

“(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 counternarcotics 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) 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.

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

Pub. L. 100-690, title IV, §4206(b), Nov. 18, 1988, 102 Stat. 4270, which provided that the enactment of this section superseded section 578(d) of Pub. L. 100-461, Oct. 1, 1988, 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) 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: