

(B) Upon termination of an agreement under this paragraph, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government or nationals of that country to engage in foreign air transportation to or from the United States.

(C) Upon termination of an agreement under this paragraph, the Secretary of Transportation may also revoke the authority of any air carrier to engage in foreign air transportation between the United States and that country.

(3) The Secretary of Transportation may provide for such exceptions from paragraphs (1) and (2) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(4) For purposes of this subsection, the terms “air transportation”, “air carrier”, “foreign air carrier” and “foreign air transportation” have the meanings such terms have under section 40102(a) of title 49.

(e) Standards and guidelines for determining major drug-transit countries

For each calendar year, the Secretary of State, after consultation with the appropriate committees of the Congress, shall establish numerical standards and other guidelines for determining which countries will be considered to be major drug-transit countries under section 2495(3)(A) and (B) of this title.

(Pub. L. 93-618, title VIII, §802, as added Pub. L. 99-570, title IX, §9001, Oct. 27, 1986, 100 Stat. 3207-164; amended Pub. L. 100-204, title VIII, §806(a), Dec. 22, 1987, 101 Stat. 1398; Pub. L. 100-690, title IV, §4408, Nov. 18, 1988, 102 Stat. 4281; Pub. L. 101-231, §17(h)(1)-(4), Dec. 13, 1989, 103 Stat. 1965; Pub. L. 106-36, title I, §1001(a)(8), June 25, 1999, 113 Stat. 131.)

REFERENCES IN TEXT

The Caribbean Basin Economic Recovery Act, referred to in subsec. (a)(1), is title II of Pub. L. 98-67, Aug. 5, 1983, 97 Stat. 384, as amended, which is classified principally to chapter 15 (§2701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

Subsec. (e) of section 2291 of title 22, referred to in subsec. (b), (2)(A), was repealed and subsec. (i) was redesignated (e) by Pub. L. 102-583, §6(b)(2), (3), Nov. 2, 1992, 106 Stat. 4932.

CODIFICATION

In subsec. (d)(4), “section 40102(a) of title 49” substituted for “section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301)” on authority of Pub. L. 103-272, §6(b), July 5, 1994, 108 Stat. 1378, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation.

AMENDMENTS

1999—Subsec. (b)(1)(A). Pub. L. 106-36 substituted “section 2291h of title 22” for “section 2291(e) of title 22” in introductory provisions.

1989—Subsec. (b)(1)(A)(i)(IV). Pub. L. 101-231, §17(h)(1), substituted “illicit production” for “production”.

Subsec. (b)(1)(B)(iii). Pub. L. 101-231, §17(h)(2), substituted “education and treatment programs” for “treatment”.

Subsec. (b)(1)(B)(v). Pub. L. 101-231, §17(h)(3), substituted “essential precursor chemicals” for “precursor chemicals”.

Subsec. (b)(2)(D). Pub. L. 101-231, §17(h)(4), substituted “illicit production” for “production”.

1988—Subsec. (b)(1). Pub. L. 100-690, §4408(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “Subsection (a) of this section shall not apply with respect to a country if the President determines and so certifies to the Congress, at the time of the submission of the report required by section 2291(e) of title 22, that during the previous year that country has cooperated fully with the United States, or has taken adequate steps on its own, in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States and in preventing and punishing corruption by government officials and the laundering in that country of drug-related profits or drug-related monies.”

Subsec. (b)(2). Pub. L. 100-690, §4408(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “In making the certification required by paragraph (1), the President shall give foremost consideration to whether the actions of the government of the country have resulted in the maximum reductions in illicit drug production which were determined to be achievable pursuant to section 2291(e)(4) of title 22. The President shall also consider whether such govern-

“(A) has taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violators involved in the traffic in such drugs and substances significantly affecting the United States;

“(B) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related monies, as evidence by—

“(i) the enactment and enforcement of laws prohibiting such conduct,

“(ii) the willingness of such government to enter into mutual legal assistance agreements with the United States governing (but not limited to) money laundering, and

“(iii) the degree to which such government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts; and

“(C) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, corruption by government officials, with particular emphasis on the elimination of bribery.”

Subsec. (b)(3), (4). Pub. L. 100-690, §4408(b), substituted “45 days” for “30 days” wherever appearing.

Subsec. (e). Pub. L. 100-690, §4408(c), added subsec. (e). 1987—Subsec. (a)(4) to (6). Pub. L. 100-204, §806(a)(1), added pars. (4) and (5) and redesignated former par. (4) as (6) and amended it generally. Prior to amendment, par. (6) read as follows: “take any combination of the actions described in paragraphs (1), (2), and (3).”

Subsec. (b). Pub. L. 100-204, §806(a)(2), inserted “corruption by government officials and” after “preventing and punishing” in par. (1) and added par. (2)(C).

Subsec. (c). Pub. L. 100-204, §806(a)(3), inserted “paragraph (1), (2), or (3) of” after “under”.

Subsec. (d). Pub. L. 100-204, §806(a)(4), added subsec. (d).

§ 2493. Sugar quota

Notwithstanding any other provision of law, the President may not allocate any limitation imposed on the quantity of sugar to any country

which has a Government involved in the trade of illicit narcotics or is failing to cooperate with the United States in narcotics enforcement activities as defined in section 2492(b) of this title as determined by the President.

(Pub. L. 93-618, title VIII, §803, as added Pub. L. 99-570, title IX, §9001, Oct. 27, 1986, 100 Stat. 3207-165.)

§ 2494. Progress reports

The President shall include as a part of the annual report required under section 2291h of title 22 an evaluation of progress that each major drug producing country and each major drug-transit country has made during the reporting period in achieving the objectives set forth in section 2492(b) of this title.

(Pub. L. 93-618, title VIII, §804, as added Pub. L. 99-570, title IX, §9001, Oct. 27, 1986, 100 Stat. 3207-166; amended Pub. L. 106-36, title I, §1001(a)(9), June 25, 1999, 113 Stat. 131.)

AMENDMENTS

1999—Pub. L. 106-36 substituted “section 2291h of title 22” for “section 2291(e)(1) of title 22”.

§ 2495. Definitions

For purposes of this subchapter—

(1) continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated;

(2) the term “major 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;

(3) 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;

(B) through which are transported such drugs or substances; or

(C) through which significant sums of drug-related profits or monies are laundered with the knowledge or complicity of the government; and

(4) 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.

(Pub. L. 93-618, title VIII, §805, as added Pub. L. 99-570, title IX, §9001, Oct. 27, 1986, 100 Stat. 3207-166; amended Pub. L. 101-231, §17(h)(5), Dec. 13, 1989, 103 Stat. 1965; Pub. L. 106-36, title I, §1001(a)(10), June 25, 1999, 113 Stat. 131.)

AMENDMENTS

1999—Par. (2). Pub. L. 106-36 struck out “and” at end.
 1989—Par. (2). Pub. L. 101-231 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “the term ‘major 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; and”.

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