

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) 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) 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).

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

(2) In the case of a report required to be submitted under paragraph (1) to the congressional intelligence committees (as defined in section 3003 of title 50), the submittal date for such report shall be as provided in section 3106 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.)

#### Editorial Notes

##### 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).

#### Executive Documents

##### DELEGATION OF FUNCTIONS

Functions of President under subsec. (c) of this section delegated to Secretary of State, see Memorandum of President of the United States, July 21, 2010, 75 F.R. 43795, set out as a note under section 5202 of this title.

##### 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. 2015–01, Oct. 9, 2014, 79 F.R. 62793.

Determination No. 2014–02, Oct. 10, 2013, 78 F.R. 62953.  
 Determination No. 2013–01, Oct. 11, 2012, 77 F.R. 65457.  
 Determination No. 2012–02, Oct. 14, 2011, 76 F.R. 70635.  
 Determination No. 2011–03, Oct. 15, 2010, 75 F.R. 75853.  
 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. 2024–10, Aug. 9, 2024, 89 F.R. 71797.

Determination No. 2023–09, Aug. 11, 2023, 88 F.R. 56997.  
 Determination No. 2022–20, Aug. 9, 2022, 87 F.R. 51233.  
 Determination No. 2021–10, Aug. 10, 2021, 86 F.R. 45619.  
 Determination No. 2020–09, July 17, 2020, 85 F.R. 45751.  
 Determination No. 2019–14, July 19, 2019, 84 F.R. 38109.  
 Determination No. 2018–10, July 20, 2018, 83 F.R. 39579.  
 Determination No. 2017–10, July 21, 2017, 82 F.R. 40667.  
 Determination No. 2016–09, Aug. 4, 2016, 81 F.R. 55107.  
 Determination No. 2015–10, Aug. 5, 2015, 80 F.R. 50755.  
 Determination No. 2014–12, Aug. 7, 2014, 79 F.R. 49221.  
 Determination No. 2013–12, Aug. 9, 2013, 78 F.R. 51647, 73377.

Determination No. 2012–13, Aug. 10, 2012, 77 F.R. 50559.  
 Determination No. 2011–13, Aug. 10, 2011, 76 F.R. 53299.  
 Determination No. 2010–11, Aug. 10, 2010, 75 F.R. 67011, 68405.

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).

**(c) Notification requirement**

Before the export of any item authorized for transfer under subsection (a), 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.)

**Editorial Notes**

## 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.

**Statutory Notes and Related Subsidiaries**

## 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