

(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 trafficking 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.

(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

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

¹ See References in Text note below.

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 3001 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, con-

tained 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 (ii) 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 develop-

ment 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 “(ii)”.

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 of 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 related 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

Pub. L. 100-202, § 101(e) [title V, § 585(b)], Dec. 22, 1987, 101 Stat. 1329-131, 1329-185, 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 methamphetamine, 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, which required annual reports on activities in Colombia, was repealed by Pub. L. 112-74, div. I, title VII, § 7034(n), Dec. 23, 2011, 125 Stat. 1217.

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

Pub. L. 101-231, §10, Dec. 13, 1989, 103 Stat. 1961, 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 Ap-

propriations) 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

Pub. L. 100-690, title IV, §4003, Nov. 18, 1988, 102 Stat. 4263, 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

Pub. L. 100-690, title IV, §4101, Nov. 18, 1988, 102 Stat. 4263, 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

Pub. L. 100-690, title IV, §4405(b), Nov. 18, 1988, 102 Stat. 4276, 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

Pub. L. 100-202, §101(e) [title V, §585(c)], Dec. 22, 1987, 101 Stat. 1329-131, 1329-185, 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

Pub. L. 99-570, title II, §2007, Oct. 27, 1986, 100 Stat. 3207-64, 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

Pub. L. 99-570, title II, §2018, Oct. 27, 1986, 100 Stat. 3207-68, 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(j)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(j)(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

Pub. L. 99-570, title II, §2029, Oct. 27, 1986, 100 Stat. 3207-72, 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 con-

sultation 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

Pub. L. 99-83, title VI, §619, Aug. 8, 1985, 99 Stat. 233, 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 MARIJUANA AND COLOMBIAN ANTI-NARCOTICS ENFORCEMENT PROGRAM

Pub. L. 97-113, title V, §502(a)(2)-(4), Dec. 29, 1981, 95 Stat. 1539, 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

Pub. L. 94-329, title IV, §408, 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 respect 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). 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) 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) 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.