. L. 99-570 provided that:

“(a) MDB ASSISTANCE FOR DEVELOPMENT AND IMPLEMENTATION OF DRUG ERADICATION PROGRAM.—The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to initiate discussions with other Directors of their respective banks and to propose that all possible assistance be provided to each major illicit drug producing country for the development and implementation of a drug eradication program, including technical assistance, assistance in conducting feasibility studies and economic analyses, and assistance for alternate economic activities.

“(b) INCREASES IN MULTILATERAL DEVELOPMENT BANK LENDING FOR CROP SUBSTITUTION PROJECTS.—The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to initiate discussions with other Directors of their respective banks and to propose that each such bank increase the amount of lending by such bank for crop substitution programs which will provide an economic alternative for the cultivation or production of illicit narcotic drugs or other controlled substances in major illicit drug producing countries, to the extent such countries develop and maintain adequate drug eradication programs.

“(c) NATIONAL ADVISORY COUNCIL REPORT.—The Secretary of the Treasury shall include in the annual report to the Congress by the National Advisory Council on International Monetary and Financial Policies a detailed accounting of the manner in which and the extent to which the provisions of this section have been carried out.

“(d) DEFINITIONS.—For purposes of this section—

“(1) MULTILATERAL DEVELOPMENT BANK.—The term ‘multilateral development bank’ means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the African Development Bank, and the Asian Development Bank.

“(2) MAJOR ILLICIT DRUG PRODUCING COUNTRY.—The term ‘major illicit drug producing country’ has the meaning provided in section 481(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(2)).

“(3) NARCOTIC DRUG AND CONTROLLED SUBSTANCE.—The terms ‘narcotic drug’ and ‘controlled substance’ have the meanings given to such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).”

REPORTS TO CONGRESS ON DRUG EDUCATION PROGRAMS
ABROAD

Section 2029 of Pub. L. 99-570 directed Director of United States Information Agency and Administrator of Agency for International Development to include in their annual reports to Congress a description of drug education programs carried out by their respective agencies, prior to repeal by Pub. L. 103-447, title I, §103(c), Nov. 2, 1994, 108 Stat. 4694.

UNITED STATES SENATE CAUCUS ON INTERNATIONAL
NARCOTICS CONTROL

Pub. L. 107-68, title I, §103, Nov. 12, 2001, 115 Stat. 568, provided that:

“(a) Agency contributions for employees whose salaries are disbursed by the Secretary of the Senate from the appropriations account ‘Expenses of the United States Senate Caucus on International Narcotics Control’ under the heading ‘Congressional Operations’ shall be paid from the Senate appropriations account for ‘Salaries, Officers and Employees’.

“(b) This section shall apply to pay periods beginning on or after October 1, 2001.”

Pub. L. 99-93, title VIII, §814, Aug. 16, 1985, 99 Stat. 455, as amended by Pub. L. 99-151, title III, §306, Nov. 13, 1985, 99 Stat. 808; Pub. L. 100-202, §101(i) [title I, §5], Dec. 22, 1987, 101 Stat. 1329-290, 1329-294; Pub. L. 102-392, title III, §323, Oct. 6, 1992, 106 Stat. 1726; Pub. L. 105-119,

title VI, §625, Nov. 26, 1997, 111 Stat. 2522; Pub. L. 106-57, title I, §7, Sept. 29, 1999, 113 Stat. 412; Pub. L. 107-228, div. A, title VI, §684, Sept. 30, 2002, 116 Stat. 1411, provided that:

“(a) ESTABLISHMENT.—There is established the United States Senate Caucus on International Narcotics Control (hereafter in this section referred to as the ‘Caucus’).

“(b) DUTIES.—The Caucus is authorized and directed—

“(1) to monitor and promote international compliance with narcotics control treaties, including eradication and other relevant issues; and

“(2) to monitor and encourage United States Government and private programs seeking to expand international cooperation against drug abuse and narcotics trafficking.

“(c) MEMBERSHIP.—(1) The Caucus shall be composed of 12 members as follows:

“(A) 7 Members of the Senate appointed by the President of the Senate, 4 of whom (including the member designated as Chairman) shall be selected from the majority party of the Senate, after consultation with the majority leader, and 3 of whom (including the member designated as Cochairman) shall be selected from the minority party of the Senate, after consultation with the minority leader.

“(B) 5 members of the public to be appointed by the President after consultation with the members of the appropriate congressional committees.

“(2) There shall be a Chairman and a Cochairman of the Caucus.

“(d) POWERS.—In carrying out this section, the Caucus may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpoenas may be issued over the signature of the Chairman of the Caucus or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Caucus, or any member designated by him, may administer oaths to any witness.

“(e) REPORT BY PRESIDENT TO CAUCUS.—In order to assist the Caucus in carrying out its duties, the President shall submit to the Caucus a copy of the report required by section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2991(e)) [22 U.S.C. 2291(e)].

“(f) REPORT TO SENATE.—The Caucus is authorized and directed to report to the Senate with respect to the matters covered by this section on a periodic basis and to provide information to Members of the Senate as requested. For each fiscal year for which an appropriation is made the Caucus shall submit to the Congress a report on its expenditures under such appropriation.

“(g) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Caucus \$370,000 for each fiscal year, to remain available until expended, to assist in meeting the expenses of the Caucus for the purpose of carrying out the provisions of this section.

“(2) For purposes of section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)), the Caucus shall be deemed to be a standing committee of the Senate and shall be entitled to the use of funds in accordance with such section.

“(h) STAFF.—The Caucus may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

“(i) TERMINATION.—The Caucus shall cease to exist on September 30, 2005.”

Pub. L. 99-151, title III, §306, Nov. 13, 1985, 99 Stat. 808, provided that:

“(a) Notwithstanding the provisions of this or any other Act, the United States International Narcotics Control Commission, established by section 814 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 [section 814 of Pub. L. 99-93, set out as a note

above], is hereby redesignated and shall hereafter be known as the United States Senate Caucus on International Narcotics Control.

“(b) Any reference to the United States International Narcotics Control Commission in any law, regulation, document, record, or other official paper of the United States shall be deemed to be a reference to the United States Senate Caucus on International Narcotics Control.”

DRUG TRAFFICKING AND PROBLEM OF TOTAL CONFIDENTIALITY OF CERTAIN FOREIGN BANK ACCOUNTS

Section 619 of Pub. L. 99-83 provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) several banks in Latin America and the Caribbean are used by narcotics traffickers as depositories for money obtained in providing illicit drugs to the United States and other countries of the region;

“(2) offshore banks which provide total confidentiality provide a service which materially assists the operations of illicit drug traffickers; and

“(3) cooperation in gaining access to the bank accounts of such narcotics traffickers would materially assist United States authorities in controlling the activities of such traffickers.

“(b) POLICY.—The Congress—

“(1) requests the President to negotiate treaties or appropriate international agreements with all countries providing confidential banking services (giving high priority to countries in the Caribbean region) to provide disclosure to the United States Government of information contained in official records, and in records of bank accounts, concerning persons under investigation for violations of United States law, in particular those regarding international drug trafficking;

“(2) directs the President to include reports on the results of such efforts in the annual International Narcotics Control Strategy Report; and

“(3) reaffirms its intention to obtain maximum cooperation on the part of all governments for the purpose of halting international drug trafficking, and constantly to evaluate the cooperation of those governments receiving assistance from the United States.”

USE OF FUNDS APPROPRIATED PRIOR TO DECEMBER 29, 1981, FOR HERBICIDE ERADICATION OF MARIHUANA AND COLOMBIAN ANTI-NARCOTICS ENFORCEMENT PROGRAM

Section 502(a)(2)-(4) of Pub. L. 97-113 provided that:

“(2) Assistance provided from funds appropriated, before the enactment of this Act [Dec. 29, 1981], to carry out section 481 of the Foreign Assistance Act of 1961 [this section] may be made available for purposes prohibited by subsection (d) of such section as in effect immediately before the enactment of this subsection [Dec. 29, 1981].

“(3) Funds appropriated for the fiscal year 1980 to carry out section 481 of the Foreign Assistance Act of 1961 [this section] which were obligated for assistance for the Republic of Colombia may be used for purposes other than those set forth in section 482(a)(2) of that Act [22 U.S.C. 2291a] as in effect immediately before the enactment of the International Security and Development Cooperation Act of 1980 [Dec. 16, 1980].

“(4) Paragraphs (2) and (3) of this subsection shall apply only to the extent provided in advance in an appropriations Act. For such purpose, the funds described in those paragraphs are authorized to be made available for the purposes specified in those paragraphs.”

UNITED STATES CITIZENS IMPRISONED IN MEXICO

Section 408 of Pub. L. 94-329, title IV, June 30, 1976, 90 Stat. 759, as amended by Pub. L. 95-384, § 29(b), Sept. 26, 1978, 92 Stat. 747, provided that:

“(a) The Congress, while sharing the concern of the President over the urgent need for international cooperation to restrict traffic in dangerous drugs, is convinced that such efforts must be consistent with re-

spect for fundamental human rights. The Congress, therefore, calls upon the President to take steps to insure that United States efforts to secure stringent international law enforcement measures are combined with efforts to secure fair and humane treatment for citizens of all countries.

“(b) The Congress requests that the President communicate directly to the President and Government of the Republic of Mexico, a nation with which we have friendly and cooperative relations, the continuing desire of the United States for such relations between our two countries and the concern of the United States over treatment of United States citizens arrested in Mexico.”

DELEGATION OF PRESIDENTIAL AUTHORITIES UNDER INTERNATIONAL NARCOTICS CONTROL ACT OF 1990

Determination of President of the United States, No. 91-20, Jan. 25, 1991, 56 F.R. 8681, provided:

Memorandum for the Secretary of State [and] the Secretary of Defense

By virtue of the authority vested in me by the Constitution and the laws of the United States of America, including the provisions of the International Narcotics Control Act of 1990 (the INCA), Public Law 101-623 [see Short Title of 1990 Amendment note set out under section 2151 of this title], and 3 U.S.C. section 301, I hereby:

(1) Delegate to the Secretary of State the functions conferred upon me by the following sections of the INCA:

Section 4(a) [Nov. 21, 1990, 104 Stat. 3353]; section 4(e); and, in consultation with the Secretary of Defense, section 13 [22 U.S.C. 2291h note].

(2) Delegate to the Secretary of Defense the functions conferred upon me by section 8 of the INCA [set out as a note above].

(3) Delegate to the heads of executive departments and agencies those functions under the INCA relating to notifications to the Congress insofar as such functions relate to programs for which those heads of departments and agencies have responsibilities for notifications to the Congress under Executive Order No. 12163, as amended [22 U.S.C. 2381 note]; provided that the heads of departments and agencies shall consult with the Secretary of State before exercising the functions delegated by this paragraph with regard to narcotics-related assistance.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

GEORGE BUSH.

§ 2291-1. Repealed. Pub. L. 102-583, § 6(e)(2), Nov. 2, 1992, 106 Stat. 4933

Section, Pub. L. 99-570, title II, § 2013, Oct. 27, 1986, 100 Stat. 3207-66; Pub. L. 100-690, title IV, § 4404, Nov. 18, 1988, 102 Stat. 4276, related to reports and restrictions concerning major illicit drug producing and major drug-transit countries.

§ 2291-2. Repealed. Pub. L. 103-447, title I, § 103(b), Nov. 2, 1994, 108 Stat. 4693

Section, Pub. L. 100-690, title IV, § 4501, Nov. 18, 1988, 102 Stat. 4284; Pub. L. 102-583, § 6(e)(1), Nov. 2, 1992, 106 Stat. 4933, provided for reporting on transfer of United States assets.

§ 2291-3. Repealed. Pub. L. 102-583, § 6(e)(1), Nov. 2, 1992, 106 Stat. 4933

Section, Pub. L. 100-690, title IV, § 4601, Nov. 18, 1988, 102 Stat. 4286, provided for the coordination of all United States anti-narcotics assistance to foreign countries. See section 2291(b) of this title.

§ 2291-4. Official immunity for authorized employees and agents of United States and foreign countries engaged in interdiction of aircraft used in illicit drug trafficking

(a) Employees and agents of foreign countries

Notwithstanding any other provision of law, it shall not be unlawful for authorized employees or agents of a foreign country (including members of the armed forces of that country) to interdict or attempt to interdict an aircraft in that country's territory or airspace if—

(1) that aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking; and

(2) the President of the United States has, during the 12-month period ending on the date of the interdiction, certified to Congress with respect to that country that—

(A) interdiction is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and

(B) the country has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force directed against the aircraft.

(b) Employees and agents of United States

Notwithstanding any other provision of law, it shall not be unlawful for authorized employees or agents of the United States (including members of the Armed Forces of the United States) to provide assistance for the interdiction actions of foreign countries authorized under subsection (a) of this section. The provision of such assistance shall not give rise to any civil action seeking money damages or any other form of relief against the United States or its employees or agents (including members of the Armed Forces of the United States).

(c) Annual report

(1) Except as provided in paragraph (2), not later than February 1 each year, the President shall submit to Congress a report on the assistance provided under subsection (b) of this section during the preceding calendar year. Each report shall include for the calendar year covered by such report the following:

(A) A list specifying each country for which a certification referred to in subsection (a)(2) of this section was in effect for purposes of that subsection during any portion of such calendar year, including the nature of the illicit drug trafficking threat to each such country.

(B) A detailed explanation of the procedures referred to in subsection (a)(2)(B) of this section in effect for each country listed under subparagraph (A), including any training and other mechanisms in place to ensure adherence to such procedures.

(C) A complete description of any assistance provided under subsection (b) of this section.

(D) A summary description of the aircraft interception activity for which the United States Government provided any form of assistance under subsection (b) of this section.

(2) In the case of a report required to be submitted under paragraph (1) to the congressional

intelligence committees (as defined in section 401a of title 50), the submittal date for such report shall be as provided in section 415b of title 50.

(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) Definitions

For purposes of this section:

(1) The terms “interdict” and “interdiction”, with respect to an aircraft, mean to damage, render inoperative, or destroy the aircraft.

(2) The term “illicit drug trafficking” means illicit trafficking in narcotic drugs, psychotropic substances, and other controlled substances, as such activities are described by any international narcotics control agreement to which the United States is a signatory, or by the domestic law of the country in whose territory or airspace the interdiction is occurring.

(3) The term “assistance” includes operational, training, intelligence, logistical, technical, and administrative assistance.

(Pub. L. 103-337, div. A, title X, §1012, Oct. 5, 1994, 108 Stat. 2837; Pub. L. 107-108, title V, §503, Dec. 28, 2001, 115 Stat. 1405; Pub. L. 107-306, title VIII, §811(b)(6), Nov. 27, 2002, 116 Stat. 2425.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1995, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

2002—Subsec. (c)(1). Pub. L. 107-306, §811(b)(6)(A), substituted “Except as provided in paragraph (2), not later than” for “Not later than”.

Subsec. (c)(2), (3). Pub. L. 107-306, §811(b)(6)(B), (C), added par. (2) and redesignated former par. (2) as (3).

2001—Subsec. (a)(2). Pub. L. 107-108, §503(a), substituted “has, during the 12-month period ending on the date of the interdiction, certified to Congress” for “, before the interdiction occurs, has determined” in introductory provisions.

Subsecs. (c), (d). Pub. L. 107-108, §503(b), added subsec. (c) and redesignated former subsec. (c) as (d).

PRESIDENTIAL DETERMINATIONS RELATING TO INTERDICTION

The President made the determination required by subsec. (a)(2) of this section for the following countries:
BRAZIL.—Determination No. 2010-02, Oct. 16, 2009, 74 F.R. 54429.

Determination No. 2009-4, Oct. 15, 2008, 73 F.R. 62849.
Determination No. 2008-3, Oct. 16, 2007, 72 F.R. 61035.
Determination No. 2007-3, Oct. 16, 2006, 71 F.R. 65369.
Determination No. 2006-02, Oct. 16, 2005, 70 F.R. 62227.
Determination No. 2005-03, Oct. 16, 2004, 69 F.R. 62797.
COLOMBIA.—Determination No. 2009-24, Aug. 13, 2009, 74 F.R. 42573.

Determination No. 2008-24, Aug. 15, 2008, 73 F.R. 54283.
Determination No. 2007-28, Aug. 16, 2007, 72 F.R. 50035.
Determination No. 2006-19, Aug. 17, 2006, 71 F.R. 51975.
Determination No. 2005-32, Aug. 17, 2005, 70 F.R. 50949.
Determination No. 2004-42, Aug. 17, 2004, 69 F.R. 52807.
Determination No. 2003-32, Aug. 18, 2003, 68 F.R. 50963.
Determination No. 95-7, Dec. 1, 1994, 59 F.R. 64835.

PERU.—Determination No. 95-9, Dec. 8, 1994, 59 F.R. 65231.

§ 2291-5. Provision of nonlethal equipment to foreign law enforcement organizations for cooperative illicit narcotics control activities

(a) In general

(1) Subject to paragraph (2), the Administrator of the Drug Enforcement Administration, in consultation with the Secretary of State, may transfer or lease each year nonlethal equipment to foreign law enforcement organizations for the purpose of establishing and carrying out cooperative illicit narcotics control activities.

(2)(A) The Administrator may transfer or lease equipment under paragraph (1) only if the equipment is not designated as a munitions item or controlled on the United States Munitions List pursuant to section 2778 of this title.

(B) The value of each piece of equipment transferred or leased under paragraph (1) may not exceed \$100,000.

(b) Additional requirement

The Administrator shall provide for the maintenance and repair of any equipment transferred or leased under subsection (a) of this section.

(c) Notification requirement

Before the export of any item authorized for transfer under subsection (a) of this section, the Administrator shall provide written notice to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives in accordance with the procedures applicable to reprogramming notifications under section 2394-1 of this title.

(d) Sense of Congress

It is the sense of Congress that—

(1) all United States law enforcement personnel serving in Mexico should be accredited the same status under the Vienna Convention on Diplomatic Immunity as other diplomatic personnel serving at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accorded the same diplomatic status as Drug Enforcement Administration personnel serving in Mexico.

(Pub. L. 105-277, div. C, title VIII, §843, Oct. 21, 1998, 112 Stat. 2681-704.)

CODIFICATION

Section was enacted as part of the Western Hemisphere Drug Elimination Act, and also as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 2291a. Authorization of appropriations

(a) Fiscal year authorization; availability of funds

(1) To carry out the purposes of section 2291 of this title, there are authorized to be appropriated to the President \$147,783,000 for fiscal year 1993 and \$171,500,000 for fiscal year 1994.

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

(b) Procurement of weapons and ammunition

(1) Prohibition

Except as provided in paragraph (2), funds made available to carry out this part shall not be made available for the procurement of weapons or ammunition.

(2) Exceptions

Paragraph (1) shall not apply with respect to funds for the procurement of—

(A) weapons or ammunition provided only for the defensive arming of aircraft used for narcotics-related purposes, or

(B) firearms and related ammunition provided only for defensive purposes to employees or contract personnel of the Department of State engaged in activities under this part,

if, at least 15 days before obligating those funds, the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 2394-1 of this title.

(c) Contributions and reimbursement

(1) To ensure local commitment to the activities assisted under this part, a country receiving assistance under this part should bear an appropriate share of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. A country may bear such costs on an “in kind” basis.

(2)(A) The President is authorized to accept contributions from foreign governments to carry out the purposes of this part. Such contributions shall be deposited as an offsetting collection to the applicable appropriation account and may be used under the same terms and conditions as funds appropriated pursuant to this part.

(B) At the time of submission of the annual congressional presentation documents required by section 2394(a) of this title, the President shall provide a detailed report on any contributions received in the preceding fiscal year, the amount of such contributions, and the purposes for which such contributions were used.

(3) The President is authorized to provide assistance under this part on a reimbursable basis. Such reimbursements shall be deposited as an offsetting collection to the applicable appropriation and may be used under the same terms and conditions as funds appropriated pursuant to this part.

(d) Administrative assistance

(1) Except as provided in paragraph (2), personnel funded pursuant to this section are authorized to provide administrative assistance to personnel assigned to the bureau designated by the Secretary of State to replace the Bureau for International Narcotics Matters.

(2) Paragraph (1) shall not apply to the extent that it would result in a reduction in funds available for antinarcotics assistance to foreign countries.

(e) Advance notification of transfer of seized assets

The President shall notify the appropriate congressional committees at least 10 days prior to any transfer by the United States Government to a foreign country for narcotics control purposes of any property or funds seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity.

(f) Treatment of funds

Funds transferred to and consolidated with funds appropriated pursuant to this part may be made available on such terms and conditions as are applicable to funds appropriated pursuant to this part. Funds so transferred or consolidated shall be apportioned directly to the bureau within the Department of State responsible for administering this part.

(g) Excess property

For purposes of this part, the Secretary of State may use the authority of section 2358 of this title, without regard to the restrictions of such section, to receive nonlethal excess property from any agency of the United States Government for the purpose of providing such property to a foreign government under the same terms and conditions as funds authorized to be appropriated for the purposes of this part.

(Pub. L. 87-195, pt. I, § 482, as added Pub. L. 92-352, title V, § 503, July 13, 1972, 86 Stat. 497; amended Pub. L. 93-189, § 11(b), Dec. 17, 1973, 87 Stat. 720; Pub. L. 94-329, title V, § 504(a), June 30, 1976, 90 Stat. 764; Pub. L. 95-92, § 3, Aug. 4, 1977, 91 Stat. 614; Pub. L. 95-384, § 5, Sept. 26, 1978, 92 Stat. 731; Pub. L. 96-92, § 3(a), Oct. 29, 1979, 93 Stat. 701; Pub. L. 96-533, title IV, § 402(a), (b), Dec. 16, 1980, 94 Stat. 3149; Pub. L. 97-113, title V, § 502(c), Dec. 29, 1981, 95 Stat. 1539; Pub. L. 99-83, title VI, §§ 602, 608, 614, Aug. 8, 1985, 99 Stat. 228, 229, 231; Pub. L. 99-529, title IV, § 401, Oct. 24, 1986, 100 Stat. 3019; Pub. L. 99-570, title II, § 2002, Oct. 27, 1986, 100 Stat. 3207-60; Pub. L. 100-690, title IV, § 4201, Nov. 18, 1988, 102 Stat. 4267; Pub. L. 101-231, §§ 16, 17(g), Dec. 13, 1989, 103 Stat. 1964, 1965; Pub. L. 102-583, §§ 3, 4(e), 6(b)(4), Nov. 2, 1992, 106 Stat. 4914, 4915, 4932; Pub. L. 103-236, title I, § 164(a), Apr. 30, 1994, 108 Stat. 411; Pub. L. 103-447, title I, § 101(c), Nov. 2, 1994, 108 Stat. 4692; Pub. L. 104-164, title I, § 131(b), (c), July 21, 1996, 110 Stat. 1429.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-164, § 131(b), substituted “Contributions and reimbursement” for “Contribution by recipient country” in heading, redesignated existing provisions as par. (1), and added pars. (2) and (3).

Subsecs. (f), (g). Pub. L. 104-164, § 131(c), added subsecs. (f) and (g).

1994—Subsec. (d). Pub. L. 103-236 added subsec. (d).

Subsec. (e). Pub. L. 103-447 added subsec. (e).

1992—Subsec. (a)(1). Pub. L. 102-583, § 3, substituted “\$147,783,000 for fiscal year 1993 and \$171,500,000 for fiscal year 1994” for “\$115,000,000 for fiscal year 1990”.

Subsec. (b). Pub. L. 102-583, § 4(e), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Funds authorized to be appropriated by this section shall not be made available for the procurement of weapons or ammunition under this part.”

Subsecs. (c), (d). Pub. L. 102-583, § 6(b)(4), redesignated subsec. (d) as (c) and struck out former subsec. (c)

which read as follows: “Notwithstanding section 1306 of title 31, section 508 of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, and section 1705 of title 7, up to the equivalent of \$10,000,000 in currencies or credits of the Government of Pakistan held by the United States shall, to such extent as may be provided in an appropriation Act, be available to the President for the fiscal year 1981 (and shall remain available until expended) to carry out the purposes of section 2291 of this title through assistance to the Government of Pakistan. Notwithstanding any other provision of law, the availability or expenditure of such foreign currencies shall not affect or reduce appropriations otherwise available to carry out the administration of the international narcotics control program.”

1989—Subsec. (a)(1). Pub. L. 101-231, § 16, substituted “\$115,000,000 for fiscal year 1990” for “\$101,000,000 for fiscal year 1989”.

Subsec. (d). Pub. L. 101-231, § 17(g), inserted “Contribution by recipient country” as heading and amended text generally. Prior to amendment, text read as follows: “Assistance may be provided under this part to a foreign country only if the country provides assurances to the President, and the President is satisfied, that the country will provide at least 25 percent of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. The costs borne by the country may include ‘in-kind’ contributions.”

1988—Subsec. (a). Pub. L. 100-690 added par. (1) and struck out former pars. (1) and (3) which related to authorization for fiscal years 1986 and 1987, and to contribution to United Nations Fund for Drug Abuse Control.

1986—Subsec. (a)(1). Pub. L. 99-570, § 2002(1), which directed that “\$75,445,000 for the fiscal year 1987” be substituted for “\$57,529,000 for the fiscal year 1987”, was executed by making the substitution for “\$65,445,000 for the fiscal year 1987” to reflect the probable intent of Congress and the intervening amendment by Pub. L. 99-529. See Amendment note for Pub. L. 99-529 below.

Pub. L. 99-570, § 2002(2), inserted provisions that if the President submits a detailed plan for use of the money, an additional \$45,000,000 may be appropriated to carry out the purpose of section 2291 of this title, of which at least \$10,000,000 shall be used primarily for helicopters or other aircraft based in Latin America for use for narcotics control, eradication, and interdiction efforts throughout the region.

Pub. L. 99-529, which directed the substitution of “\$65,445,000 for the fiscal year 1987” for “\$57,529,000 for the fiscal year 1987”, was executed by substituting the new phrase for “\$57,529,000 for fiscal year 1987” to reflect the probable intent of Congress.

1985—Subsec. (a)(1). Pub. L. 99-83, § 602, amended par. (1) generally, substituting provisions authorizing appropriations of \$57,529,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of \$37,700,000 for fiscal years 1982 and 1983.

Subsec. (a)(3). Pub. L. 99-83, § 614, added par. (3).

Subsec. (d). Pub. L. 99-83, § 608, added subsec. (d).

1981—Subsec. (a). Pub. L. 97-113, in par. (1), substituted appropriations authorization of \$37,700,000 for fiscal years 1982 and 1983 for appropriation of \$38,573,000 for fiscal year 1981, redesignated par. (3) as (2), and deleted former par. (2) which limited the contribution to the United Nations Fund for Drug Abuse Control from fiscal year 1981 appropriated funds to lesser of \$3,000,000 or 50 percent of the total contributions by all countries to such Fund for the calendar year with respect to which the United States contribution is made.

1980—Subsec. (a). Pub. L. 96-533, § 402(a), in par. (1), substituted appropriations authorization of \$38,573,000 for fiscal year 1981 for such authorization of \$51,758,000 for fiscal year 1980, redesignated as par. (3) as (2), substituting therein “1981” and “50 percent” for “1980” and “25 percent”, and deleted former par. (2) authorization of \$16,000,000 for interdiction of drug traffic by Republic of Colombia to be used only for helicopters, patrol ves-

sels, fixed radar equipment, transport vehicles, fuel, and for training personnel, and redesignated par. (4) as (3).

Subsec. (c). Pub. L. 96-533, § 402(b), added subsec. (c). 1979—Subsec. (a)(1). Pub. L. 96-92 designated existing provisions as par. (1), substituted appropriations authorization of \$51,758,000 for fiscal year 1980 for authorization of \$40,000,000 for fiscal year 1979, and designated provision respecting availability of funds as par. (4).

Subsec. (a)(2), (3). Pub. L. 96-92 added pars. (2) and (3). Subsec. (a)(4). Pub. L. 96-92 designated existing provision respecting availability of funds as par. (4) and substituted “subsection” for “section”.

1978—Pub. L. 95-384 designated existing provisions as subsec. (a), substituted “\$40,000,000 for the fiscal year 1979” for “\$39,000,000 for the fiscal year 1978”, and added subsec. (b).

1977—Pub. L. 95-92 substituted provisions authorizing appropriations for fiscal year 1978 and providing for availability of amounts appropriated until expended, for provisions authorizing appropriations for fiscal years 1974 through 1977, provisions prohibiting obligation of appropriation for fiscal year 1976 for any country illegally trafficking in opiates unless such appropriation aids in reducing the amount of illegal opiates entering the international market, and provisions authorizing availability of amounts appropriated until expended.

1976—Pub. L. 94-329 inserted provision that authorized \$40,000,000 for the fiscal year 1976, no part of which can be obligated to any country where illegal opiate traffic is a significant problem unless the President certifies in writing to the Speaker of the House and chairman of the Senate Committee on Foreign Relations that the assistance furnished is significantly the amount of illegal opiates entering the international market, and authorized \$34,000,000 for the fiscal year 1977.

1973—Pub. L. 93-189 substituted “\$42,500,000 for each of the fiscal years 1974 and 1975. Amounts appropriated under this section are authorized to remain available until expended”, for “\$42,500,000 for the fiscal year 1973, which amount is authorized to remain available until expended”.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

COLOMBIAN ANTI-NARCOTICS ENFORCEMENT PROGRAM

Section 402(c) of Pub. L. 96-533 provided: “Notwithstanding the provisions of section 482(a)(2) of the Foreign Assistance Act of 1961 [subsec. (a)(2) of this section] as in effect immediately prior to the enactment of this Act [Dec. 16, 1980], funds appropriated for the fiscal year 1980 to carry out the purposes of section 481 of that Act [section 2291 of this title] which were obligated for assistance for Colombia may be used for fixed-wing aircraft, communications equipment, and such other equipment and operational support, including aviation services, as are essential to the Colombian anti-narcotics enforcement program.”

§ 2291b. Prohibition on use of foreign assistance for reimbursements for drug crop eradications

Funds made available to carry out this chapter may not be used to reimburse persons whose illicit drug crops are eradicated.

(Pub. L. 87-195, pt. I, § 483, as added Pub. L. 99-83, title VI, § 609, Aug. 8, 1985, 99 Stat. 230.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as an Effective Date of 1985 Amendment note under section 2151-1 of this title.

§ 2291c. Requirements relating to aircraft and other equipment

(a) Retention of title to aircraft

(1) In general

(A) Except as provided in paragraph (2), any aircraft made available to a foreign country under this part, or made available to a foreign country primarily for narcotics-related purposes under any other provision of law, shall be provided only on a lease or loan basis.

(B) Subparagraph (A) applies to aircraft made available at any time after October 27, 1986 (which was the date of enactment of the International Narcotics Control Act of 1986).

(2) Exceptions

(A) Paragraph (1) shall not apply to the extent that—

(i) the application of that paragraph with respect to particular aircraft would be contrary to the national interest of the United States; and

(ii) the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 2394-1 of this title.

(B) Paragraph (1) does not apply with respect to aircraft made available to a foreign country under any provision of law that authorizes property that has been civilly or criminally forfeited to the United States to be made available to foreign countries.

(3) Assistance for leasing of aircraft

(A) For purposes of satisfying the requirement of paragraph (1), funds made available for the “Foreign Military Financing Program” under section 23 of the Arms Export Control Act [22 U.S.C. 2763] may be used to finance the leasing of aircraft under chapter 6 of that Act [22 U.S.C. 2796 et seq.].

(B) Section 61(a)(3)¹ of that Act [22 U.S.C. 2796(a)(3)] shall not apply with respect to leases so financed; rather the entire cost of any such lease (including any renewals) shall be an initial, one time payment of the amount which would be the sales price for the aircraft if they were sold under section 21(a)(1)(B) or section 22 of that Act [22 U.S.C. 2761(a)(1)(B), 2762] (as appropriate).

(C) To the extent that aircraft so leased were acquired under chapter 5 of that Act [22 U.S.C. 2795 et seq.], funds used pursuant to this paragraph to finance such leases shall be credited to the Special Defense Acquisition Fund

¹ See References in Text note below.

under chapter 5 of that Act (excluding the amount of funds that reflects the charges described in section 21(e)(1) of that Act [22 U.S.C. 2761(e)(1)]). The funds described in the parenthetical clause of the preceding sentence shall be available for payments consistent with sections 37(a) and 43(b) of that Act [22 U.S.C. 2777(a), 2792(b)].

(b) Permissible uses of aircraft and other equipment

The President shall take all reasonable steps to ensure that aircraft and other equipment made available to foreign countries under this part are used only in ways that are consistent with the purposes for which such equipment was made available.

(c) Reports

In the reports submitted pursuant to section 2291h(a) of this title, the President shall discuss—

(1) any evidence indicating misuse by a foreign country of aircraft or other equipment made available under this part, and

(2) the actions taken by the United States Government to prevent future misuse of such equipment by that foreign country.

(Pub. L. 87-195, pt. I, §484, as added Pub. L. 99-570, title II, §2003, Oct. 27, 1986, 100 Stat. 3207-61; amended Pub. L. 101-623, §7, Nov. 21, 1990, 104 Stat. 3355; Pub. L. 102-583, §4(f)(1), (2)(D), Nov. 2, 1992, 106 Stat. 4916, 4917.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (a)(3), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended. Chapters 5 and 6 of the Act are classified generally to subchapters V (§2795 et seq.) and VI (§2796 et seq.), respectively, of chapter 39 of this title. Section 61(a)(3) of the Act was redesignated section 61(a)(4), and a new section 61(a)(3) was added, by Pub. L. 103-236, title VII, §731(e)(2), (3), Apr. 30, 1994, 108 Stat. 503. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

CODIFICATION

The text of subsecs. (a) and (b) of section 2291h of this title, which were redesignated as subsecs. (b) and (c) of this section by Pub. L. 102-583, §4(f)(2)(D), was based on section 489(a) and (b) of Pub. L. 87-195, pt. I, as added Pub. L. 100-690, title IV, §4507, Nov. 18, 1988, 102 Stat. 4286; amended Pub. L. 102-583, §4(f)(2)(B), (C), Nov. 2, 1992, 106 Stat. 4917.

AMENDMENTS

1992—Pub. L. 102-583, §4(f)(1), amended section generally, substituting subsec. (a) for former text which read as follows: “Any aircraft which, at any time after October 27, 1986, are made available to a foreign country under this part, or are made available to a foreign country primarily for narcotics-related purposes under any other provision of law, shall be provided only on a lease or loan basis. The requirement of this section does not apply with respect to aircraft made available to a foreign country under section 635(b)(6)(B) of title 12 or under any provision of law that authorizes property that has been civilly or criminally forfeited to the United States to be made available to foreign countries.”

Subsecs. (b), (c). Pub. L. 102-583, §4(f)(2)(D), redesignated subsecs. (a) and (b) of section 2291h of this title as subsecs. (b) and (c), respectively, of this section. See Codification note above.

1990—Pub. L. 101-623 inserted at end “The requirement of this section does not apply with respect to aircraft made available to a foreign country under section 635(b)(6)(B) of title 12 or under any provision of law that authorizes property that has been civilly or criminally forfeited to the United States to be made available to foreign countries.”

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

TRAINING OF HOST COUNTRY PILOTS

Pub. L. 101-623, §13, Nov. 21, 1990, 104 Stat. 3356, provided that:

“(a) INSTRUCTION PROGRAM.—Not less than 90 days after the date of enactment of this Act [Nov. 21, 1990], the President shall implement, under chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 and following; relating to international narcotics control assistance), a detailed program of instruction to train host country pilots, and other flight crew members, to fly host country aircraft involved in counter-narcotics efforts in Andean countries. Such program shall be designed to eliminate direct participation of the United States Government (including participation through the use of either direct hire or contract personnel) in the operation of such aircraft.

“(b) REQUIREMENT FOR REPLACEMENT OF UNITED STATES GOVERNMENT PILOTS BY HOST COUNTRY PILOTS.—The President shall ensure that, within 18 months after the date of enactment of this Act [Nov. 21, 1990], flight crews composed of host country personnel replace all United States Government pilots and other flight crew members (including both direct hire or contract personnel) for host country aircraft involved in airborne counternarcotics operations in the Andean countries.

“(c) AIRCRAFT SUBJECT TO REQUIREMENTS.—As used in this section, the term ‘host country aircraft’ means any aircraft made available to an Andean country by the United States Government under chapter 8 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2291 et seq.], or any other provision of law, for use by that country for narcotics-related purposes.”

[Functions of President under section 13 of Pub. L. 101-623, set out above, delegated to Secretary of State in consultation with Secretary of Defense by Determination of President of the United States, No. 91-20, Jan. 25, 1991, 56 F.R. 8681, set out as a note under section 2291 of this title.]

§ 2291d. Records of aircraft use

(a) Requirement to maintain records

The President shall maintain detailed records on the use of any aircraft made available to a foreign country under this part, including aircraft made available before October 27, 1986.

(b) Congressional access to records

The President shall make the records maintained pursuant to subsection (a) of this section available to the Congress upon a request of the Chairman of the Committee on Foreign Affairs of the House of Representatives or the Chairman of the Committee on Foreign Relations of the Senate.

(Pub. L. 87-195, pt. I, §485, as added Pub. L. 99-570, title II, §2003, Oct. 27, 1986, 100 Stat. 3207-61; amended Pub. L. 102-583, §4(f)(3), Nov. 2, 1992, 106 Stat. 4917.)

AMENDMENTS

1992—Pub. L. 102-583 substituted “President” for “Secretary of State” in subsecs. (a) and (b).

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2291e. Reallocation of funds withheld from countries which fail to take adequate steps to halt illicit drug production or trafficking

If any funds authorized to be appropriated for any fiscal year for assistance under this chapter are not used for assistance for the country for which those funds were allocated because of the requirements of section 2291j of this title or any other provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production or trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

(1) International narcotics control assistance

Those funds may be transferred to and consolidated with the funds appropriated to carry out this part in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funding for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 2360(a) of this title. This paragraph does not apply with respect to funds made available for assistance under the Arms Export Control Act [22 U.S.C. 2751 et seq.].

(2) Other assistance

Any such funds not used under paragraph (1) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures under section 2394-1 of this title) in order to provide additional assistance for those countries.

(Pub. L. 87-195, pt. I, § 486, as added Pub. L. 100-690, title IV, § 4206(a), Nov. 18, 1988, 102 Stat. 4270; amended Pub. L. 102-583, § 6(b)(5), Nov. 2, 1992, 106 Stat. 4932; Pub. L. 103-447, title I, § 101(d), Nov. 2, 1994, 108 Stat. 4692.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in par. (1), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

AMENDMENTS

1994—Pub. L. 103-447 struck out subsec. (a) designation and heading which read “Additional assistance for countries taking significant steps”, substituted “assistance under this chapter” for “security assistance” in provisions before par. (1), “Other assistance” for “Security assistance” in par. (2) heading, and “additional assistance” for “additional security assistance” in par. (2) text, and struck out heading and text of subsec. (b). Text read as follows: “As used in this section, the term ‘security assistance’ means assistance under part II of subchapter II of this chapter (relating to the

grant military assistance program), part IV of subchapter II of this chapter (relating to the Economic Support Fund), part V of subchapter II of this chapter (relating to international military education and training), or the Arms Export Control Act (relating to the ‘Foreign Military Financing Program’).”

1992—Subsec. (a). Pub. L. 102-583, § 6(b)(5)(A), substituted “section 2291j of this title” for “section 2291(h) of this title”.

Subsec. (b). Pub. L. 102-583, § 6(b)(5)(B), substituted “(relating to the ‘Foreign Military Financing Program’)” for “(relating to foreign military sales financing)”.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

SUPERSEDURE OF FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1989

Section 4206(b) of Pub. L. 100-690, which provided that the enactment of this section superseded section 578(d) of Pub. L. 100-461, 102 Stat. 2268-46, and that funds could be transferred under subsec. (a)(1) of this section notwithstanding section 514 of Pub. L. 100-461, 102 Stat. 2268-23, was repealed by Pub. L. 102-583, § 6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

§ 2291f. Prohibition on assistance to drug traffickers

(a) Prohibition

The President shall take all reasonable steps to ensure that assistance under this chapter and the Arms Export Control Act [22 U.S.C. 2751 et seq.] 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 coluder with others in the illicit trafficking in any such substance.

(b) Regulations

The President shall issue regulations specifying the steps to be taken in carrying out this section.

(c) Congressional review of regulations

Regulations issued pursuant to subsection (b) of this section shall be submitted to the Congress before they take effect.

(Pub. L. 87-195, pt. I, § 487, as added Pub. L. 100-690, title IV, § 4503, Nov. 18, 1988, 102 Stat. 4285; amended Pub. L. 102-583, § 6(b)(6), Nov. 2, 1992, 106 Stat. 4932; Pub. L. 103-447, title I, § 101(e), Nov. 2, 1994, 108 Stat. 4692.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-447 inserted “to” after “relating”.

1992—Subsec. (a)(1). Pub. L. 102-583 struck out “(as defined in section 2291(i)(3) of this title)” after “controlled substances”.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2291g. Limitations on acquisition of real property and construction of facilities

(a) Acquisition of real property

(1) Prohibition

Funds made available to carry out this part may not be used to acquire (by purchase or other means) any land or other real property for use by foreign military, paramilitary, or law enforcement forces.

(2) Exception for certain leases

Paragraph (1) shall not apply to the acquisition of real property by lease of a duration not to exceed 2 years.

(b) Construction of facilities

(1) Limitation

Funds made available to carry out this part may not be used for construction of facilities for use by foreign military, paramilitary, or law enforcement forces unless, at least 15 days before obligating funds for such construction, the President notifies the appropriate congressional committees in accordance with procedures applicable to reprogramming notifications under section 2394-1 of this title.

(2) Exception

Paragraph (1) shall not apply to the construction of facilities which would require the obligation of less than \$750,000 under this part.

(Pub. L. 87-195, pt. I, §488, as added Pub. L. 100-690, title IV, §4505, Nov. 18, 1988, 102 Stat. 4285; amended Pub. L. 102-583, §4(g), Nov. 2, 1992, 106 Stat. 4917; Pub. L. 107-228, div. A, title VI, §671(3), Sept. 30, 2002, 116 Stat. 1407.)

AMENDMENTS

2002—Subsec.(a)(3). Pub. L. 107-228 struck out heading and text of par. (3). Text read as follows: “The Secretary of State shall provide to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate within 30 days after the end of each quarter of the fiscal year a detailed report on all leases entered into pursuant to paragraph (2), including the cost and duration of such lease, a description of the property leased, and the purpose for which such lease was entered into.”

1992—Pub. L. 102-583 amended section generally. Prior to amendment, section read as follows: “Funds made available to carry out this part may not be used to acquire (by purchase, lease, or other means) any real property for use by foreign military, paramilitary, or law enforcement forces”.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2291h. Reporting requirements

(a) International narcotics control strategy report

Not later than March 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report containing the following:

(1) For each country that received assistance under this part for either of the 2 preceding fiscal years, a report on the extent to which the country has—

(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production, distribution, sale, transport, and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

(B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement; and

(C) taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts.

(2)(A) A description of the policies adopted, agreements concluded, and programs implemented by the Department of State in pursuit of its delegated responsibilities for international narcotics control, including appropriate information on the status of negotiations between the United States and other countries on updated extradition treaties, mutual legal assistance treaties, precursor chemical controls, money laundering, and agreements pursuant to section 2015 of the International Narcotics Act of 1986 (relating to interdiction procedures for vessels of foreign registry).

(B) Information on multilateral and bilateral strategies with respect to money laundering pursued by the Department of State, the Department of Justice, the Department of the Treasury, and other relevant United States Government agencies, either collectively or individually, to ensure the cooperation of foreign governments with respect to narcotics-related money laundering and to demonstrate that all United States Government agencies are pursuing a common strategy with respect to major money laundering countries. The report shall include specific detail to demonstrate that all United States Government agencies are pursuing a common strategy with respect to achieving international cooperation

against money laundering and are pursuing a common strategy with respect to major money laundering countries, including a summary of United States objectives on a country-by-country basis.

(3) The identity of those countries which are—

(A) major illicit drug producing countries or major drug-transit countries as determined under section 2291j(h) of this title;

(B) major sources of precursor chemicals used in the production of illicit narcotics; or

(C) major money laundering countries.

(4) In addition, for each country identified pursuant to paragraph (3), the following:

(A) A description of the plans, programs, and timetables adopted by such country, including efforts to meet the objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and a discussion of the adequacy of the legal and law enforcement measures taken and the accomplishments achieved in accord with those plans.

(B) Whether as a matter of government policy or practice, such country encourages or facilitates the illicit production or distribution of narcotic or psychotropic drugs or other controlled substances or the laundering of proceeds from illegal drug transactions; and whether any senior official of the government of such country engages in, encourages, or facilitates the illicit production or distribution of such drugs or substances, or the laundering of proceeds from illegal drug transactions.

(5) In addition, for each country identified pursuant to paragraph (3)(A) or (3)(B), a detailed status report, with such information as can be reliably obtained, on the narcotic or psychotropic drugs or other controlled substances which are being cultivated, produced, or processed in or transported through such country, noting significant changes in conditions, such as increases or decreases in the illicit cultivation and manufacture of and traffic in such drugs and substances.

(6) In addition, for those countries identified pursuant to paragraph (3)(C)—

(A) which countries are parties to international agreements on a method for maintaining records of transactions of an established list of precursor and essential chemicals;

(B) which countries have established a procedure by which such records may be made available to United States law enforcement authorities; and

(C) which countries have enacted national chemical control legislation which would impose specific recordkeeping and reporting requirements for listed chemicals, establish a system of permits or declarations for imports and exports of listed chemicals, and authorize government officials to seize or suspend shipments of listed chemicals.

(7) In addition, for those countries identified pursuant to paragraph (3)(D) the following:

(A)(i) Which countries have financial institutions engaging in currency transactions

involving international narcotics trafficking proceeds that include significant amounts of United States currency or currency derived from illegal drug sales in the United States or that otherwise significantly affect the United States;

(ii) which countries identified pursuant to clause (i) have not reached agreement with the United States authorities on a mechanism for exchanging adequate records in connection with narcotics investigations and proceedings; and

(iii) which countries identified pursuant to clause (ii)—

(I) are negotiating in good faith with the United States to establish such a record-exchange mechanism, or

(II) have adopted laws or regulations that ensure the availability to appropriate United States Government personnel and those of other governments of adequate records in connection with narcotics investigations and proceedings.

(B) Which countries—

(i) have ratified the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and are taking steps to implement that Convention and other applicable agreements and conventions such as the recommendations of the Financial Action Task Force, the policy directive of the European Community, the legislative guidelines of the Organization of American States, and other similar declarations; and

(ii) have entered into bilateral agreements for the exchange of information on money-laundering with countries other than the United States.

(C) Findings on each country's adoption of law and regulations considered essential to prevent narcotics-related money laundering. Such findings shall include whether a country has—

(i) criminalized narcotics money laundering;

(ii) required banks and other financial institutions to know and record the identity of customers engaging in significant transactions, including the recording of large currency transactions at thresholds appropriate to that country's economic situation;

(iii) required banks and other financial institutions to maintain, for an adequate time, records necessary to reconstruct significant transactions through financial institutions in order to be able to respond quickly to information requests from appropriate government authorities in narcotics-related money laundering cases;

(iv) required or allowed financial institutions to report suspicious transactions;

(v) established systems for identifying, tracing, freezing, seizing, and forfeiting narcotics-related assets;

(vi) enacted laws for the sharing of seized narcotics assets with other governments;

(vii) cooperated, when requested, with appropriate law enforcement agencies of

other governments investigating financial crimes related to narcotics; and
 (viii) addressed the problem on international transportation of illegal-source currency and monetary instruments.

The report shall also detail instances of refusals to cooperate with foreign governments, and any actions taken by the United States Government and any international organization to address such obstacles, including the imposition of sanctions or penalties.

(8)(A) A separate section that contains the following:

(i) An identification of the five countries that exported the largest amount of pseudoephedrine, ephedrine, and phenylpropanolamine (including the salts, optical isomers, or salts of optical isomers of such chemicals, and also including any products or substances containing such chemicals) during the preceding calendar year.

(ii) An identification of the five countries that imported the largest amount of the chemicals described in clause (i) during the preceding calendar year and have the highest rate of diversion of such chemicals for use in the illicit production of methamphetamine (either in that country or in another country).

(iii) An economic analysis of the total worldwide production of the chemicals described in clause (i) as compared to the legitimate demand for such chemicals worldwide.

(B) The identification of countries that imported the largest amount of chemicals under subparagraph (A)(ii) shall be based on the following:

(i) An economic analysis that estimates the legitimate demand for such chemicals in such countries as compared to the actual or estimated amount of such chemicals that is imported into such countries.

(ii) The best available data and other information regarding the production of methamphetamine in such countries and the diversion of such chemicals for use in the production of methamphetamine.

(b) Annual reports on assistance

(1) In general

At the time that the report required by subsection (a) of this section is submitted each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the assistance provided or proposed to be provided by the United States Government during the preceding fiscal year, the current fiscal year, and the next fiscal year to support international efforts to combat illicit narcotics production or trafficking.

(2) Information to be included

Each report pursuant to this subsection shall—

(A) specify the amount and nature of the assistance provided or to be provided;

(B) include, for each country identified in subsection (a)(3)(A) of this section, informa-

tion from the Drug Enforcement Administration, the Customs Service, and the Coast Guard describing in detail—

(i) the assistance provided or to be provided to such country by that agency, and

(ii) the assistance provided or to be provided to that agency by such country,

with respect to narcotic control efforts during the preceding fiscal year, the current fiscal year, and the next fiscal year; and

(C) list all transfers, which were made by the United States Government during the preceding fiscal year, to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity, including an estimate of the fair market value and physical condition of each item of property transferred.

(Pub. L. 87-195, pt. I, §489, as added Pub. L. 102-583, §5(a), Nov. 2, 1992, 106 Stat. 4917; amended Pub. L. 103-447, title I, §101(f)(1), Nov. 2, 1994, 108 Stat. 4692; Pub. L. 104-66, title I, §1112(c), Dec. 21, 1995, 109 Stat. 724; Pub. L. 109-177, title VII, §722(a), Mar. 9, 2006, 120 Stat. 268.)

REFERENCES IN TEXT

Section 2015 of the International Narcotics Act of 1986, referred to in subsec. (a)(2)(A), probably means section 2015 of the International Narcotics Control Act of 1986, Pub. L. 99-570, which was set out as a note under section 1902 of the former Appendix to Title 46, Shipping, prior to being repealed by Pub. L. 103-447, title I, §103(c), Nov. 2, 1994, 108 Stat. 4694.

PRIOR PROVISIONS

A prior section 2291h, Pub. L. 87-195, pt. I, §489, as added Pub. L. 100-690, title IV, §4507, Nov. 18, 1988, 102 Stat. 4286, related to permissible uses of aircraft and other equipment, prior to amendment by Pub. L. 102-583, §4(f)(2), Nov. 2, 1992, 106 Stat. 4917, which also transferred subsecs. (a) and (b) to section 2291c(b) and (c) of this title, respectively, and repealed the designation, heading, and subsecs. (c) and (d).

AMENDMENTS

2006—Subsec. (a)(8). Pub. L. 109-177 added par. (8).

1995—Pub. L. 104-66, §1112(c)(1), struck out “for fiscal year 1995” after “Reporting requirements” in section catchline.

Subsec. (c). Pub. L. 104-66, §1112(c)(2), struck out heading and text of subsec. (c). Text read as follows: “This section applies only during fiscal year 1995. Section 2291i of this title does not apply during that fiscal year.”

1994—Pub. L. 103-447, §101(f)(1)(A), substituted “for fiscal year 1995” for “for fiscal years 1993 and 1994” in section catchline.

Subsec. (a). Pub. L. 103-447, §101(f)(1)(B)(i), substituted “March 1” for “April 1” in introductory provisions.

Subsec. (a)(3)(B) to (D). Pub. L. 103-447, §101(f)(1)(B)(ii), redesignated subpars. (C) and (D) as (B) and (C), respectively, and struck out former subpar. (B) which read as follows: “the significant direct or indirect sources of narcotics and psychotropic drugs and other controlled substances significantly affecting the United States;”

Subsec. (c). Pub. L. 103-447, §101(f)(1)(D), (E), redesignated subsec. (d) as (c) and amended heading and text generally. Prior to amendment, text read as follows: “This section applies only during fiscal years 1993 and 1994. Section 2291i of this title does not apply during those fiscal years.”

Pub. L. 103-447, §101(f)(1)(C), struck out heading and text of subsec. (c). Text read as follows: “As used in this section—

“(1) the term ‘precursor chemical’ has the same meaning as the term ‘listed chemical’ has under paragraph (33) of section 802 of title 21; and

“(2) the term ‘major money laundering country’ means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking.”

Subsec. (d). Pub. L. 103-447, §101(f)(1)(D), redesignated subsec. (d) as (c).

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

PLAN TO ADDRESS DIVERSION OF PRECURSOR CHEMICALS

Pub. L. 109-177, title VII, §722(d), Mar. 9, 2006, 120 Stat. 269, provided that: “In the case of each country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of the Foreign Assistance Act of 1961 [22 U.S.C. 2291h(a)(8)(A)] (as added by subsection (a)) with respect to which the President has not transmitted to Congress a certification under section 490(b) of such Act (22 U.S.C. 2291j(b)), the Secretary of State, in consultation with the Attorney General, shall, not later than 180 days after the date on which the President transmits the report required by section 489(a) of such Act (22 U.S.C. 2291h(a)), submit to Congress a comprehensive plan to address the diversion of the chemicals described in section 489(a)(8)(A)(i) of such Act to the illicit production of methamphetamine in such country or in another country, including the establishment, expansion, and enhancement of regulatory, law enforcement, and other investigative efforts to prevent such diversion.”

STATUTORY REFERENCES TO ANNUAL REPORTS, CERTIFICATIONS, AND DEFINITIONS

Section 6(a) of Pub. L. 102-583 provided that after Sept. 30, 1994, any reference in any provision of law to section 2291h or 2291j of this title would be deemed a reference to the corresponding provision of section 2291i or 2291k of this title, respectively, unless the context required otherwise; any reference in any provision of law enacted before Nov. 2, 1992, to section 2291(e) or (i) of this title be deemed a reference to section 2291h or 2291j of this title, respectively; and that any reference in any provision of law enacted before Nov. 2, 1992, to section 2291(h) of this title be deemed, as of Oct. 1, 1992, to be a reference to section 2291j of this title, prior to repeal by Pub. L. 103-447, title I, §103(a), Nov. 2, 1994, 108 Stat. 4693.

§ 2291i. Repealed. Pub. L. 104-66, title I, § 1112(a), Dec. 21, 1995, 109 Stat. 723

Section, Pub. L. 87-195, pt. I, §489A, as added Pub. L. 102-583, §5(a), Nov. 2, 1992, 106 Stat. 4921; amended Pub. L. 103-447, title I, §101(f)(2), Nov. 2, 1994, 108 Stat. 4692, related to reporting requirements applicable after Sept. 30, 1995.

§ 2291j. Annual certification procedures

(a) Withholding of bilateral assistance and opposition to multilateral development assistance

(1) Bilateral assistance

Fifty percent of the United States assistance allocated each fiscal year in the report required by section 2413 of this title for each major illicit drug producing country, major drug-transit country, or country identified pursuant to clause (i) or (ii) of section 2291h(a)(8)(A) of this title shall be withheld from obligation and expenditure, except as provided in subsection (b) of this section. This paragraph shall not apply with respect to a country if the President determines that its application to that country would be contrary to the national interest of the United States, except that any such determination shall not take effect until at least 15 days after the President submits written notification of that determination to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 2394-1 of this title.

(2) Multilateral assistance

The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote, on and after March 1 of each year, against any loan or other utilization of the funds of their respective institution to or for any major illicit drug producing country or major drug-transit country (as determined under subsection (h) of this section) or country identified pursuant to clause (i) or (ii) of section 2291h(a)(8)(A) of this title, except as provided in subsection (b) of this section. For purposes of this paragraph, the term “multilateral development bank” means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development.

(b) Certification procedures

(1) What must be certified

Subject to subsection (d) of this section, the assistance withheld from a country pursuant to subsection (a)(1) of this section may be obligated and expended, and the requirement of subsection (a)(2) of this section to vote against multilateral development bank assistance to a country shall not apply, if the President determines and certifies to the Congress, at the time of the submission of the report required by section 2291h(a) of this title, that—

(A) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own, to

achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or

(B) for a country that would not otherwise qualify for certification under subparagraph (A), the vital national interests of the United States require that the assistance withheld pursuant to subsection (a)(1) of this section be provided and that the United States not vote against multilateral development bank assistance for that country pursuant to subsection (a)(2) of this section.

(2) Considerations regarding cooperation

In making the determination described in paragraph (1)(A), the President shall consider the extent to which the country has—

(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production, distribution, sale, transport and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

(B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement; and

(C) taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts.

(3) Information to be included in national interest certification

If the President makes a certification with respect to a country pursuant to paragraph (1)(B), the President shall include in such certification—

(A) a full and complete description of the vital national interests placed at risk if United States bilateral assistance to that country is terminated pursuant to this section and multilateral development bank assistance is not provided to such country; and

(B) a statement weighing the risk described in subparagraph (A) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in combating narcotics or to take adequate steps to combat narcotics on its own.

(c) Licit opium producing countries

The President may make a certification under subsection (b)(1)(A) of this section with respect to a major illicit drug producing country, or major drug-transit country, that is a producer of licit opium only if the President determines that such country maintains licit production and stockpiles at levels no higher than those consistent with licit market demand, and has taken adequate steps to prevent significant diversion of its licit cultivation and production

into the illicit markets and to prevent illicit cultivation and production.

(d) Congressional review

Subsection (e) of this section shall apply if, within 30 calendar days after receipt of a certification submitted under subsection (b) of this section at the time of submission of the report required by section 2291h(a) of this title, the Congress enacts a joint resolution disapproving the determination of the President contained in such certification.

(e) Denial of assistance for countries decertified

If the President does not make a certification under subsection (b) of this section with respect to a country or the Congress enacts a joint resolution disapproving such certification, then until such time as the conditions specified in subsection (f) of this section are satisfied—

(1) funds may not be obligated for United States assistance for that country, and funds previously obligated for United States assistance for that country may not be expended for the purpose of providing assistance for that country; and

(2) the requirement to vote against multilateral development bank assistance pursuant to subsection (a)(2) of this section shall apply with respect to that country, without regard to the date specified in that subsection.

(f) Recertification

Subsection (e) of this section shall apply to a country described in that subsection until—

(1) the President, at the time of submission of the report required by section 2291h(a) of this title, makes a certification under subsection (b)(1)(A) or (b)(1)(B) of this section with respect to that country, and the Congress does not enact a joint resolution under subsection (d) of this section disapproving the determination of the President contained in that certification; or

(2) the President, at any other time, makes the certification described in subsection (b)(1)(B) of this section with respect to that country, except that this paragraph applies only if either—

(A) the President also certifies that—

(i) that country has undergone a fundamental change in government, or

(ii) there has been a fundamental change in the conditions that were the reason—

(I) why the President had not made a certification with respect to that country under subsection (b)(1)(A) of this section, or

(II) if he had made such a certification and the Congress enacted a joint resolution disapproving the determination contained in the certification, why the Congress enacted that joint resolution; or

(B) the Congress enacts a joint resolution approving the determination contained in the certification under subsection (b)(1)(B) of this section.

Any certification under subparagraph (A) of paragraph (2) shall discuss the justification for the certification.

(g) Senate procedures

Any joint resolution under this section shall be considered in the Senate in accordance with

the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(h) Determining major drug-transit and major illicit drug producing countries

Not later than November 1 of each year, the President shall notify the appropriate committees of the Congress of which countries have been determined to be major drug-transit countries, and which countries have been determined to be major illicit drug producing countries, for purposes of this chapter.

(Pub. L. 87-195, title I, §490, as added Pub. L. 102-583, §5(a), Nov. 2, 1992, 106 Stat. 4924; amended Pub. L. 103-447, title I, §101(g)(1), Nov. 2, 1994, 108 Stat. 4692; Pub. L. 104-66, title I, §1112(d), Dec. 21, 1995, 109 Stat. 724; Pub. L. 109-177, title VII, §722(b), Mar. 9, 2006, 120 Stat. 268.)

REFERENCES IN TEXT

Section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (g), is section 601(b) of Pub. L. 94-329, title VI, June 30, 1976, 90 Stat. 765, which is not classified to the Code.

This chapter, referred to in subsec. (h), was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-177, §722(b)(1), substituted “major illicit drug producing country, major drug-transit country, or country identified pursuant to clause (i) or (ii) of section 2291h(a)(8)(A) of this title” for “major illicit drug producing country or major drug-transit country”.

Subsec. (a)(2). Pub. L. 109-177, §722(b)(2), inserted “or country identified pursuant to clause (i) or (ii) of section 2291h(a)(8)(A) of this title” after “(as determined under subsection (h) of this section)”.

1995—Pub. L. 104-66, §1112(d)(1), struck out “for fiscal year 1995” after “certification procedures” in section catchline.

Subsec. (i). Pub. L. 104-66, §1112(d)(2), struck out heading and text of subsec. (i). Text read as follows: “This section applies only during fiscal year 1995. Section 2291k of this title does not apply during that fiscal year.”

1994—Pub. L. 103-447, §101(g)(1)(A), substituted “for fiscal year 1995” for “for fiscal years 1993 and 1994” in section catchline.

Subsec. (a)(1). Pub. L. 103-447, §101(g)(1)(B), struck out “(as determined under subsection (h) of this section)” after “drug-transit country”.

Subsec. (a)(2). Pub. L. 103-447, §101(g)(1)(C), substituted “March 1” for “April 1”.

Subsec. (c). Pub. L. 103-447, §101(g)(1)(D), substituted “that such country maintains licit production and stockpiles at levels no higher than those consistent with licit market demand, and has taken adequate steps to prevent significant diversion of its licit cultivation and production into the illicit markets and to prevent illicit cultivation and production.” for “that such country has taken adequate steps to prevent significant diversion of its licit cultivation and production into the illicit market, maintains production and stockpiles at levels no higher than those consistent with licit market demand, and prevents illicit cultivation and production.”

Subsec. (d). Pub. L. 103-447, §101(g)(1)(E), substituted “30 calendar days” for “45 calendar days”.

Subsec. (g). Pub. L. 103-447, §101(g)(1)(F), substituted “Senate procedures” for “Congressional review proce-

dures” in heading, struck out designation and heading of par. (1), and struck out heading and text of par. (2). Text read as follows: “For the purpose of expediting the consideration and enactment of joint resolutions under this section, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.”

Subsec. (h). Pub. L. 103-447, §101(g)(1)(G), struck out “for fiscal years 1993 and 1994” after “drug producing countries” in heading and substituted “November 1” for “January 1” in text.

Subsec. (i). Pub. L. 103-447, §101(g)(1)(H), amended heading and text of subsec. (i) generally. Prior to amendment, text read as follows: “This section applies only during fiscal years 1993 and 1994. During those fiscal years, section 2291k of this title does not apply and the definitions provided in section 2291(e)(2) and (5) of this title do not apply.”

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

CERTIFICATION FOR MAJOR ILLICIT DRUG PRODUCING AND DRUG TRANSIT COUNTRIES

Determination of President of the United States, No. 2001-12, Mar. 1, 2001, 66 F.R. 14454, provided:

Memorandum for the Secretary of State
By virtue of the authority vested in me by section 490(b)(1)(A) of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2291j(b)(1)(A)] (the “Act”), I hereby determine and certify that the following major illicit drug producing and/or major illicit drug transit countries have cooperated fully with the United States, or have taken adequate steps on their own, to achieve full compliance with the goals and objectives of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances:

The Bahamas, Bolivia, Brazil, People’s Republic of China, Colombia, Dominican Republic, Ecuador, Guatemala, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, Thailand, Venezuela, and Vietnam

By virtue of the authority vested in me by section 490(b)(1)(B) of the Act, I hereby determine and certify that, for the following major illicit drug producing and/or major illicit drug transit countries that do not qualify for certification under section 490(b)(1)(A), the vital national interests of the United States require that assistance not be withheld and that the United States not vote against multilateral development bank assistance: Cambodia and Haiti

Analysis of the relevant U.S. vital national interests and risks posed thereto, as required under section 490(b)(3) of the Act, is attached for these countries [not set out in the Code].

I have determined that the following major illicit drug producing and/or major illicit drug transit countries do not meet the standards for certification set forth in section 490(b):

Afghanistan and Burma

In making these determinations, I have considered the factors set forth in section 490 of the Act, based on the information contained in the International Narcotics Control Strategy Report of 2001. Given that the performance of each of these countries has differed, I have attached an explanatory statement for each of the countries subject to this determination [not set out in the Code].

You are hereby authorized and directed to report this determination to the Congress immediately and to publish it in the Federal Register.

GEORGE W. BUSH.

Prior certifications for major narcotics producing and transit countries were contained in the following: Determination of President of the United States, No. 2000-16, Feb. 29, 2000, 65 F.R. 15797.

Determination of President of the United States, No. 99-15, Feb. 26, 1999, 64 F.R. 11319.

Determination of President of the United States, No. 98-15, Feb. 26, 1998, 63 F.R. 12937.

Determination of President of the United States, No. 97-18, Feb. 28, 1997, 62 F.R. 11589.

Determination of President of the United States, No. 96-13, Mar. 1, 1996, 61 F.R. 9891.

Determination of President of the United States, No. 95-15, Feb. 28, 1995, 60 F.R. 12859.

Determination of President of the United States, No. 94-22, Apr. 1, 1994, 59 F.R. 17231.

Determination of President of the United States, No. 93-18, Mar. 31, 1993, 58 F.R. 19033.

Determination of President of the United States, No. 92-18, Feb. 28, 1992, 57 F.R. 8571.

Determination of President of the United States, No. 91-22, Mar. 1, 1991, 56 F.R. 10773.

Determination of President of the United States, No. 90-12, Feb. 28, 1990, 55 F.R. 10597.

Determination of President of the United States, No. 89-11, Feb. 28, 1989, 54 F.R. 9413.

Determination of President of the United States, No. 88-10, Feb. 29, 1988, 53 F.R. 11487.

PRESIDENTIAL DETERMINATION UNDER SECTION 490(b)(1)(A) OF THE FOREIGN ASSISTANCE ACT RELATING TO THE LARGEST EXPORTING AND IMPORTING COUNTRIES OF CERTAIN PRECURSOR CHEMICALS

Determination of President of the United States, No. 2007-14, Feb. 28, 2007, 72 F.R. 10881, provided:

Memorandum for the Secretary of State

Pursuant to section 490(b)(1)(A) of the Foreign Assistance Act, I hereby determine that the top five exporting and importing countries of pseudoephedrine and ephedrine in 2005 (Belgium, China, Germany, India, Indonesia, Mexico, Singapore, South Africa, South Korea, Switzerland, Taiwan, and the United Kingdom) have cooperated fully with the United States or have taken adequate steps on their own to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

You are directed to publish this determination in the Federal Register, and are authorized and directed to transmit to the Congress the report under section 722 of the Combat Methamphetamine Epidemic Act [of 2005].

GEORGE W. BUSH.

§ 2291j-1. International drug control certification procedures

During any fiscal year, funds that would otherwise be withheld from obligation or expenditure under section 2291j of this title may be obligated or expended beginning October 1 of such fiscal year provided that:

(1) Report

Not later than September 15 of the previous fiscal year the President has submitted to the appropriate congressional committees a report identifying each country determined by the President to be a major drug transit country or major illicit drug producing country as defined in section 2291(e) of this title.

(2) Designation and justification

In each report under paragraph (1), the President shall also—

(A) designate each country, if any, identified in such report that has failed demonstrably, during the previous 12 months, to make substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 2291h(a)(1) of this title; and

(B) include a justification for each country so designated.

(3) Limitation on assistance for designated countries

In the case of a country identified in a report under paragraph (1) that is also designated under paragraph (2) in the report, United States assistance may be provided to such country in the subsequent fiscal year only if the President determines and reports to the appropriate congressional committees that—

(A) provision of such assistance to the country in such fiscal year is vital to the national interests of the United States; or

(B) subsequent to the designation being made under paragraph (2)(A), the country has made substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 2291h(a)(1) of this title.

(4) International counternarcotics agreement defined

In this section, the term “international counternarcotics agreement” means—

(A) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or

(B) any bilateral or multilateral agreement in force between the United States and another country or countries that addresses issues relating to the control of illicit drugs, such as—

(i) the production, distribution, and interdiction of illicit drugs;

(ii) demand reduction;

(iii) the activities of criminal organizations;

(iv) international legal cooperation among courts, prosecutors, and law enforcement agencies (including the exchange of information and evidence);

(v) the extradition of nationals and individuals involved in drug-related criminal activity;

(vi) the temporary transfer for prosecution of nationals and individuals involved in drug-related criminal activity;

(vii) border security;

(viii) money laundering;

(ix) illicit firearms trafficking;

(x) corruption;

(xi) control of precursor chemicals;

(xii) asset forfeiture; and

(xiii) related training and technical assistance,

and includes, where appropriate, timetables and objective and measurable standards to assess the progress made by participating countries with respect to such issues.

(5) Application

(A) Section 2291j(a) through (h) of this title shall not apply during any fiscal year with re-

spect to any country identified in the report required by paragraph (1) of this section.

(B) Notwithstanding paragraphs (1) through (5)(A) of this section, the President may apply the procedures set forth in section 2291j(a) through (h) of this title during any fiscal year with respect to any country determined to be a major drug transit country or major illicit drug producing country as defined in section 2291(e) of this title.

(C) Nothing in this section shall affect the requirements of section 2291j of this title with respect to countries identified pursuant to section¹ clause (i) or (ii) of 2291h(a)(8)(A) of this title.

(6) Statutory construction

Nothing in this section supersedes or modifies the requirement in section 2291h(a) of this title (with respect to the International Narcotics Control Strategy Report) for the transmittal of a report not later than March 1, each fiscal year under that section.

(7) Transition rule

For funds obligated or expended under this section in fiscal year 2003, the date for submission of the report required by paragraph (1) of this section shall be at least 15 days before funds are obligated or expended.

(8) Effective date

This section shall take effect September 30, 2002, and shall remain in effect thereafter unless Congress enacts subsequent legislation repealing such section.

(Pub. L. 107-228, div. A, title VI, § 706, Sept. 30, 2002, 116 Stat. 1424; Pub. L. 109-177, title VII, § 722(c), Mar. 9, 2006, 120 Stat. 269.)

CODIFICATION

Section was enacted as part of the Department of State Authorization Act, Fiscal Year 2003, and also as part of the Foreign Relations Authorization Act, Fiscal Year 2003, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

2006—Par. (5)(C). Pub. L. 109-177 added subpar. (C).

PRESIDENTIAL DETERMINATION ON MAJOR ILLICIT DRUG TRANSIT OR MAJOR ILLICIT DRUG PRODUCING COUNTRIES FOR FISCAL YEAR 2010

Determination of the President of the United States, No. 2009-30, Sept. 15, 2009, 74 F.R. 48369, provided:

Memorandum for the Secretary of State

Pursuant to section 706(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228) (FRAA), I hereby identify the following countries as major drug transit or major illicit drug producing countries: Afghanistan, The Bahamas, Bolivia, Brazil, Burma, Colombia, Dominican Republic, Ecuador, Guatemala, Haiti, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, and Venezuela.

A country's presence on the Majors List is not necessarily an adverse reflection of its government's counternarcotics efforts or level of cooperation with the United States. Consistent with the statutory definition of a major drug transit or drug producing country set forth in section 481(e)(2) and (5) of the Foreign Assistance Act of 1961, as amended (FAA), one of the reasons

that major drug transit or illicit drug producing countries are placed on the list is the combination of geographic, commercial, and economic factors that allow drugs to transit or be produced despite the concerned government's most assiduous enforcement measures.

Pursuant to section 706(2)(A) of the FRAA, I hereby designate Bolivia, Burma, and Venezuela as countries that have failed demonstrably during the previous 12 months to adhere to their obligations under international counternarcotics agreements and take the measures set forth in section 489(a)(1) of the FAA. Attached to this report are justifications for the determinations on Bolivia, Burma, and Venezuela [not set out in the Code], as required by section 706(2)(B).

I have also determined, in accordance with provisions of section 706(3)(A) of the FRAA, that support for programs to aid Venezuela's democratic institutions and continued support for bilateral programs in Bolivia are vital to the national interests of the United States.

Afghanistan continues to be the world's largest producer of opium poppy and a major source of heroin. The Government of Afghanistan, under the leadership of President Karzai and key governors in the provinces, has demonstrated its ongoing commitment to combating narcotics and has made notable improvements in this regard over the past year.

The connection between opium production, the resulting narcotics trade, corruption, and the insurgency continues to grow more evident in Afghanistan. Poppy cultivation remains largely confined to five contiguous provinces in the south where security problems greatly impede counternarcotics efforts, and nearly all significant poppy cultivation occurs in insecure areas with active insurgent elements. Counternarcotics efforts have shown greater impact where security exists, where public information messages can be conveyed, alternative development delivered, interdiction performed, and justice carried out. While the Government of Afghanistan made some progress during the past year, the country must dedicate far greater political will and programmatic effort to combat opium trafficking and production nationwide.

Pakistan is a major transit country for opiates and hashish for markets around the world, as well as for precursor chemicals moving into neighboring Afghanistan where they are used for processing heroin. Opium poppy cultivation in Pakistan is also a primary concern.

In 2008 and 2009, religious extremist groups controlled major portions of the Federally Administered Tribal Areas, where most of Pakistan's poppy is grown. These extremist groups also pushed into settled areas of the country's Northwest Frontier Province, such as the Peshawar Valley and the Swat Valley. The Government of Pakistan was compelled to divert manpower and equipment resources from poppy eradication efforts to contest these incursions.

The joint Narcotics Affairs Section and Pakistan's Narcotics Control Cell indicated that 1,909 hectares of poppy were cultivated in 2008 (approximately one percent of the cultivation in Afghanistan). This is down from the 2,315 hectares cultivated in 2007. In 2007, when the insurgent problem was not as widespread, 614 hectares were eradicated, bringing harvested poppy down to 1,701 hectares. During 2008, there were significant narcotics and precursor chemical seizures in Pakistan. United States counternarcotics and border security assistance programs continue to build the counternarcotics capacity of law enforcement agencies, especially in Baluchistan and along the Makran coast.

As Mexico and Colombia continue to apply pressure on drug traffickers, the countries of Central America are increasingly targeted for trafficking, which is creating serious challenges for the region. In 2008, approximately 42 percent of the cocaine destined for the United States transited Central America directly from South America. Often unimpeded due to the region's limited capabilities and resources, traffickers use land routes and Central America's coastal waters for illegal drug movements. The Merida Initiative, which provides

¹So in original. The word "section" probably should appear after "clause (i) or (ii) of".

Central American countries \$165 million for FY 2008 and FY 2009, offers the opportunity to boost the capabilities of the region's rule of law institutions and promote greater regional law enforcement cooperation.

Within the Central America region, Guatemala has been listed as a major drug transit country since 1990. Guatemala continues to be challenged by increasing violence related to narcotics trafficking. Corruption and inadequate law enforcement efforts contributed to low interdiction levels during the past several years. The United States continues to support the Government of Guatemala to improve its counternarcotics efforts.

In Honduras, drug traffickers have capitalized on the country's lack of resources, corruption, and ungoverned spaces. Despite the current political instability, Honduran security forces have been conducting counternarcotic operations and have already seized more illegal drugs than in all of 2008. Honduras has also agreed to a bilateral integrated strategy with the United States to strengthen the operational counternarcotics capabilities of its security and law enforcement forces.

Panama is a major drug transit country that seized 51 metric tons of cocaine in 2008 while working in partnership with the United States. El Salvador is not a primary transit country, but in 2008 the Salvadoran government seized 1.4 metric tons of cocaine, 300 kilograms of marijuana, and nine kilograms of heroin. El Salvador may see an increase in drug activity corresponding with rising drug trafficking levels in the eastern Pacific. The United States is increasingly concerned with the large amount of drugs trafficked through Costa Rica and Nicaragua. Interdiction efforts in these two countries in 2008 resulted in the seizure of 21.7 and 19.5 metric tons of cocaine seizures, respectively.

The trafficking of South American cocaine through Nigeria and other West African countries en route to Europe continues. Though the cocaine does not come to the United States, the proceeds of the trafficking flow back to the same organizations that move cocaine to the United States, reinforcing their financial strength. Drug trafficking is a destabilizing force in the region and undermines good governance. Initially focused on Guinea and Guinea-Bissau, drug trafficking is now a serious issue facing nearly all West African countries. There is limited capacity in many West African law enforcement and judicial sectors to investigate and prosecute the organizers of cocaine trafficking. Despite this, there have been some important counternarcotics victories, most notably in the arrest and successful prosecution of traffickers in Sierra Leone.

Nigeria, which remains a significant transit point for narcotics destined for the United States, made demonstrable progress in 2008 by combating narcotics through increased budgetary support of key counternarcotics and corruption agencies, continued evaluation of suspicious transaction reports, and acceptable progress in the arrests of drug kingpins, with one kingpin arrested in 2008 and another in early 2009. Drug seizures were down slightly from a high in 2007. However, this development is likely attributable to a decrease in the use of Nigeria's international airports as a transshipment point after the successful deployment of narcotics scanning machines by the Nigerian Drug Law Enforcement Agency (NDLEA). At the same time, there was little progress in reform to expedite Nigerian extradition procedures, or to amend its Money Laundering Act to bring it in line with international standards. Cooperation between the NDLEA and U.S. law enforcement agencies remains robust.

International donors and organizations are working to assist West African governments in their counternarcotics efforts. The United States supports these efforts to preserve and protect stability and positive growth in this region.

The United States continues to maintain a strong and productive law enforcement relationship with Canada. Both countries are making significant efforts to disrupt the two-way flow of drugs, bulk currency, and

other contraband. Canada remains a significant producer of MDMA (ecstasy) and high-potency marijuana that is trafficked to the United States. While Canada's passage of several additional regulations in recent years has reduced the large scale diversion and smuggling of bulk precursor chemicals across the border, the increasing diversion of these chemicals to the production of methamphetamine within Canada could lead to greater methamphetamine availability in the United States. The frequent mixing of methamphetamine and other illegal drugs into pills that are marketed as MDMA by Canada-based criminal groups poses a particularly significant public health risk in the United States. The United States Government is appreciative of Canada's efforts to address these and other drug-related challenges, including through bilateral initiatives and multilateral forums.

The Government of India maintains a credible record of regulating its licit opium grown for the production of pharmaceutical products through licensed opium farmers and monitoring of poppy cultivation sites. Diversion of licit opium crops into illegal markets continues despite India's determined efforts to control such activity. Illicit opium poppy production has also been observed in certain areas of the country, such as West Bengal and the State of Uttaranchal. Enforcement agencies continue to eradicate illicit opium poppy crops although the actual number of hectares destroyed has declined in recent years. Indian authorities have made marked efforts to control the illicit drug trade as opium and heroin smuggled from Afghanistan and Pakistan enters India across the India-Pakistan border and is trafficked to destinations outside of India.

Indian authorities continue to pursue precursor chemical trafficking organizations operating in the country and to cooperate with international law enforcement counterparts to interdict the flow of narcotics. The Government of India has made noteworthy international efforts to target the misuse of internet pharmacies for trafficking controlled and non-controlled pharmaceuticals. Law enforcement undertakings in this area have resulted in numerous arrests and asset seizures in both the United States and India.

You are hereby authorized and directed to submit this report under section 706 of the FRAA, transmit it to the Congress, and publish it in the Federal Register.

BARACK OBAMA.

Prior identifications of major drug transit or major illicit drug producing countries were contained in the following:

- Determination of the President of the United States, No. 2008-28, Sept. 15, 2008, 73 F.R. 54927.
- Determination of the President of the United States, No. 2007-33, Sept. 14, 2007, 43 Weekly Compilation of Presidential Documents 1216, Sept. 24, 2007.
- Determination of the President of the United States, No. 2006-24, Sept. 15, 2006, 71 F.R. 57865.
- Determination of the President of the United States, No. 2005-36, Sept. 14, 2005, 70 F.R. 56807.
- Determination of the President of the United States, No. 2004-47, Sept. 15, 2004, 69 F.R. 57809.
- Determination of the President of the United States, No. 2003-38, Sept. 15, 2003, 68 F.R. 54973.
- Determination of the President of the United States, No. 2003-14, Jan. 30, 2003, 68 F.R. 5787.

DEFINITIONS

For definition of "appropriate congressional committees" as used in this section, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.

§ 2291k. Repealed. Pub. L. 104-66, title I, § 1112(b), Dec. 21, 1995, 109 Stat. 724

Section, Pub. L. 87-195, pt. I, § 490A, as added Pub. L. 102-583, § 5(a), Nov. 2, 1992, 106 Stat. 4927; amended Pub. L. 103-447, title I, § 101(g)(2), Nov. 2, 1994, 108 Stat. 4693, related to annual certification procedures after Sept. 30, 1995.

PART IX—INTERNATIONAL DISASTER ASSISTANCE

§ 2292. General provisions

(a) Congressional policy

The Congress, recognizing that prompt United States assistance to alleviate human suffering caused by natural and manmade disasters is an important expression of the humanitarian concern and tradition of the people of the United States, affirms the willingness of the United States to provide assistance for the relief and rehabilitation of people and countries affected by such disasters.

(b) General authority

Subject to limitations in section 2292a of this title, and notwithstanding any other provision of this chapter or any other Act, the President is authorized to furnish assistance to any foreign country, international organization, or private voluntary organization, on such terms and conditions as he may determine, for international disaster relief and rehabilitation, including assistance relating to disaster preparedness, and to the prediction of, and contingency planning for, natural disasters abroad.

(c) Specific direction

In carrying out the provisions of this section the President shall insure that the assistance provided by the United States shall, to the greatest extent possible, reach those most in need of relief and rehabilitation as a result of natural and manmade disasters.

(Pub. L. 87-195, pt. I, § 491, as added Pub. L. 94-161, title I, § 101(3), Dec. 20, 1975, 89 Stat. 849; amended Pub. L. 95-424, title I, § 118(a), Oct. 6, 1978, 92 Stat. 953; Pub. L. 96-533, title IV, § 404(b), Dec. 16, 1980, 94 Stat. 3150.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

PRIOR PROVISIONS

A prior section 491 of Pub. L. 87-195, pt. I, as added Pub. L. 92-226, pt. I, § 109, Feb. 7, 1972, 86 Stat. 24, provided for East Pakistan refugee relief assistance, including appropriations authorization of \$250,000,000 for fiscal year 1972, prior to repeal by section 101(2) of Pub. L. 94-161.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-533 substituted "limitations" for "limitation on appropriations".

1978—Subsec. (b). Pub. L. 95-424 substituted "international organization, or private voluntary organization" for "or international organization".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as a note under section 2151 of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2292a. Authorization of appropriations

(a) Fiscal year authorization

There are authorized to be appropriated to the President to carry out section 2292 of this title, \$25,000,000 for fiscal year 1986 and \$25,000,000 for fiscal year 1987. Amounts appropriated under this section are authorized to remain available until expended.

(b) Subsequent appropriations for reimbursement of additional fiscal year obligations charged against appropriation account

In addition to amounts otherwise available to carry out this part, up to \$50,000,000 in any fiscal year may be obligated against appropriations under subchapter I of this chapter (other than this part) for use in providing assistance in accordance with the authorities and general policies of section 2292 of this title. Amounts subsequently appropriated under this part with respect to a disaster may be used to reimburse any appropriation account against which obligations were incurred under this subsection with respect to that disaster.

(Pub. L. 87-195, pt. I, § 492, as added Pub. L. 94-161, title I, § 101(3), Dec. 20, 1975, 89 Stat. 849; amended Pub. L. 95-88, title I, § 119, Aug. 3, 1977, 91 Stat. 541; Pub. L. 95-424, title I, § 118(b), Oct. 6, 1978, 92 Stat. 953; Pub. L. 96-53, title I, § 115, Aug. 14, 1979, 93 Stat. 365; Pub. L. 96-533, title IV, §§ 403, 404(a), Dec. 16, 1980, 94 Stat. 3150; Pub. L. 97-113, title V, § 503, Dec. 29, 1981, 95 Stat. 1539; Pub. L. 99-83, title IV, § 404, Aug. 8, 1985, 99 Stat. 219.)

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II

References to subchapter I of this chapter are deemed to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and VIII (§ 2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 202(b) of Pub. L. 92-226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-83 substituted provisions authorizing appropriations of \$25,000,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of \$27,000,000 for fiscal years 1982 and 1983.

1981—Subsec. (a). Pub. L. 97-113 substituted appropriations authorization of \$27,000,000 for fiscal years 1982 and 1983, for appropriation of \$25,000,000 for fiscal year 1981.

1980—Subsec. (a). Pub. L. 96-533, §§ 403, 404(a)(1), substituted appropriations authorization of "\$25,000,000 for the fiscal year 1981" for such authorization of "\$21,800,000 for the fiscal year 1980" and designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 96-533, § 404(a)(2), added subsec. (b).

1979—Pub. L. 96-53 substituted "\$21,800,000" for "\$25,000,000" and "1980" for "1979".

1978—Pub. L. 95-424 substituted "the fiscal year 1979" for "each of the fiscal years 1977 and 1978" and struck out provision requiring the President to submit quarterly reports to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives on the programming and obligation of funds.

1977—Pub. L. 95-88 substituted "fiscal years 1977 and 1978" for "fiscal years 1976 and 1977".