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CHAPTER 32—FOREIGN ASSISTANCE

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2441 to 2443. Repealed.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1975, 2370a, 2428b, 2429a–2, 2601, 2751, 2761, 2763, 2765, 2771, 2775, 2780, 2785, 2795, 2795a, 2799aa, 2799aa–1, 3501, 3503, 5401, 5476, 5605, 5813, 6003, 6006, 6021, 6041, 6401, 6593, 6713 of this title; title 13 section 301; title 16 section 973r; title 40 section 483; title 48 section 1904; title 49 section 44908.

SUBCHAPTER I—INTERNATIONAL DEVELOPMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 290f, 2151, 2151–1, 2151a, 2151b, 2151c, 2151d, 2151f, 2151k, 2151n, 2151p, 2151q, 2151t, 2151t–1, 2151u, 2151v, 2151w, 2151x, 2151y, 2169, 2179, 2182a, 2183, 2184, 2191, 2192, 2199, 2218, 2221, 2261, 2274, 2275, 2292a, 2304, 2346, 2348c, 2349aa–5, 2351, 2354, 2355, 2357, 2358, 2361, 2362, 2384, 2385, 2385a, 2391, 2392, 2395, 2396, 2399c, 2421, 2421b, 2427, 2430c, 2431d, 2431f, 4706, 4709, 5423, 5495 of this title.

PART I—DECLARATION OF POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2077, 2151x–1, 2151x–2, 2183, 2201, 2218, 2261, 2293, 2346, 2354, 2357, 2358, 2361, 2370, 2394, 2394–1, 2395, 2396, 2399d, 2421d, 5423, 5442, 5452, 6062, 6591 of this title; title 20 section 226.

§ 2151. Congressional findings and declaration of policy

(a) United States development cooperation policy

The Congress finds that fundamental political, economic, and technological changes have resulted in the interdependence of nations. The Congress declares that the individual liberties, economic prosperity, and security of the people of the United States are best sustained and enhanced in a community of nations which respect individual civil and economic rights and freedoms and which work together to use wisely the world's limited resources in an open and equitable international economic system. Furthermore, the Congress reaffirms the traditional humanitarian ideals of the American people and renews its commitment to assist people in devel-

oping countries to eliminate hunger, poverty, illness, and ignorance.

Therefore, the Congress declares that a principal objective of the foreign policy of the United States is the encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives.

United States development cooperation policy should emphasize four principal goals:

(1) the alleviation of the worst physical manifestations of poverty among the world's poor majority;

(2) the promotion of conditions enabling developing countries to achieve self-sustaining economic growth with equitable distribution of benefits;

(3) the encouragement of development processes in which individual civil and economic rights are respected and enhanced; and

(4) the integration of the developing countries into an open and equitable international economic system.

The Congress declares that pursuit of these goals requires that development concerns be fully reflected in United States foreign policy and that United States development resources be effectively and efficiently utilized.

(b) Coordination of development-related activities

Under the policy guidance of the Secretary of State, the agency primarily responsible for administering subchapter I of this chapter should have the responsibility for coordinating all United States development-related activities.

(Pub. L. 87–195, pt. I, § 101, formerly § 102, Sept. 4, 1961, 75 Stat. 424; Pub. L. 87–565, pt. I, § 101, Aug. 1, 1962, 76 Stat. 255; Pub. L. 88–205, pt. I, § 101(c), Dec. 16, 1963, 77 Stat. 379; Pub. L. 89–171, pt. I, § 101, Sept. 6, 1965, 79 Stat. 653; Pub. L. 89–583, pt. I, § 101, Sept. 19, 1966, 80 Stat. 796; Pub. L. 90–137, pt. I, § 101, Nov. 14, 1967, 81 Stat. 445; Pub. L. 93–189, § 2(2), Dec. 17, 1973, 87 Stat. 714; Pub. L. 94–161, title III, § 301, Dec. 20, 1975, 89 Stat. 855; Pub. L. 95–88, title I, §§ 101, 113(b), Aug. 3, 1977, 91 Stat. 533, 538; renumbered and amended Pub. L. 95–424, title I, § 101, Oct. 6, 1978, 92 Stat. 937.)

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

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

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–424, in setting forth a new declaration of policy generally substituted four principal goals of development cooperation policy, they being (1) the alleviation of the worst manifestations of poverty, (2) self-sustained economic growth, (3) respect for civil and economic rights, and (4) the integration of the developing countries into an open and equitable economic system, for former seven pars. relating to: (1) primary responsibility for development being in the less developed countries themselves; (2) the active involvement of many countries; (3) the encouragement of regional cooperation; (5) assistance being of such nature as to help United States balance of payments; (6) furnishing of assistance in such manner as to promote efficiency, and (7) the furnishing of agricultural commodities, etc., to complement assistance under this subchapter.

Subsec. (b). Pub. L. 95–424 substituted provisions relating to the responsibility of the agency primarily responsible for administering the program for coordination of all development related activities, for former seven criteria for restructuring relationships with less developed countries, those criteria being: (1) sharing of technical expertise; (2) focusing on critical problems affecting the majority of the people; (3) use of the private sector; (4) development goals as the responsibility of each sovereign nation; (5) priority to undertakings directly improving the lives of the poorest people; (6) private investment in development programs; and (7) responsibility for coordination of activities with the agency having primary responsibility for administering this part.

Subsecs. (c) to (e). Pub. L. 95–424 struck out subsecs. (c) to (e).

1977—Subsec. (a). Pub. L. 95–88, § 113(b)(1), inserted ''environment and natural resources'' to enumeration of fundamental needs of the people of less developed countries which development assistance must be used in meeting.

Subsec. (b)(2). Pub. L. 95–88, § 113(b)(2), inserted ''environment and natural resources;'' after ''population planning and health;''.

Subsec. (d). Pub. L. 95–88, § 101(a), substituted provisions under which the President developed the criteria and factors to be used in assessing the commitment and progress of countries in meeting the objectives set forth in subsec. (c) and transmitted a report by Jan. 31, 1978, to the Speaker of the House and to the Committee on Foreign Relations of the Senate for provisions under which the President had established the criteria without Congressional involvement.

Subsec. (e). Pub. L. 95–88, § 101(b), added subsec. (e).

1975—Subsecs. (c), (d). Pub. L. 94–161 added subsecs. (c) and (d).

1973—Pub. L. 93–189 designated existing provisions as subsec. (a) and added subsec. (b).

1967—Pub. L. 90–137, in providing a new statement of policy, reaffirming basic foreign assistance principles, and recognizing new problems and need for new priorities, substituted five pars. concerned with (1) freedom, security, prosperity, aggression, subversion, ignorance, want, despair, and national security; (2) economic cooperation and trade among countries, etc. (a reenactment of former sixth par. less provision for resort to international law procedures in adjudication of issues among friendly countries in support of such economic cooperation, etc.); (3) seven principles pertaining to: self-help efforts and responsibility of the country, multilateral basis of involvement and cooperation, regional cooperation, food production and voluntary family planning, balance of payments, maximum dollar effectiveness, and coordination of overall assistance; (4) Permanent Peace in the Middle East; and (5) suspension of assistance after severance of diplomatic relations for former sixteen pars. relating to: (1) dignity and interdependence of man, and freedom; (2) resources development, living standards improvement, and aspirations for justice, education, etc., now covered in par. (1); (4) free economic institutions and flow of private investment capital; (5) investment guaranties; (6) economic cooperation and trade among countries, etc., as described for par. (2); (7) long-range continuity and disposal of surplus property and agricultural crops; (8) world peace, national security, and dangers of international communism; (9) countries sharing United States views on world crisis; (10) loan guarantees and related technical assistance and development program; (11) regional organizations for mutual assistance; (12) prohibition of assistance for short-term emergency pur-

poses; (13) common undertaking of countries to meet goals; (14) discretionary assistance by the President to South Vietnam to gain victory in the war against communism and return to homeland of Americans from that struggle; (15) damage or destruction by mob action of United States property and termination of assistance, now covered in section 2370(j) of this title; and (16) use of United States Armed Forces, now covered in section 2409 of this title.

1966—Pub. L. 89–583 provided for termination of assistance to any foreign country which does not take appropriate measures to provide compensation for damage or destruction by mob action of United States property within such country and declared that furnishing assistance shall not be construed as creating a new commitment or as affecting any existing commitment to use armed forces of the United States for the defense of any foreign country.

1965—Pub. L. 89–171 added expressions of the sense of Congress that in furnishing assistance under this subchapter excess personal property shall be utilized wherever practicable in lieu of the procurement of new items for United States-assisted projects and programs and that assistance under this chapter and other statutes should be terminated to any country permitting damage to or destruction of U.S. property within such country by mob action or by failing to take adequate preventive measures.

1963—Pub. L. 88–205 declared that institution of full investment guaranty programs with all recipient countries would be regarded as a significant measure of self-help by such countries improving investment climate, that assistance to maintain freedom from communism ''shall'' rather than ''should'' emphasize long-range development, that in the administration of programs of assistance, every precaution be taken to assure that assistance is not diverted to any short-term emergency purpose or any purpose not essential to long-range economic development, that other industrialized free-world countries increase their contributions and assistance to more equitably share the burden, and the President should in his discretion, extend or withhold assistance from South Vietnam to further victory and the return home of Americans involved in the struggle there.

1962—Pub. L. 87–565 declared distinctions made by foreign nations between American citizens because of race, color, or religion, relating to rights available to such citizens, to be repugnant to our principals, required in the administration of these funds, that consideration be given those countries sharing our world views and which do not divert their resources to military or propaganda efforts, supported by the Soviet Union or Communist China, against the United States or countries receiving aid under this chapter, that the highest emphasis be given to programs for loans or loan guarantees for use by organizations in making low-interest loans to individuals in friendly countries for the purchase of small farms, purchase of homes, aiding or establishing small businesses, purchase of tools and equipment for an occupation or trade, or to obtain practical education in vocational skills, and to programs of technical assistance and development, each assisted country should be encouraged to recognize needs of the people in the preparation of national development programs, and declared that friendly nations are to be invited, where possible, to join in missions to consult with countries receiving assistance on the possibilities of joint action to assure effective development of economic development plans and effective use of assistance provided them, and that the President may request international financial institutions to assist in establishing such missions.

EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96–53, title V, §512, Aug. 14, 1979, 93 Stat. 380, provided that:

''(a) Except as provided in subsection (b) of this section and in section 503(b) [set out as an Effective Date of 1979 Amendment note under section 2385a of this title] this Act [see Short Title of 1979 Amendments note below] shall take effect on October 1, 1979.

''(b) Sections 114(b) [not classified to the Code], 123 [amending a provision set out as a note below], 501 [not classified to the Code], and 509 [set out as a note below] of this Act shall take effect on the date of enactment of this Act [Aug. 14, 1979].''

EFFECTIVE DATE OF 1978 AMENDMENT

Section 605 of Pub. L. 95–424 provided that: ''The amendments made by this Act [see Short Title of 1978 Amendment note below] shall take effect on October 1, 1978.''

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–319, §1, Oct. 19, 1996, 110 Stat. 3864, provided that: ''This Act [amending sections 277b, 2151n, and 2304 of this title, enacting provisions set out as notes under this section and section 2452 of this title, and amending provisions set out as notes under sections 1157 and 1255 of Title 8, Aliens and Nationality] may be cited as the 'Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996'.''

SHORT TITLE OF 1994 AMENDMENTS

Pub. L. 103–447, §1, Nov. 2, 1994, 108 Stat. 4691, provided that: ''This Act [amending sections 2291, 2291a, 2291e, 2291f, 2291h to 2291k of this title, section 635 of Title 12, Banks and Banking, section 981 of Title 18, Crimes and Criminal Procedure, section 1616a of Title 19, Customs Duties, and section 881 of Title 21, Food and Drugs, repealing section 2291–2 of this title, enacting provisions set out as notes under this section, sections 1928 and 2420 of this title, and section 1182 of Title 8, Aliens and Nationality, amending provisions set out as a note under section 5311 of Title 31, Money and Finance, and repealing provisions set out as notes under this section, sections 2291, 2291h, and 2420 of this title, section 701 of Title 41, Public Contracts, and section 1902 of Title 46, Appendix, Shipping] may be cited as the 'International Narcotics Control Corrections Act of 1994'.''

Pub. L. 103–392, §1, Oct. 22, 1994, 108 Stat. 4098, provided that: ''This Act [enacting section 2151t–1 of this title, amending sections 2191, 2195, and 2421 of this title and sections 4052 and 4728 of Title 15, Commerce and Trade, and enacting provisions set out as a note under section 4701 of Title 15] may be cited as the 'Jobs Through Trade Expansion Act of 1994'.''

SHORT TITLE OF 1992 AMENDMENTS

Pub. L. 102–583, §1, Nov. 2, 1992, 106 Stat. 4914, provided that Pub. L. 102–583 could be cited as the ''International Narcotics Control Act of 1992'', prior to repeal by Pub. L. 103–447, title I, §103(a), Nov. 2, 1994, 108 Stat. 4693.

Pub. L. 102–549, §1, Oct. 28, 1992, 106 Stat. 3651, provided that: ''This Act [enacting sections 2077, 2200b, 2421a to 2421e, and 2430 to 2430i of this title and section 4723a of Title 15, Commerce and Trade, amending sections 2191, 2191a, 2194, 2195, 2197 to 2199, 2200a, 2421, and 5401 of this title, section 5314 of Title 5, Government Organization and Employees, section 1738i of Title 7, Agriculture, and sections 635q to 635s of Title 12, Banks and Banking, repealing section 2296 of this title, enacting provisions set out as notes under this section and sections 262s–2, 2296, 2421, and 2421a of this title, and amending provisions set out as a note under this section] may be cited as the 'Jobs Through Exports Act of 1992'.''

Pub. L. 102–549, title VI, §601, Oct. 28, 1992, 106 Stat. 3664, provided that: ''This title [enacting sections 2077 and 2430 to 2430i of this title, amending section 1738i of Title 7, Agriculture, repealing section 2296 of this title, and enacting provisions set out as a note under section 2296 of this title] may be cited as the 'Enterprise for the Americas Act of 1992'.''

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–623, §1(a), Nov. 21, 1990, 104 Stat. 3350, provided that: ''This Act [enacting section 2151x–1 of this

title and section 3196 of Title 18, Crimes and Criminal Procedure, amending sections 2291c, 2321k, 2346c, and 2360 of this title and section 635 of Title 12, Banks and Banking, and enacting provisions set out as notes under sections 2291, 2291h, and 2360 of this title] may be cited as the 'International Narcotics Control Act of 1990'.''

SHORT TITLE OF 1989 AMENDMENTS

Pub. L. 101–240, § 1(a), Dec. 19, 1989, 103 Stat. 2492, provided that: ''This Act [enacting sections 262m–7, 262p–4g to 262p–4k, 262r to 262r–2, 262s–1, 262t, 283z–5 to 283z–8, 286e–12, 286kk, and 2281 to 2286 of this title and section 3904a of Title 12, Banks and Banking, amending sections 262d, 262m–7, 262p–1, 262p–5, 262s–2, 282b, 283b, 283cc, 284b, 285b, 286b, 286e–9, 286k–1, 286s, 290g–2, 290i–3, and 290k–5 of this title and sections 635 and 635i–3 of Title 12, transferring former section 262q of this title to section 262s of this title, and former section 4722 of Title 15, Commerce and Trade, to section 262s–2 of this title, repealing sections 262i, 262m–6, 276c–3, 283i, 286b–1, and 286b–2 of this title, enacting provisions set out as notes under this section, sections 262d, 283z–6, and 2291 of this title, and sections 635, 3901, and 3904a of Title 12, amending provisions set out as a note under section 262*l* of this title, and repealing provisions set out as notes under sections 262g–2 and 283 of this title] may be cited as the 'International Development and Finance Act of 1989'.''

Pub. L. 101–240, title VII, § 701, Dec. 19, 1989, 103 Stat. 2521, provided that: ''This title [enacting sections 2281 to 2286 of this title] may be cited as the 'Global Environmental Protection Assistance Act of 1989'.''

Pub. L. 101–231, § 1(a), Dec. 13, 1989, 103 Stat. 1954, provided that: ''This Act [enacting section 2321k of this title, amending sections 2291, 2291a, 2708, and 2795 of this title and sections 2492 and 2495 of Title 19, Customs Duties, and enacting provisions set out as notes under sections 2291 and 2708 of this title] may be cited as the 'International Narcotics Control Act of 1989'.''

Pub. L. 101–222, § 1(a), Dec. 12, 1989, 103 Stat. 1892, provided that: ''This Act [amending sections 1732, 2364, 2371, 2753, 2776, 2778, and 2780 of this title and section 2405 of Title 50, Appendix, War and National Defense, and enacting provisions set out as a note under section 2371 of this title] may be cited as the 'Anti-Terrorism and Arms Export Amendments Act of 1989'.''

SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100–690, title IV, § 4001, Nov. 18, 1988, 102 Stat. 4261, provided that title IV of Pub. L. 100–690 could be cited as the ''International Narcotics Control Act of 1988'', prior to repeal by Pub. L. 103–447, title I, § 103(b), Nov. 2, 1994, 108 Stat. 4693.

Pub. L. 100–461, title V, § 555 [H.R. 5263, title I, § 101, and S. 2757, title I, § 101], Oct. 1, 1988, 102 Stat. 2268–36, provided that: ''This title [amending sections 2191, 2194, 2194b, 2195, 2197, 2199, and 2200a of this title] may be cited as the 'Overseas Private Investment Corporation Amendments Act of 1988'.''

SHORT TITLE OF 1986 AMENDMENTS

Pub. L. 99–570, title II, § 2001, Oct. 27, 1986, 100 Stat. 3207–60, provided that title II of Pub. L. 99–570 could be cited as the ''International Narcotics Control Act of 1986'', prior to repeal by Pub. L. 103–447, title I, § 103(c), Nov. 2, 1994, 108 Stat. 4694.

Pub. L. 99–529, § 1, Oct. 24, 1986, 100 Stat. 3010, provided that: ''This Act [enacting section 2151p–1 of this title, amending sections 290f, 2151b, 2151p, 2151q, 2222, 2291a, 2427, and 3929 of this title, and enacting provisions set out as a note under section 290f of this title] may be cited as the 'Special Foreign Assistance Act of 1986'.''

SHORT TITLE OF 1985 AMENDMENTS

Pub. L. 99–204, § 1, Dec. 23, 1985, 99 Stat. 1669, provided that: ''This Act [enacting sections 2191a and 2194b of this title, amending sections 2191, 2194, 2195, and 2197 to 2200a of this title and section 709 of Title 18, Crimes and Criminal Procedure, repealing section 2200b of this title, enacting provisions set out as a note under section 2191a of this title, and repealing provisions set out as a note under section 2200a of this title] may be cited as the 'Overseas Private Investment Corporation Amendments Act of 1985'.''

Pub. L. 99–83, § 1(a), Aug. 8, 1985, 99 Stat. 190, provided that: ''This Act [enacting sections 2227, 2271 to 2276, 2291b, 2346 to 2346c, 2347c, 2347d, 2349aa–7 to 2349aa–9, 2511, 2521a, and 2770a of this title, section 469j of Title 16, Conservation, and sections 1356b and 1515a of former Title 49, Transportation, amending sections 290f, 290h–8, 290h–9, 2151–1, 2151a to 2151d, 2151f, 2151h, 2151s, 2151u, 2151x, 2151z, 2174, 2182, 2182a, 2184, 2201, 2222, 2291, 2291a, 2292a, 2304, 2311, 2312, 2314, 2321h, 2321i, 2346b, 2347a, 2348a, 2349aa–2, 2349aa–4, 2354, 2361, 2364, 2370, 2371, 2375, 2394, 2394–1, 2396, 2411, 2413, 2420, 2421, 2427, 2429a, 2501, 2502, 2504, 2506, 2510, 2522, 2523, 2752, 2753, 2761, 2763 to 2767, 2771, 2776, 2778, 2791, 2792, 2794, and 2795 of this title, sections 1431, 1721, 1722, 1727a, and 1736b of Title 7, Agriculture, section 7307 of Title 10, Armed Forces, and sections 1356, 1471, and 1515 of former Title 49, repealing sections 2293, 2294, 2346 to 2346c, 2346e to 2346i, and 2349aa–6 of this title, enacting provisions set out as notes under this section and sections 2151–1, 2151b, 2151u, 2291, 2346, 2374, 2429a, 2506, 2511, 2751, and 2778 of this title, section 4011 of Title 15, Commerce and Trade, and section 1515 of former Title 49, amending provisions set out as notes under sections 2370 and 2501 of this title, and repealing provisions set out as a note under section 2293 of this title] may be cited as the 'International Security and Development Cooperation Act of 1985'.''

Pub. L. 99–83, title VI, § 601, Aug. 8, 1985, 99 Stat. 228, provided that: ''This title [enacting section 2291b of this title, amending sections 2151x, 2291, and 2291a of this title, and enacting provisions set out as a note under section 2291 of this title] may be cited as the 'International Narcotics Control Act of 1985'.''

Pub. L. 99–8 which enacted section 2292q of this title and provisions set out as a note under that section is known as the ''African Famine Relief and Recovery Act of 1985'', see section 1 of Pub. L. 99–8, set out as a note under section 2292q of this title.

SHORT TITLE OF 1983 AMENDMENTS

Pub. L. 98–164, title VII, § 701, Nov. 22, 1984, 97 Stat. 1045, provided that: ''This title [enacting section 2151q of this title and amending section 2452 of this title] may be cited as the 'International Environment Protection Act of 1983'.''

Pub. L. 98–151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 968, provided in part that: ''Section 101(b)(2) of this joint resolution [enacting sections 2151f, and 2349aa to 2349aa–6 of this title, amending sections 2304, 2346a, 2403, and 2771 of this title, and enacting provisions set out as a note under section 2349aa of this title] may be cited as the 'International Security and Development Assistance Authorizations Act of 1983'.''

SHORT TITLE OF 1981 AMENDMENTS

Pub. L. 97–113, § 1, Dec. 29, 1981, 95 Stat. 1519, provided that: ''This Act [see Tables for classification] may be cited as the 'International Security and Development Cooperation Act of 1981'.''

Pub. L. 97–65, § 1, Oct. 16, 1981, 95 Stat. 1021, provided that: ''This Act [enacting sections 2194a and 2200b of this title, amending sections 2191, 2193, 2194, 2195, 2197, 2198, 2199, and 2200a of this title, and enacting provisions set out as notes under sections 2193 and 2200a of this title] may be cited as the 'Overseas Private Investment Corporation Amendments Act of 1981'.''

SHORT TITLE OF 1980 AMENDMENTS

Pub. L. 96–533, § 1, Dec. 16, 1980, 94 Stat. 3131, provided: ''This Act [enacting sections 290h to 290h–9, 2226, 2346a, 2346b, 2769, and 2778a of this title, amending sections 2151a to 2151d, 2151n, 2151s, 2151u, 2151v, 2174, 2221, 2222, 2291a, 2292, 2292a, 2292*l*, 2304, 2311, 2312, 2318, 2321h to

2321j, 2346, 2347a, 2348a, 2354, 2364, 2367, 2370, 2384, 2394, 2399d, 2403, 2411, 2421, 2427, 2502, 2514, 2753, 2761 to 2765, 2771, 2776 to 2779, 2791, 2794, and 3510 of this title, sections 1712 and 1733 of Title 7, Agriculture, sections 5041 and 5045 of Title 42, The Public Health and Welfare, and section 2405 of Title 50, Appendix, War and National Defense, repealing sections 2151q, 2346c to 2346e, and 2348b of this title, enacting provisions set out as notes under this section and sections 290h, 2151a, 2291a, 2293, 2370, and 3401 of this title, section 1522 of Title 8, Aliens and Nationality, and section 2667 of Title 10, Armed Forces, and repealing a provision set out as a note under section 2293 of this title] may be cited as the 'International Security and Development Cooperation Act of 1980'.''

Pub. L. 96–257, §1, May 31, 1980, 94 Stat. 422, provided: ''That this Act [enacting section 2346e of this title] may be cited as the 'Special Central American Assistance Act of 1979'.''

SHORT TITLE OF 1979 AMENDMENTS

Pub. L. 96–92, §1, Oct. 29, 1979, 93 Stat. 701, provided that: ''This Act [enacting sections 2346d, 2767, and 2768 of this title, amending sections 2261, 2291, 2291a, 2304, 2312, 2318, 2321h to 2321j, 2346 to 2346c, 2347a, 2348, 2348a, 2403, 2753, 2761, 2765, 2771, 2773, 2776, 2778, 2792, and 2794 of this title, and enacting provisions set out as notes under this section and sections 2321h, 2346c, 2771, 2776, and 3302 of this title] may be cited as the 'International Security Assistance Act of 1979'.''

Pub. L. 96–53, §1, Aug. 14, 1979, 93 Stat. 359, provided that: ''This Act [enacting sections 2151x, 2151y, 2374, and 3501 to 3513 of this title, and sections 1736g of Title 7, Agriculture, amending sections 2151–1, 2151a to 2151d, 2151i, 2151k, 2151n, 2151p, 2151q, 2151s, 2151u, 2151v, 2174, 2182, 2182a, 2183, 2220b, 2222, 2292a, 2292*l*, 2304, 2357, 2361, 2385a, 2395, 2399c, 2421, 2427, 2502, and 2506 of this title, sections 5314 to 5316 and 5924 of Title 5, Government Organization and Employees, and sections 1703, 1704, 1722, 1726, 1727, 1727a, 1727b, 1727d to 1727f, 1731, and 1734 of Title 7, and enacting provisions set out as notes under this section and sections 2151n, 2151y, 2312, 2385a, and 3201 of this title] may be cited as the 'International Development Cooperation Act of 1979'.''

SHORT TITLE OF 1978 AMENDMENTS

Section 1 of Pub. L. 95–424 provided that: ''This Act [enacting sections 2151–1, 2151t, 2151u, 2151v, 2151w, 2201, 2292*l*, 2335a, 2393a, 2394–1, 2394–1a and 2395a of this title, amending this section and sections 2151a, 2151a–1, 2151b, 2151c, 2151d, 2151e, 2151g, 2151h, 2151k, 2151n, 2151p, 2151q, 2151r, 2174, 2181, 2182, 2182a, 2183, 2213, 2220a, 2220d, 2221, 2222, 2292, 2292a, 2292i, 2292k, 2351, 2357, 2358, 2361, 2370, 2381a, 2384, 2394, 2395, 2396, 2397, 2399c, 2403, 2421, and 2427 of this title and sections 1703, 1706, 1727c, and 1727d of Title 7, Agriculture, repealing sections 2151f, 2151*l*, 2151m, 2151*o*, 2161, 2162, 2164, 2167, 2168, 2171, 2172, 2175, 2176, 2177, 2178, 2180, 2180a, 2211, 2212, 2213, 2216, 2217, 2217a, 2219, 2219a, 2220, 2224, 2271, 2281, 2292d, 2292g, 2368, 2369, 2408, 2410, 2415, 2416, 2417, 2418, and 2425 of this title, and enacting provisions set out as notes under this section and sections 2151v, 2151u, 2222, 2292d, and 2395 of this title and section 1711 of Title 7] may be cited as the 'International Development and Food Assistance Act of 1978'.''

Pub. L. 95–384, §1, Sept. 26, 1978, 92 Stat. 730, provided that: ''This Act [enacting sections 2348 to 2348c, 2373, 2417, 2428b, and 2766 of this title, amending sections 1754, 2261, 2291, 2291a, 2304, 2312, 2321b, 2321h to 2321j, 2346 to 2346c, 2347a, 2347b, 2360, 2372, 2413, 2429, 2429a, 2751, 2761, 2762, 2765, 2771, and 2776 of this title and section 2403 of Title 50, Appendix, War and National Defense, repealing sections 2441 to 2443 of this title, and enacting provisions set out as notes under this section and sections 287c, 1754, 2291, 2311, 2346, 2346a, 2370, and 2751 of this title] may be cited as the 'International Security Assistance Act of 1978'.''

Pub. L. 95–268, §1, Apr. 24, 1978, 92 Stat. 213, provided that: ''This Act [enacting section 2200 of this title and amending sections 2191, 2194, 2195, 2197, 2199, and 2200a of this title] may be cited as the 'Overseas Private Investment Corporation Amendments Act of 1978'.''

SHORT TITLE OF 1977 AMENDMENTS

Pub. L. 95–92, §1, Aug. 4, 1977, 91 Stat. 614, provided that: ''This Act [enacting sections 2294, 2346b, 2372, and 2429a of this title, amending sections 2261, 2291a, 2312, 2321h to 2321j, 2346, 2346a, 2347a, 2370, 2391, 2429, 2443, 2753, 2771, 2778, and 2792 of this title, and enacting provisions set out as notes under this section and sections 2346, 2370, 2406, 2431, and 2751 of this title] may be cited as the 'International Security Assistance Act of 1977'.''

Section 1 of Pub. L. 95–88 provided that: ''This Act [enacting sections 2151*o* to 2151s, 2292k, and 2429b of this title and sections 1712, 1713, 1714, and 1727 to 1727f of Title 7, Agriculture, amending this section and sections 2151a, 2151b, 2151c, 2151d, 2151g, 2151h, 2151i, 2151k, 2151*l*, 2151m, 2151n, 2174, 2181, 2182, 2182a, 2183, 2222, 2225, 2292a, 2292h, 2357, 2370, 2384, 2385, 2386, 2399c, 2421, and 2427 of this title, section 5315 of Title 5, Government Organization and Employees, and sections 1427, 1431, 1692, 1702, 1703, 1706, 1711, 1721, 1722, 1723, 1726, 1731, and 1736b of Title 7, repealing section 2424 of this title, and enacting provisions set out as notes under this section and sections 2151b, 2151i, 2174, 2357, and 2384 of this title and sections 1702, 1708, and 1722 of Title 7] may be cited as the 'International Development and Food Assistance Act of 1977'.''

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94–329, §1, June 30, 1976, 90 Stat. 729, provided: ''That this Act [enacting sections 2292h, 2292i, 2321j, 2347, 2347a, 2347b, 2371, 2394a, 2428, 2429, 2755, 2765, 2778, and 2779 of this title, amending sections 2183, 2222, 2261, 2291, 2291a, 2292f, 2304, 2312, 2314, 2318, 2321b, 2321h, 2321i, 2346a, 2370, 2382, 2383, 2384, 2386, 2392, 2394, 2396, 2403, 2415, 2416, 2417, 2441, 2443, 2751, 2751 note, 2752, 2753, 2761, 2762, 2763, 2771, 2776, 2791, 2792, and 2794 of this title, repealing sections 2321a, 2415 note, 2431, 2431 notes, 2432, 2432 note, 2433, 2433 note, 2434, and 2435, and enacting provisions set out as notes under this section and sections 2291, 2292, 2314, 2321a, 2321b, 2347, 2352, 2370, 2428, 2431, 2441, 2751, 2753, 2763, 2776, and 2778 of this title] may be cited as the 'International Security Assistance and Arms Export Control Act of 1976'.''

SHORT TITLE OF 1975 AMENDMENT

Section 1 of Pub. L. 94–161 provided: ''That this Act [redesignating as sections 2292c to 2292e former sections 2262, 2399–1a, and 2399–1b of this title, enacting sections 2151a–1, 2151d, 2151e, 2151n, 2220a to 2220e, 2292 to 2292b, 2292f, and 2425 to 2427 of this title and sections 1691a, 1711, 1726, and 1736f of Title 7, Agriculture, amending this section and sections 2151a, 2151b, 2151c, 2151h, 2151i, 2151k, 2169, 2174, 2181 to 2183, 2221, 2222, 2225, 2293, 2357 and 2421 of this title and sections 1691, 1703, 1706, 1709, 1721, 1736, 1736a, and 1736b of Title 7, repealing sections 2151d, 2151e, 2201, 2292, and 2399 of this title, and enacting provisions set out as a note under section 2220a of this title and as a note under section 1691a of Title 7] may be cited as the 'International Development and Food Assistance Act of 1975'.''

SHORT TITLE OF 1974 AMENDMENTS

Pub. L. 93–559, §1, Dec. 30, 1974, 88 Stat. 1795, provided: ''That this Act [enacting sections 2151m, 2175a, 2182a, 2225, 2293, 2304, 2321h, 2321i, 2419 to 2424, 2435, and 2441 to 2443 of this title, amending sections 278, 2151a to 2151c, 2163, 2181, 2183, 2219a, 2222, 2261, 2312, 2318, 2321b, 2321f, 2346a, 2360, 2364, 2370, 2394, 2399, 2413, 2415, 2416, 2753, 2763, 2764, 2771, 2773, 2775, and 2776 of this title, repealing sections 2151j and 2200 of this title, enacting provisions set out as notes under sections 2166, 2175, 2311, 2370, 2399, 2406, 2415, 2431 to 2433, 2551, and 2764 of this title, and repealing provisions set out as a note under this section] may be cited as the 'Foreign Assistance Act of 1974'.''

Pub. L. 93–390, §1, Aug. 27, 1974, 88 Stat. 763, provided: ''That this Act [amending sections 2191, 2194, 2195, 2197,

2199, 2200 and 2200a of this title] may be cited as the 'Overseas Private Investment Corporation Amendments Act of 1974'.''

Pub. L. 93–333, §1, July 8, 1974, 88 Stat. 290, provided: ''That this Act [enacting section 2292c of this title, amending section 2292d of this title, and enacting provisions set out as notes under this section and section 2395 of this title] may be cited as the 'Foreign Disaster Assistance Act of 1974'.''

SHORT TITLE OF 1973 AMENDMENT

Section 1 of Pub. L. 93–189 provided: ''That this Act [enacting sections 2151a to 2151*l*, 2303, 2399–1a, 2399–1b, 2399c, 2399d, 2431 to 2434 and 2794 of this title, amending this section and sections 285n, 1934, 2163, 2171, 2174, 2181, 2183, 2195, 2199, 2200, 2212, 2219a, 2221, 2222, 2261, 2291, 2291a, 2311, 2312, 2314, 2318, 2321b, 2321f, 2346a, 2367, 2370, 2385, 2394, and section 2397 of this title, repealing sections 2314a, 2319 to 2321, 2321e, 2321g, and 2346a, of this title, and enacting provisions set out as notes under this section and sections 1942, 2163, 2220, 2415, and 2431 of this title] may be cited as the 'Foreign Assistance Act of 1973'.''

SHORT TITLE OF 1972 AMENDMENT

Pub. L. 92–226, §1, Feb. 7, 1972, 86 Stat. 20, provided: ''That this Act [enacting sections 2180a, 2291, 2292, 2321d to 2321g, 2346 to 2346b, and 2413 to 2418 of this title, amending sections 276, 290f, 1476, 1928b, 2162, 2163, 2169, 2172, 2174, 2181, 2183, 2198, 2199, 2200, 2212, 2219a, 2222, 2261, 2312, 2314, 2318, 2319, 2321b, 2370, 2384, 2394, 2397, 2403, 2411, 2684, 2771, 2773, and 2791 of this title and section 5314 of Title 5, Government Organization and Employees, repealing sections 2165 and 2241 to 2243 of this title, and enacting provisions set out as notes under this section and sections 287e, 2411, 2417, and 2680 of this title] may be cited as the 'Foreign Assistance Act of 1971'.''

SHORT TITLE OF 1971 AMENDMENT

Pub. L. 91–652, §1, Jan. 5, 1971, 84 Stat. 1942, provided: ''That this Act [enacting section 2411 of this title, amending sections 2261 and 2242 of this title, and enacting provisions set out as notes under sections 2261, 2302, and 2411 of this title] may be cited as the 'Special Foreign Assistance Act of 1971'.''

SHORT TITLE OF 1969 AMENDMENT

Pub. L. 91–175, §1, Dec. 30, 1969, 83 Stat. 805, provided that: ''This Act [enacting sections 290f, 2179, 2180, 2194 to 2200a and 2321a of this title, amending sections 2162, 2163, 2172, 2174, 2181 to 2183, 2191 to 2193, 2212, 2219a, 2221, 2222, 2242, 2261, 2312, 2318, 2360, 2362, 2370, 2384, 2394, 2396, 2397 and 2402 of this title, section 846 of former Title 31, Money and Finance, and sections 3343, 3581, 3582 and 5314 to 5316 of Title 5, Government Organization and Employees, and enacting provision set out as a note under this section], may be cited as the 'Foreign Assistance Act of 1969'.''

SHORT TITLE OF 1968 AMENDMENT

Pub. L. 90–554, §1, Oct. 8, 1968, 82 Stat. 960, provided: ''That this Act [enacting sections 2381a, 2399b, and 2410 of this title and section 617 of Title 16, Conservation, amending sections 2161, 2162, 2171, 2172, 2174, 2181, 2184, 2212, 2218, 2219a, 2222, 2242, 2261, 2312, 2318–2320, 2354, 2357, 2370, 2381, 2385, 2396, and 2397 of this title, and enacting provisions set out as a note under this section] may be cited as the 'Foreign Assistance Act of 1968'.''

SHORT TITLE OF 1967 AMENDMENT

Section 1 of Pub. L. 90–137 provided: ''That this Act [enacting sections 2167 to 2169, 2178, 2219, 2219a, 2220, 2224, 2243, 2302, 2341 to 2345, and 2409 of this title, amending this section and sections 276, 276c–1, 1928b to 1928d, 1934, 2161, 2162, 2165, 2171, 2172, 2174, 2181 to 2184, 2192, 2211, 2212, 2218, 2221, 2222, 2241, 2242, 2261, 2271, 2301, 2302, 2311, 2312, 2314, 2318 to 2321, 2341 to 2345, 2351, 2358, 2360, 2361, 2364, 2384 to 2386, 2389, 2392, 2394 to 2397, 2399a, and 2403 of this title, repealing sections 2217b and 2317(a) of this title, and enacting provision set out as a note under section 2395 of this title] may be cited as the 'Foreign Assistance Act of 1967'.''

SHORT TITLE OF 1966 AMENDMENT

Section 1 of Pub. L. 89–583 provided: ''That this Act [enacting sections 2217 to 2217b, 2218, 2281, and 2322 of this title and amending this section and sections 2161, 2162, 2165, 2171, 2172, 2174, 2181, 2182, 2184, 2211, 2212, 2221, 2222, 2241, 2242, 2261, 2312, 2314, 2316, 2318, 2320, 2351, 2354, 2358, 2360, 2362, 2364, 2370, 2382, 2384, 2394, 2395, and 2397 of this title] may be cited as the 'Foreign Assistance Act of 1966'.''

SHORT TITLE OF 1965 AMENDMENT

Section 1 of Pub. L. 89–171 provided: ''That this Act [enacting sections 2166, 2399, 2399a and 2408 of this title, and amending this section and sections 2165, 2172, 2174, 2181 to 2184, 2212, 2221, 2222, 2242, 2261, 2311 to 2313, 2315 to 2320, 2355, 2362, 2363, 2370, 2382, 2384 to 2386, 2390, 2391, 2395 to 2398, 2403, and 2404 of this title, section 1707 of Title 7, Agriculture, and provisions set out as a note under this section] may be cited as the 'Foreign Assistance Act of 1965'.''

SHORT TITLE OF 1964 AMENDMENT

Pub. L. 88–633, §1, Oct. 7, 1964, 78 Stat. 1009, provided: ''That this Act [enacting sections 2177, 2321, and 2407 of this title, amending sections 276, 1754, 2161, 2172, 2174, 2176, 2181, 2184, 2192, 2212, 2222, 2242, 2261, 2311, 2312, 2315, 2317, 2318, 2320, 2351, 2362, 2370, 2385, 2386, and 2397 of this title, and enacting provisions set out as a note under this section] may be cited as the 'Foreign Assistance Act of 1964'.''

SHORT TITLE OF 1963 AMENDMENT

Section 1 of Pub. L. 88–205 provided that: ''This Act [enacting sections 816, 1138a, 2216, 2320, 2398, and 2684 of this title, amending sections 961, 1136, 1139, 1251, 1928a, 1943, 2161, 2162, 2172, 2174, 2181, 2182, 2184, 2201, 2211 to 2213, 2222, 2242, 2261, 2312, 2313, 2318, 2319, 2351, 2361, 2362, 2370, 2381, 2384, 2386, 2391, 2395 to 2397, 2403, and 2404 of this title, sections 1701, 1705, 1706, and 1722 of Title 7, Agriculture, and section 1861 of Title 19, Customs Duties, enacting provisions set out as notes under this section and section 1942 of this title, and section 1706 of Title 7, and repealing provisions set out as notes under this section and section 2301 of this title], may be cited as the 'Foreign Assistance Act of 1963'.''

SHORT TITLE OF 1962 AMENDMENT

Section 1 of Pub. L. 87–565 provided: ''That this Act [enacting sections 2211 to 2213 of this title, amending this section and sections 276, 2161, 2171, 2172, 2181, 2182, 2184, 2192, 2222, 2242, 2261, 2271, 2314, 2315, 2318, 2360, 2361, 2368, 2370, 2381, 2384, 2385, 2389, 2394, 2395, 2397, 2402 to 2404, 2452, and 2669 of this title, repealing section 2173 of this title, enacting provisions set out as a note under section 2452 of this title, and repealing Part IV of the Foreign Assistance Act of 1961] may be cited as the 'Foreign Assistance Act of 1962'.''

SHORT TITLE

Section 1 of Pub. L. 87–195, as added by Pub. L. 87–329, title I, §111, Sept. 30, 1961, 75 Stat. 719, provided: ''That this Act [enacting this chapter and sections 1613d and 1945 of this title, amending sections 276, 279a, 1041, 1112, 1136, 1148, 1157, 1754, 1783, 1925, 1951 and 1964 of this title, section 1704 of Title 7, Agriculture, and sections 1651 and 1701 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 276, 1613d, and 1925 of this title, and repealing sections 1750, 1750a, 1750b to 1753a, 1755 to 1759, 1760, 1761 to 1765, 1766a to 1766c, 1767a, 1768, 1781, 1782, 1784 to 1795, 1797, 1811, 1812 to 1817, 1841, 1851, 1852, 1854, 1870, 1871 to 1876, 1891 to 1896, 1897, 1920, 1921, 1923, 1924, 1926, 1927, 1929, 1931, 1933, 1935, 1936, 1939 to 1940a, 1941, 2051 to

2053, 2071 and 2072 of this title, Reorganization Plan No. 7 of 1953, and provisions set out as notes under sections 1753, 1783, 1922, 1928b, 1939 and 1951 of this title] may be cited as 'The Foreign Assistance Act of 1961'.''

Section 101 of Pub. L. 87–195 which provided that this subchapter should be cited as the ''Act for International Development of 1961'' was repealed by section 101(b) of Pub. L. 88–205.

Pub. L. 87–195, pt. V, §801, as added by Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 885, provided that: ''This part [part V (§§801–813) of Pub. L. 87–195, enacting subchapter IV of this chapter] may be cited as the 'Tropical Forest Conservation Act of 1998'.''

REPEALS

Section 642 of Pub. L. 87–195, as amended by Pub. L. 89–171, pt. III, §303(a), Sept. 6, 1965, 79 Stat. 661, provided that:

''(a) There are hereby repealed—

''(1) Reorganization Plan Numbered 7 of 1953 [formerly set out as a note under section 1785 of this title].

''(2) the Mutual Security Act of 1954, as amended [section 1750 et seq. of this title] (except sections 402, 405(a), 405(c), 405(d), 408, 414, 417, 451(c), 502(a), 502(b), 514, 523(d), and 536 [sections 1922, 1925(a), 1925(c), 1925(d), 1928, 1934, 1937, 1951(c), 1754(a), (b), 1766, 1783(d) and 1796 of this title]);

''(3) section 12 of the Mutual Security Act of 1955 [formerly set out as a note under section 1811 of this title];

''(4) sections 12, 13, and 14 of the Mutual Security Act of 1956 [section 1870 of this title and notes formerly set out under sections 1753 and 1939 of this title];

''(5) section 503 of the Mutual Security Act of 1958 [section 1750a of this title];

''(6) section 108 of the Mutual Security Appropriation Act, 1959 [formerly set out as a note under section 1922 of this title];

''(7) section 501(a), chapter VI, and sections 702 and 703 of the Mutual Security Act of 1959, as amended [sections 1941, and 2051 to 2053 of this title and notes formerly set out under sections 1928b and 1951 of this title]; and

''(8) section 604 and chapter VII of the Mutual Security Act of 1960 [sections 2071 and 2072 of this title and note formerly set out under section 1783 of this title].

''(b) References in law to the Acts, or provisions of such Acts, repealed by subsection (a) of this section shall hereafter be deemed to be references to this Act [see Short Title note for the Foreign Assistance Act of 1961 above] or appropriate provisions of this Act.

''(c) The repeal of the Acts listed in subsection (a) of this section shall not be deemed to affect amendments contained in such Acts to Acts not named in that subsection.''

IRAQ LIBERATION

Pub. L. 105–338, Oct. 31, 1998, 112 Stat. 3178, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Iraq Liberation Act of 1998'.

''SEC. 2. FINDINGS.

''The Congress makes the following findings:

''(1) On September 22, 1980, Iraq invaded Iran, starting an 8 year war in which Iraq employed chemical weapons against Iranian troops and ballistic missiles against Iranian cities.

''(2) In February 1988, Iraq forcibly relocated Kurdish civilians from their home villages in the Anfal campaign, killing an estimated 50,000 to 180,000 Kurds.

''(3) On March 16, 1988, Iraq used chemical weapons against Iraqi Kurdish civilian opponents in the town of Halabja, killing an estimated 5,000 Kurds and causing numerous birth defects that affect the town today.

''(4) On August 2, 1990, Iraq invaded and began a 7 month occupation of Kuwait, killing and committing numerous abuses against Kuwaiti civilians, and setting Kuwait's oil wells ablaze upon retreat.

''(5) Hostilities in Operation Desert Storm ended on February 28, 1991, and Iraq subsequently accepted the ceasefire conditions specified in United Nations Security Council Resolution 687 (April 3, 1991) requiring Iraq, among other things, to disclose fully and permit the dismantlement of its weapons of mass destruction programs and submit to long-term monitoring and verification of such dismantlement.

''(6) In April 1993, Iraq orchestrated a failed plot to assassinate former President George Bush during his April 14–16, 1993, visit to Kuwait.

''(7) In October 1994, Iraq moved 80,000 troops to areas near the border with Kuwait, posing an imminent threat of a renewed invasion of or attack against Kuwait.

''(8) On August 31, 1996, Iraq suppressed many of its opponents by helping one Kurdish faction capture Irbil, the seat of the Kurdish regional government.

''(9) Since March 1996, Iraq has systematically sought to deny weapons inspectors from the United Nations Special Commission on Iraq (UNSCOM) access to key facilities and documents, has on several occasions endangered the safe operation of UNSCOM helicopters transporting UNSCOM personnel in Iraq, and has persisted in a pattern of deception and concealment regarding the history of its weapons of mass destruction programs.

''(10) On August 5, 1998, Iraq ceased all cooperation with UNSCOM, and subsequently threatened to end long-term monitoring activities by the International Atomic Energy Agency and UNSCOM.

''(11) On August 14, 1998, President Clinton signed Public Law 105–235 [112 Stat. 1538], which declared that 'the Government of Iraq is in material and unacceptable breach of its international obligations' and urged the President 'to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.'.

''(12) On May 1, 1998, President Clinton signed Public Law 105–174 [see Tables for classification], which made $5,000,000 available for assistance to the Iraqi democratic opposition for such activities as organization, training, communication and dissemination of information, developing and implementing agreements among opposition groups, compiling information to support the indictment of Iraqi officials for war crimes, and for related purposes.

''SEC. 3. SENSE OF THE CONGRESS REGARDING UNITED STATES POLICY TOWARD IRAQ.

''It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.

''SEC. 4. ASSISTANCE TO SUPPORT A TRANSITION TO DEMOCRACY IN IRAQ.

''(a) AUTHORITY TO PROVIDE ASSISTANCE.—The President may provide to the Iraqi democratic opposition organizations designated in accordance with section 5 the following assistance:

''(1) BROADCASTING ASSISTANCE.—(A) Grant assistance to such organizations for radio and television broadcasting by such organizations to Iraq.

''(B) There is authorized to be appropriated to the United States Information Agency $2,000,000 for fiscal year 1999 to carry out this paragraph.

''(2) MILITARY ASSISTANCE.—(A) The President is authorized to direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training for such organizations.

''(B) The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961 [22 U.S.C. 2403(m)]) of assistance provided under this paragraph may not exceed $97,000,000.

''(b) HUMANITARIAN ASSISTANCE.—The Congress urges the President to use existing authorities under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] to provide humanitarian assistance to individuals living in areas of Iraq controlled by organizations designated in accordance with section 5, with emphasis on addressing the needs of individuals who have fled to such areas from areas under the control of the Saddam Hussein regime.

''(c) RESTRICTION ON ASSISTANCE.—No assistance under this section shall be provided to any group within an organization designated in accordance with section 5 which group is, at the time the assistance is to be provided, engaged in military cooperation with the Saddam Hussein regime.

''(d) NOTIFICATION REQUIREMENT.—The President shall notify the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 [22 U.S.C. 2394–1] at least 15 days in advance of each obligation of assistance under this section in accordance with the procedures applicable to reprogramming notifications under section 634A.

''(e) REIMBURSEMENT RELATING TO MILITARY ASSISTANCE.—

''(1) IN GENERAL.—Defense articles, defense services, and military education and training provided under subsection (a)(2) shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to paragraph (2).

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for each of the fiscal years 1998 and 1999 such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 644(m) of the Foreign Assistance Act of 1961 [22 U.S.C. 2403(m)]) of defense articles, defense services, or military education and training provided under subsection (a)(2).

''(f) AVAILABILITY OF FUNDS.—(1) Amounts authorized to be appropriated under this section are authorized to remain available until expended.

''(2) Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for the purposes described in this section.

''(g) AUTHORITY TO PROVIDE ASSISTANCE.—Activities under this section (including activities of the nature described in subsection (b)) may be undertaken notwithstanding any other provision of law.

''SEC. 5. DESIGNATION OF IRAQI DEMOCRATIC OPPOSITION ORGANIZATION.

''(a) INITIAL DESIGNATION.—Not later than 90 days after the date of the enactment of this Act [Oct. 31, 1998], the President shall designate one or more Iraqi democratic opposition organizations that the President determines satisfy the criteria set forth in subsection (c) as eligible to receive assistance under section 4.

''(b) DESIGNATION OF ADDITIONAL ORGANIZATIONS.—At any time subsequent to the initial designation pursuant to subsection (a), the President may designate one or more additional Iraqi democratic opposition organizations that the President determines satisfy the criteria set forth in subsection (c) as eligible to receive assistance under section 4.

''(c) CRITERIA FOR DESIGNATION.—In designating an organization pursuant to this section, the President shall consider only organizations that—

''(1) include a broad spectrum of Iraqi individuals, groups, or both, opposed to the Saddam Hussein regime; and

''(2) are committed to democratic values, to respect for human rights, to peaceful relations with Iraq's neighbors, to maintaining Iraq's territorial integrity, and to fostering cooperation among democratic opponents of the Saddam Hussein regime.

''(d) NOTIFICATION REQUIREMENT.—At least 15 days in advance of designating an Iraqi democratic opposition organization pursuant to this section, the President shall notify the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 [22 U.S.C. 2394–1] of his proposed designation in accordance with the procedures applicable to reprogramming notifications under section 634A.

''SEC. 6. WAR CRIMES TRIBUNAL FOR IRAQ.

''Consistent with section 301 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138 [105 Stat. 707]), House Concurrent Resolution 137, 105th Congress (approved by the House of Representatives on November 13, 1997), and Senate Concurrent Resolution 78, 105th Congress (approved by the Senate on March 13, 1998), the Congress urges the President to call upon the United Nations to establish an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other criminal violations of international law.

''SEC. 7. ASSISTANCE FOR IRAQ UPON REPLACEMENT OF SADDAM HUSSEIN REGIME.

''It is the sense of the Congress that once the Saddam Hussein regime is removed from power in Iraq, the United States should support Iraq's transition to democracy by providing immediate and substantial humanitarian assistance to the Iraqi people, by providing democracy transition assistance to Iraqi parties and movements with democratic goals, and by convening Iraq's foreign creditors to develop a multilateral response to Iraq's foreign debt incurred by Saddam Hussein's regime.

''SEC. 8. RULE OF CONSTRUCTION.

''Nothing in this Act shall be construed to authorize or otherwise speak to the use of United States Armed Forces (except as provided in section 4(a)(2)) in carrying out this Act.''

DESIGNATIONS UNDER THE IRAQ LIBERATION ACT OF 1998

Determination of President of the United States, No. 99–13, Feb. 4, 1999, 64 F.R. 6781, provided:

Memorandum for the Secretary of State

Pursuant to the authority vested in me as President of the United States, including under section 5 of the Iraq Liberation Act of 1998 (Public Law 105–338) (the ''Act'') [set out in a note above], I hereby determine that each of the following groups is a democratic opposition organization and that each satisfies the criteria set forth in section 5(c) of the Act: the Iraqi National Accord, the Iraqi National Congress, the Islamic Movement of Iraqi Kurdistan, the Kurdistan Democratic Party, the Movement for Constitutional Monarchy, the Patriotic Union of Kurdistan, and the Supreme Council for the Islamic Revolution in Iraq. I hereby designate each of these organizations as eligible to receive assistance under section 4 of the Act.

You are authorized and directed to report this determination and designation to the Congress and arrange for its publication in the Federal Register.

WILLIAM J. CLINTON.

ASSISTANCE FOR MAURITANIA

Pub. L. 104–319, title II, § 202, Oct. 19, 1996, 110 Stat. 3866, provided that:

''(a) PROHIBITION.—The President should not provide economic assistance, military assistance or arms transfers to the Government of Mauritania unless the President certifies to the Congress that such Government has taken appropriate action to eliminate chattel slavery in Mauritania, including—

''(1) the enactment of anti-slavery laws that provide appropriate punishment for violators of such laws; and

''(2) the rigorous enforcement of such laws.

''(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

''(1) ECONOMIC ASSISTANCE.—The term 'economic assistance' means any assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.),

except that such term does not include humanitarian assistance.

''(2) MILITARY ASSISTANCE OR ARMS TRANSFERS.—The term 'military assistance or arms transfers' means—

''(A) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.; relating to military assistance), including the transfer of excess defense articles under sections 516 through 519 of that Act (22 U.S.C. 2321j through 2321m);

''(B) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training);

''(C) assistance under the 'Foreign Military Financing Program' under section 23 of the Arms Export Control Act (22 U.S.C. 2763); or

''(D) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778).''

AUTHORITY FOR ANTICRIME ASSISTANCE

Pub. L. 103–447, title I, §106, Nov. 2, 1994, 108 Stat. 4694, provided that:

''(a) POLICY.—International criminal activities, including international narcotics trafficking, money laundering, smuggling, 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.

''(b) AUTHORITY.—

''(1) IN GENERAL.—For fiscal year 1995, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the prevention and suppression of international criminal activities.

''(2) WAIVER OF PROHIBITION OF POLICE TRAINING.—Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) shall not apply with respect to assistance furnished under paragraph (1).''

[Functions of President under section 106 of Pub. L. 103–447, set out above, delegated to Secretary of State by Memorandum of President of the United States, Apr. 4, 1995, 60 F.R. 19153.]

AFRICAN CONFLICT RESOLUTION

Pub. L. 103–381, Oct. 19, 1994, 108 Stat. 3513, provided that:

''SECTION. 1. SHORT TITLE.

''This Act may be cited as the 'African Conflict Resolution Act'.

''SEC. 2. FINDINGS AND STATEMENT OF POLICY.

''(a) FINDINGS.—The Congress makes the following findings:

''(1) It is in the national interest of the United States to help build African capability in conflict resolution. A relatively small investment of assistance in promoting African conflict resolution—

''(A) would reduce the enormous human suffering which is caused by wars in Africa;

''(B) would help the United States avoid huge future expenditures necessitated by Somalia-like humanitarian disasters; and

''(C) would reduce the need for United Nations intervention as African institutions develop the ability to resolve African conflicts.

''(2) Africa, to a greater extent than any other continent, is afflicted by war. Africa has been marred by more than 20 major civil wars since 1960. Rwanda, Somalia, Angola, Sudan, Liberia, and Burundi are among those countries that have recently suffered serious armed conflict.

''(3) In the last decade alone, between 2,000,000 and 4,000,000 Africans have died because of war. There were 5,200,000 refugees and 13,100,000 displaced people in Africa in 1993.

''(4) Millions more Africans are currently at risk of war-related death. Looming or ongoing conflicts in Zaire, Angola, Sudan, Rwanda, and other countries threaten Africa's future.

''(5) War has caused untold economic and social damage to the countries of Africa. Food production is impossible in conflict areas, and famine often results. Widespread conflict has condemned many of Africa's children to lives of misery and, in certain cases, has threatened the existence of traditional African cultures.

''(6) Conflict and instability in Africa, particularly in large, potentially rich countries such as Angola, Sudan, and Zaire, deprive the global economy of resources and opportunities for trade and investment. Peace in these countries could make a significant contribution to global economic growth, while creating new opportunities for United States businesses.

''(7) Excessive military expenditures threaten political and economic stability in Africa while diverting scarce resources from development needs. Demobilization and other measures to reduce the size of African armies, and civilian control of the military under the rule of law are in the interest of international security and economic development.

''(8) Conflict prevention, mediation, and demobilization are prerequisites to the success of development assistance programs. Nutrition and education programs, for example, cannot succeed in a nation at war. Billions of dollars of development assistance have been virtually wasted in war-ravaged countries such as Liberia, Somalia, and Sudan.

''(9) Africans have a long tradition of informal mediation. This tradition should be built upon to create effective institutions through which Africans can resolve African conflicts.

''(10) The effectiveness of U.S. support for conflict resolution programs requires coordination and collaboration with multilateral institutions and other bilateral donors.

''(11) African institutions are playing an active role in conflict resolution and mediation utilizing the experience of elder statesmen. Groups such as the All African Council of Churches have assisted in defusing conflicts. The Economic Community of West African States (ECOWAS) has sought to address the conflict in Liberia by deploying an African peacekeeping force. The Southern African states have been working to prevent a crisis in Lesotho. The Intergovernmental Authority on Desertification and Drought (IGADD) has been engaged in attempting to resolve the conflict in Sudan.

''(12) The Organization of African Unity, under the leadership of Secretary General Salim Salim, has established a conflict resolution mechanism and has been active in mediation and conflict resolution in several African countries.

''(b) UNITED STATES POLICY.—The Congress declares, therefore, that a key goal for United States foreign policy should be to help institutionalize conflict resolution capability in Africa.

''SEC. 3. IMPROVING THE CONFLICT RESOLUTION CAPABILITIES OF THE ORGANIZATION OF AFRICAN UNITY.

''(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to strengthen the conflict resolution capability of the Organization of African Unity, as follows:

''(1) Funds may be provided to the Organization of African Unity for use in supporting its conflict resolution capability, including providing technical assistance.

''(2) Funds may be used for expenses of sending individuals with expertise in conflict resolution to work with the Organization of African Unity.

''(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, not less than

$1,500,000 for each of the fiscal years 1995 through 1998 should be used to carry out subsection (a).

''SEC. 4. IMPROVING CONFLICT RESOLUTION CAPABILITIES OF MULTILATERAL SUBREGIONAL ORGANIZATIONS IN AFRICA.

''(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to strengthen the conflict resolution capabilities of subregional organizations established by countries in sub-Saharan Africa, as follows:

''(1) Funds may be provided to such organizations for use in supporting their conflict resolution capability, including providing technical assistance.

''(2) Funds may be used for the expenses of sending individuals with expertise in conflict resolution to work with such organizations.

''(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 through 1998 may be used to carry out subsection (a).

''SEC. 5. IMPROVING CONFLICT RESOLUTION CAPABILITIES OF NON-GOVERNMENTAL ORGANIZATIONS.

''(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to nongovernmental organizations that are engaged in mediation and reconciliation efforts in sub-Saharan Africa.

''(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 and 1996 should be used to carry out subsection (a).

''SEC. 6. AFRICAN DEMOBILIZATION AND RETRAINING PROGRAM.

''(a) AUTHORIZATION OF ASSISTANCE.—In order to facilitate reductions in the size of the armed forces of countries of sub-Saharan Africa, the President is authorized to—

''(1) provide assistance for the encampment and related activities for the purpose of demobilization of such forces; and

''(2) provide assistance for the reintegration of demobilized military personnel into civilian society through activities such as retraining for civilian occupations, creation of income-generating opportunities, their reintegration into agricultural activities, and the transportation to the home areas of such personnel.

''(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, $25,000,000 for each of the fiscal years 1995 and 1996 should be used for the assistance described in subsection (a), if conditions permit.

''(c) CIVILIAN INVOLVEMENT.—The President is also authorized to promote civilian involvement in the planning and organization of demobilization and reintegration activities.

''SEC. 7. TRAINING FOR AFRICANS IN CONFLICT RESOLUTION AND PEACEKEEPING.

''(a) AUTHORIZATION.—The President is authorized to establish a program to provide education and training in conflict resolution and peacekeeping for civilian and military personnel of countries in sub-Saharan Africa.

''(b) FUNDING.—Of the funds made available under chapter 5 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2347 et seq.], such sums as may be necessary for each of the fiscal years 1995 and 1996 should be used for the purposes of subsection (a).

''SEC. 8. PLAN FOR UNITED STATES SUPPORT FOR CONFLICT RESOLUTION AND DEMOBILIZATION IN SUB-SAHARAN AFRICA.

''(a) IN GENERAL.—Pursuant to the provisions of sections 3 through 7, the President should develop an integrated long-term plan, which incorporates local perspectives, to provide support for the enhancement of conflict resolution capabilities and demobilization activities in sub-Saharan Africa.

''(b) CONTENTS OF PLAN.—Such plan should include:

''(1) The type, purpose, amount, and duration of assistance that is planned to be provided to conflict resolution units in sub-Saharan Africa.

''(2) The type and amount of assistance that is planned to be provided for the demobilization of military personnel of countries of sub-Saharan Africa, including—

''(A) a list of which countries will receive such assistance and an explanation of why such countries were chosen for such assistance; and

''(B) a list of other countries and international organizations that are providing assistance for such demobilization.

''(3) The type and amount of assistance that is planned to be provided to nongovernmental organizations that are engaged in mediation and reconciliation efforts in sub-Saharan Africa.

''(4) A description of proposed training programs for Africans in conflict resolution and peacekeeping under section 7, including a list of prospective participants and plans to expand such programs.

''(5) The mechanisms to be used to coordinate interagency efforts to administer the plan.

''(6) Efforts to seek the participation of other countries and international organizations to achieve the objectives of the plan.

''(c) REPORT.—Not later than 180 days after the date of the enactment of this Act [Oct. 19, 1994], the President shall submit to the appropriate congressional committees a report containing a description of the plan developed under this section.

''SEC. 9. REPORTING REQUIREMENT.

''(a) REQUIREMENT.—The President shall submit to the appropriate congressional committees a report describing the efforts and progress made in carrying out the provisions of this Act.

''(b) DATE OF SUBMISSION.—The first report submitted under subsection (a) shall be submitted no later than 180 days after the date of the enactment of this Act [Oct. 19, 1994], and shall be submitted annually thereafter.

''SEC. 10. CONSULTATION REQUIREMENT.

''The President shall consult with the appropriate congressional committees prior to providing assistance under sections 3 through 7.

''SEC. 11. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

''For purposes of this Act, the term 'appropriate congressional committees' means the Committee on Foreign Affairs [now Committee on International Relations] and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.''

[Functions of President under sections 8 and 9 of Pub. L. 103–381, set out above, delegated to Administrator of the Agency for International Development by Memorandum of President of the United States, June 6, 1995, 60 F.R. 30771.]

WAIVER OF RESTRICTIONS FOR NARCOTICS-RELATED ECONOMIC ASSISTANCE

Pub. L. 104–164, title I, §133, July 21, 1996, 110 Stat. 1430, provided that: ''For each of the fiscal years 1996 and 1997, narcotics-related assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may be provided notwithstanding any other provision of law that restricts assistance to foreign countries (other than section 490(e) or section 502B of that Act (22 U.S.C. 2291j(e) and 2304)) if, at least 15 days before obligating funds for such assistance, the President notifies the appropriate congressional committees (as defined in section 481(e) of that Act (22 U.S.C. 2291(e))) in accordance with the procedures applicable to reprogramming notifications under section 634A of that Act (22 U.S.C. 2394–1).''

SIMILAR PROVISIONS

Similar provisions were contained in the following prior acts:

Pub. L. 103–447, title I, §105, Nov. 2, 1994, 108 Stat. 4694.

Pub. L. 102–583, §8, Nov. 2, 1992, 106 Stat. 4933, prior to repeal by Pub. L. 103–447, title I, §103(a), Nov. 2, 1994, 108 Stat. 4693.

''APPROPRIATE CONGRESSIONAL COMMITTEES'' DEFINED FOR PURPOSES OF PUB. L. 102–583

Pub. L. 102–583, §11(b), Nov. 2, 1992, 106 Stat. 4935, provided that as used in Pub. L. 102–583, the term ''appropriate congressional committees'' had the definition given that term by section 481(e)(6) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(6)), prior to repeal by Pub. L. 103–447, title I, §103(a), Nov. 2, 1994, 108 Stat. 4693.

IMPACT ON EMPLOYMENT IN UNITED STATES

Pub. L. 102–549, title VIII, §801, Oct. 28, 1992, 106 Stat. 3671, provided that: ''No funds made available to carry out any provision of this Act [see Short Title of 1992 Amendments note above] or the amendments made by this Act may be obligated or expended for any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States, if such incentive or inducement is likely to reduce the number of employees in the United States because United States production is being replaced by such enterprise outside the United States.''

INTERNATIONALLY RECOGNIZED WORKER RIGHTS

Pub. L. 102–549, title VIII, §802, Oct. 28, 1992, 106 Stat. 3671, provided that: ''No funds made available to carry out any provision of this Act [see Short Title of 1992 Amendments note above] or the amendments made by this Act may be obligated or expended for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974 [19 U.S.C. 2462(a)(4)], of workers in the recipient country, including any designated zone in that country.''

HORN OF AFRICA RECOVERY AND FOOD SECURITY

Pub. L. 102–274, Apr. 21, 1992, 106 Stat. 115, known as the Horn of Africa Recovery and Food Security Act, provided findings of Congress concerning the Horn of Africa (the region comprised of Ethiopia, Somalia, Sudan, and Djibouti), stated policy regarding individual countries, authorized a relief and rehabilitation program, provided for a peace initiative and a food security and recovery strategy, prohibited security assistance to Ethiopia, Somalia, or Sudan for fiscal year 1992 or 1993 absent a certification by the President, and required the President to submit a report to Congress on the efforts and progress in carrying out Pub. L. 102–274 not later than 180 days after Apr. 21, 1992, and each 180 days thereafter.

PEACE PROCESS IN LIBERIA

Pub. L. 102–270, Apr. 16, 1992, 106 Stat. 106, as amended by Pub. L. 104–107, title V, §573(a), Feb. 12, 1996, 110 Stat. 749, provided: That (a) the Congress—

''(1) strongly supports the peace process for Liberia initiated by the Yamoussoukro peace accord;

''(2) urges all parties to abide by the terms of the Yamoussoukro agreement;

''(3) commends and congratulates the governments of the Economic Community of West African States (ECOWAS) for their leadership in seeking peace in Liberia; and

''(4) extends particularly praise to President Babangida of Nigeria, President Houphouet-Boigny of Cote d'Ivoire, and President Diouf of Senegal for their efforts to resolve this conflict.

''(b) AUTHORIZATION OF LIMITED ASSISTANCE.—The President is authorized to provide—

''(1) nonpartisan election and democracy-building assistance to support democratic institutions in Liberia, and

''(2) assistance for the resettlement of refugees, the demobilization and retraining of troops, and the provision of other appropriate assistance:

Provided, That the President determines and so certifies to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs [now Committee on International Relations] and the Committee on Appropriations of the House of Representatives that Liberia has made significant progress toward democratization and that the provision of such assistance will assist that country in making further progress and is otherwise in the national interest of the United States. A separate determination and certification shall be required for each fiscal year in which such assistance is to be provided.''

SUSPENSION OF CERTAIN PROGRAMS AND ACTIVITIES RELATING TO THE PEOPLE'S REPUBLIC OF CHINA

Pub. L. 101–246, title IX, §902, Feb. 16, 1990, 104 Stat. 83, as amended by Pub. L. 102–549, title II, §202(e), Oct. 28, 1992, 106 Stat. 3658, provided that:

''(a) SUSPENSIONS.—

''(1) OVERSEAS PRIVATE INVESTMENT CORPORATION.—The Overseas Private Investment Corporation shall continue to suspend the issuance of any new insurance, reinsurance, guarantees, financing, or other financial support with respect to the People's Republic of China, unless the President makes a report under subsection (b)(1) or (2) of this section.

''(2) TRADE AND DEVELOPMENT AGENCY.—The President shall suspend the obligation of funds under the Foreign Assistance Act of 1961 [see Short Title note above] for any new activities of the Trade and Development Agency with respect to the People's Republic of China, unless the President makes a report under subsection (b)(1) or (2) of this section.

''(3) MUNITIONS EXPORT LICENSES.—(A) The issuance of licenses under section 38 of the Arms Export Control Act [22 U.S.C. 2778] for the export to the People's Republic of China of any defense article on the United States Munitions List, including helicopters and helicopter parts, shall continue to be suspended, subject to subparagraph (B), unless the President makes a report under subsection (b)(1) or (2) of this section.

''(B) The suspension set forth in subparagraph (A) shall not apply to systems and components designed specifically for inclusion in civil products and controlled as defense articles only for purposes of export to a controlled country, unless the President determines that the intended recipient of such items is the military or security forces of the People's Republic of China.

''(4) CRIME CONTROL AND DETECTION INSTRUMENTS AND EQUIPMENT.—The issuance of any license under section 6(k) of the Export Administration Act of 1979 [50 App. U.S.C. 2405(k)] for the export to the People's Republic of China of any crime control or detection instruments or equipment shall be suspended, unless the President makes a report under subsection (b)(1) or (2) of this section.

''(5) EXPORT OF SATELLITES FOR LAUNCH BY THE PEOPLE'S REPUBLIC OF CHINA.—Exports of any satellite of United States origin that is intended for launch from a launch vehicle owned by the People's Republic of China shall remain suspended, unless the President makes a report under subsection (b)(1) or (2) of this section.

''(6) NUCLEAR COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.—(A) Any—

''(i) application for a license under the Export Administration Act of 1979 [50 App. U.S.C. 2401 et seq.] for the export to the People's Republic of China for use in a nuclear production or utilization facility of any goods or technology which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978 [42 U.S.C. 2139a(c)], could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be di-

verted for use in such a facility, for any nuclear explosive device, or for research on or development of any nuclear explosive device, shall be suspended,

''(ii) application for a license for the export to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall be suspended,

''(iii) approval for the transfer or retransfer to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall not be given, and

''(iv) specific authorization for assistance in any activities with respect to the People's Republic of China relating to the use of nuclear energy under section 57b.(2) of the Atomic Energy Act of 1954 [42 U.S.C. 2077(b)(2)] shall not be given,

until the conditions specified in subparagraph (B) are met.

''(B) Subparagraph (A) applies until—

''(i) the President certifies to the Congress that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any non-nuclear-weapon state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices;

''(ii) the President makes the certifications and submits the report required by Public Law 99–183 [Dec. 16, 1985, 99 Stat. 1174]; and

''(iii) the President makes a report under subsection (b)(1) or (2) of this section.

''(C) For purposes of this paragraph, the term 'Agreement' means the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy (done on July 23, 1985).

''(7) LIBERALIZATION OF EXPORT CONTROLS.—(A) The President shall negotiate with the governments participating in the group known as the Coordinating Committee (COCOM) to suspend, on a multilateral basis, any liberalization by the Coordinating Committee of controls on exports of goods and technology to the People's Republic of China under section 5 of the Export Administration Act of 1979 [50 App. U.S.C. 2404], including—

''(i) the implementation of bulk licenses for exports to the People's Republic of China; and

''(ii) the raising of the performance levels of goods or technology below which no authority or permission to export to the People's Republic of China would be required.

''(B) The President shall oppose any liberalization by the Coordinating Committee of controls which is described in subparagraph (A)(ii), until the end of the 6-month period beginning on the date of enactment of this Act [Feb. 16, 1990] or until the President makes a report under subsection (b)(1) or (2) of this section, whichever occurs first.

''(b) TERMINATION OF SUSPENSIONS.—A report referred to in subsection (a) is a report by the President to the Congress either—

''(1) that the Government of the People's Republic of China has made progress on a program of political reform throughout the country, including Tibet, which includes—

''(A) lifting of martial law;

''(B) halting of executions and other reprisals against individuals for the nonviolent expression of their political beliefs;

''(C) release of political prisoners;

''(D) increased respect for internationally recognized human rights, including freedom of expression, the press, assembly, and association; and

''(E) permitting a freer flow of information, including an end to the jamming of Voice of America and greater access for foreign journalists; or

''(2) that it is in the national interest of the United States to terminate a suspension under subsection (a)(1), (2), (3), (4), or (5), to terminate a suspension or disapproval under subsection (a)(6), or to terminate the opposition required by subsection (a)(7), as the case may be.

''(c) REPORTING REQUIREMENT.—Sixty days after the date of enactment of this Act [Feb. 16, 1990], the President shall submit to the Congress a report on—

''(1) any steps taken by the Government of China to achieve the objectives described in subsection (b)(1);

''(2) the effect of multilateral sanctions on political and economic developments in China and on China's international economic relations;

''(3) the impact of the President's actions described in section 901(a)(9) [Pub. L. 101–246, title IX, Feb. 16, 1990, 104 Stat. 80] and of the suspensions under subsection (a) of this section on—

''(A) political and economic developments in China;

''(B) the standard of living of the Chinese people;

''(C) relations between the United States and China; and

''(D) the actions taken by China to promote a settlement in Cambodia which will ensure Cambodian independence, facilitate an act of self-determination by the Cambodian people, and prevent the Khmer Rouge from returning to exclusive power;

''(4) the status of programs and activities suspended under subsection (a); and

''(5) the additional measures taken by the President under section 901(c) if repression in China deepens.''

[Certification of President under section 902(a)(6)(B)(i) of Pub. L. 101–246, set out above, provided in Determination of President of the United States, No. 98–10, Jan. 12, 1998, 63 F.R. 3447.]

LIMITATION ON ASSISTANCE TO PANAMANIAN DEFENSE FORCE

Pub. L. 100–456, div. A, title XIII, § 1302, Sept. 29, 1988, 102 Stat. 2060, provided that:

''(a) LIMITATION.—The President may not use any funds appropriated to or for the use of any department, agency, or other entity of the United States for the purpose of providing assistance to the Panamanian Defense Force. The limitation in the preceding sentence shall cease to apply upon the submission by the President to Congress of a certification by the President—

''(1) that no armed forces of the Soviet Union, the Republic of Cuba, or the Republic of Nicaragua are present in the Republic of Panama (other than military attachés accredited to the Republic of Panama); and

''(2) that General Manuel Noriega has relinquished command of the Panamanian Defense Force and no longer holds any official position of leadership (either military or civilian) in the Republic of Panama.

''(b) CLARIFICATION.—Subsection (a) does not prohibit the President from obligating or expending any funds necessary for—

''(1) the defense of the Panama Canal,

''(2) the collection of intelligence,

''(3) the maintenance of United States Armed Forces in the Republic of Panama, or

''(4) the protection of United States interests in the Republic of Panama.

''(c) REPORT.—Not later than 30 days after the date of the enactment of this Act [Sept. 29, 1988], the President shall submit to Congress a detailed report, in both classified and unclassified form, indicating—

''(1) whether (and to what extent) military, paramilitary, or intelligence personnel of the Soviet Union, Cuba, or Nicaragua are present in the Republic of Panama; and

''(2) whether (and to what extent) the Panamanian Defense Force has coordinated with, cooperated with, supported, or received support from, any such personnel.''

CODIFICATION OF POLICY PROHIBITING NEGOTIATIONS WITH THE PALESTINE LIBERATION ORGANIZATION

Pub. L. 99–83, title XIII, § 1302, Aug. 8, 1985, 99 Stat. 280, as amended by Pub. L. 101–246, title I, § 108, Feb. 16, 1990, 104 Stat. 21, provided that:

''(a) UNITED STATES POLICY.—The United States in 1975 declared in a memorandum of agreement with Israel, and has reaffirmed since, that 'The United States will continue to adhere to its present policy with respect to the Palestine Liberation Organization, whereby it will not recognize or negotiate with the Palestine Liberation Organization so long as the Palestine Liberation Organization does not recognize Israel's right to exist and does not accept Security Council Resolutions 242 and 338.'.

''(b) REAFFIRMATION AND CODIFICATION OF POLICY.—The United States hereby reaffirms that policy. In accordance with that policy, no officer or employee of the United States Government and no agent or other individual acting on behalf of the United States Government shall negotiate with the Palestine Liberation Organization or any representatives thereof (except in emergency or humanitarian situations) unless and until the Palestine Liberation Organization recognizes Israel's right to exist, accepts United Nations Security Council Resolutions 242 and 338, and renounces the use of terrorism, except that no funds authorized to be appropriated by this or any other Act may be obligated or made available for the conduct of the current dialogue on the Middle East peace process with any representative of the Palestine Liberation Organization if the President knows and advises the Congress that that representative directly participated in the planning or execution of a particular terrorist activity which resulted in the death or kidnapping of a United States citizen.''

OBLIGATION OR EXPENDITURE OF FUNDS FOR PLANNING, ETC., MINING OF THE PORTS OR TERRITORIAL WATERS OF NICARAGUA

Pub. L. 98–369, div. B, title IX, § 2907, July 18, 1984, 98 Stat. 1210, provided that: ''It is the sense of the Congress that no funds heretofore or hereafter appropriated in any Act of Congress shall be obligated or expended for the purpose of planning, directing, executing, or supporting the mining of the ports or territorial waters of Nicaragua.''

PROHIBITION ON CERTAIN ASSISTANCE TO THE KHMER ROUGE IN KAMPUCHEA

Pub. L. 98–164, title X, § 1005, Nov. 22, 1983, 97 Stat. 1058, provided that:

''(a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Kampuchea or elsewhere in Indochina.

''(b) All funds appropriated before the date of enactment of this section [Nov. 22, 1983] which were obligated but not expended for activities having the purpose or effect described in subsection (a) shall be deobligated and shall be deposited in the Treasury of the United States as miscellaneous receipts.

''(c) This section shall not be construed as limiting the provision of food, medicine, or other humanitarian assistance to the Kampuchean people.''

TERMINATION OF NONRECURRING ACTIVITIES UNDER FOREIGN ASSISTANCE ACT OF 1961 AND REMOVAL FROM LAW

Pub. L. 97–113, title VII, § 734(c), Dec. 29, 1981, 95 Stat. 1561, provided that: ''Except as otherwise explicitly provided by their terms, amendments to the Foreign Assistance Act of 1961 [see Short Title note above] and the Arms Export Control Act [see Short Title note set out under section 2751 of this title] which are applicable only to a single fiscal or calendar year or which require reports or other actions on a nonrecurring basis shall be deemed to have expired and shall be removed from law upon the expiration of the applicable time periods for the fulfillment of the required actions.''

ASSISTANCE FOR PANAMA

Pub. L. 101–167, title V, § 561, Nov. 21, 1989, 103 Stat. 1239, provided that:

''(a) Unless the President certifies to Congress that—

''(1) the Government of Panama has demonstrated substantial progress in assuring civilian control of the armed forces and that the Panama Defense Forces and its leaders have been removed from nonmilitary activities and institutions;

''(2) an impartial investigation into allegations of illegal actions by members of the Panama Defense Force is being conducted;

''(3) a satisfactory agreement has been reached between the governing authorities and representatives of the opposition forces on conditions for free and fair elections; and

''(4) freedom of the press and other constitutional guarantees, including due process of law, are being restored to the Panamanian people;

then no United States assistance (including any such assistance appropriated and previously obligated) shall be obligated or expended for programs, projects, or activities which assist or lend support for the Noriega regime, or ministries of government under the control of the Noriega regime, or any successor regime that does not meet the criteria specified in subsection (a) of this section in this fiscal year and any fiscal year thereafter, and none of the funds appropriated or otherwise made available in this Act, or any other Act, shall be used to finance any participation of the United States in joint military exercises conducted in Panama during the fiscal year 1990.

''(b) It is the sense of the Congress that if the conditions described in paragraphs (1) through (4) of subsection (a) have been certified as having been met, then not only will United States assistance be restored, but increased levels of such assistance should be considered for Panama.

''(c) For purposes of this section, the term 'United States assistance' means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government, including—

''(1) assistance under the Foreign Assistance Act of 1961 [see Short Title note above] (including programs under title IV of chapter 2 of part I of such Act [22 U.S.C. 2191 et seq.]);

''(2) sales, credits, and guarantees under the Arms Export Control Act [see Short Title note set out under section 2751 of this title];

''(3) sales under title I [7 U.S.C. 1701 et seq.] or III [7 U.S.C. 1727 et seq.] and donations under title II [7 U.S.C. 1721 et seq.] of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

''(4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

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

''(6) assistance provided by the Central Intelligence Agency or assistance provided by any other entity or component of the United States Government if such assistance is carried out in connection with, or for purposes of conducting, intelligence or intelligence-related activities except that this shall not include activities undertaken solely to collect necessary intelligence;

except that the term 'United States assistance' does not include (A) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] insofar as such assistance is provided through private and voluntary organizations or other nongovernmental agencies, (B) assistance which involves the donations of food or medicine, (C) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2292 et seq.]), (D) assistance for refugees, (E) assistance under

the Inter-American Foundation Act [22 U.S.C. 290f], (F) assistance necessary for the purpose of continuing participant training programs (including scholarships) already being supported as of the date of any prohibition of assistance otherwise applicable to Panama, or (G) assistance made available for termination costs arising from the requirements of this section.

''(d) The Secretary of the Treasury shall instruct the United States Executive Directors to the International Financial Institutions (the International Bank for Reconstruction and Development, the International Finance Corporation, and the Inter-American Development Bank) to vote against any loan to Panama, unless the President has certified in advance that the conditions set forth in subsection (a) of this section have been met.''

[Functions of President under this note were delegated to Secretary of State by section 1–201(a)(29) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.]

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 100–461, title V, § 564, Oct. 1, 1988, 102 Stat. 2268–40.

Pub. L. 100–202, § 101(e) [title V, § 570], Dec. 22, 1987, 101 Stat. 1329–131, 1329–174.

Pub. L. 96–92, § 28, Oct. 29, 1979, 93 Stat. 711. [Repealed by Pub. L. 97–113, title VII, § 734(a)(11), Dec. 29, 1981, 95 Stat. 1560.]

FINAL ACCOUNTING OF AMERICANS MISSING IN ACTION IN VIETNAM

Pub. L. 95–426, title VII, § 705, Oct. 7, 1978, 92 Stat. 992, as amended by Pub. L. 97–241, title V, § 505(a)(2), (b)(2), Aug. 24, 1982, 96 Stat. 299, provided that: ''The President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam.'' Similar provisions were contained in the following acts:

Pub. L. 95–105, title V, § 505, Aug. 17, 1977, 91 Stat. 858, as amended by Pub. L. 97–241, title V, § 505(a)(3), (b)(2), Aug. 24, 1982, 96 Stat. 299.

Pub. L. 95–88, title I, § 132, Aug. 3, 1977, 91 Stat. 544, as amended by Pub. L. 97–113, title VII, § 734(a)(6), Dec. 29, 1981, 95 Stat. 1560.

PLAN FOR INCREASED MINORITY BUSINESS PARTICIPATION IN FOREIGN ASSISTANCE ACTIVITIES; MINORITY RESOURCE CENTER SECTION AS IMPLEMENTING ADMINISTRATIVE UNIT; FUNCTIONS, DUTIES, ETC., OF CENTER

Section 133 of Pub. L. 95–88, as amended by Pub. L. 96–53, title I, § 123, Aug. 14, 1979, 93 Stat. 366; Pub. L. 97–113, title VII, § 734(a)(6), Dec. 29, 1981, 95 Stat. 1560, provided that:

''(a) The Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [this subchapter] shall prepare and transmit to the Congress, not later than 30 days after the date of enactment of this Act [Aug. 3, 1977], a detailed plan for the establishment of a section on minority business within such agency.

''(b) Such plan shall include, but shall not be limited to—

''(1) a description of where the section on minority business will be located in such agency's organizational structure and what relevant lines of authority will be established;

''(2) a listing of the specific responsibilities that will be assigned to the section on minority business to enable it to increase, in a rational and effective manner, participation of minority business enterprises in activities funded by such agency;

''(3) a design for a time-phase system for bringing about expanded minority business enterprise participation, including specific recommendations for percentage allocations of contracts by such agency to minority business enterprises;

''(4) a proposed reporting system that will permit objective measuring of the degree of participation of minority business enterprises in comparison to the total activities funded by such agency;

''(5) a detailed projection of the administrative budgetary impact of the establishment of the section on minority business; and

''(6) a detailed set of objective criteria upon which determinations will be made as to the qualifications of minority business enterprises to receive contracts funded by such agency.

''(c)(1) Upon the enactment of the International Development Cooperation Act of 1979 [Aug. 14, 1979], the section on minority business established pursuant to subsection (a) shall be redesignated as the Minority Resource Center (hereafter in this section referred to as the 'Center') which shall be responsible for increasing the participation of economically and socially disadvantaged business enterprises in contract, procurement, grant, and research and development activities funded by the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [this subchapter] (hereafter in this section referred to as the 'agency').

''(2) The Center shall—

''(A) establish, maintain, and disseminate information to, and otherwise serve as an information clearinghouse for, economically and socially disadvantaged business enterprises regarding business opportunities in development assistance programs funded by the agency;

''(B) design and conduct programs to encourage, promote, and assist economically and socially disadvantaged business enterprises to secure direct contracts, host country contracts, operation expatriate contracts, indefinite quantity contracts, subcontracts, projects, grants, and research and development contracts in order for such enterprises to participate in such development assistance programs;

''(C) conduct market research, planning, economic and business analyses, and feasibility studies to identify business opportunities in such development assistance programs;

''(D) develop support mechanisms which will enable socially and economically disadvantaged businesses to take advantage of business opportunities in such development assistance programs; and

''(E) enter into such contracts (to such extent or in such amounts as are provided in appropriation Acts), cooperative agreements, or other transactions as may be necessary in the conduct of its functions under this section.

''(3) The Administrator of the agency and the Secretary of State shall provide the Center with such relevant information, including procurement schedules, bids, and specifications with respect to development assistance programs funded by the agency, as may be requested by the Center in connection with the performance of its functions under this section.

''(4) There shall be a Director of the Center who shall be the chief executive officer of the Center. The Director shall be appointed by the Administrator of the agency.

''(5)(A) For the purposes of this section, the term 'economically and socially disadvantaged enterprise' means a business—

''(i) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

''(ii) whose management and daily business operations are controlled by one or more such individuals.

''(B) Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

''(C) Economically disadvantaged individuals are those socially disadvantaged individuals whose ability

to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. In determining the degree of diminished credit and capital opportunities, the Administrator of the agency shall consider, but not be limited to, the assets and net worth of the socially disadvantaged individual.

''(6) [Repealed. Pub. L. 97–113, title VII, § 734(a)(6), Dec. 29, 1981, 95 Stat. 1560.]

''(7) Of the funds available to the agency for operating expenses, up to $950,000 for fiscal year 1980 may be allocated to the Center to carry out its functions under this section.

''(8) If the Administrator of the agency determines that such a consolidation would significantly further the purposes of this section and would eliminate unnecessary duplication of activity, the Administrator may consolidate the Center with the Office of Small and Disadvantaged Business Utilization established in the agency by section 15(k) of the Small Business Act [section 644(k) of Title 15, Commerce and Trade]. Any such consolidation shall ensure that all the functions specified in paragraph (2) of this subsection continue to be carried out. Before implementing any such consolidation, the Administrator shall submit to the Congress a detailed report setting forth the reasons for the proposed consolidation.''

[Amendment by Pub. L. 96–53 (adding subsec. (c) to section 133 of Pub. L. 95–88) effective Aug. 14, 1979, see section 512(b) of Pub. L. 96–53, set out as an Effective Date of 1979 Amendment note above.]

USE OF ACCRUED FOREIGN CURRENCIES

Section 40 of Pub. L. 93–189 provided that: ''Effective July 1, 1974, no amount of any foreign currency (including principal and interest from loan repayments) which accrues in connection with any sale for foreign currency under any provision of law may be used under any agreement entered into after the date of the enactment of this Act [Dec. 17, 1973], or any revision or extension entered into after such date of any prior or subsequent agreement, to provide any assistance to any foreign country to procure equipment, materials, facilities, or services for the common defense, including internal security, unless such agreement is specifically authorized by legislation enacted after such date.''

RELIGIOUS FREEDOM AND PERSECUTION

Pub. L. 88–633, pt. V, § 501, Oct. 7, 1964, 78 Stat. 1015, provided that: ''It is the sense of the Congress that the United States deeply believes in the freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Congress condemns the persecution of any persons because of their religion. It is further the sense of Congress that all persons should be permitted the free exercise of religion and the pursuit of their culture.''

COMMUNIST REGIME IN CHINA

Pub. L. 91–194, title I, § 105, Feb. 9, 1970, 84 Stat. 7, related to Congressional opposition to the seating in the United Nations of the Communist regime in China as the representative of China, and requested the President, in the event of the seating of representatives of the Chinese Communist regime in the Security Council or the General Assembly of the United Nations, to inform the Congress of the implications of the seating upon the foreign policy of the United States. Similar provisions were contained in the following prior acts:

Oct. 17, 1968, Pub. L. 90–581, title I, § 105, 82 Stat. 1139.
Jan. 2, 1968, Pub. L. 90–249, title I, § 105, 81 Stat. 938.
Oct. 15, 1966, Pub. L. 89–691, title I, § 105, 80 Stat. 1020.
Oct. 20, 1965, Pub. L. 89–273, title I, § 105, 79 Stat. 1003.
Oct. 7, 1964, Pub. L. 88–634, title I, § 105, 78 Stat. 1017.
Jan. 6, 1964, Pub. L. 88–258, title I, § 105, 77 Stat. 858.
Oct. 23, 1962, Pub. L. 87–872, title I, § 105, 76 Stat. 1164.
Sept. 30, 1961, Pub. L. 87–329, title I, § 107, 75 Stat. 718.
Sept. 2, 1960, Pub. L. 86–704, title I, § 107, 74 Stat. 779.
Sept. 28, 1959, Pub. L. 86–383, title I, § 112, 73 Stat. 720.
Aug. 28, 1958, Pub. L. 85–853, § 105, 72 Stat. 1101.
Sept. 3, 1957, Pub. L. 85–279, § 109, 71 Stat. 604.
July 31, 1956, ch. 803, § 108, 70 Stat. 735.
July 8, 1955, ch. 301, § 12, 69 Stat. 290 (repealed by Pub. L. 87–195, pt. III, § 642(a)(3), Sept. 4, 1961, 75 Stat. 460).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151–1, 2151v, 2162, 2399c, 3502, 6593 of this title.

§ 2151–1. Development assistance policy

(a) Principal purpose of bilateral development assistance

The Congress finds that the efforts of developing countries to build and maintain the social and economic institutions necessary to achieve self-sustaining growth and to provide opportunities to improve the quality of life for their people depend primarily upon successfully marshalling their own economic and human resources. The Congress recognizes that the magnitude of these efforts exceeds the resources of developing countries and therefore accepts that there will be a long-term need for wealthy countries to contribute additional resources for development purposes. The United States should take the lead in concert with other nations to mobilize such resources from public and private sources.

Provision of development resources must be adapted to the needs and capabilities of specific developing countries. United States assistance to countries with low per capita incomes which have limited access to private external resources should primarily be provided on concessional terms. Assistance to other developing countries should generally consist of programs which facilitate their access to private capital markets, investment, and technical skills, whether directly through guarantee or reimbursable programs by the United States Government or indirectly through callable capital provided to the international financial institutions.

Bilateral assistance and United States participation in multilateral institutions shall emphasize programs in support of countries which pursue development strategies designed to meet basic human needs and achieve self-sustaining growth with equity.

The Congress declares that the principal purpose of United States bilateral development assistance is to help the poor majority of people in developing countries to participate in a process of equitable growth through productive work and to influence decisions that shape their lives, with the goal of increasing their incomes and their access to public services which will enable them to satisfy their basic needs and lead lives of decency, dignity, and hope. Activities shall be emphasized that effectively involve the poor in development by expanding their access to the economy through services and institutions at the local level, increasing their participation in the making of decisions that affect their lives, increasing labor-intensive production and the use of appropriate technology, expanding productive investment and services out from major cities to small towns and rural areas, and otherwise providing opportunities for the poor to improve their lives through their own efforts. Par-

ticipation of the United States in multilateral institutions shall also place appropriate emphasis on these principles.

(b) Form of assistance; principles governing assistance

Assistance under this part should be used not only for the purpose of transferring financial resources to developing countries, but also to help countries solve development problems in accordance with a strategy that aims to insure wide participation of the poor in the benefits of development on a sustained basis. Moreover, assistance shall be provided in a prompt and effective manner, using appropriate United States institutions for carrying out this strategy. In order to achieve these objectives and the broad objectives set forth in section 2151 of this title and in subsection (a) of this section, bilateral development assistance authorized by this chapter shall be carried out in accordance with the following principles:

(1) Development is primarily the responsibility of the people of the developing countries themselves. Assistance from the United States shall be used in support of, rather than substitution for, the self-help efforts that are essential to successful development programs and shall be concentrated in those countries that take positive steps to help themselves. Maximum effort shall be made, in the administration of subchapter I of this chapter, to stimulate the involvement of the people in the development process through the encouragement of democratic participation in private and local governmental activities and institution building appropriate to the requirements of the recipient countries.

(2) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

(3) United States bilateral development assistance should give high priority to undertakings submitted by host governments which directly improve the lives of the poorest of their people and their capacity to participate in the development of their countries, while also helping such governments enhance their planning, technical, and administrative capabilities needed to insure the success of such undertakings.

(4) Development assistance provided under this part shall be concentrated in countries which will make the most effective use of such assistance to help satisfy basic human needs of poor people through equitable growth, especially in those countries having the greatest need for outside assistance. In order to make possible consistent and informed judgments in this respect, the President shall assess the commitment and progress of countries in moving toward the objectives and purposes of this part by utilizing criteria, including but not limited to the following:

(A) increase in agricultural productivity per unit of land through small-farm, labor-intensive agriculture;

(B) reduction of infant mortality;

(C) control of population growth;

(D) promotion of greater equality of income distribution, including measures such as more progressive taxation and more equitable returns to small farmers;

(E) reduction of rates of unemployment and underemployment; and

(F) increase in literacy.

(5) United States development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries; food production and nutrition; rural development and generation of gainful employment; population planning and health; environment and natural resources; education, development administration, and human resource development; and energy development and production.

(6) United States assistance shall encourage and promote the participation of women in the national economies of developing countries and the improvement of women's status as an important means of promoting the total development effort.

(7) United States bilateral assistance shall recognize that the prosperity of developing countries and effective development efforts require the adoption of an overall strategy that promotes the development, production, and efficient utilization of energy and, therefore, consideration shall be given to the full implications of such assistance on the price, availability, and consumption of energy in recipient countries.

(8) United States cooperation in development should be carried out to the maximum extent possible through the private sector, including those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, free labor unions, and private and voluntary agencies.

(9) To the maximum extent practicable, United States private investment should be encouraged in economic and social development programs to which the United States lends support.

(10) Assistance shall be planned and utilized to encourage regional cooperation by developing countries in the solution of common problems and the development of shared resources.

(11) Assistance efforts of the United States shall be planned and furnished to the maximum extent practicable in coordination and cooperation with assistance efforts of other countries, including the planning and implementation of programs and projects on a multilateral and multidonor basis.

(12) United States bilateral development assistance should be concentrated on projects which do not involve large-scale capital transfers. However, to the extent that such assistance does involve large-scale capital transfers, it should be furnished in association with contributions from other countries working together in a multilateral framework.

(13) United States encouragement of policy reforms is necessary if developing countries are to achieve economic growth with equity.

(14) Development assistance should, as a fundamental objective, promote private sector ac-

tivity in open and competitive markets in developing countries, recognizing such activity to be a productive and efficient means of achieving equitable and long term economic growth.

(15) United States cooperation in development should recognize as essential the need of developing countries to have access to appropriate technology in order to improve food and water, health and housing, education and employment, and agriculture and industry.

(16) United States assistance should focus on establishing and upgrading the institutional capacities of developing countries in order to promote long term development. An important component of institution building involves training to expand the human resource potential of people in developing countries.

(c) Worldwide cooperative effort to overcome aspects of absolute poverty

The Congress, recognizing the desirability of overcoming the worst aspects of absolute poverty by the end of this century by, among other measures, substantially lowering infant mortality and birth rates, and increasing life expectancy, food production, literacy, and employment, encourages the President to explore with other countries, through all appropriate channels, the feasibility of a worldwide cooperative effort to overcome the worst aspects of absolute poverty and to assure self-reliant growth in the developing countries by the year 2000.

(Pub. L. 87–195, pt. I, §102, as added Pub. L. 95–424, title I, §101, Oct. 6, 1978, 92 Stat. 938; amended Pub. L. 96–53, title I, §104(a), Aug. 14, 1979, 93 Stat. 360; Pub. L. 99–83, title III, §301, Aug. 8, 1985, 99 Stat. 213.)

REFERENCES IN TEXT

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

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

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

AMENDMENTS

1985—Subsec. (b)(13) to (16). Pub. L. 99–83 added pars. (13) to (16).

1979—Subsec. (b)(5). Pub. L. 96–53, §104(a)(1), inserted applicability to energy development and production.

Subsec. (b)(7). Pub. L. 96–53, §104(a)(2), inserted applicability to promotion of development and production of energy.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1301 of Pub. L. 99–83 provided that: ''Except as otherwise provided in this Act, this Act [see Short Title of 1985 Amendment note set out under section 2151 of this title] shall take effect on October 1, 1985.''

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151f, 2151u, 2151v, 2293, 3502 of this title.

§2151a. Agricultural development in rural areas

(a) Authorization to President to furnish assistance; appropriations

(1) In recognition of the fact that the great majority of the people of developing countries live in rural areas and are dependent on agriculture and agricultural-related pursuits for their livelihood, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition—

(A) to alleviate starvation, hunger, and malnutrition;

(B) to expand significantly the provision of basic services to rural poor people to enhance their capacity for self-help; and

(C) to help create productive farm and off-farm employment in rural areas to provide a more viable economic base and enhance opportunities for improved incomes, living standards, and contributions by rural poor people to the economic and social development of their countries.

(2) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $760,000,000 for fiscal year 1986 and $760,000,000 for fiscal year 1987. Of these amounts, the President may use such amounts as he deems appropriate to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980. Amounts appropriated under this section are authorized to remain available until expended.

(3) Of the amounts authorized to be appropriated in paragraph (2) for the fiscal year 1987, not less than $2,000,000 shall be available only for the purpose of controlling and eradicating amblyomma variegatum (heartwater) in bovine animals in the Caribbean.

(b) Use of assistance primarily in aid of rural poor; multilateral infrastructure projects; forestry projects

(1) Assistance provided under this section shall be used primarily for activities which are specifically designed to increase the productivity and income of the rural poor, through such means as creation and strengthening of local institutions linked to the regional and national levels; organization of a system of financial institutions which provide both savings and credit services to the poor; stimulation of small, labor-intensive enterprises in rural towns; improvement of marketing facilities and systems; expansion of rural infrastructure and utilities such as farm-to-market roads, water management systems, land improvement, energy, and storage facilities; establishment of more equitable and more secure land tenure arrangements; and creation and strengthening of sys-

tems to provide other services and supplies needed by farmers, such as extension, research, training, fertilizer, water, forestry, soil conservation, and improved seed, in ways which assure access to them by small farmers.

(2) In circumstances where development of major infrastructure is necessary to achieve the objectives set forth in this section, assistance for that purpose should be furnished under this part in association with significant contributions from other countries working together in a multilateral framework. Infrastructure projects so assisted should be complemented by other measures to ensure that the benefits of the infrastructure reach the poor.

(3) The Congress recognizes that the accelerating loss of forests and tree cover in developing countries undermines and offsets efforts to improve agricultural production and nutrition and otherwise to meet the basic human needs of the poor. Deforestation results in increased flooding, reduction in water supply for agricultural capacity, loss of firewood and needed wood products, and loss of valuable plants and animals. In order to maintain and increase forest resources, the President is authorized to provide assistance under this section for forestry projects which are essential to fulfill the fundamental purposes of this section. Emphasis shall be given to community woodlots, agroforestry, reforestation, protection of watershed forests, and more effective forest management.

(c) Increased agricultural production in least developed countries

The Congress finds that the greatest potential for significantly expanding availability of food for people in rural areas and augmenting world food production at relatively low cost lies in increasing the productivity of small farmers who constitute a majority of the agricultural producers in developing countries. Increasing the emphasis on rural development and expanded food production in the poorest nations of the developing world is a matter of social justice and a principal element contributing to broadly based economic growth, as well as an important factor in alleviating inflation in the industrialized countries. In the allocation of funds under this section, special attention shall be given to increasing agricultural production in countries which have been designated as ''least developed'' by the United Nations General Assembly.

(d) Coordination with population planning and health programs

Assistance provided under this section shall also be used in coordination with programs carried out under section 2151b of this title to help improve nutrition of the people of developing countries through encouragement of increased production of crops with greater nutritional value; improvement of planning, research, and education with respect to nutrition, particularly with reference to improvement and expanded use of indigenously produced foodstuffs; and the undertaking of pilot or demonstration programs explicitly addressing the problem of malnutrition of poor and vulnerable people. In particular, the President is encouraged—

(1) to devise and carry out in partnership with developing countries a strategy for programs of nutrition and health improvement for mothers and children, including breast feeding; and

(2) to provide technical, financial, and material support to individuals or groups at the local level for such programs.

(e) Use of local currency proceeds from sales of commodities

Local currency proceeds from sales of commodities provided under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.] which are owned by foreign governments shall be used whenever practicable to carry out the provisions of this section.

(f) National food security policies and programs; bilateral and multilateral assistance

The Congress finds that the efforts of developing countries to enhance their national food security deserves encouragement as a matter of United States development assistance policy. Measures complementary to assistance for expanding food production in developing countries are needed to help assure that food becomes increasingly available on a regular basis to the poor in such countries. Therefore, United States bilateral assistance under this chapter and the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.], and United States participation in multilateral institutions, shall emphasize policies and programs which assist developing countries to increase their national food security by improving their food policies and management and by strengthening national food reserves, with particular concern for the needs of the poor, through measures encouraging domestic production, building national food reserves, expanding available storage facilities, reducing postharvest food losses, and improving food distribution.

(g) International Fund for Agricultural Development; participation and contributions; availability of appropriations

(1) In order to carry out the purposes of this section, the President may continue United States participation in and may make contributions to the International Fund for Agricultural Development.

(2) Of the aggregate amount authorized to be appropriated to carry out subchapter I of this chapter, up to $50,000,000 for fiscal year 1986 and up to $50,000,000 for fiscal year 1987 may be made available, by appropriation or by transfer, for United States contributions to the second replenishment of the International Fund for Agricultural Development.

(Pub. L. 87–195, pt. I, § 103, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 715; amended Pub. L. 93–559, § 2, Dec. 30, 1974, 88 Stat. 1795; Pub. L. 94–161, title III, § 302, Dec. 20, 1975, 89 Stat. 856; Pub. L. 95–88, title I, § 102, Aug. 3, 1977, 91 Stat. 534; Pub. L. 95–424, title I, § 103(a), Oct. 6, 1978, 92 Stat. 943; Pub. L. 96–53, title I, § 101, Aug. 14, 1979, 93 Stat. 359; Pub. L. 96–533, title III, § 301, Dec. 16, 1980, 94 Stat. 3145; Pub. L. 97–113, title III, § 301(a), (c), Dec. 29, 1981, 95 Stat. 1531, 1532; Pub. L. 99–83, title III, § 302, title X, § 1001, Aug. 8, 1985, 99 Stat. 214, 270; Pub. L. 99–399, title XIII, § 1304, Aug. 27, 1986, 100 Stat. 898.)

REFERENCES IN TEXT

Section 316 of the International Security and Development Cooperation Act of 1980, referred to in subsec. (a)(2), is section 316 of Pub. L. 96–533, title III, Dec. 16, 1980, 94 Stat. 3149, set out as a note below.

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsecs. (e) and (f), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified generally 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.

This chapter, referred to in subsec. (f), 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.

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

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

AMENDMENTS

1986—Subsec. (a)(3). Pub. L. 99–399 added par. (3).

1985—Subsec. (a)(2). Pub. L. 99–83, §302, substituted ''$760,000,000 for fiscal year 1986 and $760,000,000 for fiscal year 1987. Of these amounts, the President may use such amounts as he deems appropriate to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980.'' for ''$700,000,000 for the fiscal year 1982 and $700,000,000 for the fiscal year 1983, of which up to $1,000,000 for each such fiscal year shall be available only to carry out section 316 of the International Security and Development Cooperation Act of 1980.''

Subsec. (g). Pub. L. 99–83, §1001, amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''In order to carry out the purposes of this section, the President may continue to participate in and may provide, on such terms and conditions as he may determine, up to $180,000,000 to the International Fund for Agricultural Development. There are authorized to be appropriated to the President for the purposes of this subsection $180,000,000, except that not more than $40,500,000 may be appropriated under this subsection for the fiscal year 1982. Amounts appropriated under this subsection are authorized to remain available until expended.''

1981—Subsec. (a)(2). Pub. L. 97–113, §301(a), substituted ''$700,000,000 for the fiscal year 1982 and $700,000,000 for the fiscal year 1983, of which up to $1,000,000 for each such fiscal year shall be available only to carry out section 316 of the International Security and Development Cooperation Act of 1980'' for ''$713,500,000 for the fiscal year 1981''.

Subsec. (g). Pub. L. 97–113, §301(c), added subsec. (g).

1980—Subsec. (a)(2). Pub. L. 96–533 substituted appropriations authorization of $713,500,000 for fiscal year 1981 for such authorization of $659,000,000 for fiscal year 1980.

1979—Subsec. (a)(2). Pub. L. 96–53, §101(a), substituted provisions authorizing appropriations of $659,000,000 for fiscal year 1980, for provisions authorizing appropriations of $665,213,000 for fiscal year 1979.

Subsec. (b)(3). Pub. L. 96–53, §101(b), added par. (3).

Subsec. (f). Pub. L. 96–53, §101(c), added subsec. (f).

1978—Pub. L. 95–424 amended section generally, updating and clarifying the purposes of assistance to more accurately reflect the range of activities authorized by this section.

1977—Subsec. (a). Pub. L. 95–88, §102(a), struck out provisions authorizing appropriations of $291,000,000 for the fiscal year 1974, $500,000,000 for the fiscal year 1975, and $618,800,000 for the fiscal year 1976, and inserted provisions authorizing the appropriation of $580,000,000 for the fiscal year 1978.

Subsec. (h). Pub. L. 95–88, §102(b), added subsec. (h).

1975—Subsec. (a). Pub. L. 94–161, §302(1), authorized appropriation of $618,800,000 and $745,000,000 for fiscal years 1976 and 1977, respectively.

Subsecs. (c) to (g). Pub. L. 94–161, §302(2), added subsecs. (c) to (g).

1974—Subsec. (a). Pub. L. 93–559, §2(1), (2), designated existing provisions as subsec. (a) and increased appropriations authorization for fiscal year 1975 to $500,000,000 from $291,000,000.

Subsec. (b). Pub. L. 93–559, §2(3), added subsec. (b).

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.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

WORLD HUNGER

Section 316 of Pub. L. 96–533 provided:

''(a) In order to further the purposes of section 103 of the Foreign Assistance Act of 1961 [this section], the Director of the United States International Development Cooperation Agency shall encourage the ongoing work of private and voluntary organizations to deal with world hunger problems abroad. To this end, the Director shall help facilitate widespread public discussion, analysis, and review of the issues raised by the Report of the Presidential Commission on World Hunger of March 1980, especially the issues raised by the Commission's call for increased public awareness of the political, economic, technical, and social factors relating to hunger and poverty.

''(b) As a means of carrying out subsection (a), and to ensure the effectiveness of private and voluntary organizations in dealing with world hunger abroad, the Director is urged to provide assistance to private and voluntary organizations engaged in facilitating public discussion of hunger and other related issues.''

[For abolition of United States International Development Cooperation Agency (other than Agency for International Development and Overseas Private Investment Corporation), transfer of functions, and treatment of references thereto, see sections 6561, 6562, and 6571 of this title.]

REDUCTION OF POSTHARVEST LOSSES OF FOOD

Section 317 of Pub. L. 96–533 provided: ''It is the sense of the Congress that—

''(1) the President should reaffirm the policy of the United States Government to support the goal established by the United Nations General Assembly of reducing by 50 percent postharvest losses of food in developing countries; and

''(2) the President, acting through the Agency for International Development, should increase substantially the proportion of funds made available under the Foreign Assistance Act of 1961 [see Short Title note set out under section 2151 of this title] for the purpose of assisting, together with other donor countries and with developing countries, in the reduction of postharvest losses of food in developing countries.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151b, 2151d, 2151f, 2151h, 2151p–1, 2151u, 2220a, 2220d, 2293, 3262 of this title.

§ 2151a–1. Agricultural research

Agricultural research carried out under this chapter shall (1) take account of the special needs of small farmers in the determination of research priorities, (2) include research on the interrelationships among technology, institutions, and economic, social, environmental, and cultural factors affecting small-farm agriculture, and (3) make extensive use of field testing to adapt basic research to local conditions. Special emphasis shall be placed on disseminating research results to the farms on which they can be put to use, and especially on institutional and other arrangements needed to assure that small farmers have effective access to both new and existing improved technology.

(Pub. L. 87–195, pt. I, § 103A, as added Pub. L. 94–161, title III, § 303, Dec. 20, 1975, 89 Stat. 857; amended Pub. L. 95–424, title I, § 103(d), Oct. 6, 1978, 92 Stat. 945.)

REFERENCES IN TEXT

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

AMENDMENTS

1978—Pub. L. 95–424 inserted ''environmental'' after ''social'' in cl. 2.

EFFECTIVE DATE OF 1978 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151f, 2151h, 2220a, 2293, 2346 of this title.

§ 2151b. Population planning and health programs

(a) Congressional declaration of policy

The Congress recognizes that poor health conditions and uncontrolled population growth can vitiate otherwise successful development efforts.

Large families in developing countries are the result of complex social and economic factors which change relatively slowly among the poor majority least affected by economic progress, as well as the result of a lack of effective birth control. Therefore, effective family planning depends upon economic and social change as well as the delivery of services and is often a matter of political and religious sensitivity. While every country has the right to determine its own policies with respect to population growth, voluntary population planning programs can make a substantial contribution to economic development, higher living standards, and improved health and nutrition.

Good health conditions are a principal element in improved quality of life and contribute to the individual's capacity to participate in the development process, while poor health and debilitating disease can limit productivity.

(b) Assistance for voluntary population planning

In order to increase the opportunities and motivation for family planning and to reduce the rate of population growth, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for voluntary population planning. In addition to the provision of family planning information and services, including also information and services which relate to and support natural family planning methods, and the conduct of directly relevant demographic research, population planning programs shall emphasize motivation for small families.

(c) Assistance for health programs; special health needs of children and mothers; Child Survival Fund; promotion of immunization and oral rehydration

(1) In order to contribute to improvements in the health of the greatest number of poor people in developing countries, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for health programs. Assistance under this subsection shall be used primarily for basic integrated health services, safe water and sanitation, disease prevention and control, and related health planning and research. This assistance shall emphasize self-sustaining community-based health programs by means such as training of health auxiliary and other appropriate personnel, support for the establishment and evaluation of projects that can be replicated on a broader scale, measures to improve management of health programs, and other services and supplies to support health and disease prevention programs.

(2)(A) In carrying out the purposes of this subsection, the President shall promote, encourage, and undertake activities designed to deal directly with the special health needs of children and mothers. Such activities should utilize simple, available technologies which can significantly reduce childhood mortality, such as improved and expanded immunization programs, oral rehydration to combat diarrhoeal diseases, and education programs aimed at improving nutrition and sanitation and at promoting child spacing. In carrying out this paragraph, guidance shall be sought from knowledgeable health professionals from outside the agency primarily responsible for administering subchapter I of this chapter. In addition to government-to-government programs, activities pursuant to this paragraph should include support for appropriate activities of the types described in this paragraph which are carried out by international organizations (which may include international organizations receiving funds under part III of this subchapter) and by private and voluntary organizations, and should include encouragement to other donors to support such types of activities.

(B) In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President $25,000,000 for fiscal year 1986 and $75,000,000 for fiscal year 1987 for use in carrying out this paragraph. Amounts appropriated under this subparagraph are authorized to remain available until expended.

(C) Appropriations pursuant to subparagraph (B) may be referred to as the ''Child Survival Fund''.

(3) The Congress recognizes that the promotion of primary health care is a major objec-

tive of the foreign assistance program. The Congress further recognizes that simple, relatively low cost means already exist to reduce incidence of communicable diseases among children, mothers, and infants. The promotion of vaccines for immunization, and salts for oral rehydration, therefore, is an essential feature of the health assistance program. To this end, the Congress expects the agency primarily responsible for administering subchapter I of this chapter to set as a goal the protection of not less than 80 percent of all children, in those countries in which such agency has established development programs, from immunizable diseases by January 1, 1991. Of the aggregate amounts made available for fiscal year 1987 to carry out paragraph (2) of this subsection (relating to the Child Survival Fund) and to carry out subsection (c) of this section (relating to development assistance for health), $50,000,000 shall be used to carry out this paragraph.

(d) Administration of assistance

(1) Assistance under this part shall be administered so as to give particular attention to the interrelationship between (A) population growth, and (B) development and overall improvement in living standards in developing countries, and to the impact of all programs, projects, and activities on population growth. All appropriate activities proposed for financing under this part shall be designed to build motivation for smaller families through modification of economic and social conditions supportive of the desire for large families, in programs such as education in and out of school, nutrition, disease control, maternal and child health services, improvements in the status and employment of women, agricultural production, rural development, and assistance to the urban poor, and through community-based development programs which give recognition to people motivated to limit the size of their families. Population planning programs shall be coordinated with other programs aimed at reducing the infant mortality rate, providing better nutrition for pregnant women and infants, and raising the standard of living of the poor.

(2) Since the problems of malnutrition, disease, and rapid population growth are closely related, planning for assistance to be provided under subsections (b) and (c) of this section and under section 2151a of this title shall be coordinated to the maximum extent practicable.

(3) Assistance provided under this section shall emphasize low-cost integrated delivery systems for health, nutrition, and family planning for the poorest people, with particular attention to the needs of mothers and young children, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach.

(e) Research and analysis

(1) Health and population research and analysis carried out under this chapter shall—

(A) be undertaken to the maximum extent practicable in developing countries by developing country personnel, linked as appropriate with private and governmental biomedical research facilities within the United States;

(B) take account of the special needs of the poor people of developing countries in the determination of research priorities; and

(C) make extensive use of field testing to adapt basic research to local conditions.

(2) The President is authorized to study the complex factors affecting population growth in developing countries and to identify factors which might motivate people to plan family size or to space their children.

(f) Prohibition on use of funds for performance or research respecting abortions or involuntary sterilization

(1) None of the funds made available to carry out subchapter I of this chapter may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.

(2) None of the funds made available to carry out subchapter I of this chapter may be used to pay for the performance of involuntary sterilizations as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations.

(3) None of the funds made available to carry out subchapter I of this chapter may be used to pay for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning.

(g) Authorization of appropriations

(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

(A) $290,000,000 for fiscal year 1986 and $290,000,000 for fiscal year 1987 to carry out subsection (b) of this section; and

(B) $205,000,000 for fiscal year 1986 and $180,000,000 for fiscal year 1987 to carry out subsection (c) of this section.

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

(Pub. L. 87–195, pt. I, § 104, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 715; amended Pub. L. 93–559, § 4(1), Dec. 30, 1974, 88 Stat. 1795; Pub. L. 94–161, title III, § 304, Dec. 20, 1975, 89 Stat. 857; Pub. L. 95–88, title I, § 103(a)–(c), Aug. 3, 1977, 91 Stat. 534; Pub. L. 95–424, title I, § 104(a), Oct. 6, 1978, 92 Stat. 945; Pub. L. 96–53, title I, § 102, Aug. 14, 1979, 93 Stat. 360; Pub. L. 96–533, title III, § 302, Dec. 16, 1980, 94 Stat. 3145; Pub. L. 97–113, title III, § 302, Dec. 29, 1981, 95 Stat. 1532; Pub. L. 98–473, title I, § 101(1) [title V, § 541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903; Pub. L. 99–83, title III, §§ 303–305(a), Aug. 8, 1985, 99 Stat. 214; Pub. L. 99–529, title I, § 103, title IV, § 404(1), Oct. 24, 1986, 100 Stat. 3011, 3019.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(1), 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.

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

References to subchapter I of this chapter are deemed to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and

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

CODIFICATION

Amendment by Pub. L. 98–473 is based on section 303 of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, which was enacted into permanent law by Pub. L. 98–473.

AMENDMENTS

1986—Subsec. (c)(2)(B). Pub. L. 99–529, § 103(b), substituted ''$75,000,000 for fiscal year 1987'' for ''$25,000,000 for fiscal year 1987''.

Subsec. (c)(3). Pub. L. 99–529, § 103(a), inserted provision allocating $50,000,000 of the amounts available for fiscal year 1987 for carrying out par. (3).

Subsec. (g)(1)(B). Pub. L. 99–529, § 404(1), substituted ''$180,000,000 for fiscal year 1987'' for ''$205,000,000 for fiscal year 1987''.

1985—Subsec. (c)(2)(B). Pub. L. 99–83, § 304, inserted provisions authorizing specific appropriations for fiscal years 1986 and 1987.

Subsec. (c)(3). Pub. L. 99–83, § 305(a), added par. (3).

Subsec. (g). Pub. L. 99–83, § 303, in amending subsec. (g) generally, substituted in par. (1) provision authorizing appropriations of $290,000,000 and $205,000,000 to carry out subsecs. (b) and (c), respectively, for fiscal years 1986 and 1987 for provisions authorizing $211,000,000 and $133,405,000 to carry out such subsecs. for fiscal years 1982 and 1983, and in par. (2) struck out provision that not less than 16 percent of available subsec. (b) appropriations or $38,000,000, whichever amount is less, be available in fiscal years 1982 an 1983 only for the United Nations Fund for Population Activities.

1984—Subsec. (c). Pub. L. 98–473 designated existing provisions as par. (1) and added par. (2).

1981—Subsec. (f)(3). Pub. L. 97–113, § 302(b), added par. (3).

Subsec. (g). Pub. L. 97–113, § 302(a), substituted provision authorizing appropriations of $211,000,000 and $133,405,000 to carry out subsecs. (b) and (c) for fiscal years 1982 and 1983 for provision authorizing $238,000,000 and $145,300,000 to carry out such subsections for fiscal year 1981 and provision that not less than 16 percent of available subsec. (b) appropriations or $38,000,000, whichever amount is less, be available in fiscal years 1982 and 1983 only for the United Nations Fund for Population Activities for provision making minimum of $3,000,000 available in fiscal year 1981 only to support the World Health Organization's Special Program of Research, Development and Research Training in Human Reproduction.

1980—Subsec. (b). Pub. L. 96–533, § 302(a), made provision for information and services relating to and supporting natural family planning methods.

Subsec. (g). Pub. L. 96–533, § 302(b), substituted in par. (1) appropriations authorization of $238,000,000 for fiscal year 1981 for authorization of $201,000,000 for fiscal year 1980 and made $3,000,000 available for World Health Organization's Special Human Reproduction Program, and in par. (2) appropriations authorization of $145,300,000 for fiscal year 1981 for authorization of $141,000,000 for fiscal year 1980, which made $4,000,000 available for development of John Sparkman Center for International Public Health Education at University of Alabama at Birmingham.

1979—Subsec. (d)(1). Pub. L. 96–53, § 102(b), inserted provisions respecting use of community-based development programs.

Subsec. (g)(1). Pub. L. 96–53, § 102(a), substituted provisions authorizing appropriations of $201,000,000 for fiscal year 1980, for provisions authorizing appropriations of $224,745,000 for fiscal year 1979.

Subsec. (g)(2). Pub. L. 96–53, § 102(a), substituted provisions authorizing appropriations of $141,000,000 for fiscal year 1980, for provisions authorizing appropriations of $148,494,000 for fiscal year 1979, and inserted provisions relating to the Sparkman Center for International Public Health Education.

1978—Pub. L. 95–424 amended section generally placing greater emphasis on programs and efforts to change social and economic conditions which produce high birth rates.

1977—Subsec. (a). Pub. L. 95–88, § 103(a), transferred to subsec. (b) provisions covering the President's authority to furnish assistance for health purpose and, in the provisions covering population planning remaining in subsec. (a), struck out provisions authorizing the appropriations of $145,000,000 for fiscal year 1974, $165,000,000 for fiscal year 1975, $243,100,000 for fiscal year 1976, and $275,600,000 for fiscal year 1977, struck out provisions requiring that not less than 67 percent of the funds made available under this section be used for population planning, and inserted provisions authorizing an appropriation of $167,000,000 for fiscal year 1978.

Subsec. (b). Pub. L. 95–88, § 103(a), added subsec. (b), consisting of provisions transferred from subsec. (a) covering the President's authority to furnish assistance for health purposes, inserted references to disease prevention and environmental sanitation, and inserted provisions authorizing an appropriation of $107,700,000 for fiscal year 1978. Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 95–88, § 103(b), redesignated former subsec. (b) as (c).

Subsec. (d). Pub. L. 95–88, § 103(c), added subsec. (d).

1975—Subsec. (a). Pub. L. 94–161, § 304(1)–(3), designated existing provisions as subsec. (a), authorized appropriations of $243,100,000 and $275,600,000 for fiscal years 1976 and 1977, and prescribed minimum percentage (67) of funds available for any fiscal year to be used for population planning, either in separate programs or as an element of health programs.

Subsec. (b). Pub. L. 94–161, § 304(4), added subsec. (b).

1974—Pub. L. 93–559 increased appropriations authorization for fiscal year 1975 to $165,000,000 from $145,000,000.

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.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

EFFECTIVE DATE OF 1977 AMENDMENT

Section 103(d) of Pub. L. 95–88 provided that: ''The amendment made by subsection (a) of this section [amending this section] shall take effect on October 1, 1977.''

PROGRESS REPORT ON IMPLEMENTATION OF IMMUNIZATION AND ORAL REHYDRATION PROMOTION PROGRAMS

Section 305(b) of Pub. L. 99–83 provided that: ''Each annual report required by section 634 of the Foreign Assistance Act of 1961 [22 U.S.C. 2394] shall describe the progress achieved during the preceding fiscal year in carrying out section 104(c)(3) of such Act [22 U.S.C. 2151b(c)(3)].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1727c, 1727e, 2151a, 2151d, 2151f, 2151q, 2151u, 2293, 5453 of this title.

§ 2151c. Education and human resources development

(a) General authority

In order to reduce illiteracy, to extend basic education and to increase manpower training in

skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration, and human resource development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $180,000,000 for fiscal year 1986 and $180,000,000 for fiscal year 1987, which are authorized to remain available until expended.

(b) Scope of assistance programs

Assistance provided under this section shall be used primarily to expand and strengthen nonformal education methods, especially those designed to improve productive skills of rural families and the urban poor and to provide them with useful information; to increase the relevance of formal education systems to the needs of the poor, especially at the primary level, through reform of curricula, teaching materials, and teaching methods, and improved teacher training; and to strengthen the management capabilities of institutions which enable the poor to participate in development. Assistance under this section shall also be provided for advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities.

(Pub. L. 87–195, pt. I, § 105, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 715; amended Pub. L. 93–559, § 5, Dec. 30, 1974, 88 Stat. 1796; Pub. L. 94–161, title III, § 305, Dec. 20, 1975, 89 Stat. 858; Pub. L. 95–88, title I, § 104, Aug. 3, 1977, 91 Stat. 535; Pub. L. 95–424, title I, § 105, Oct. 6, 1978, 92 Stat. 947; Pub. L. 96–53, title I, §§ 103, 122, Aug. 14, 1979, 93 Stat. 360, 366; Pub. L. 96–533, title III, § 303, Dec. 16, 1980, 94 Stat. 3145; Pub. L. 97–113, title III, § 303, Dec. 29, 1981, 95 Stat. 1532; Pub. L. 99–83, title III, § 306, title XII, § 1211(a)(1), Aug. 8, 1985, 99 Stat. 215, 279; Pub. L. 99–440, title II, § 201(a), Oct. 2, 1986, 100 Stat. 1094; Pub. L. 99–631, § 1(b)(1), Nov. 7, 1986, 100 Stat. 3519; Pub. L. 101–513, title V, § 562(d)(1), Nov. 5, 1990, 104 Stat. 2031.)

AMENDMENTS

1990—Subsec. (b). Pub. L. 101–513 struck out par. (1) designation and par. (2) which authorized use of appropriations to finance education and training for victims of apartheid, for scholarships for students pursuing secondary school education in South Africa, and to provide in-service teacher training programs in South Africa.

1986—Subsec. (b). Pub. L. 99–440, § 201(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (b)(2)(C)(i). Pub. L. 99–631 substituted ''in-service'' for ''inservice''.

1985—Subsec. (a). Pub. L. 99–83, § 306, substituted ''for the purposes of this section, in addition to funds otherwise available for such purposes, $180,000,000 for fiscal year 1986 and $180,000,000 for fiscal year 1987'' for ''for purposes of this section, in addition to funds otherwise available for such purposes, $103,600,000 for the fiscal year 1982 and $103,600,000 for the fiscal year 1983''.

Pub. L. 99–83, § 1211(a)(1), struck out provisions relating to scholarships for South African students for fiscal years 1982 and 1983.

1981—Subsec. (a). Pub. L. 97–113 substituted appropriations authorizations of $103,600,000 for fiscal years 1982 and 1983 for such authorization of $101,000,000 for fiscal year 1981 and inserted provision for financing of South African scholarships for education in the United States.

1980—Subsec. (a). Pub. L. 96–533 substituted appropriations authorization of $101,000,000 for fiscal year 1981 for such authorization of $105,000,000 for fiscal year 1980.

1979—Subsec. (a). Pub. L. 96–53, § 103(a), substituted provisions authorizing appropriations of $105,000,000 for fiscal year 1980, for provisions authorizing appropriations of $109,036,000 for fiscal year 1979.

Subsec. (b). Pub. L. 96–53, § 103(b), inserted provisions relating to assistance for advanced education and training.

Subsec. (c). Pub. L. 96–53, § 122, struck out subsec. (c) which authorized availability of appropriations for fiscal years 1977, and 1978 for educational assistance for southern Africa.

1978—Subsec. (a). Pub. L. 95–424 substituted ''$109,036,000 for the fiscal year 1979, which amount is'' for ''$101,800,000 for the fiscal year 1977 and $84,900,000 for the fiscal year 1978, which amounts are''.

1977—Subsec. (a). Pub. L. 95–88, § 104(a), struck out provisions authorizing appropriations of $90,000,000 for fiscal year 1974, $92,000,000 for fiscal year 1975, and $89,200,000 for fiscal year 1976, and inserted provisions authorizing an appropriation of $84,900,000 for fiscal year 1978.

Subsec. (c). Pub. L. 95–88, § 104(b), inserted ''for the fiscal year 1977, and not less than $1,647,000 shall be available for the fiscal year 1978,'' after ''shall be available''.

1975—Subsec. (a). Pub. L. 94–161, § 305(a)(1), (2), designated existing provisions as subsec. (a) and authorized appropriation of $89,200,000 and $101,800,000 for fiscal years 1976 and 1977, respectively.

Subsecs. (b), (c), Pub. L. 94–161, § 305(a)(3), added subsecs. (b) and (c).

1974—Pub. L. 93–559 increased appropriations authorization for fiscal year 1975 to $92,000,000 from $90,000,000.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 1(c) of Pub. L. 99–631 provided that: ''The amendments made by subsections (a) and (b) [amending this section and sections 2151n, 2346d, 5001, 5012 to 5016, 5019, 5034, 5035, 5039, 5053, 5056, 5059, 5062 to 5064, 5067 to 5072, 5081, 5082, 5091, 5092, 5095, 5100, 5101, and 5112 of this title] shall be deemed to have taken effect upon the enactment of the Comprehensive Anti-Apartheid Act of 1986 [Oct. 2, 1986].''

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.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151d, 2151f, 2151h, 2151u, 2293 of this title.

§ 2151d. Development of indigenous energy resources

(a) Congressional statement of findings

(1)(A) The Congress finds that energy development and production are vital elements in the development process, that energy shortages in developing countries severely limit the development process in such countries, that two-thirds

of the developing countries which import oil depend on it for at least 90 percent of the energy which their economies require, and that the dramatic increase in world oil prices since 1973 has resulted in considerable economic hardship for many developing countries. The Congress is concerned that the value and purpose of much of the assistance provided to developing countries under sections 2151a, 2151b, and 2151c of this title are undermined by the inability of many developing countries to satisfy their energy requirements. Unless the energy deficit of the developing countries can be narrowed by more fully exploiting indigenous sources of energy such as oil, natural gas, and coal, scarce foreign exchange will increasingly have to be diverted to oil imports, primarily to the detriment of long-term development and economic growth.

(B) The Congress recognizes that many developing countries lack access to the financial resources and technology necessary to locate, explore, and develop indigenous energy resources.

(C) The Congress declares that there is potential for at least a moderate increase by 1990 in the production of energy for commercial use in the developing countries which are not members of the Organization of Petroleum Exporting Countries. In addition, there is a compelling need for vigorous efforts to improve the available data on the location, scale, and commercial exploitability of potential oil, natural gas, and coal reserves in developing countries, especially those which are not members of the Organization of Petroleum Exporting Countries. The Congress further declares that there are many benefits to be gained by the developing countries and by the United States and other developed countries through expanded efforts to expedite the location, exploration, and development of potential sources of energy in developing countries. These benefits include, but are not limited to, the following:

(i) The world's energy supply would be increased and the fear of abrupt depletion would be lessened with new energy production. This could have a positive impact upon energy prices in international markets as well as a positive effect upon the balance of payments problems of many developing countries.

(ii) Diversification of the world's supplies of energy from fossil fuels would make all countries, developing and developed, less susceptible to supply interruptions and arbitrary production and pricing policies.

(iii) Even a moderate increase in energy production in the developing countries would improve their ability to expand commercial trade, foreign investment, and technology transfer possibilities with the United States and other developed countries.

(D) Assistance for the production of energy from indigenous resources, as authorized by subsection (b) of this section, would be of direct benefit to the poor in developing countries because of the overwhelming impact of imported energy costs upon the lives of the poor and their ability to participate in development.

(2) The Congress also finds that energy production from renewable, decentralized sources and energy conservation are vital elements in the development process. Inadequate access by the poor to energy sources as well as the prospect of depleted fossil fuel reserves and higher energy prices require an enhanced effort to expand the energy resources of developing countries through greater emphasis on renewable sources. Renewable and decentralized energy technologies have particular applicability for the poor, especially in rural areas.

(b) General assistance authority; cooperative programs in energy production and conservation; program goals

(1) In order to help developing countries alleviate their energy problems by improving their ability to use indigenous energy resources to produce the energy needed by their economies, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to enable such countries to prepare for and undertake development of their energy resources. Such assistance may include data collection and analysis, the training of skilled personnel, research on and development of suitable energy sources, and pilot projects to test new methods of energy production.

(2) The President is authorized to furnish assistance under this part for cooperative programs with developing countries in energy production and conservation, through research on and development and use of small-scale, decentralized, renewable energy sources for rural areas carried out as integral parts of rural development efforts in accordance with section 2151a of this title. Such programs shall also be directed toward the earliest practicable development and use of energy technologies which are environmentally acceptable, require minimum capital investment, are most acceptable to and affordable by the people using them, are simple and inexpensive to use and maintain, and are transferable from one region of the world to another. Such programs may include research on and the development, demonstration, and application of suitable energy technologies (including use of wood); analysis of energy uses, needs, and resources; training and institutional development; and scientific interchange.

(c) Administrative coordination of planning and implementation of programs

The agency primarily responsible for administering subchapter I of this chapter and the Department of Energy shall coordinate with one another, to the maximum extent possible, the planning and implementation of energy programs under this part.

(d) Assistance for programs of technical cooperation and development, research, etc.

The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the following activities, to the extent that such activities are not authorized by sections 2151a, 2151b, and 2151c of this title:

(1) programs of technical cooperation and development, particularly the development efforts of United States private and voluntary agencies and regional and international development organizations;

(2) programs of research into, and evaluation of, the process of economic development in less developed countries and areas, into the

factors affecting the relative success and costs of development activities, and into the means, techniques, and such other aspects of development assistance as the President may determine in order to render such assistance of increasing value and benefit;

(3) programs of reconstruction following natural or manmade disasters and programs of disaster preparedness, including the prediction of and contingency planning for natural disasters abroad;

(4) programs designed to help solve special development problems in the poorest countries and to make possible proper utilization of infrastructure and related projects funded with earlier United States assistance; and

(5) programs of urban development, with particular emphasis on small, labor intensive enterprises, marketing systems for small producers, and financial and other institutions which enable the urban poor to participate in the economic and social development of their country.

(e) Authorization of appropriations

(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $207,000,000 for fiscal year 1986 and $207,000,000 for fiscal year 1987.

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

(f) Financing cooperative projects among United States, Israel, and developing countries

Of the amounts authorized to be appropriated to carry out this part, $5,000,000 for fiscal year 1986 and $5,000,000 for fiscal year 1987 shall be used to finance cooperative projects among the United States, Israel, and developing countries.

(Pub. L. 87–195, pt. I, § 106, as added Pub. L. 94–161, title III, § 306(2), Dec. 20, 1975, 89 Stat. 858; amended Pub. L. 95–88, title I, § 105, Aug. 3, 1977, 91 Stat. 535; Pub. L. 95–424, title I, § 106, Oct. 6, 1978, 92 Stat. 947; Pub. L. 96–53, title I, §§ 104(b), 105, Aug. 14, 1979, 93 Stat. 360, 362; Pub. L. 96–533, title III, § 304(b)–(f), Dec. 16, 1980, 94 Stat. 3146; Pub. L. 97–113, title III, § 304, Dec. 29, 1981, 95 Stat. 1533; Pub. L. 99–83, title III, § 307, title XII, § 1211(a)(2), Aug. 8, 1985, 99 Stat. 215, 279.)

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

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

PRIOR PROVISIONS

A prior section 2151d, Pub. L. 87–195, pt. I, § 106, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 715, authorized additional appropriations of $53,000,000 for fiscal years 1974, and 1975, for assistance to solve selected development problems in such fields as transportation, power, industry, urban development, and export development, prior to repeal by section 306(1) of Pub. L. 94–161.

AMENDMENTS

1985—Subsec. (b)(1). Pub. L. 99–83, § 1211(a)(2), struck out par. (A) designation, and struck out par. (B) which related to use of funds in fiscal year 1981 for geological and geophysical survey work.

Subsec. (e)(1). Pub. L. 99–83, § 307(a), amended par. (1) generally, substituting provisions authorizing appropriations of $207,000,000 for fiscal years 1986 and 1987 for provisions authorizing appropriations of $147,200,000 for fiscal years 1982 and 1983.

Subsec. (f). Pub. L. 99–83, § 307(b), added subsec. (f).

1981—Subsec. (d)(3). Pub. L. 97–113, § 304(a), authorized assistance for programs of disaster preparedness, including the prediction of and contingency planning for natural disasters abroad.

Subsec. (e)(1). Pub. L. 97–113, § 304(b), substituted appropriations of $147,200,000 for fiscal years 1982 and 1983, for appropriations of $140,000,000 for fiscal year 1981.

1980—Subsec. (a). Pub. L. 96–533, § 304(b), designated existing provisions as subpar. (1)(A), substituted subpar. (B), (C), and (D) for par. (2), (3), and (4) designations, substituted in subpar. (C), cl. (i), (ii), and (iii) for (A), (B), and (C) designations, and added par. (2).

Subsec. (b). Pub. L. 96–533, § 304(c), (d), designated existing provisions as subpar. (1)(A), substituted subpar. (B) for par. (2) designation, substituted in subpar. (1)(B) ''fiscal year 1981 shall be used for purposes of subparagraph (A)'' for ''fiscal year 1980 shall be used for purposes of paragraph (1)'' and added par. (2).

Subsecs. (c) to (e). Pub. L. 96–533, § 304(d)–(f), added subsec. (c), redesignated former subsecs. (c) and (d) as (d) and (e), respectively, and in subsec. (e) designated text as pars. (1) and (2), and in par. (1) as so designated, substituted appropriations authorization of ''$140,000,000 for the fiscal year 1981'' for such appropriation of ''$125,000,000 for the fiscal year 1980''.

1979—Subsecs. (a), (b). Pub. L. 96–53, § 104(b)(2), (3), added subsecs. (a) and (b). Former subsecs. (a) and (b) redesignated (c) and (d), respectively.

Subsec. (c). Pub. L. 96–53, § 104(b)(1), (2), redesignated former subsec. (a) as (c), struck out par. (2), relating to programs to increase energy production and conservation, and redesignated pars. (3) to (6) as (2) to (5), respectively.

Subsec. (d). Pub. L. 96–53, §§ 104(b)(2), 105, redesignated former subsec. (b) as (d) and substituted provisions authorizing appropriations for fiscal year 1980 of $125,000,000, for provisions authorizing appropriations for fiscal year 1979 of $126,244,000, and setting forth requirements for appropriations available to private voluntary agencies of the United States.

1978—Subsec. (b). Pub. L. 95–424 substituted ''$126,244,000 for the fiscal year 1979, which amount is'' for ''$104,500,000 for the fiscal year 1977 and $105,000,000 for the fiscal year 1978, which amounts are''.

1977—Subsec. (b). Pub. L. 95–88 struck out provisions authorizing an appropriation of $99,550,000 for fiscal year 1976 and inserted provisions authorizing an appropriation of $105,000,000 for fiscal year 1978.

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.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151f, 2151u, 2293, 3262 of this title.

§ 2151e. Appropriate technology

(a) In carrying out activities under this part, the President shall place special emphasis on

the use of relatively smaller, cost-saving, labor-using technologies that are generally most appropriate for the small farms, small businesses, and small incomes of the poor.

(b) Funds made available to carry out this part should be used to the extent practicable for activities in the field of appropriate technology, including support of an expanded and coordinated private effort to promote the development and dissemination of appropriate technology in developing countries.

(Pub. L. 87–195, pt. I, § 107, as added Pub. L. 94–161, title III, § 306(2), Dec. 20, 1975, 89 Stat. 859; amended Pub. L. 95–424, title I, § 107, Oct. 6, 1978, 92 Stat. 947.)

PRIOR PROVISIONS

A prior section 2151e, Pub. L. 87–195, pt. I, § 107, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 715, authorized additional appropriations of $39,000,000 for fiscal years 1974, and 1975, for assistance to select countries and organizations in support of general economy of recipient countries as for development programs conducted by private international organizations, prior to repeal by section 306(1) of Pub. L. 94–161. See section 2151d of this title.

AMENDMENTS

1978—Pub. L. 95–424 designated existing provisions as subsec. (a), substituted provisions mandating that the President place special emphasis on the use of relatively smaller, cost-saving, labor-using technologies generally more appropriate for small farms, small businesses and small incomes of the poor, for provisions authorizing the use of $20,000,000 for activities in the field of intermediate technology, directing the Agency for International Development to prepare a proposal to carry out this section and to keep Congress informed, and to implement such proposal, and added subsec. (b).

EFFECTIVE DATE OF 1978 AMENDMENT

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

§ 2151f. Private sector revolving fund

(a) Establishment

The Congress finds that the development of private enterprise, including cooperatives, is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system. It is therefore in the best interests of the United States to assist the development of the private sector in developing countries and to engage the United States private sector in that process. In order to promote such private sector development, the President is authorized to establish a revolving fund account in the United States Treasury. All funds deposited in such account shall, notwithstanding any provision in an appropriation Act to the contrary, be free from fiscal year limitations.

(b) Funding

Of the funds made available under this part in each of the fiscal years 1986 and 1987, up to $18,000,000 may be deposited in this account. Such funds used in accordance with the policies and authorities of this section shall be in addition to other funds available for private sector activities under other authorities in this chapter. Any reflows and income arising from activities carried out pursuant to this section, including loan repayments and fee income (as provided in subsection (e) of this section), shall be deposited into the revolving fund and remain available to carry out the purposes of this section. All funds in such account may be invested in obligations of the United States.

(c) Authorized uses; determination of small business enterprise; maximum amounts available; interest rate

(1) The agency primarily responsible for administering subchapter I of this chapter is authorized to use the funds maintained in this revolving fund account to furnish assistance in furtherance of the policy of subsection (a) of this section on such terms and conditions as it may determine. Amounts in the revolving fund account shall be available for obligation for assistance under this section only to such extent as may be provided in advance in appropriation Acts. Assistance may be provided under this section without regard to section[1] 2354(a) and 2370(r) of this title.

(2) Assistance under this section may be provided only to support private sector activities which—

(A) are consistent with the United States development assistance policies set forth in section 2151–1 of this title and with the development priorities of the host country;

(B) are the types of activities for which assistance may be provided under sections 2151a through 2151d of this title;

(C) will have a demonstration effect;

(D) will be innovative;

(E) are financially viable;

(F) will maximize the development impact appropriate to the host country, particularly in employment and the use of appropriate technology; and

(G) are primarily directed to making available to small business enterprises and cooperatives necessary support and services which are not otherwise generally available.

In determining whether an enterprise is a small business enterprise, the agency primarily responsible for administering subchapter I of this chapter shall take into consideration the enterprise's total net fixed assets and number of employees, together with the relevant definition utilized by the host country government and the International Bank for Reconstruction and Development and other international organizations.

(3)(A) Not more than $3,000,000 may be made available under this section to support any one project.

(B) Not more than 50 per centum of the financial support for any project may be provided under this section, and a substantial portion of the financial support for a project assisted under this section must be provided by sources within the host country.

(C) Not more than 20 per centum of the assets of the revolving fund account under this section may be used to support projects in any one country.

(D) In order to maximize the impact on institution building, loans under this section shall be

[1] So in original. Probably should be "sections".

made primarily to intermediary entities which provide necessary support and services for private sector activities.

(E) Loans under this section shall be at or near the interest rate otherwise available to the recipient.

(d) Remittance of excess assets

(1) If at any time the assets of the revolving fund account exceeds $100,000,000, the President shall remit the amount in excess of $100,000,000 to the United States Treasury.

(2) As used in this section, ''assets'' includes amounts in the revolving fund account plus the value of investments made with amounts from the fund plus the current value of outstanding obligations under loans under this section.

(3) In addition to the requirement of paragraph (1), at the end of any fiscal year, the agency primarily responsible for administering subchapter I of this chapter may determine that amounts in the revolving fund are sufficient to permit the remittance to the United States Treasury of an amount equal to a portion or the total amount of appropriated funds deposited in the revolving fund. Any such remittance shall be deemed to be a decrease in the appropriated funds in the revolving fund. After remittance has been made of an amount equal to the total amount of appropriated funds, the revolving fund shall consist and be deemed to consist entirely of nonappropriated funds.

(e) Fee for carrying out activities

A fee may be charged, where appropriate, in carrying out activities with funds from the revolving fund authorized in this section. The amount of any such fee shall be determined by the agency primarily responsible for administering subchapter I of this chapter.

(f) Transfer of unobligated funds upon termination

In the event the revolving fund is terminated, all unobligated money in the fund at the time of such termination shall be transferred to and become part of the miscellaneous receipts account of the Treasury.

(g) Inclusion of proposed projects in annual congressional presentation documents

As part of its annual congressional presentation documents submitted to the Congress, the agency primarily responsible for administering subchapter I of this chapter shall include a description of projects proposed to be funded from the revolving fund account for that fiscal year. To the extent that projects are proposed for funding which are not contained in the annual congressional presentation documents, at least fifteen days advance notification shall be provided to the Congress in accordance with section 2394–1 of this title.

(h) Annual report to Congress

Not later than December 31 of each year, the President shall submit to the Congress a comprehensive report which details all projects funded under this section during the previous fiscal year, all reflows to the revolving fund account, a status report on all projects currently contained in the fund's portfolio. Such reports shall include, but not be limited to, information regarding numbers and kinds of beneficiaries reached, amounts and kinds of benefits provided by the funded projects to targeted populations, and a justification for projects within the context of the goals and objectives of the United States development assistance program.

(i) Loan guarantees

(1) To carry out the purposes of subsection (a) of this section, in addition to the other authorities set forth in this section, the agency primarily responsible for administering subchapter I of this chapter is authorized to issue guarantees on such terms and conditions as it shall determine assuring against losses incurred in connection with loans made to projects that meet the criteria set forth in subsection (c) of this section. The full faith and credit of the United States is hereby pledged for the full payment and performance of such guarantees.

(2) Loans guaranteed under this subsection shall be on such terms and conditions as the agency may prescribe, except for the following:

(A) The agency shall issue guarantees only when it is necessary to alleviate a credit market imperfection.

(B) Loans guaranteed shall provide for complete amortization within a period not to exceed ten years or, if the principal purpose of the guaranteed loan is to finance the construction or purchase of a physical asset with a useful life of less than ten years, within a period not to exceed such useful life.

(C) No loan guaranteed to any one borrower may exceed 50 percent of the cost of the activity to be financed, or $3,000,000, whichever is less, as determined by the agency.

(D) No loan may be guaranteed unless the agency determines that the lender is responsible and that adequate provision is made for servicing the loan on reasonable terms and protecting the financial interest of the United States.

(E) The fees earned from the loan guarantees issued under this subsection shall be deposited in the revolving fund account as part of the guarantee reserve established under paragraph (5) of this subsection. Fees shall be assessed at a level such that the fees received, plus the funds from the revolving fund account placed in the guarantee reserve, satisfy the requirements of paragraph (5). Fees shall be reviewed every twelve months to ensure that the fees assessed on new loan guarantees are at the required level.

(F) Any guarantee shall be conclusive evidence that such guarantee has been properly obtained, and that the underlying loan as contracted qualifies for such guarantee. Except for fraud or material misrepresentation for which the parties seeking payment under such guarantee are responsible, such guarantee shall be presumed to be valid, legal, and enforceable.

(G) The agency shall determine that the standards used by the lender for assessing the credit risk of new and existing guaranteed loans are reasonable. The agency shall require that there be a reasonable assurance of repayment before credit assistance is extended.

(H) Commitments to guarantee loans may be made by the agency only to the extent that

the total loan principal, any part of which is guaranteed, will not exceed the amount specified in annual appropriations Acts.

(3) To the extent that fees are not sufficient as specified under paragraph (2)(E) to cover expected future liabilities, appropriations are authorized to maintain an appropriate reserve.

(4) The losses guaranteed under this subsection may be in dollars or in other currencies. In the case of loans in currencies other than dollars, the guarantees issued shall be subject to an overall payment limitation expressed in dollars.

(5) The agency shall segregate in the revolving fund account and hold as a reserve an amount estimated to be sufficient to cover the agency's expected net liabilities on the loan guarantees outstanding under this subsection; except that the amount held in reserve shall not be less than 25 percent of the principal amount of the agency's outstanding contingent liabilities on such guarantees. Any payments made to discharge liabilities arising from the loan guarantees shall be paid first out of the assets in the revolving fund account and next out of other funds made available for this purpose.

(Pub. L. 87–195, pt. I, § 108, as added Pub. L. 98–151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972; amended Pub. L. 99–83, title III, § 308, Aug. 8, 1985, 99 Stat. 215; Pub. L. 100–418, title II, § 2211, Aug. 23, 1988, 102 Stat. 1335.)

REFERENCES IN TEXT

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

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

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

REFERENCES TO SECTIONS 2151a THROUGH 2151d DEEMED TO INCLUDE SECTION 2293

References to sections 2151a through 2151d of this title are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

CODIFICATION

Section 108 of Pub. L. 87–195 is based on section 407 of title IV of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98–151.

PRIOR PROVISIONS

A prior section 2151f, Pub. L. 87–195, pt. I, § 108, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 715, related to application of subpart I, II, or X of part II of this subchapter to assistance under this part, prior to repeal by Pub. L. 95–424, title I, § 102(g)(2)(K)(i), Oct. 6, 1978, 92 Stat. 943, eff. Oct. 1, 1978.

AMENDMENTS

1988—Subsec. (i). Pub. L. 100–418 added subsec. (i).

1985—Subsec. (b). Pub. L. 99–83 substituted ''each of the fiscal years 1986 and 1987, up to $18,000,000'' for ''fiscal year 1984, up to $20,000,000''.

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.

§ 2151g. Transfer of funds

Whenever the President determines it to be necessary for the purposes of this part, not to exceed 15 per centum of the funds made available for any provision of this part may be transferred to, and consolidated with, the funds made available for any other provision of this part, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 25 per centum of the amount of funds made available for such provision. The authority of sections 2360(a) and 2364(a) of this title may not be used to transfer funds made available under this part for use for purposes of any other provision of this chapter, except that the authority of such sections may be used to transfer for the purposes of section 2427 of this title not to exceed five per centum of the amount of funds made available for section 2427(a)(1) of this title.

(Pub. L. 87–195, pt. I, § 109, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 716; amended Pub. L. 95–88, title I, § 129(b), Aug. 3, 1977, 91 Stat. 543; Pub. L. 95–424, title I, § 102(g)(2)(K)(ii), Oct. 6, 1978, 92 Stat. 943.)

REFERENCES IN TEXT

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

AMENDMENTS

1978—Pub. L. 95–424 substituted ''Whenever'' for ''Notwithstanding section 2151f of this title, whenever''.

1977—Pub. L. 95–88 provided that the authority under sections 2360(a) and 2364(a) of this title may be used to transfer for the purposes of section 2427 of this title not to exceed five per centum of the amount of funds made available for section 2427(a)(1) of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2293 of this title.

§ 2151h. Cost-sharing

No assistance shall be furnished by the United States Government to a country under sections 2151a through 2151d of this title until the country provides assurances to the President, and the President is satisfied, that such country will provide at least 25 per centum of the costs of the entire program, project, or activity with respect to which such assistance is to be furnished, except that such costs borne by such country may be provided on an ''inkind'' basis.

(Pub. L. 87–195, pt. I, § 110, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 716; amended

Pub. L. 94–161, title III, § 307, Dec. 20, 1975, 89 Stat. 859; Pub. L. 95–88, title I, § 106, Aug. 3, 1977, 91 Stat. 535; Pub. L. 95–424, title I, § 112(b), Oct. 6, 1978, 92 Stat. 949; Pub. L. 99–83, title XII, § 1211(a)(3), Aug. 8, 1985, 99 Stat. 279.)

REFERENCES TO SECTIONS 2151a THROUGH 2151d DEEMED TO INCLUDE SECTION 2293

References to sections 2151a through 2151d of this title are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

AMENDMENTS

1985—Pub. L. 99–83 struck out subsec. (a) designation, and struck out subsec. (b) which set forth funding limits for grant assistance under sections 2151a to 2151d of this title.

1978—Subsec. (a). Pub. L. 94–424 struck out provision, following ''on an 'in-kind' basis'', relating to waiver by the President of cost-sharing requirement in case of a project or activity in a country determined to be relatively least developed by the agency primarily responsible for administering subchapter I of this chapter.

Subsec. (b). Pub. L. 95–424 substituted ''No'' for ''Except for grants to countries determined to be relatively least developed based on the United Nations Conference on Trade and Development list of 'relatively least developed countries', no''.

1977—Subsec. (a). Pub. L. 95–88, § 106(1), substituted ''sections 2151a through 2151d'' for ''sections 2151a through 2151e''.

Subsec. (b). Pub. L. 95–88, § 106(2), inserted provisions creating an exception for grants to countries determined to be relatively least developed based on the United Nations Conference on Trade and Development list of ''relatively least developed countries'' and substituted ''sections 2151a through 2151d'' for ''sections 2151a through 2151e''.

1975—Subsec. (a). Pub. L. 94–161 authorized Presidential waiver of cost-sharing as a condition for being furnished project or activity assistance in the case of a relatively least developed country.

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.

EFFECTIVE DATE OF 1978 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151v, 2220d of this title.

§ 2151i. Development and use of cooperatives

In order to strengthen the participation of the rural and urban poor in their country's development, high priority shall be given to increasing the use of funds made available under this chapter for technical and capital assistance in the development and use of cooperatives in the less developed countries which will enable and encourage greater numbers of the poor to help themselves toward a better life.

(Pub. L. 87–195, pt. I, § 111, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 716; amended Pub. L. 94–161, title III, § 308, Dec. 20, 1975, 89 Stat. 859; Pub. L. 95–88, title I, § 107(a), Aug. 3, 1977, 91 Stat. 535; Pub. L. 96–53, title I, § 122, Aug. 14, 1979, 93 Stat. 366.)

REFERENCES IN TEXT

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

AMENDMENTS

1979—Pub. L. 96–53 struck out provisions relating to availability of funds for fiscal year 1978 for technical assistance.

1977—Pub. L. 95–88 substituted ''technical and capital assistance in the development and use of cooperatives'' for ''assistance in the development of cooperatives'' and ''$10,000,000 of the funds made available under this chapter for the fiscal year 1978 may be used only for technical assistance'' for ''$20,000,000 of such funds shall be used during the fiscal years 1976 and 1977, including the period from July 1, 1976, through September 30, 1976, only for technical assistance''.

1975—Pub. L. 94–161 earmarked not less than $20,000,000 for technical assistance during fiscal years 1976 and 1977, including period from July 1, 1976, through Sept. 30, 1976, and deleted similar provision making such minimum sum available for use during fiscal years 1974 and 1975.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 107(b) of Pub. L. 95–88 provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1977.''

§ 2151j. Repealed. Pub. L. 93–559, § 30(b), Dec. 30, 1974, 88 Stat. 1804

Section, Pub. L. 87–195, pt. I, § 112, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 716, related to police training prohibition. See section 2420 of this title.

§ 2151k. Integrating women into national economies; report

(a) Particular programs, projects, and activities

In recognition of the fact that women in developing countries play a significant role in economic production, family support, and the overall development process of the national economies of such countries, subchapter I of this chapter shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economies of developing countries, thus improving their status and assisting the total development effort.

(b) Assistance to encourage participation and integration of women; prohibition against separate assistance program for women

(1) Up to $10,000,000 of the funds made available each fiscal year under this part and part X of this subchapter shall be used, in addition to funds otherwise available for such purposes, for assistance on such terms and conditions as the President may determine to encourage and promote the participation and integration of women as equal partners in the development process in the developing countries. These funds shall be used primarily to support activities which will increase the economic productivity and income earning capacity of women.

(2) Nothing in this section shall be construed to authorize the establishment of a separate development assistance program for women.

(c) Funds for United Nations Decade for Women

Not less than $500,000 of the funds made available under this part for the fiscal year 1982 shall be expended on international programs which support the original goals of the United Nations Decade for Women.

(Pub. L. 87–195, pt. I, § 113, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 716; amended Pub. L. 94–161, title III, § 309, Dec. 20, 1975, 89 Stat. 860; Pub. L. 95–88, title I, § 108, Aug. 3, 1977, 91 Stat. 536; Pub. L. 95–424, title I, § 108, Oct. 6, 1978, 92 Stat. 947; Pub. L. 96–53, title I, § 122, Aug. 14, 1979, 93 Stat. 366; Pub. L. 97–113, title III, § 305, Dec. 29, 1981, 95 Stat. 1533; Pub. L. 101–513, title V, § 562(d)(2), Nov. 5, 1990, 104 Stat. 2031.)

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

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

AMENDMENTS

1990—Subsec. (b)(1). Pub. L. 101–513 inserted ''and part X of this subchapter'' after ''this part''.

1981—Subsec. (c). Pub. L. 97–113 added subsec. (c).

1979—Subsec. (b). Pub. L. 96–53 redesignated subsec. (d) as (b), and repealed former subsec. (b) which related to Presidential report to Congress on the impact of development programs, etc., on the economic integration of women.

Subsec. (c). Pub. L. 96–53 repealed subsec. (c) which required the report under former subsec. (b) to be submitted not later than one year after Aug. 3, 1977.

Subsec. (d). Pub. L. 96–53 redesignated subsec. (d) as (b).

1978—Subsec. (d). Pub. L. 95–424 added subsec. (d).

1977—Pub. L. 95–88 designated existing provisions as subsec. (a), inserted provisions relating to a recognition of the fact that women in developing countries play a significant role in economic production, family support, and the overall development process of the national economies of such countries, and added subsecs. (b) and (c).

1975—Pub. L. 94–161 substituted ''This subchapter'' for ''Sections 2151a through 2151e of this title''.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

§§ 2151*l*, 2151m. Repealed. Pub. L. 95–424, title I, §§ 102(f), 104(b), Oct. 6, 1978, 92 Stat. 942, 947

Section 2151*l*, Pub. L. 87–195, pt. I, § 114, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 716; amended Pub. L. 95–88, title I, § 109, Aug. 3, 1977, 91 Stat. 536, prohibited use of funds for performance of abortions or involuntary sterilizations.

Section 2151m, Pub. L. 87–195, pt. I, § 115, as added Pub. L. 93–559, § 20, Dec. 30, 1974, 88 Stat. 1800; amended Pub. L. 95–88, title I, § 110, Aug. 3, 1977, 91 Stat. 536, prohibited use of funds available under this part for any countries to which assistance is furnished under part IV of subchapter II of this chapter or under subchapter V of this chapter without specific authorization from Congress.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2151n. Human rights and development assistance

(a) Violations barring assistance; assistance for needy people

No assistance may be provided under subchapter I of this chapter to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction and clandestine detention of those persons, or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.

(b)[1] Information to Congressional committees for realization of assistance for needy people; concurrent resolution terminating assistance

In determining whether this standard is being met with regard to funds allocated under subchapter I of this chapter, the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives may require the Administrator primarily responsible for administering subchapter I of this chapter to submit in writing information demonstrating that such assistance will directly benefit the needy people in such country, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 2367 of this title.

(b)[1] Protection of children from exploitation

No assistance may be provided to any government failing to take appropriate and adequate measures, within their means, to protect children from exploitation, abuse or forced conscription into military or paramilitary services.

(c) Factors considered

In determining whether or not a government falls within the provisions of subsection (a) of this section and in formulating development assistance programs under subchapter I of this chapter, the Administrator shall consider, in consultation with the Assistant Secretary of State for Democracy, Human Rights, and Labor and in consultation with the Ambassador at Large for International Religious Freedom—

(1) the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the Inter-

[1] So in original. Two subsecs. (b) have been enacted.

national Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States;

(2) specific actions which have been taken by the President or the Congress relating to multilateral or security assistance to a less developed country because of the human rights practices or policies of such country; and

(3) whether the government—

(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 6402 of this title; or

(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom (as defined in section 6402 of this title), when such efforts could have been reasonably undertaken.

(d) Report to Speaker of House and Committee on Foreign Relations of the Senate

The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by February 25 of each year, a full and complete report regarding—

(1) the status of internationally recognized human rights, within the meaning of subsection (a) of this section—

(A) in countries that receive assistance under subchapter I of this chapter, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this chapter;

(2) wherever applicable, practices regarding coercion in population control, including coerced abortion and involuntary sterilization;

(3) the status of child labor practices in each country, including—

(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

(B) the extent to which each country enforces such policies, including the adequacy of the resources and oversight dedicated to such policies;

(4) the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year;

(5) the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement;

(6) the steps the Administrator has taken to alter United States programs under subchapter I of this chapter in any country because of human rights considerations; and

(7) wherever applicable, violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 6402 of this title).

(e) Promotion of civil and political rights

The President is authorized and encouraged to use not less than $3,000,000 of the funds made available under this part, part X of this subchapter, and part IV of subchapter II of this chapter for each fiscal year for studies to identify, and for openly carrying out programs and activities which will encourage or promote increased adherence to civil and political rights, including the right to free religious belief and practice, as set forth in the Universal Declaration of Human Rights, in countries eligible for assistance under this part or under part X of this subchapter, except that funds made available under part X of this subchapter may only be used under this subsection with respect to countries in sub-Saharan Africa. None of these funds may be used, directly or indirectly, to influence the outcome of any election in any country.

(Pub. L. 87–195, pt. I, §116, as added Pub. L. 94–161, title III, §310, Dec. 20, 1975, 89 Stat. 860; amended Pub. L. 95–88, title I, §111, Aug. 3, 1977, 91 Stat. 537; Pub. L. 95–105, title I, §109(a)(2), Aug. 17, 1977, 91 Stat. 846; Pub. L. 95–424, title I, §109, Oct. 6, 1978, 92 Stat. 947; Pub. L. 96–53, title I, §106, title V, §504(a), Aug. 14, 1979, 93 Stat. 362, 378; Pub. L. 96–533, title III, §305, title VII, §701(a), Dec. 16, 1980, 94 Stat. 3147, 3156; Pub. L. 97–113, title III, §306, Dec. 29, 1981, 95 Stat. 1533; Pub. L. 98–164, title X, §1002(a), Nov. 22, 1983, 97 Stat. 1052; Pub. L. 99–440, title II, §202, Oct. 2, 1986, 100 Stat. 1095; Pub. L. 99–631, §1(b)(2), Nov. 7, 1986, 100 Stat. 3519; Pub. L. 100–204, title I, §127(1), Dec. 22, 1987, 101 Stat. 1342; Pub. L. 101–513, title V, §§562(d)(3), 599D, Nov. 5, 1990, 104 Stat. 2031, 2066; Pub. L. 103–149, §4(a)(3)(B), Nov. 23, 1993, 107 Stat. 1505; Pub. L. 103–236, title I, §162(e)(1), Apr. 30, 1994, 108 Stat. 405; Pub. L. 103–437, §9(a)(6), Nov. 2, 1994, 108 Stat. 4588; Pub. L. 104–319, title II, §201(a), Oct. 19, 1996, 110 Stat. 3866; Pub. L. 105–277, div. G, subdiv. B, title XXII, §2216, Oct. 21, 1998, 112 Stat. 2681–815; Pub. L. 105–292, title I, §102(d)(1), title IV, §421(a), title V, §501(b), Oct. 27, 1998, 112 Stat. 2794, 2809, 2811.)

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

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

CODIFICATION

The amendment by section 102(d)(1) of Pub. L. 105–292 was executed before the amendment by Pub. L. 105–277 to reflect the probable intent of Congress.

AMENDMENTS

1998—Subsec. (c). Pub. L. 105–292, §421(a)(1), inserted "and in consultation with the Ambassador at Large for International Religious Freedom" after "Labor" in introductory provisions.

Subsec. (c)(3). Pub. L. 105–292, §421(a)(2)–(4), added par. (3).

Subsec. (d). Pub. L. 105–277, §2216(1), substituted "February 25" for "January 31" in introductory provisions.

Subsec. (d)(3) to (5). Pub. L. 105–277, §2216(2), (3), added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively. Former par. (5) redesignated (6).

Subsec. (d)(6). Pub. L. 105–277, §2216(2), redesignated par. (5) as (6). Former par. (6) redesignated (7). See Codification note above.

Pub. L. 105–292, § 102(d)(1), added par. (6). See Codification note above.

Subsec. (d)(7). Pub. L. 105–277, § 2216(2), redesignated par. (6) as (7). See Codification note above.

Subsec. (e). Pub. L. 105–292, § 501(b), inserted ‘‘, including the right to free religious belief and practice’’ after ‘‘adherence to civil and political rights’’.

1996—Subsec. (d)(3) to (5). Pub. L. 104–319 added pars. (3) and (4) and redesignated former par. (3) as (5).

1994—Subsec. (b). Pub. L. 103–437 substituted ‘‘Foreign Affairs’’ for ‘‘International Relations’’ in subsec. (b) relating to submittal of information to Congress.

Subsec. (c). Pub. L. 103–236 substituted ‘‘Assistant Secretary of State for Democracy, Human Rights, and Labor’’ for ‘‘Assistant Secretary for Human Rights and Humanitarian Affairs’’ in introductory provisions.

1993—Subsec. (e). Pub. L. 103–149 struck out ‘‘(1)’’ before ‘‘The President is authorized’’ and struck out par. (2) which authorized grants to nongovernmental organizations in South Africa promoting political, economic, social, juridical, and humanitarian efforts to foster a just society and to help victims of apartheid.

Subsecs. (f), (g). Pub. L. 103–149 struck out subsec. (f) which authorized assistance to political detainees and prisoners and support for black-led community organizations in South Africa and subsec. (g) which authorized assistance to families of victims of violence in South Africa.

1990—Subsec. (b). Pub. L. 101–513, § 599D, added subsec. (b) prohibiting assistance to governments failing to protect children from exploitation, abuse or conscription.

Subsec. (e)(1). Pub. L. 101–513, § 562(d)(3), inserted ‘‘, part X of this subchapter,’’ after ‘‘available under this part’’ and ‘‘or under part X of this subchapter, except that funds made available under part X of this subchapter may only be used under this subsection with respect to countries in sub-Saharan Africa’’ before period at end of first sentence.

1987—Subsec. (d). Pub. L. 100–204 added par. (2) and redesignated former par. (2) as (3).

1986—Subsec. (e)(2)(A). Pub. L. 99–440, § 202(a), inserted authorization of appropriations of $1,500,000 for fiscal year 1986 and for each fiscal year thereafter.

Subsec. (f). Pub. L. 99–440, § 202(b), added subsec. (f).

Subsec. (f)(2)(B). Pub. L. 99–631 substituted ‘‘subsection’’ for ‘‘paragraph’’.

Subsec. (g). Pub. L. 99–440, § 202(b), added subsec. (g).

1983—Subsec. (e). Pub. L. 98–164, § 1002(a), designated existing provisions as par. (1), substituted ‘‘$3,000,000 of the funds made available under this part and part IV of subchapter II of this chapter for each fiscal year’’ for ‘‘$1,500,000 of the funds made available under this part for each of the fiscal years 1982 and 1983’’, and added par. (2).

1981—Subsec. (e). Pub. L. 97–113 substituted ‘‘each of the fiscal years 1982 and 1983’’ for ‘‘the fiscal year 1981’’.

1980—Subsec. (a). Pub. L. 96–533, § 701(a), prohibited assistance for government of any country causing the disappearance of persons by the abduction and clandestine detention of those persons.

Subsec. (e). Pub. L. 96–533, § 305, substituted ‘‘1981’’ for ‘‘1980’’.

1979—Subsec. (d)(1). Pub. L. 96–53, § 504(a), designated existing provisions as cl. (A) and added cl. (B).

Subsec. (e). Pub. L. 96–53, § 106, substituted ‘‘1980’’ for ‘‘1979’’.

1978—Subsec. (e). Pub. L. 95–424 substituted ‘‘The President is authorized and encouraged to use not less than $1,500,000 of’’ for ‘‘Of’’, and ‘‘1979’’ for ‘‘1978, not less than $750,000 may be used only’’.

1977—Subsec. (c). Pub. L. 95–105 substituted ‘‘Assistant Secretary’’ for ‘‘Coordinator’’.

Pub. L. 95–88, § 111(a), inserted references to the formulation of development assistance programs under this subchapter and the consultation of the Administrator with the Coordinator for Human Rights and Humanitarian Affairs in the introductory provisions, designated the remainder of the existing provisions as par. (1), and added par. (2).

Subsec. (d). Pub. L. 95–88, § 111(a), substituted provisions directing the Secretary of State to transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding the status of internationally recognized human rights in countries that receive development assistance and the steps which the Administrator has taken to alter United States development assistance programs in any country because of human rights considerations for provisions directing the President to transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, in the annual presentation materials on proposed economic development assistance programs, a full and complete report regarding the steps he has taken to carry out the provisions of this section.

Subsec. (e). Pub. L. 95–88, § 111(b), added subsec. (e).

Change of Name

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

Effective Date of 1994 Amendment

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of this title.

Effective Date of 1986 Amendment

Amendment by Pub. L. 99–631 effective Oct. 2, 1986, see section 1(c) of Pub. L. 99–631, set out as a note under section 2151c of this title.

Effective Date of 1979 Amendment

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

Effective Date of 1978 Amendment

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

Assistance for Promoting Religious Freedom

Pub. L. 105–292, title V, § 501(a), Oct. 27, 1998, 112 Stat. 2811, provided that: ‘‘Congress makes the following findings:

‘‘(1) In many nations where severe violations of religious freedom occur, there is not sufficient statutory legal protection for religious minorities or there is not sufficient cultural and social understanding of international norms of religious freedom.

‘‘(2) Accordingly, in the provision of foreign assistance, the United States should make a priority of promoting and developing legal protections and cultural respect for religious freedom.’’

Report on Human Rights to Committees on Appropriations

Pub. L. 102–391, title V, § 511(b), Oct. 6, 1992, 106 Stat. 1658, provided that: ‘‘The Secretary of State shall also transmit the report required by section 116(d) of the Foreign Assistance Act of 1961 [22 U.S.C. 2151n(d)] to the Committees on Appropriations each year by the date specified in that section: *Provided*, That each such report submitted pursuant to such section shall (1) include a review of each country’s commitment to children’s rights and welfare as called for by the Declaration of the World Summit for Children; (2) a description of the military expenditures of each country receiving

United States foreign assistance, and the efforts each country is making to reduce those expenditures; and (3) describe the extent to which indigenous people are able to participate in decisions affecting their lands, cultures, traditions and the allocation of natural resources, and assess the extent of protection of their civil and political rights.''

REPORT ON IMPACT ON FOREIGN RELATIONS OF UNITED STATES OF REPORTS ON HUMAN RIGHTS PRACTICES OF FOREIGN GOVERNMENTS

Section 504(b) of Pub. L. 96–53, which required Secretary of State to report by Nov. 15, 1979, foreign relations impact made by reports of human rights violations of foreign governments, was repealed by Pub. L. 97–113, title VII, § 734(a)(3), Dec. 29, 1981, 95 Stat. 1560.

CROSS REFERENCES

Advancement of human rights by United States assistance policies with international financial institutions, see section 262d of this title.

Implementation of United States policy opposing the practice of torture by foreign governments, see Pub. L. 98–447, set out as a note under section 2656 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2199, 2398, 2651a, 5732, 6402, 6412, 6442, 6445 of this title; title 48 section 1904.

§ 2151n–1. Repealed. Pub. L. 103–236, title I, § 139(4), Apr. 30, 1994, 108 Stat. 397

Section, Pub. L. 95–105, title I, § 108, Aug. 17, 1977, 91 Stat. 846, directed Secretary of State to report annually to Congress about American citizens in foreign jails.

§ 2151*o*. Repealed. Pub. L. 103–149, § 4(a)(3)(B), Nov. 23, 1993, 107 Stat. 1505

Section, Pub. L. 87–195, pt. I, § 117, as added Pub. L. 99–440, title II, § 201(b), Oct. 2, 1986, 100 Stat. 1094, related to assistance for disadvantaged South Africans.

A prior section 2151*o*, Pub. L. 87–195, pt. 1, § 117, as added Pub. L. 95–88, title I, § 112, Aug. 3, 1977, 91 Stat. 537, related to a strategy for programs of nutrition and health improvement for mothers and children, prior to repeal by Pub. L. 95–424, title I, § 103(c), Oct. 6, 1978, 92 Stat. 945, eff. Oct. 1, 1978.

§ 2151p. Environmental and natural resources

(a) Congressional statement of findings

The Congress finds that if current trends in the degradation of natural resources in developing countries continue, they will severely undermine the best efforts to meet basic human needs, to achieve sustained economic growth, and to prevent international tension and conflict. The Congress also finds that the world faces enormous, urgent, and complex problems, with respect to natural resources, which require new forms of cooperation between the United States and developing countries to prevent such problems from becoming unmanageable. It is, therefore, in the economic and security interest of the United States to provide leadership both in thoroughly reassessing policies relating to natural resources and the environment, and in cooperating extensively with developing countries in order to achieve environmentally sound development.

(b) Assistance authority and emphasis

In order to address the serious problems described in subsection (a) of this section, the President is authorized to furnish assistance under subchapter I of this chapter for developing and strengthening the capacity of developing countries to protect and manage their environment and natural resources. Special efforts shall be made to maintain and where possible to restore the land, vegetation, water, wildlife, and other resources upon which depend economic growth and human well-being, especially of the poor.

(c) Implementation considerations applicable to programs and projects

(1) The President, in implementing programs and projects under this part and part X of this subchapter, shall take fully into account the impact of such programs and projects upon the environment and natural resources of developing countries. Subject to such procedures as the President considers appropriate, the President shall require all agencies and officials responsible for programs or projects under this part and part X of this subchapter—

(A) to prepare and take fully into account an environmental impact statement for any program or project under this part and part X of this subchapter significantly affecting the environment of the global commons outside the jurisdiction of any country, the environment of the United States, or other aspects of the environment which the President may specify; and

(B) to prepare and take fully into account an environmental assessment of any proposed program or project under this part and part X of this subchapter significantly affecting the environment of any foreign country.

Such agencies and officials should, where appropriate, use local technical resources in preparing environmental impact statements and environmental assessments pursuant to this subsection.

(2) The President may establish exceptions from the requirements of this subsection for emergency conditions and for cases in which compliance with those requirements would be seriously detrimental to the foreign policy interests of the United States.

(Pub. L. 87–195, pt. I, § 117, formerly § 118, as added Pub. L. 95–88, title I, § 113(a), Aug. 3, 1977, 91 Stat. 537; amended Pub. L. 95–424, title I, § 110, Oct. 6, 1978, 92 Stat. 948; Pub. L. 96–53, title I, § 122, Aug. 14, 1979, 93 Stat. 366; Pub. L. 97–113, title III, § 307, Dec. 29, 1981, 95 Stat. 1533; renumbered § 117 and amended Pub. L. 99–529, title III, § 301(1), (2), Oct. 24, 1986, 100 Stat. 3014; Pub. L. 101–513, title V, § 562(d)(4), Nov. 5, 1990, 104 Stat. 2031.)

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

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

CODIFICATION

Other sections 117 of Pub. L. 87–195, pt. I, were classified to section 2151*o* of this title prior to repeal by Pub. L. 95–424 and Pub. L. 103–149.

AMENDMENTS

1990—Subsec. (c)(1). Pub. L. 101–513 inserted ''and part X of this subchapter'' after ''this part'' wherever appearing.

1986—Subsec. (d). Pub. L. 99–529, § 301(2), struck out subsec. (d) relating to loss of tropical forests in developing countries. See section 2151p–1 of this title.

1981—Pub. L. 97–113 amended section generally, substituting subsecs. (a) to (d) for former subsecs. (a) and (b) which authorized President to furnish assistance under this subchapter for developing and strengthening capacity of less developed countries to protect and manage their environment and natural resources and directed President to take into consideration environmental consequences of development actions in carrying out this part.

1979—Subsec. (c). Pub. L. 96–53 repealed subsec. (c) which related to studies and report to Congress by the President on the identification of major environmental and natural resource problems.

1978—Pub. L. 95–424 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2191, 2199 of this title.

§ 2151p–1. Tropical forests

(a) Importance of forests and tree cover

In enacting section 2151a(b)(3) of this title the Congress recognized the importance of forests and tree cover to the developing countries. The Congress is particularly concerned about the continuing and accelerating alteration, destruction, and loss of tropical forests in developing countries, which pose a serious threat to development and the environment. Tropical forest destruction and loss—

(1) result in shortages of wood, especially wood for fuel; loss of biologically productive wetlands; siltation of lakes, reservoirs, and irrigation systems; floods; destruction of indigenous peoples; extinction of plant and animal species; reduced capacity for food production; and loss of genetic resources; and

(2) can result in desertification and destabilization of the earth's climate.

Properly managed tropical forests provide a sustained flow of resources essential to the economic growth of developing countries, as well as genetic resources of value to developed and developing countries alike.

(b) Priorities

The concerns expressed in subsection (a) of this section and the recommendations of the United States Interagency Task Force on Tropical Forests shall be given high priority by the President—

(1) in formulating and carrying out programs and policies with respect to developing countries, including those relating to bilateral and multilateral assistance and those relating to private sector activities; and

(2) in seeking opportunities to coordinate public and private development and investment activities which affect forests in developing countries.

(c) Assistance to developing countries

In providing assistance to developing countries, the President shall do the following:

(1) Place a high priority on conservation and sustainable management of tropical forests.

(2) To the fullest extent feasible, engage in dialogues and exchanges of information with recipient countries—

(A) which stress the importance of conserving and sustainably managing forest resources for the long-term economic benefit of those countries, as well as the irreversible losses associated with forest destruction, and

(B) which identify and focus on policies of those countries which directly or indirectly contribute to deforestation.

(3) To the fullest extent feasible, support projects and activities—

(A) which offer employment and income alternatives to those who otherwise would cause destruction and loss of forests, and

(B) which help developing countries identify and implement alternatives to colonizing forested areas.

(4) To the fullest extent feasible, support training programs, educational efforts, and the establishment or strengthening of institutions which increase the capacity of developing countries to formulate forest policies, engage in relevant land-use planning, and otherwise improve the management of their forests.

(5) To the fullest extent feasible, help end destructive slash-and-burn agriculture by supporting stable and productive farming practices in areas already cleared or degraded and on lands which inevitably will be settled, with special emphasis on demonstrating the feasibility of agroforestry and other techniques which use technologies and methods suited to the local environment and traditional agricultural techniques and feature close consultation with and involvement of local people.

(6) To the fullest extent feasible, help conserve forests which have not yet been degraded, by helping to increase production on lands already cleared or degraded through support of reforestation, fuelwood, and other sustainable forestry projects and practices, making sure that local people are involved at all stages of project design and implementation.

(7) To the fullest extent feasible, support projects and other activities to conserve forested watersheds and rehabilitate those which have been deforested, making sure that local people are involved at all stages of project design and implementation.

(8) To the fullest extent feasible, support training, research, and other actions which lead to sustainable and more environmentally sound practices for timber harvesting, removal, and processing, including reforestation, soil conservation, and other activities to rehabilitate degraded forest lands.

(9) To the fullest extent feasible, support research to expand knowledge of tropical forests

and identify alternatives which will prevent forest destruction, loss, or degradation, including research in agroforestry, sustainable management of natural forests, small-scale farms and gardens, small-scale animal husbandry, wider application of adopted traditional practices, and suitable crops and crop combinations.

(10) To the fullest extent feasible, conserve biological diversity in forest areas by—

(A) supporting and cooperating with United States Government agencies, other donors (both bilateral and multilateral), and other appropriate governmental, intergovernmental, and nongovernmental organizations in efforts to identify, establish, and maintain a representative network of protected tropical forest ecosystems on a worldwide basis;

(B) whenever appropriate, making the establishment of protected areas a condition of support for activities involving forest clearance or degradation; and

(C) helping developing countries identify tropical forest ecosystems and species in need of protection and establish and maintain appropriate protected areas.

(11) To the fullest extent feasible, engage in efforts to increase the awareness of United States Government agencies and other donors, both bilateral and multilateral, of the immediate and long-term value of tropical forests.

(12) To the fullest extent feasible, utilize the resources and abilities of all relevant United States Government agencies.

(13) Require that any program or project under this part significantly affecting tropical forests (including projects involving the planting of exotic plant species)—

(A) be based upon careful analysis of the alternatives available to achieve the best sustainable use of the land, and

(B) take full account of the environmental impacts of the proposed activities on biological diversity,

as provided for in the environmental procedures of the Agency for International Development.

(14) Deny assistance under this part for—

(A) the procurement or use of logging equipment, unless an environmental assessment indicates that all timber harvesting operations involved will be conducted in an environmentally sound manner which minimizes forest destruction and that the proposed activity will produce positive economic benefits and sustainable forest management systems; and

(B) actions which significantly degrade national parks or similar protected areas which contain tropical forests or introduce exotic plants or animals into such areas.

(15) Deny assistance under this part for the following activities unless an environmental assessment indicates that the proposed activity will contribute significantly and directly to improving the livelihood of the rural poor and will be conducted in an environmentally sound manner which supports sustainable development:

(A) Activities which would result in the conversion of forest lands to the rearing of livestock.

(B) The construction, upgrading, or maintenance of roads (including temporary haul roads for logging or other extractive industries) which pass through relatively undegraded forest lands.

(C) The colonization of forest lands.

(D) The construction of dams or other water control structures which flood relatively undegraded forest lands.

(d) PVOs and other nongovernmental organizations

Whenever feasible, the President shall accomplish the objectives of this section through projects managed by private and voluntary organizations or international, regional, or national nongovernmental organizations which are active in the region or country where the project is located.

(e) Country analysis requirements

Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of—

(1) the actions necessary in that country to achieve conservation and sustainable management of tropical forests, and

(2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.

(f) Annual report

Each annual report required by section 2394(a) of this title shall include a report on the implementation of this section.

(Pub. L. 87–195, pt. I, § 118, as added Pub. L. 99–529, title III, § 301(3), Oct. 24, 1986, 100 Stat. 3014.)

PRIOR PROVISIONS

A prior section 118 of Pub. L. 87–195, pt. I, was renumbered section 117 and is classified to section 2151p of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2191 of this title.

§ 2151q. Endangered species

(a) Congressional findings and purposes

The Congress finds the survival of many animal and plant species is endangered by overhunting, by the presence of toxic chemicals in water, air and soil, and by the destruction of habitats. The Congress further finds that the extinction of animal and plant species is an irreparable loss with potentially serious environmental and economic consequences for developing and developed countries alike. Accordingly, the preservation of animal and plant species through the regulation of the hunting and trade in endangered species, through limitations on the pollution of natural ecosystems, and through the protection of wildlife habitats should be an important objective of the United States development assistance.

(b) Remedial measures

In order to preserve biological diversity, the President is authorized to furnish assistance

under subchapter I of this chapter, notwithstanding section 2420 of this title, to assist countries in protecting and maintaining wildlife habitats and in developing sound wildlife management and plant conservation programs. Special efforts should be made to establish and maintain wildlife sanctuaries, reserves, and parks; to enact and enforce anti-poaching measures; and to identify, study, and catalog animal and plant species, especially in tropical environments.

(c) Funding level

For fiscal year 1987, not less than $2,500,000 of the funds available to carry out subchapter I of this chapter (excluding funds made available to carry out section 2151b(c)(2) of this title, relating to the Child Survival Fund) shall be allocated for assistance pursuant to subsection (b) of this section for activities which were not funded prior to fiscal year 1987. In addition, the Agency for International Development shall, to the fullest extent possible, continue and increase assistance pursuant to subsection (b) of this section for activities for which assistance was provided in fiscal years prior to fiscal year 1987.

(d) Country analysis requirements

Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of—

(1) the actions necessary in that country to conserve biological diversity, and

(2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.

(e) Local involvement

To the fullest extent possible, projects supported under this section shall include close consultation with and involvement of local people at all stages of design and implementation.

(f) PVOs and other nongovernmental organizations

Whenever feasible, the objectives of this section shall be accomplished through projects managed by appropriate private and voluntary organizations, or international, regional, or national nongovernmental organizations, which are active in the region or country where the project is located.

(g) Actions by AID

The Administrator of the Agency for International Development shall—

(1) cooperate with appropriate international organizations, both governmental and nongovernmental;

(2) look to the World Conservation Strategy as an overall guide for actions to conserve biological diversity;

(3) engage in dialogues and exchanges of information with recipient countries which stress the importance of conserving biological diversity for the long-term economic benefit of those countries and which identify and focus on policies of those countries which directly or indirectly contribute to loss of biological diversity;

(4) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity;

(5) whenever possible, enter into long-term agreements in which the recipient country agrees to protect ecosystems or other wildlife habitats recommended for protection by relevant governmental or nongovernmental organizations or as a result of activities undertaken pursuant to paragraph (6), and the United States agrees to provide, subject to obtaining the necessary appropriations, additional assistance necessary for the establishment and maintenance of such protected areas;

(6) support, as necessary and in cooperation with the appropriate governmental and nongovernmental organizations, efforts to identify and survey ecosystems in recipient countries worthy of protection;

(7) cooperate with and support the relevant efforts of other agencies of the United States Government, including the United States Fish and Wildlife Service, the National Park Service, the Forest Service, and the Peace Corps;

(8) review the Agency's environmental regulations and revise them as necessary to ensure that ongoing and proposed actions by the Agency do not inadvertently endanger wildlife species or their critical habitats, harm protected areas, or have other adverse impacts on biological diversity (and shall report to the Congress within a year after October 24, 1986, on the actions taken pursuant to this paragraph);

(9) ensure that environmental profiles sponsored by the Agency include information needed for conservation of biological diversity; and

(10) deny any direct or indirect assistance under this part for actions which significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas.

(h) Annual reports

Each annual report required by section 2394(a) of this title shall include, in a separate volume, a report on the implementation of this section.

(Pub. L. 87–195, pt. I, § 119, as added Pub. L. 98–164, title VII, § 702, Nov. 22, 1983, 97 Stat. 1045; amended Pub. L. 99–529, title III, § 302, Oct. 24, 1986, 100 Stat. 3017; Pub. L. 101–167, title V, § 533(d)(4)(A), Nov. 21, 1989, 103 Stat. 1227.)

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

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

PRIOR PROVISIONS

A prior section 2151q, Pub. L. 87–195, pt. I, § 119, as added Pub. L. 95–88, title I, § 114, Aug. 3, 1977, 91 Stat. 538; amended Pub. L. 95–424, title I, § 111, Oct. 6, 1978, 92 Stat. 948; Pub. L. 96–53, title I, §§ 104(c), 107, Aug. 14, 1979, 93 Stat. 362, related to renewable and unconventional energy technologies, prior to repeal by Pub. L. 96–533, title III, § 304(g), Dec. 16, 1980, 94 Stat. 3147.

AMENDMENTS

1989—Subsec. (b). Pub. L. 101–167 inserted ", notwithstanding section 2420 of this title," after "subchapter I of this chapter".

1986—Subsec. (c). Pub. L. 99–529 added subsec. (c) and struck out former subsec. (c) which read as follows: ''The Administrator of the Agency for International Development, in conjunction with the Secretary of State, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, and the heads of other appropriate Government agencies, shall develop a United States strategy, including specific policies and programs, to protect and conserve biological diversity in developing countries.''

Subsec. (d). Pub. L. 99–529 added subsec. (d) and struck out former subsec. (d) which read as follows: ''Each annual report required by section 2394(a) of this title shall include, in a separate volume, a report on the implementation of this subsection. Not later than one year after November 22, 1983, the President shall submit a comprehensive report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate on the United States strategy to protect and conserve biological diversity in developing countries.''

Subsecs. (e) to (h). Pub. L. 99–529 added subsecs. (e) to (h).

SHORT TITLE

For short title of title VII of Pub. L. 98–164, which enacted this section and amended section 2452 of this title, as the ''International Environment Protection Act of 1983'', see section 701 of Pub. L. 98–164, set out as a Short Title of 1983 Amendment note under section 2151 of this title.

INCREASED INTERNATIONAL COOPERATION TO PROTECT BIOLOGICAL DIVERSITY

Pub. L. 100–530, Oct. 25, 1988, 102 Stat. 2651, provided that Congress supports United States efforts, consistent with 22 U.S.C. 2151q(g), to initiate discussions to develop an international agreement to preserve biological diversity and calls upon the President to continue exerting United States leadership in order to achieve the earliest possible negotiation of an international convention to conserve biological diversity, and directed the President to submit a report to Congress on progress toward goal of negotiating such convention not later than one year after Oct. 25, 1988.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2191 of this title.

§2151r. Sahel development program; planning

(a) Congressional support

The Congress reaffirms its support of the initiative of the United States Government in undertaking consultations and planning with the countries concerned, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations, toward the development and support of a comprehensive long-term African Sahel development program.

(b) Presidential authorization

The President is authorized to develop a long-term comprehensive development program for the Sahel and other drought-stricken nations in Africa.

(c) Presidential guidelines

In developing this long-term program, the President shall—

(1) consider international coordination for the planning and implementation of such program;

(2) seek greater participation and support by African countries and organizations in determining development priorities; and

(3) begin such planning immediately.

(Pub. L. 87–195, pt. I, §120, formerly pt. III, §639B, as added Pub. L. 93–189, §20, Dec. 17, 1973, 87 Stat. 725; renumbered pt. I, §494B and amended Pub. L. 94–161, title I, §101(5), (7), Dec. 20, 1975, 89 Stat. 850; renumbered pt. I, §120 and amended Pub. L. 95–88, title I, §115(1), (2), Aug. 3, 1977, 91 Stat. 539; Pub. L. 95–424, title V, §502(d)(1), Oct. 6, 1978, 92 Stat. 959.)

CODIFICATION

Section was formerly classified to sections 2292e and 2399–1b of this title.

AMENDMENTS

1978—Subsec. (d). Pub. L. 95–424 struck out subsec. (d) authorizing appropriations for development of a long-term African Sahel development program.

1977—Pub. L. 95–88, §115(2), substituted ''Sahel'' for ''African'' in section catchline.

1975—Pub. L. 94–161, §101(7)(A), struck out ''Sahel'' after ''African'' in section catchline.

Subsec. (a). Pub. L. 94–161, §101(7)(B), (C), designated existing provisions as subsec. (a) and substituted ''Congress reaffirms its support of'' for ''Congress supports''.

Subsecs. (b) to (d). Pub. L. 94–161, §101(7)(D), added subsecs. (b) to (d).

EFFECTIVE DATE OF 1978 AMENDMENT

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

§2151s. Repealed. Pub. L. 101–513, title V, §562(d)(5), Nov. 5, 1990, 104 Stat. 2031

Section, Pub. L. 87–195, pt. I, §121, as added Pub. L. 95–88, title I, §115(3), Aug. 3, 1977, 91 Stat. 539; amended Pub. L. 96–53, title I, §108, Aug. 14, 1979, 93 Stat. 363; Pub. L. 96–533, title III, §306, Dec. 16, 1980, 94 Stat. 3147; Pub. L. 97–113, title III, §308, Dec. 29, 1981, 95 Stat. 1535; Pub. L. 99–83, title VIII, §809, Aug. 8, 1985, 99 Stat. 263, related to Sahel development program.

§2151t. Development assistance authority

(a) Authority of President to furnish assistance

In order to carry out the purposes of this part, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to countries and areas through programs of grant and loan assistance, bilaterally or through regional, multilateral, or private entities.

(b) Authority of President to make loans; terms and conditions

The President is authorized to make loans payable as to principal and interest in United States dollars on such terms and conditions as he may determine, in order to promote the economic development of countries and areas, with emphasis upon assisting long-range plans and programs designed to develop economic resources and increase productive capacities. The President shall determine the interest payable on any loan. In making loans under this part, the President shall consider the economic circumstances of the borrower and other relevant factors, including the capacity of the recipient country to repay the loan at a reasonable rate of interest, except that loans may not be made at a rate of interest of less than 3 per centum per annum commencing not later than ten years fol-

lowing the date on which the funds are initially made available under the loan, during which ten-year period the rate of interest shall not be lower than 2 per centum per annum, nor higher than the applicable legal rate of interest of the country in which the loan is made.

(c) Dollar receipts from loans to be paid into Treasury

Dollar receipts paid during any fiscal year from loans made under subchapter I of this chapter or from loans made under predecessor foreign assistance legislation shall be deposited in the Treasury as miscellaneous receipts.

(d) Assistance to research and educational institutions in United States; limitation on amounts

Not to exceed $10,000,000 of the funds made available each fiscal year for the purposes of this part may be used for assistance, on such terms and conditions as the President may determine, to research and educational institutions in the United States for the purpose of strengthening their capacity to develop and carry out programs concerned with the economic and social development of developing countries.

(e) Development Loan Committee; establishment; duties; appointment of officers

The President shall establish an interagency Development Loan Committee, consisting of such officers from such agencies of the United States Government as he may determine, which shall, under the direction of the President, establish standards and criteria for lending operations under this part in accordance with the foreign and financial policies of the United States. Except in the case of officers serving in positions to which they were appointed by the President by and with the advice and consent of the Senate, officers assigned to the Committee shall be so assigned by the President by and with the advice and consent of the Senate.

(Pub. L. 87–195, pt. I, § 122, as added Pub. L. 95–424, title I, § 102(a), (b)(1), (c)(1), (d), Oct. 6, 1978, 92 Stat. 940, 941.)

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

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

PRIOR PROVISIONS

Subsec. (b) of this section consists of provisions formerly contained in subsections (b), (c), and (d) of section 2161 of this title. Subsec. (e) of this section consists of provisions formerly contained in section 2164 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DEVELOPMENT LOAN COMMITTEE

For establishment and composition of the Development Loan Committee required to be established by subsec. (e) of this section, see section 1–505 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56676, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2220d, 2221, 2351 of this title.

§ 2151t–1. Establishment of program

(a) In general

In carrying out part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] and other relevant foreign assistance laws, the President, acting through the Administrator of the United States Agency for International Development, shall establish a program of training and other technical assistance to assist foreign countries in—

(1) developing and strengthening laws and regulations to protect intellectual property; and

(2) developing the infrastructure necessary to implement and enforce such laws and regulations.

(b) Participation of other agencies

The Administrator of the United States Agency for International Development—

(1) shall utilize the expertise of the Patent and Trademark Office and other agencies of the United States Government in designing and implementing the program of assistance provided for in this section;

(2) shall coordinate assistance under this section with efforts of other agencies of the United States Government to increase international protection of intellectual property, including implementation of international agreements containing high levels of protection of intellectual property; and

(3) shall consult with the heads of such other agencies in determining which foreign countries will receive assistance under this section.

(Pub. L. 103–392, title V, § 501, Oct. 22, 1994, 108 Stat. 4103.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Part I of the Act is classified generally to subchapter I (§ 2151 et seq.) of this chapter. For provisions deeming references to subchapter I to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and VIII (§ 2349aa et seq.) of subchapter II of this chapter, see section 202(b) of Pub. L. 92–228, set out as a note under section 2346 of this title, and sections 2348c and 2349aa–5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the Jobs Through Trade Expansion Act of 1994, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2151u. Private and voluntary organizations and cooperatives in overseas development

(a) Congressional finding of importance of participation by private and voluntary organizations

The Congress finds that the participation of rural and urban poor people in their countries'

development can be assisted and accelerated in an effective manner through an increase in activities planned and carried out by private and voluntary organizations and cooperatives. Such organizations and cooperatives, embodying the American spirit of self-help and assistance to others to improve their lives and incomes, constitute an important means of mobilizing private American financial and human resources to benefit poor people in developing countries. The Congress declares that it is in the interest of the United States that such organizations and cooperatives expand their overseas development efforts without compromising their private and independent nature. The Congress further declares that the financial resources of such organizations and cooperatives should be supplemented by the contribution of public funds for the purpose of undertaking development activities in accordance with the principles set forth in section 2151–1 of this title and, if necessary and determined on a case-by-case basis, for the purpose of sharing the cost of developing programs related to such activities. The Congress urges the Administrator of the agency primarily responsible for administering subchapter I of this chapter, in implementing programs authorized under subchapter I of this chapter, to draw on the resource of private and voluntary organizations and cooperatives to plan and carry out development activities and to establish simplified procedures for the development and approval of programs to be carried out by such private and voluntary organizations and cooperatives as have demonstrated a capacity to undertake effective development activities.

(b) Payment of transportation charges on shipments by American National Red Cross and United States voluntary agencies

In order to further the efficient use of United States voluntary contributions for development, relief, and rehabilitation of friendly peoples, the President is authorized to use funds made available for the purposes of this part and part X of this subchapter to pay transportation charges on shipments by the American National Red Cross and by United States voluntary agencies registered with the Agency for International Development.

(c) Reimbursement for transportation charges

Reimbursement under this section may be provided for transportation charges on shipments from United States ports, or in the case of excess or surplus property supplied by the United States from foreign ports, to ports of entry abroad or to points of entry abroad in cases (1) of landlocked countries, (2) where ports cannot be used effectively because of natural or other disturbances, (3) where carriers to a specified country are unavailable, or (4) where a substantial savings in costs or time can be effected by the utilization of points of entry other than ports.

(d) Arrangements with receiving country for free entry of shipments and for availability of local currency to defray transportation costs

Where practicable, the President shall make arrangements with the receiving country for free entry of such shipments and for the making available by the country of local currencies for the purpose of defraying the transportation costs of such shipments from the port or point of entry of the receiving country to the designated shipping point of the consignee.

(e) Continuation of support for programs in countries antedating prohibitions on assistance; national interest considerations; report to Congress

Prohibitions on assistance to countries contained in this chapter or any other Act shall not be construed to prohibit assistance by the agency primarily responsible for administering subchapter I of this chapter in support of programs of private and voluntary organizations and cooperatives already being supported prior to the date such prohibition becomes applicable. The President shall take into consideration, in any case in which statutory prohibitions on assistance would be applicable but for this subsection, whether continuation of support for such programs is in the national interest of the United States. If the President continues such support after such date, he shall prepare and transmit, not later than one year after such date, to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report setting forth the reasons for such continuation.

(f) Funds for private and voluntary organizations

For each of the fiscal years 1986 through 1989, funds in an amount not less than thirteen and one half percent of the aggregate amount appropriated for that fiscal year to carry out sections 2151a(a), 2151b(b), 2151b(c), 2151c, 2151d, 2151s,[1] and 2292 of this title shall be made available for the activities of private and voluntary organizations, and the President shall seek to channel funds in an amount not less than 16 percent of such aggregate amount for the activities of private and voluntary organizations. Funds made available under part IV of subchapter II of this chapter for the activities of private and voluntary organizations may be considered in determining compliance with the requirements of this subsection.

(g) Repealed. Pub. L. 105–277, div. A, §101(d) [title II], Oct. 21, 1998, 112 Stat. 2681–150, 2681–156

(h) Promotion of democratic cooperatives

The Congress recognizes that, in addition to their role in social and economic development, cooperatives provide an opportunity for people to participate directly in democratic decision-making. Therefore, assistance under this part shall be provided to rural and urban cooperatives which offer large numbers of low- and middle-income people in developing countries an opportunity to participate directly in democratic decisionmaking. Such assistance shall be designed to encourage the adoption of self-help, private sector cooperative techniques and practices which have been successful in the United States.

(Pub. L. 87–195, pt. I, §123, as added Pub. L. 95–424, title I, §102(e), Oct. 6, 1978, 92 Stat. 941;

[1] See References in Text note below.

amended Pub. L. 96–53, title I, § 121, Aug. 14, 1979, 93 Stat. 366; Pub. L. 96–533, title III, § 307, Dec. 16, 1980, 94 Stat. 3147; Pub. L. 97–113, title III, § 309, Dec. 29, 1981, 95 Stat. 1535; Pub. L. 99–83, title III, §§ 309, 310, Aug. 8, 1985, 99 Stat. 215; Pub. L. 101–513, title V, § 562(d)(6), Nov. 5, 1990, 104 Stat. 2031; Pub. L. 105–277, div. A, § 101(d) [title II], Oct. 21, 1998, 112 Stat. 2681–150, 2681–156.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e), 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.

Section 2151s of this title, referred to in subsec. (f), was repealed by Pub. L. 101–513, title V, § 562(d)(5), Nov. 5, 1990, 104 Stat. 2031.

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

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

AMENDMENTS

1998—Subsec. (g). Pub. L. 105–277 struck out subsec. (g) which read as follows: ''After December 31, 1984, funds made available to carry out section 2151a(a), 2151b(b), 2151b(c), 2151c, 2151d, 2292, or 2293 of this title may not be made available for programs of any United States private and voluntary organization which does not obtain at least 20 percent of its total annual financial support for its international activities from sources other than the United States Government, except that this restriction does not apply with respect to programs which, as of that date, are receiving financial support from the agency primarily responsible for administering subchapter I of this chapter. The Administrator of the agency primarily responsible for administering subchapter I of this chapter may, on a case-by-case basis, waive the restriction established by this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency primarily responsible for administering subchapter I of this chapter.''

1990—Subsec. (b). Pub. L. 101–513, § 562(d)(6)(A), inserted ''and part X of this subchapter'' after ''this part''.

Subsec. (g). Pub. L. 101–513, § 562(d)(6)(B), substituted ''2292, or 2293'' for ''2191s, or 2292''.

1985—Subsec. (e). Pub. L. 99–83, § 309(a), substituted ''one year'' for ''thirty days''.

Subsec. (f). Pub. L. 99–83, § 309(b)(1), substituted ''1986 through 1989'' for ''1982, 1983, and 1984''.

Pub. L. 99–83, § 309(b)(2), which directed the substitution of ''thirteen and one half'' for ''twelve'' was executed by making the substitution for ''12'' as the probable intent of Congress because ''twelve'' did not appear in text.

Pub. L. 99–83, § 309(b)(3), inserted provisions relating to funds for determining compliance with subsec. (f).

Subsec. (h). Pub. L. 99–83, § 310, added subsec. (h).

1981—Subsecs. (f), (g). Pub. L. 97–113, § 309, added subsecs. (f) and (g).

1980—Subsec. (a). Pub. L. 96–533, § 307(1), (2), provided for contribution of public funds to private and voluntary organizations and cooperatives for purpose of sharing cost of developing programs related to development activities and encouraged establishment of simplified procedures for development of programs to be carried out by such entities having a capacity for undertaking effective development programs.

Subsec. (e). Pub. L. 96–533, § 307(3), added subsec. (e).

1979—Subsec. (b). Pub. L. 96–53 substituted ''Agency for International Development'' for ''Advisory Committee on Voluntary Foreign Aid''.

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.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

PRIVATE AND VOLUNTEER ORGANIZATIONS

Pub. L. 105–277, div. A, § 101(d) [title II], Oct. 21, 1998, 112 Stat. 2681–150, 2681–156, provided in part that: ''None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the Administrator of the Agency for International Development may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency''.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 105–118, title II, Nov. 26, 1997, 111 Stat. 2390.

Pub. L. 104–208, div. A, title I, § 101(c) [title II], Sept. 30, 1996, 110 Stat. 3009–121, 3009–126.

Pub. L. 104–107, title II, Feb. 12, 1996, 110 Stat. 708.

Pub. L. 103–306, title II, Aug. 23, 1994, 108 Stat. 1612.

Pub. L. 103–87, title II, Sept. 30, 1993, 107 Stat. 935.

Pub. L. 102–391, title II, Oct. 6, 1992, 106 Stat. 1642.

Pub. L. 101–513, title II, Nov. 5, 1990, 104 Stat. 1987.

Pub. L. 101–167, title II, Nov. 21, 1989, 103 Stat. 1204.

Pub. L. 100–461, title II, Oct. 1, 1988, 102 Stat. 2268–9.

Pub. L. 100–202, § 101(e) [title II], Dec. 22, 1987, 101 Stat. 1329–131, 1329–139.

Pub. L. 99–500, § 101(f) [title II], Oct. 18, 1986, 100 Stat. 1783–213, 1783–218, and Pub. L. 99–591, § 101(f) [title II], Oct. 30, 1986, 100 Stat. 3341–214, 3341–218.

Pub. L. 99–190, § 101(i) [title II], Dec. 19, 1985, 99 Stat. 1291, 1296.

Pub. L. 98–473, title I, § 101(1) [title II], Oct. 12, 1984, 98 Stat. 1884, 1889; repealed by Pub. L. 105–277, div. A, § 101(d) [title II], Oct. 21, 1998, 112 Stat. 2681–150, 2681–156.

STUDY AND REPORT CONCERNING USE OF PRIVATE AND VOLUNTARY ORGANIZATIONS, COOPERATIVES, AND PRIVATE SECTOR

Section 311 of Pub. L. 99–83 provided that:

''(a) STUDY.—The Administrator of the Agency for International Development shall undertake a comprehensive study of additional ways to provide development assistance through nongovernmental organizations, including United States and indigenous private and voluntary organizations, cooperatives, the business community, and other private entities. Such study shall include—

''(1) an analysis of the percentage of development assistance allocated to governmental and nongovernmental programs;

''(2) an analysis of structural impediments, within both the United States and foreign governments, to additional use of nongovernmental programs; and

''(3) an analysis of the comparative economic benefits of governmental and nongovernmental programs.

''(b) REPORT.—The Administrator shall report the results of this study to the Congress no later than September 30, 1986.''

AFRICAN DEVELOPMENT FOUNDATION

Section 122 of Pub. L. 95–424, as amended by Pub. L. 97–113, title VII, §734(a)(5), Dec. 29, 1981, 95 Stat. 1560, provided that:

''(a) The Congress declares that the United States should place higher priority on the formulation and implementation of policies and programs to enable the people of African nations to develop their potential, fulfill their aspirations, and enjoy better, more productive lives. In furtherance of these objectives, the Congress finds that additional support is needed for community-based self-help activities in Africa and that an African Development Foundation, organized to further the purposes set forth in section 123 of the Foreign Assistance Act of 1961 [this section], can complement current United States development programs in Africa.

''(b) [Repealed. Pub. L. 97–113, title VII, §734(a)(5), Dec. 29, 1981, 95 Stat. 1560.]''

§2151v. Aid to relatively least developed countries

(a) Characterization of least developed countries

Relatively least developed countries (as determined on the basis of criteria comparable to those used for the United Nations General Assembly list of ''least developed countries'') are characterized by extreme poverty, very limited infrastructure, and limited administrative capacity to implement basic human needs growth strategies. In such countries special measures may be necessary to insure the full effectiveness of assistance furnished under subchapter I of this chapter.

(b) Assistance on grant basis

For the purpose of promoting economic growth in these countries, the President is authorized and encouraged to make assistance under this part available on a grant basis to the maximum extent that is consistent with the attainment of United States development objectives.

(c) Waiver of principal and interest on prior liability

(1) The Congress recognizes that the relatively least developed countries have virtually no access to private international capital markets. Insofar as possible, prior assistance terms should be consistent with present grant assistance terms for relatively least developed countries. Therefore, notwithstanding section 2370(r) of this title and section 321 of the International Development and Food Assistance Act of 1975 but subject to paragraph (2) of this subsection, the President on a case-by-case basis, taking into account the needs of the country for financial resources and the commitment of the country to the development objectives set forth in sections 2151 and 2151–1 of this title—

(A) may permit a relatively least developed country to place amounts, which would otherwise be paid to the United States as payments on principal or interest on liability incurred by that country under subchapter I of this chapter (or any predecessor legislation) into local currency accounts (in equivalent amounts of local currencies as determined by the official exchange rate for United States dollars) for use by the relatively least developed country, with the concurrence of the Administrator of the agency primarily responsible for administering subchapter I of this chapter, for activities which are consistent with section 2151–1 of this title; and

(B) may waive interest payments on liability incurred by a relatively least developed country under subchapter I of this chapter (or any predecessor legislation) if the President determines that that country would be unable to use for development purposes the equivalent amounts of local currencies which could be made available under subparagraph (A).

(2) The aggregate amount of interest waived and interest and principal paid into local currency accounts under this subsection in any fiscal year may not exceed the amount approved for such purpose in an Act appropriating funds to carry out this part for that fiscal year, which amount may not exceed the amount authorized to be so approved by the annual authorizing legislation for development assistance programs. Amounts due and payable during fiscal year 1981 to the United States from relatively least developed countries on loans made under this subchapter (or any predecessor legislation) are authorized to be approved for use, in accordance with the provisions of paragraph (1) of this subsection, in an amount not to exceed $10,845,000.

(3) In exercising the authority granted by this subsection, the President should act in concert with other creditor countries.

(d) Waiver of requirement of contribution

The President may on a case-by-case basis waive the requirement of section 2151h(a) of this title for financial or ''in kind'' contributions in the case of programs, projects, or activities in relatively least developed countries.

(e) Waiver of time limitations on aid

Section 2151h(b) of this title shall not apply with respect to grants to relatively least developed countries.

(Pub. L. 87–195, pt. I, §124, as added Pub. L. 95–424, title I, §112(a)(1), Oct. 6, 1978, 92 Stat. 948; amended Pub. L. 96–53, title I, §109, Aug. 14, 1979, 93 Stat. 363; Pub. L. 96–533, title III, §308, Oct. 16, 1980, 94 Stat. 3147.)

REFERENCES IN TEXT

Section 321 of the International Development and Food Assistance Act of 1975, referred to in subsec. (c)(1), is section 321 of Pub. L. 94–161, Dec. 20, 1975, 89 Stat. 868, which is set out as a note under section 2220a of this title.

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

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

AMENDMENTS

1980—Subsec. (c)(2). Pub. L. 96–533 substituted ''fiscal year 1981'' and ''$10,845,000'' for ''fiscal year 1980'' and ''$18,800,000'', respectively.

1979—Subsec. (c)(2). Pub. L. 96–53 inserted provisions respecting use of funds due and payable during fiscal year 1980 to the United States.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE

Section 112(a)(2) of Pub. L. 94–424 provided that: ''The authority granted by section 124(c) of the Foreign Assistance Act of 1961 [subsec. (c) of this section] shall not become effective until October 1, 1979.''

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

PRESIDENTIAL AUTHORITY DURING FISCAL YEARS 1990 AND 1991

Pub. L. 100–461, title V, § 572, Oct. 1, 1988, 102 Stat. 2268–44, provided that during fiscal years 1990 and 1991, President could use authority of paragraphs (A) and (B) of subsection (c)(1) of this section with respect to such aggregate amounts of principal and interest payable during each of those fiscal years as President determined, or at any time after Sept. 30, 1989, President could, if he determined it was in national interest to do so, use authority of those paragraphs with respect to such aggregate amounts of outstanding principal and interest payable at any time after that date, and that such authority could be exercised with respect to specified countries, and be exercised notwithstanding subsection (c)(2) of this section.

§ 2151w. Project and program evaluations

(a) The Administrator of the agency primarily responsible for administering subchapter I of this chapter is directed to improve the assessment and evaluation of the programs and projects carried out by that agency under this part. The Administrator shall consult with the appropriate committees of the Congress in establishing standards for such evaluations.

(b) Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560.

(Pub. L. 87–195, pt. I, § 125, as added Pub. L. 95–424, title I, § 113, Oct. 6, 1978, 92 Stat. 950; amended Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560.)

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

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

AMENDMENTS

1981—Subsec. (b). Pub. L. 97–113 struck out subsec. (b) which required an annual Presidential report on actions taken by the international financial institutions and the United Nations Development Program to improve the evaluation of their own programs.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2151x. Development and illicit narcotics production

(a) Congressional statement of findings

The Congress recognizes that illicit narcotics cultivation is related to overall development problems and that the vast majority of all individuals employed in the cultivation of illicit narcotics reside in the developing countries and are among the poorest of the poor in those countries and that therefore the ultimate success of any effort to eliminate illicit narcotics production depends upon the availability of alternative economic opportunities for those individuals, upon other factors which assistance under this part could address, as well as upon direct narcotics control efforts.

(b) Program planning priorities; resource utilization

(1) In planning programs of assistance under this part, and part X of this subchapter, and under part IV of subchapter II of this chapter for countries in which there is illicit narcotics cultivation, the agency primarily responsible for administering subchapter I of this chapter should give priority consideration to programs which would help reduce illicit narcotics cultivation by stimulating broader development opportunities.

(2) The agency primarily responsible for administering subchapter I of this chapter may utilize resources for activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

(c) Administrative requirements

In furtherance of the purposes of this section, the agency primarily responsible for administering subchapter I of this chapter shall cooperate fully with, and share its expertise in development matters with, other agencies of the United States Government involved in narcotics control activities abroad.

(Pub. L. 87–195, pt. I, § 126, as added Pub. L. 96–53, title I, § 110, Aug. 14, 1979, 93 Stat. 363; amended Pub. L. 99–83, title VI, § 603, Aug. 8, 1985, 99 Stat. 228; Pub. L. 101–513, title V, § 562(d)(7), Nov. 5, 1990, 104 Stat. 2031.)

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

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

AMENDMENTS

1990—Subsec. (b)(1). Pub. L. 101–513 inserted '', and part X of this subchapter,'' after ''this part''.

1985—Subsec. (b). Pub. L. 99–83 designated existing provisions as par. (1), inserted reference to part IV of subchapter II of this chapter, and added par. (2).

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.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

§2151x–1. Assistance for agricultural and industrial alternatives to narcotics production

(a) Waiver of restrictions

For the purpose of reducing dependence upon the production of crops from which narcotic and psychotropic drugs are derived, the President may provide assistance to a foreign country under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) and chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund) to promote the production, processing, or the marketing of products or commodities, notwithstanding any other provision of law that would otherwise prohibit the provision of assistance to promote the production, processing, or the marketing of such products or commodities.

(b) Effective date

Subsection (a) of this section applies with respect to funds made available for fiscal year 1991 or any fiscal year thereafter.

(Pub. L. 101–623, §6, Nov. 21, 1990, 104 Stat. 3355.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 1 of part I and chapter 4 of part II of the Act are classified generally to part I (§2151 et seq.) of subchapter I and part IV (§2346 et seq.) of subchapter II, respectively, of this chapter. For provisions deeming references to part I of subchapter I to include a reference to section 2293 of this title, see section 2293(d)(1) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the International Narcotics Control Act of 1990, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2151x–2. Assistance in furtherance of narcotics control objectives of United States

(a) Waiver of certain restrictions

For the purpose of reducing dependence upon the production of crops from which narcotic and psychotropic drugs are derived, the President may provide economic assistance for a country which, because of its coca production, is a major illicit drug producing country (as defined in section 481(i)(2)[1] of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(2))) to promote the production, processing, or the marketing of products which can be economically produced in such country, notwithstanding the provisions of law described in subsection (b) of this section.

(b) Description of restrictions waived

The provisions of law made inapplicable by subsection (a) of this section are any other provisions of law that would otherwise restrict the use of economic assistance funds with respect to the production, processing, or marketing of agricultural commodities (or the products thereof) or other products, including sections 521, 546, and 547 (but excluding section 510) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, and comparable provisions of subsequent Acts appropriating funds for foreign operations, export financing, and related programs.

(c) "Economic assistance" defined

As used in this section, the term ''economic assistance'' means assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) and assistance under chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund).

(Pub. L. 101–624, title XV, §1544, Nov. 28, 1990, 104 Stat. 3695.)

REFERENCES IN TEXT

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, referred to in subsec. (b), is Pub. L. 101–167, Nov. 21, 1989, 103 Stat. 1195. Sections 510, 521, 546, and 547 of that Act are not classified to the Code.

The Foreign Assistance Act of 1961, referred to in subsecs. (a) and (c), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 1 of part I and chapter 4 of part II of the Act are classified generally to part I (§2151 et seq.) of subchapter I and part IV (§2346 et seq.) of subchapter II, respectively, of this chapter. For provisions deeming references to part I of subchapter I to include a reference to section 2293 of this title, see section 2293(d)(1) of this title. Subsec. (i) of section 481 of the Act was redesignated (e) by Pub. L. 102–583, §6(b)(3), Nov. 2, 1992, 106 Stat. 4932. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the Agricultural Development and Trade Act of 1990, and also as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2151y. Accelerated loan repayments; annual review of countries with bilateral concessional loan balances; priority of determinations respecting negotiations with countries having balances; criteria for determinations

The Administrator of the agency primarily responsible for administering subchapter I of this chapter shall conduct an annual review of bilateral concessional loan balances and shall determine and identify those countries whose financial resources make possible accelerated loan repayments. In particular, European countries that were recipients of concessional loans by predecessor agencies to the agency primarily responsible for administering subchapter I of this chapter shall be contacted to negotiate accelerated repayments. The criteria used by the Administrator in making these determinations shall be established in conjunction with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Pub. L. 87–195, pt. I, §127, as added Pub. L. 96–53, title V, §508(a), Aug. 14, 1979, 93 Stat. 379.)

[1] See References in Text note below.

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

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

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

NEGOTIATING EFFORTS CONCERNING ACCELERATED LOAN REPAYMENTS TO BE INCLUDED IN ANNUAL REPORTS ON FOREIGN ASSISTANCE FOR 1980 AND 1981

Section 508(b) of Pub. L. 96–53, which related to loan repayment provisions in reports, was repealed by Pub. L. 97–113, title VII, § 734(a)(3), Dec. 29, 1981, 95 Stat. 1560.

§ 2151z. Targeted assistance

(a) Determination of target populations and strengthening United States assistance

The President shall use poverty measurement standards, such as those developed by the International Bank for Reconstruction and Development, and other appropriate measurements in determining target populations for United States development assistance, and shall strengthen United States efforts to assure that a substantial percentage of development assistance under this part directly improves the lives of the poor majority, with special emphasis on those individuals living in absolute poverty.

(b) Ultimate beneficiaries of activities

To the maximum extent possible, activities under this part that attempt to increase the institutional capabilities of private organizations or governments, or that attempt to stimulate scientific and technological research, shall be designed and monitored to ensure that the ultimate beneficiaries of these activities are the poor majority.

(Pub. L. 87–195, pt. I, § 128, as added Pub. L. 97–377, title I, § 101(b)(2), Dec. 21, 1982, 96 Stat. 1832; amended Pub. L. 99–83, title III, § 312(a), Aug. 8, 1985, 99 Stat. 216.)

AMENDMENTS

1985—Pub. L. 99–83, in amending section generally, designated existing provisions as subsec. (a), substituted provisions setting overall guidelines and principles for determination of target populations and strengthening United States assistance, for provisions relating to Presidential responsibility in carrying out this part in fiscal year 1983 for targeting assistance for those living in absolute poverty, and added subsec. (b).

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.

REPORT OF ADMINISTRATOR OF AGENCY FOR INTERNATIONAL DEVELOPMENT TO CONGRESS BY JUNE 21, 1983, ON IMPLEMENTATION OF SECTION

Section 101(b)(2) of Pub. L. 97–377 provided in part: ''That within six months after the date of approval of this joint resolution [Dec. 21, 1982], the Administrator of the Agency for International Development shall report to Congress on the implementation of this provision [this section], the types of projects determined to meet these requirements, and the effect on the overall United States foreign assistance program.''

§ 2151aa. Program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries

(a) Establishment of program

(1) In general

Not later than 150 days after October 21, 1998, the Secretary of the Treasury, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, is authorized to establish a program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries.

(2) Role of Secretary of State

The Secretary of State shall provide foreign policy guidance to the Secretary to ensure that the program established under this subsection is effectively integrated into the foreign policy of the United States.

(b) Conduct of program

(1) In general

In carrying out the program established under subsection (a) of this section, the Secretary shall provide economic and financial technical assistance to foreign governments and foreign central banks of developing and transitional countries by providing advisers with appropriate expertise to advance the enactment of laws and establishment of administrative procedures and institutions in such countries to promote macroeconomic and fiscal stability, efficient resource allocation, transparent and market-oriented processes and sustainable private sector growth.

(2) Additional requirements

To the extent practicable, such technical assistance shall be designed to establish—

(A) tax systems that are fair, objective, and efficiently gather sufficient revenues for governmental operations;

(B) debt issuance and management programs that rely on market forces;

(C) budget planning and implementation that permits responsible fiscal policy management;

(D) commercial banking sector development that efficiently intermediates between savers and investors; and

(E) financial law enforcement to protect the integrity of financial systems, financial institutions, and government programs.

(c) Administrative requirements

In carrying out the program established under subsection (a) of this section, the Secretary—

(1) shall establish a methodology for identifying and selecting foreign governments and foreign central banks to receive assistance under the program;

(2) prior to selecting a foreign government or foreign central bank to receive assistance under the program, shall receive the concurrence of the Secretary of State with respect to the selection of such government or central bank and with respect to the cost of the assistance to such government or central bank;

(3) shall consult with the heads of appropriate Executive agencies of the United States, including the Secretary of State and the Administrator of the United States Agency for International Development, and appropriate international financial institutions to avoid duplicative efforts with respect to those foreign countries for which such agencies or organizations provide similar assistance;

(4) shall ensure that the program is consistent with the International Affairs Strategic Plan and Mission Performance Plan of the United States Agency for International Development;

(5) shall establish and carry out a plan to evaluate the program.

(d) Administrative authorities

In carrying out the program established under subsection (a) of this section, the Secretary shall have the following administrative authorities:

(1) The Secretary may provide allowances and benefits under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) to any officer or employee of any agency of the United States Government performing functions under this section outside the United States.

(2)(A) The Secretary may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out this section, including any advance to the United States Government by any country or international organization for the procurement of commodities, supplies, or services.

(B) Such funds shall be available for obligation and expenditure for the purposes for which such funds were authorized, in accordance with authority granted in this section or under authority governing the activities of the agency of the United States Government to which such funds are allocated or transferred.

(3) Appropriations for the purposes of or pursuant to this section, and allocations to any agency of the United States Government from other appropriations for functions directly related to the purposes of this section, shall be available for—

(A) contracting with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management;

(B) the purchase and hire of passenger motor vehicles, except that passenger motor vehicles may be purchased only—

(i) for use in foreign countries; and

(ii) if the Secretary or the Secretary's designee has determined that the vehicle is necessary to accomplish the mission;

(C) the purchase of insurance for official motor vehicles acquired for use in foreign countries;

(D)(i) the rent or lease outside the United States, not to exceed 5 years, of offices, buildings, grounds, and quarters, including living quarters to house personnel, consistent with the relevant interagency housing board policy, and payments therefor in advance;

(ii) maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government outside the United States; and

(iii) costs of insurance, fuel, water, and utilities for such properties;

(E) expenses of preparing and transporting to their former homes or places of burial the remains of foreign participants or members of the family of foreign participants, who may die while such participants are away from their homes participating in activities carried out with funds covered by this section;

(F) notwithstanding any other provision of law, transportation and payment of per diem in lieu of subsistence to foreign participants engaged in activities of the program under this section while such participants are away from their homes in countries other than the United States, at rates not in excess of those prescribed by the standardized Government travel regulations;

(G) expenses in connection with travel of personnel outside the United States, including travel expenses of dependents (including expenses during necessary stop-overs while engaged in such travel), and transportation of personal effects, household goods, and automobiles of such personnel when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting automobiles to and from a place of storage, and the cost of storing automobiles of such personnel when it is in the public interest or more economical to authorize storage; and

(H) grants to, and cooperative agreements and contracts with, any individual, corporation, or other body of persons, nonprofit organization, friendly government or government agency, whether within or without the United States, and international organizations, as the Secretary determines is appropriate to carry out the purposes of this section.

(4) Whenever the Secretary determines it to be consistent with the purposes of this section,

the Secretary is authorized to furnish services and commodities on an advance-of-funds basis to any friendly country or international organization that is not otherwise prohibited from receiving assistance under this chapter. Such advances may be credited to the currently applicable appropriation, account, or fund of the Department of the Treasury and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used.

(e) Issuance of regulations

The Secretary is authorized to issue such regulations with respect to personal service contractors as the Secretary deems necessary to carry out this section.

(f) Rule of construction

Nothing in this section shall be construed to infringe upon the powers or functions of the Secretary of State (including the powers or functions described in section 4802 of this title) or of any chief of mission (including the powers or functions described in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)).

(g) Termination of assistance

The Secretary shall conclude assistance activities for a recipient foreign government or foreign central bank under the program established under subsection (a) of this section if the Secretary, after consultation with the appropriate officers of the United States, determines that such assistance has resulted in the enactment of laws or the establishment of institutions in that country that promote fiscal stability and administrative procedures, efficient resource allocation, transparent and market-oriented processes and private sector growth in a sustainable manner.

(h) Report

(1) In general

Not later than 3 months after October 21, 1998, and every 6 months thereafter, the Secretary shall prepare and submit to the appropriate congressional committees a report on the conduct of the program established under this section during the preceding 6-month period.

(2) Definition

In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(i) Definitions

In this section:

(1) Developing or transitional country

The term ''developing or transitional country'' means a country eligible to receive development assistance under this part.

(2) International financial institution

The term ''international financial institution'' means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Asian Development Bank, the African Development Bank, the African Development Fund, the Inter-American Development Bank, the Inter-American Investment Corporation, the European Bank for Reconstruction and Development, and the Bank for Economic Cooperation and Development in the Middle East and North Africa.

(3) Secretary

The term ''Secretary'' means the Secretary of the Treasury.

(4) Technical assistance

The term ''technical assistance'' includes—

(A) the use of short-term and long-term expert advisers to assist foreign governments and foreign central banks for the purposes described in subsection (b)(1) of this section;

(B) training in the recipient country, the United States, or elsewhere for the purposes described in subsection (b)(1) of this section;

(C) grants of goods, services, or funds to foreign governments and foreign central banks;

(D) grants to United States nonprofit organizations to provide services or products which contribute to the provision of advice to foreign governments and foreign central banks; and

(E) study tours for foreign officials in the United States or elsewhere for the purpose of providing technical information to such officials.

(5) Foreign participant

The term ''foreign participant'' means the national of a developing or transitional country that is receiving assistance under the program established under subsection (a) of this section who has been designated to participate in activities under such program.

(j) Authorization of appropriations

(1) In general

There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1999.

(2) Availability of amounts

Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(Pub. L. 87–195, pt. I, § 129, as added Pub. L. 105–277, div. A, § 101(d) [title V, § 589(a)], Oct. 21, 1998, 112 Stat. 2681–150, 2681–205.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in subsec. (d)(1), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended. Chapter 9 of title I of the Foreign Service Act of 1980 is classified generally to subchapter IX (§ 4081 et seq.) of chapter 52 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

This chapter, referred to in subsec. (d)(4), 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.

CODIFICATION

Another section 129 of Pub. L. 87–195 is classified to section 2152 of this title.

§ 2152. Assistance for victims of torture

(a) In general

The President is authorized to provide assistance for the rehabilitation of victims of torture.

(b) Eligibility for grants

Such assistance shall be provided in the form of grants to treatment centers and programs in foreign countries that are carrying out projects or activities specifically designed to treat victims of torture for the physical and psychological effects of the torture.

(c) Use of funds

Such assistance shall be available—

(1) for direct services to victims of torture; and

(2) to provide research and training to health care providers outside of treatment centers or programs described in subsection (b) of this section, for the purpose of enabling such providers to provide the services described in paragraph (1).

(Pub. L. 87–195, pt. I, § 129, as added Pub. L. 105–320, § 4(a), Oct. 30, 1998, 112 Stat. 3017.)

CODIFICATION

Another section 129 of Pub. L. 87–195 is classified to section 2151aa of this title.

TORTURE VICTIMS RELIEF; EFFECTIVE DATE

Pub. L. 105–320, Oct. 30, 1998, 112 Stat. 3016, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Torture Victims Relief Act of 1998'.

''SEC. 2. FINDINGS.

''Congress makes the following findings:

''(1) The American people abhor torture by any government or person. The existence of torture creates a climate of fear and international insecurity that affects all people.

''(2) Torture is the deliberate mental and physical damage caused by governments to individuals to destroy individual personality and terrorize society. The effects of torture are long term. Those effects can last a lifetime for the survivors and affect future generations.

''(3) By eliminating the leadership of their opposition and frightening the general public, repressive governments often use torture as a weapon against democracy.

''(4) Torture survivors remain under physical and psychological threats, especially in communities where the perpetrators are not brought to justice. In many nations, even those who treat torture survivors are threatened with reprisals, including torture, for carrying out their ethical duty to provide care. Both the survivors of torture and their treatment providers should be accorded protection from further repression.

''(5) A significant number of refugees and asylees entering the United States have been victims of torture. Those claiming asylum deserve prompt consideration of their applications for political asylum to minimize their insecurity and sense of danger. Many torture survivors now live in the United States. They should be provided with the rehabilitation services which would enable them to become productive members of our communities.

''(6) The development of a treatment movement for torture survivors has created new opportunities for action by the United States and other nations to oppose state-sponsored and other acts of torture.

''(7) There is a need for a comprehensive strategy to protect and support torture victims and their treatment providers, together with overall efforts to eliminate torture.

''(8) By acting to heal the survivors of torture and protect their families, the United States can help to heal the effects of torture and prevent its use around the world.

''SEC. 3. DEFINITION.

''As used in this Act, the term 'torture' has the meaning given the term in section 2340(1) of title 18, United States Code, and includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

''SEC. 4. FOREIGN TREATMENT CENTERS.

''(a) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—[Enacted this section.]

''(b) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 1999 and 2000 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], there are authorized to be appropriated to the President $5,000,000 for fiscal year 1999 and $7,500,000 for fiscal year 2000 to carry out section 129 of the Foreign Assistance Act of 1961 [this section], as added by subsection (a).

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

''(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1998.

''SEC. 5. DOMESTIC TREATMENT CENTERS.

''(a) ASSISTANCE FOR TREATMENT OF TORTURE VICTIMS.—The Secretary of Health and Human Services may provide grants to programs in the United States to cover the cost of the following services:

''(1) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

''(2) Social and legal services for victims of torture.

''(3) Research and training for health care providers outside of treatment centers, or programs for the purpose of enabling such providers to provide the services described in paragraph (1).

''(b) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 1999 and 2000, there are authorized to be appropriated to carry out subsection (a) (relating to assistance for domestic centers and programs for the treatment of victims of torture) $5,000,000 for fiscal year 1999, and $7,500,000 for fiscal year 2000.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

''SEC. 6. MULTILATERAL ASSISTANCE.

''(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 1999 and 2000 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2221 et seq.], there are authorized to be appropriated to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the 'Fund') the following amounts for the following fiscal years:

''(1) FISCAL YEAR 1999.—For fiscal year 1999, $3,000,000.

''(2) FISCAL YEAR 2000.—For fiscal year 2000, $3,000,000.

''(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

''(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

''(1) request the Fund—

''(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

''(B) to encourage the development of new such centers and programs;

''(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

''(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

''SEC. 7. SPECIALIZED TRAINING FOR FOREIGN SERVICE OFFICERS.

''(a) IN GENERAL.—The Secretary of State shall provide training for foreign service officers with respect to—

''(1) the identification of torture;

''(2) the identification of the surrounding circumstances in which torture is most often practiced;

''(3) the long-term effects of torture upon a victim;

''(4) the identification of the physical, cognitive, and emotional effects of torture, and the manner in which these effects can affect the interview or hearing process; and

''(5) the manner of interviewing victims of torture so as not to retraumatize them, eliciting the necessary information to document the torture experience, and understanding the difficulties victims often have in recounting their torture experience.

''(b) GENDER-RELATED CONSIDERATIONS.—In conducting training under subsection (a)(4) or (5), gender-specific training shall be provided on the subject of interacting with women and men who are victims of torture by rape or any other form of sexual violence.''

PART II—OTHER PROGRAMS

SUBPART I—MULTILATERAL AND REGIONAL DEVELOPMENT PROGRAMS

§§ 2161, 2162. Repealed. Pub. L. 95–424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2161, Pub. L. 87–195, pt. I, § 201, Sept. 4, 1961, 75 Stat. 426; Pub. L. 87–565, pt. I, § 102, Aug. 1, 1962, 76 Stat. 256; Pub. L. 88–205, pt. I, § 102(a), Dec. 16, 1963, 77 Stat. 380; Pub. L. 88–633, pt. I, § 101, Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89–583, pt. I, § 102(a), Sept. 19, 1966, 80 Stat. 796; Pub. L. 90–137, pt. I, § 102(a), (b), Nov. 14, 1967, 81 Stat. 447; Pub. L. 90–554, pt. I, § 101(a), Oct. 8, 1968, 82 Stat. 960, related to the establishment by the President of the Development Loan Fund. See section 2151(b) of this title.

Section 2162, Pub. L. 87–195, pt. I, § 202, Sept. 4, 1961, 75 Stat. 426; Pub. L. 88–205, pt. I, § 102(b), Dec. 16, 1963, 77 Stat. 380; Pub. L. 89–583, pt. I, § 102(b), Sept. 19, 1966, 80 Stat. 796; Pub. L. 90–137, pt. I, § 102(c), Nov. 14, 1967, 81 Stat. 447; Pub. L. 90–554, pt. I, § 101(b), Oct. 8, 1968, 82 Stat. 960; Pub. L. 91–175, pt. I, § 101(a), Dec. 30, 1969, 83 Stat. 805; Pub. L. 92–226, pt. I, § 101(a), Feb. 7, 1972, 86 Stat. 21, related to authorization of appropriations, availability of funds, and encouragement of development through private enterprise.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2163. Repealed. Pub. L. 93–189, § 3(b), Dec. 17, 1973, 87 Stat. 717

Section, Pub. L. 87–195, pt. I, § 203, Sept. 4, 1961, 75 Stat. 427; Pub. L. 91–175, pt. I, § 101(b), Dec. 30, 1969, 83 Stat. 805; Pub. L. 92–226, pt. I, § 101(b), Feb. 7, 1972, 86 Stat. 21; Pub. L. 93–189, § 3(a), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–559, § 6, Dec. 30, 1974, 88 Stat. 1796, authorized use of not more than 50 per centum of dollar receipts scheduled to be paid during each of the fiscal years 1974 and 1975 from loans made under this subchapter and predecessor foreign assistance legislation for making loans under part I of this subchapter for each such fiscal year, and disposition of dollar receipts paid on and after July 1, 1975.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1975, see section 3(b) of Pub. L. 93–189.

§ 2164. Repealed. Pub. L. 95–424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section, Pub. L. 87–195, pt. I, § 204, Sept. 4, 1961, 75 Stat. 427, related to the establishment, duties and appointment of officers of the Development Loan Committee. The provisions of this section were redesignated as subsec. (e) of section 2151t of this title by section 102(d)(1), (2) of Pub. L. 95–424.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2165. Repealed. Pub. L. 92–226, pt. I, § 101(d), Feb. 7, 1972, 86 Stat. 21

Section, Pub. L. 87–195, pt. I, § 205, Sept. 4, 1961, 75 Stat. 427; Pub. L. 89–171, pt. I, § 102(a), Sept. 6, 1965, 79 Stat. 653; Pub. L. 89–583, pt. I, § 102(c), Sept. 19, 1966, 80 Stat. 797; Pub. L. 90–137, pt. I, § 102(d), Nov. 14, 1967, 81 Stat. 447, provided for use of international lending organizations. See section 2169(d) of this title.

§ 2166. Regional development in Africa

The President is requested to seek and to take appropriate action, in cooperation and consultation with African and other interested nations and with international development organizations, to further and assist in the advancement of African regional development institutions, including the African Development Bank, with the view toward promoting African economic development.

(Pub. L. 87–195, pt. I, § 206, as added Pub. L. 89–171, pt. I, § 102(b), Sept. 6, 1965, 79 Stat. 653.)

AFRICAN ASSISTANCE POLICY; PRESIDENTIAL REPORT TO CONGRESS

Pub. L. 93–559, § 49, Dec. 30, 1974, 88 Stat. 1816, which related to Presidential review and report on African assistance policy, was repealed by Pub. L. 97–113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

PORTUGUESE AFRICAN TERRITORIES OF ANGOLA, MOZAMBIQUE, AND GUINEA-BISSAU: INDEPENDENCE POLICY

Pub. L. 93–559, § 50, Dec. 30, 1974, 88 Stat. 1816, as amended by Pub. L. 97–113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560, provided that:

''(a)(1) Congress finds that the Government of Portugal's recognition of the right to independence of the

African territories of Angola, Mozambique, and Guinea-Bissau marks a significant advance toward the goal of self-determination for all the peoples of Africa, without which peace on the continent is not secure.

''(2) Congress finds that progress toward independence for the Portuguese African territories will have a significant impact on the international organizations and the community of nations.

''(3) Congress commends the Portuguese Government's initiatives on these fronts as evidence of a reaffirmation of that Government's support for her obligations under both the United Nations Charter and the North Atlantic Treaty Organization.

''(b) Therefore, Congress calls upon the President and the Secretary of State to take the following actions designed to make clear United States support for a peaceful and orderly transition to independence in the Portuguese African territories:

''(1) An official statement should be issued of United States support for the independence of Angola, Mozambique and Guinea-Bissau, and of our desire to have good relations with the future governments of the countries.

''(2) It should be made clear to the Government of of Portugal that we view the efforts toward a peaceful and just settlement of the conflict in the African territories as consistent with Portugal's obligations under the North Atlantic Treaty Organization partnership.

''(3) The United States should encourage United Nations support for a peaceful transition to independence, negotiated settlement of all differences, and the protection of human rights of all citizens of the three territories.

''(4) The United States should open a dialog with potential leaders of Angola, Mozambique, and Guinea-Bissau and assure them of our commitment to their genuine political and economic independence.

''(5) The economic development needs of the three territories will be immense when independence is achieved. Therefore, it is urged that the United States Agency for International Development devote attention to assessing the economic situation in Angola, Mozambique, and Guinea-Bissau and be ready to cooperate with the future governments in providing the kind of assistance that will help make their independence viable. In addition, the United States Government should take the initiative among other donors, both bilateral and multilateral, in seeking significant contribution of development assistance for the three territories.

''(6) In light of the need of Angola, Mozambique, and Guinea-Bissau for skilled and educated manpower, a priority consideration should be given to expanding current United States programs of educational assistance to the territories as a timely and substantive contribution to their independence.

''(c) [Repealed. Pub. L. 97–113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560.]''

EX. ORD. NO. 12599. COORDINATION OF ECONOMIC POLICIES FOR SUB-SAHARAN AFRICA

Ex. Ord. No. 12599, June 23, 1987, 52 F.R. 23779, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], as amended, and in order to establish procedures for development of a common long-term goal for all United States economic programs and policies in Sub-Saharan Africa, it is hereby ordered as follows:

SECTION 1. *Establishment of the Coordinating Committee for Sub-Saharan Africa.* (a) There is hereby established a Coordinating Committee for Sub-Saharan Africa (''the Committee'').

(b) The Committee shall consist of the Administrator of the Agency for International Development, who shall be Chairman; the Assistant Secretary of the Treasury for International Affairs, who shall be Co-Chairman; representatives designated by the Secretaries of State, Defense, Agriculture, and Commerce; and representatives of the Office of Management and Budget, the Central Intelligence Agency, the United States Information Agency, the Peace Corps, the Overseas Private Investment Corporation, the United States Trade Representative, the African Development Foundation, the Assistant to the President for National Security Affairs, and the Assistant to the President for Policy Development.

(c) Whenever matters being considered by the Committee may be of interest to Federal agencies not represented on the Committee, the Chairman may invite the head of such agencies to designate representatives to participate in meetings and deliberations of the Committee.

(d) The Committee shall operate under the policy direction of the Secretaries of State and the Treasury.

(e) All Executive departments and agencies shall keep the Committee informed in necessary detail as to the policies, programs, and activities relating to the functions of the Committee described in section 2.

(f) Nothing herein shall be deemed to derogate from the responsibilities of the head of any agency in exercising the responsibilities vested in that person by law.

SEC. 2. *Functions of the Committee.* (a) The Committee shall operate in a manner best deemed appropriate by its Chairman in order to ensure the following:

(1) that all United States economic programs and policies for Sub-Saharan Africa are consistent with the goal of ending hunger in the region through economic growth, policy reform, and private sector development;

(2) United States economic programs and policies for each country of Sub-Saharan Africa are tailored to the specific needs of that country, consistent with the goal presented in subsection (a)(1) of this section;

(3) United States economic programs and policies for Sub-Saharan Africa are fully coordinated within the United States Government prior to implementation with other donors and potential recipients; and,

(4) the overall level of aid the United States offers a country of Sub-Saharan Africa is related to continued performance of that country toward the goal presented in subsection (a)(1) of this section or willingness to undertake economic reform.

(b) The Committee shall support the Secretaries of State and the Treasury in preparing the annual report to the President required in section 3 of this Order.

(c) The Committee shall coordinate the preparation annually of a unified budget justification for transmittal to the Congress. This justification shall encompass all United States economic activities, strategies, and policies for Sub-Saharan Africa. Nothing in this subsection shall be deemed to affect the statutory authorities of the Director of the Office of Management and Budget.

(d) The Committee shall encourage and coordinate the alignment of United States food assistance programs in accordance with the goals presented in subsection 2(a) of this Order.

(e) The Committee shall encourage and coordinate efforts to mobilize expanded humanitarian and business involvement in Africa, both United States and international, through an outreach effort with appropriate Federal agencies.

(f) The Committee shall encourage and coordinate efforts of Federal agencies to expand United States business involvement in Sub-Saharan Africa by targeting trade and investment missions, prefeasibility and feasibility studies, sector and regional analyses, access to credit, and information on trade and investment opportunities in countries undertaking economic reform.

SEC. 3. *Annual Report to the President.* (a) The Secretary of State and the Secretary of the Treasury shall make a joint report to the President annually on Sub-Saharan Africa.

(b) The annual report shall discuss the economic condition of Sub-Saharan Africa and highlight progress being made in the region toward achieving the goal presented in section 2(a)(1). The annual report shall

also affirm that all United States economic programs and policies conform with and support the goal of ending hunger in Sub-Saharan Africa through economic growth and private enterprise development.

RONALD REAGAN.

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]

§§ 2167, 2168. Repealed. Pub. L. 95–424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2167, Pub. L. 87–195, pt. I, § 207, as added Pub. L. 90–137, pt. I, § 102(e), Nov. 14, 1967, 81 Stat. 448, related to placement of emphasis on democratic institutions, agriculture, education, public health and other needs, in the furnishing of development assistance.

Section 2168, Pub. L. 87–195, pt. I, § 208, as added Pub. L. 90–137, pt. I, § 102(e), Nov. 14, 1967, 81 Stat. 448, related to the taking into account, in determining to what extent United States should furnish assistance, of country's own efforts to aid itself.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2169. Multilateral, regional, and bilateral programs

(a) Multilateral programs

The Congress recognizes that the planning and administration of development assistance by, or under the sponsorship of the United Nations, multilateral lending institutions, and other multilateral organizations may contribute to the efficiency and effectiveness of that assistance through participation of other donors in the development effort, improved coordination of policies and programs, pooling of knowledge, avoidance of duplication of facilities and manpower, and greater encouragement of self-help performance.

(b) Regional programs

It is further the sense of the Congress (1) that where problems or opportunities are common to two or more countries in a region, in such fields as agriculture, education, transportation, communications, power, watershed development, disease control, and establishment of development banks, these countries often can more effectively resolve such problems and exploit such opportunities by joining together in regional organizations or working together on regional programs, (2) that assistance often can be utilized more efficiently in regional programs than in separate country programs, and (3) that to the maximum extent practicable consistent with the purposes of this chapter assistance under this chapter should be furnished so as to encourage less developed countries to cooperate with each other in regional development programs.

(c) Federal funds to multilateral lending institutions and multilateral organizations for loans to foreign countries; increase

It is the sense of the Congress that the President should increase, to the extent practicable, the funds provided by the United States to multilateral lending institutions and multilateral organizations in which the United States participates for use by such institutions and organizations in making loans to foreign countries.

(d) Transfer of funds; use of international or multilateral lending organizations

In furtherance of the provisions of subsection (a) of this section, any funds appropriated under subchapter I of this chapter may be transferred by the President to the International Development Association, the International Bank for Reconstruction and Development, the International Finance Corporation, the Asian Development Bank or other multilateral lending institutions and multilateral organizations in which the United States participates for the purpose of providing funds to enable any such institution or organization to make loans to foreign countries.

(Pub. L. 87–195, pt. I, § 209, as added Pub. L. 90–137, pt. I, § 102(e), Nov. 14, 1967, 81 Stat. 449; amended Pub. L. 92–226, pt. I, § 101(c), Feb. 7, 1972, 86 Stat. 21; Pub. L. 94–161, title III, § 311(1), Dec. 20, 1975, 89 Stat. 860.)

REFERENCES IN TEXT

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

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

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

AMENDMENTS

1975—Subsec. (c). Pub. L. 94–161 substituted provision for increase of Federal funds to multilateral lending institutions and multilateral organizations for making loans to foreign countries for prior provision for reduction of loans under the bilateral lending programs to attain a total amount not to exceed $100,000,000 not later than June 30, 1975.

1972—Subsec. (a). Pub. L. 92–226, § 101(c)(1), in amending subsec. (a) generally, provided for United Nations sponsorship of development assistance and substituted "may contribute" for "may, in some instances, contribute".

Subsecs. (c), (d). Pub. L. 92–226, § 101(c)(2), added subsecs. (c) and (d).

ESTABLISHMENT OF STANDARD GOVERNING ALLOCATION OF DEVELOPMENT ASSISTANCE FOR PRODUCTION AND EXPORT OF COMMODITIES IN SURPLUS IN WORLD MARKET; PRESIDENTIAL INITIATION OF INTERNATIONAL CONSULTATIONS; REPORT BY PRESIDENT TO CONGRESS

Pub. L. 95–481, title VI, § 610, Oct. 18, 1978, 92 Stat. 1602, provided that: "The President shall initiate wide international consultations beginning with the member nations of the Organization of Economic Cooperation and Development (OECD), designed to develop a viable standard governing the allocation of development assistance for the production and export of commodities. Such consultations shall relate to commodities which are in surplus in the world market and if produced for export would cause substantial harm to producers of the same, similar or competing products. Not later

than one year after the enactment of this Act [Oct. 18, 1978] the President shall report to the President of the Senate, the Speaker of the House of Representatives, and the Chairmen of the House and Senate Appropriations Committees on the progress made in carrying out this section.''

POLICY WITH RESPECT TO COUNTRIES MOST SERIOUSLY AFFECTED BY FOOD SHORTAGES; PRESIDENTIAL REPORTS TO CONGRESS

Pub. L. 93–559, § 55(a), Dec. 30, 1974, 88 Stat. 1819, provided that: ''The United Nations has designated thirty-two countries as 'Most Seriously Affected' by the current economic crisis. These are countries without the internal food production capability or the foreign exchange availability to secure food to meet their immediate food requirements. The Congress calls upon the President and Secretary of State to take the following actions designed to mobilize appropriate resources to meet the food emergency:

''(1) Review and make appropriate adjustments in the level of programming of our food and fertilizer assistance programs with the aim of increasing to the maximum extent feasible the volume of food and fertilizer available to those countries most seriously affected by current food shortages.

''(2) Call upon all traditional and potential new donors of food, fertilizer, or the means of financing these commodities to immediately increase their participation in efforts to address the emergency food needs of the developing world.

''(3) Make available to these most seriously affected countries the maximum feasible volume of food commodities, with appropriate regard to the current domestic price and supply situations.

''(4) Maintain regular and full consultation with the appropriate committees of the Congress and report to the Congress and the Nation on steps which are being taken to help meet this food emergency. In accordance with this provision, the President shall report to the Congress on a global assessment of food needs for fiscal year 1975, specifying expected food grain deficits and currently planned programming of food assistance, and steps which are being taken to encourage other countries to increase their participation in food assistance or the financing of food assistance. Such report should reach the Congress promptly and should be supplemented quarterly for the remainder of fiscal year 1975.

''(5) The Congress directs that during the fiscal year ending June 30, 1975, not more than 30 percent of concessional food aid should be allocated to countries other than those which are most seriously affected by current food shortages, unless the President demonstrates to the appropriate Committees of the Congress that the use of such food assistance is solely for humanitarian food purposes.

''(6) The Congress calls upon the President to proceed with the implementation of resolutions and recommendations adopted by the World Food Conference. The Congress believes that it is incumbent upon the United States to take a leading role in assisting in the development of a viable and coherent world food policy which would begin the task of alleviating widespread hunger and suffering prevalent in famine-stricken nations. The President shall report to the Congress within 120 days of enactment of this Act [Dec. 30, 1974] on the implementation of the resolutions and the extent to which the United States is participating in the implementation of resolutions adopted at the World Food Conference.''

SUBPART II—AMERICAN SCHOOLS AND HOSPITALS ABROAD; PROTOTYPE DESALTING PLANTS

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2361, 2395 of this title.

§§ 2171, 2172. Repealed. Pub. L. 95–424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2171, Pub. L. 87–195, pt. I, § 211, Sept. 4, 1961, 75 Stat. 427; Pub. L. 87–565, pt. I, § 103(a), Aug. 1, 1962, 76 Stat. 256; Pub. L. 89–583, pt. I, § 103(a), Sept. 19, 1966, 80 Stat. 797; Pub. L. 90–554, pt. I, § 102(a), Oct. 8, 1968, 82 Stat. 960; Pub. L. 93–189, § 4(1), Dec. 17, 1973, 87 Stat. 717, related to general authority of President to furnish assistance and considerations to be taken into account.

Section 2172, Pub. L. 87–195, pt. I, § 212, Sept. 4, 1961, 75 Stat. 428; Pub. L. 87–565, pt. I, § 103(b), Aug. 1, 1962, 76 Stat. 256; Pub. L. 88–205, pt. I, § 103(a), Dec. 16, 1963, 77 Stat. 381; Pub. L. 88–633, pt. I, § 102(b), Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89–171, pt. I, § 103(a), Sept. 6, 1965, 79 Stat. 654; Pub. L. 89–583, pt. I, § 103(b), Sept. 19, 1966, 80 Stat. 797; Pub. L. 90–137, pt. I, § 103(b), Nov. 14, 1967, 81 Stat. 449; Pub. L. 90–554, pt. I, § 102(b), Oct. 8, 1968, 82 Stat. 960; Pub. L. 91–175, pt. I, § 102, Dec. 30, 1969, 83 Stat. 805; Pub. L. 92–226, pt. I, § 102(a), Feb. 7, 1972, 86 Stat. 22, related to authorization of appropriations.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2173. Repealed. Pub. L. 87–565, pt. I, § 103(c), Aug. 1, 1962, 76 Stat. 256

Section, Pub. L. 87–195, pt. I, § 213, Sept. 4, 1961, 75 Stat. 428, related to peaceful use of atomic energy outside United States. See section 2171 of this title.

§ 2174. American schools, libraries, and hospital centers abroad

(a) Assistance for schools and libraries

The President is authorized to furnish assistance, on such terms and conditions as he may specify, to schools and libraries outside the United States founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States.

(b) Assistance for hospital centers

The President is authorized, notwithstanding the provisions of the Mutual Defense Assistance Control Act of 1951 [22 U.S.C. 1611 et seq.], to furnish assistance, on such terms and conditions as he may specify, to institutions referred to in subsection (a) of this section, and to hospital centers for medical education and research outside the United States, founded or sponsored by United States citizens.

(c) Authorization of appropriations

(1) To carry out the purposes of this section, there are authorized to be appropriated to the President $35,000,000 for fiscal year 1986 and $35,000,000 for fiscal year 1987.

(2) Amounts appropriated under paragraph (1) are authorized to remain available until expended.

(d) Pediatric plastic and reconstructive surgery centers

Notwithstanding the provisions of subsection (b) of this section, funds appropriated under this section may be used for assistance to centers for pediatric plastic and reconstructive surgery established by Children's Medical Relief International, except that assistance may not be furnished for the domestic operations of any such center located in the United States, its territories or possessions.

(Pub. L. 87–195, pt. I, § 214, Sept. 4, 1961, 75 Stat. 428; Pub. L. 88–205, pt. I, § 103(b), Dec. 16, 1963, 77 Stat. 381; Pub. L. 88–633, pt. I, § 102(c), Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89–171, pt. I, § 103(b), Sept. 6, 1965, 79 Stat. 654; Pub. L. 89–583, pt. I, § 103(c), Sept. 19, 1966, 80 Stat. 798; Pub. L. 90–137, pt. I, § 103(c), Nov. 14, 1967, 81 Stat. 450; Pub. L. 90–554, pt. I, § 102(c), Oct. 8, 1968, 82 Stat. 960; Pub. L. 91–175, pt. I, § 103, Dec. 30, 1969, 83 Stat. 805; Pub. L. 92–226, pt. I, § 102(b), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93–189, § 4(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 94–161, title III, § 311(2), Dec. 20, 1975, 89 Stat. 861; Pub. L. 95–88, title I, § 116(a), Aug. 3, 1977, 91 Stat. 539; Pub. L. 95–424, title I, § 114, Oct. 6, 1978, 92 Stat. 950; Pub. L. 96–53, title I, § 111, Aug. 14, 1979, 93 Stat. 363; Pub. L. 96–533, title IV, § 401, Dec. 16, 1980, 94 Stat. 3149; Pub. L. 97–113, title V, § 501, Dec. 29, 1981, 95 Stat. 1538; Pub. L. 99–83, title IV, § 401, Aug. 8, 1985, 99 Stat. 217.)

References in Text

The Mutual Defense Assistance Control Act of 1951, referred to in subsec. (b), is act Oct. 26, 1951, ch. 575, 65 Stat. 644, as amended, which was classified generally to chapter 20A (§ 1611 et seq.) of this title prior to its supersedure by section 2416(e) of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see Tables.

Amendments

1985—Subsec. (c). Pub. L. 99–83 amended subsec. (c) generally, designating existing provisions as pars. (1) and (2) and substituting provisions authorizing appropriations of $35,000,000 for fiscal years 1986 and 1987 for provisions authorizing appropriations of $20,000,000 for fiscal years 1982 and 1983.

1981—Subsec. (c). Pub. L. 97–113 substituted appropriations of $20,000,000 for fiscal years 1982 and 1983, for appropriation of $30,000,000 for fiscal year 1981.

1980—Subsec. (c). Pub. L. 96–533 substituted appropriations authorization of $30,000,000 for the fiscal year 1981 for such authorization of $25,000,000 for the fiscal year 1980.

1979—Subsec. (c). Pub. L. 96–53 extended authorization of appropriations from fiscal year 1979 to fiscal year 1980.

1978—Subsec. (c). Pub. L. 95–424 substituted ''$25,000,000 for the fiscal year 1979, which amount is'' for ''for the fiscal year 1977, $25,000,000, and for the fiscal year 1978, $25,000,000, which amounts are''.

Subsecs. (d) to (f). Pub. L. 95–424 struck out subsec. (d) relating to authorization of appropriations, and subsec. (e) relating to submission of recommendations to Congress by the Secretary of State concerning assistance, and redesignated former subsec. (f) as (d).

1977—Subsec. (c). Pub. L. 95–88, § 116(a)(1), struck out provisions authorizing appropriations of $19,000,000 for each of the fiscal years 1974 and 1975 and $25,000,000 for fiscal year 1976 and inserted provisions authorizing an appropriation of $25,000,000 for fiscal year 1978.

Subsec. (d). Pub. L. 95–88, § 116(a)(2), struck out provisions authorizing appropriations of $6,500,000 for each of the fiscal years 1974 and 1975 and an appropriation of $7,000,000 for fiscal year 1976 and inserted provisions authorizing an appropriation of $7,000,000 for fiscal year 1978.

Subsec. (f). Pub. L. 95–88, § 116(b), added subsec. (f).

1975—Subsec. (c). Pub. L. 94–161, § 311(2)(A), authorized appropriation of $25,000,000 for fiscal years 1976 and 1977.

Subsec. (d). Pub. L. 94–161, § 311(2)(B), authorized additional appropriation of $7,000,000 for fiscal years 1976 and 1977.

1973—Subsec. (c). Pub. L. 93–189 substituted provisions authorizing appropriations for the fiscal years 1974 and 1975, for provisions authorizing appropriations for the fiscal years 1972 and 1973 and directing that any amounts appropriated for the fiscal year 1970 be available for expenditure solely in accordance with the allocations set forth on pages 25 and 26 of House Report No. 91–611 and on page 23 of Senate Report No. 91–603.

Subsec. (d). Pub. L. 93–189 substituted provisions authorizing the appropriation in fiscal years 1974 and 1975 of $6,500,000 in foreign currencies which the Secretary of the Treasury determines to be in excess to the normal requirements of the United States, for provisions authorizing the appropriation for the purposes of subsec. (b) of this section, in addition to funds otherwise available for such purposes, for the fiscal year 1970, of $3,000,000 in foreign currencies which the Secretary of the Treasury determines to be in excess of the normal requirement of the United States and directing that foreign currencies thus appropriated be available for expenditure solely in accordance with the allocation set forth on page 23 of Senate Report No. 91–603.

Subsec. (e). Pub. L. 93–189 added subsec. (e).

1972—Subsec. (c). Pub. L. 92–226 authorized appropriations of $30,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $25,900,000 for fiscal year 1970, and $12,900,000 for fiscal year 1971.

1969—Subsec. (c). Pub. L. 91–175, § 103(1), substituted authorization of $25,900,000 for the fiscal year 1970 and $12,900,000 for the fiscal year 1971, for sum of $14,600,000 for the fiscal year 1969, and inserted provision making amounts appropriated under this subsection for the fiscal year 1970 available for expenditure solely in accordance with the allocations set forth on pages 25 and 26 of House Report No. 91–611 and on page 23 of Senate Report No. 91–603.

Subsec. (d). Pub. L. 91–175, § 103(2), (3), substituted authorization of $3,000,000 for fiscal year 1970, for sum of $5,100,000 for fiscal year 1969, and inserted provision making foreign currencies appropriated under this subsection available for expenditure solely in accordance with the allocation set forth on page 23 of Senate Report No. 91–603.

1968—Subsec. (c). Pub. L. 90–554, § 102(c)(1), substituted authorization of $14,600,000 for fiscal year 1969, for sum of $14,000,000 for fiscal year 1968.

Subsec. (d). Pub. L. 90–554, § 102(c)(2), substituted authorization of $5,100,000 for fiscal year 1969, for sum of $2,986,000 for fiscal year 1968.

1967—Subsec. (c). Pub. L. 90–137, § 103(c)(1), substituted authorization of $14,000,000 for fiscal year 1968 for sum of $10,989,000 for fiscal year 1967.

Subsec. (d). Pub. L. 90–137, § 103(c)(2), substituted authorization of $2,986,000 for fiscal year 1968 for sum of $1,000,000 for fiscal year 1967.

1966—Subsec. (b). Pub. L. 89–583, § 103(c)(1), substituted ''to institutions referred to in subsection (a) of this section, and to hospital centers for medical education and research outside the United States, founded or sponsored by United States citizens'' for ''to hospitals outside the United States founded or sponsored by United States citizens and serving as centers for medical education and research''.

Subsec. (c). Pub. L. 89–583, § 103(c)(2), substituted authorization of $10,989,000 for fiscal year 1967 for sum of $7,000,000 for fiscal year 1966.

Subsec. (d). Pub. L. 89–583, § 103(c)(3), added subsec. (d).

1965—Subsec. (b). Pub. L. 89–171, § 103(b)(1), substituted ''medical education and research'' for ''medical treatment, education, and research''.

Subsec. (c). Pub. L. 89–171, § 103(b)(2), substituted ''1966, $7,000,000'' for ''1965, $18,000,000''.

1964—Subsec. (c). Pub. L. 88–633 substituted ''1965, $18,000,000'' for ''1964, $19,000,000'' and struck out ''Of the sums authorized to be appropriated under this subsection, not to exceed $2,200,000 shall be available for direct dollar costs in carrying out subsection (b) of this section and $4,700,000 shall be available solely for the purchase of foreign currencies accruing to the United States Government under any Act.''

1963—Subsec. (a). Pub. L. 88–205, § 103(b)(1), substituted ''furnish'' for ''use, in addition to other funds available for such purposes, funds made available for the purpose of section 2171 of this title for''.

Subsec. (b). Pub. L. 88–205, § 103(b)(2), substituted ''to furnish'' for ''foreign currencies accruing to the United States Government under any Act, for purposes of subsection (a) of this section and for'', and struck out ''to use'' before ''notwithstanding''.

Subsec. (c). Pub. L. 88–205, § 103(b)(3), added subsec. (c).

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.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

EFFECTIVE DATE OF 1977 AMENDMENT

Section 116(b) of Pub. L. 95–88 provided that: ''The amendment made by subsection (a)(3) [amending this section] shall not apply to funds appropriated before the date of enactment of this Act [Aug. 3, 1977].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2370 of this title; title 40 section 512.

§ 2175. Repealed. Pub. L. 95–424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section, Pub. L. 87–195, pt. I, § 215, Sept. 4, 1961, 75 Stat. 428, related to loans to small farmers.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2175a. Repealed. Pub. L. 97–113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 93–559, § 3, Dec. 30, 1974, 88 Stat. 1795, imposed a ceiling on aid to South Vietnam for procurement of fertilizers. See section 2370(f) of this title.

§§ 2176 to 2178. Repealed. Pub. L. 95–424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2176, Pub. L. 87–195, pt. I, § 216, Sept. 4, 1961, 75 Stat. 429; Pub. L. 88–633, pt. I, § 102(d), Oct. 7, 1964, 78 Stat. 1009, related to payment by the United States of transportation charges of the American Red Cross and United States voluntary nonprofit relief agencies.

Section 2177, Pub. L. 87–195, pt. I, § 217, as added Pub. L. 88–633, pt. I, § 102(e), Oct. 7, 1964, 78 Stat. 1009, related to a determination of the feasibility of establishing programs for the furnishing to less developed countries of used tools, machinery, etc., to be donated by private enterprise.

Section 2178, Pub. L. 87–195, pt. I, § 218, as added Pub. L. 90–137, pt. I, § 103(a), Nov. 14, 1967, 81 Stat. 450, related to the demonstration of the use of fish and other protein concentrates as a means of reducing nutritional deficiencies in less developed countries.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2179. Prototype desalting plant

(a) Assistance in development

In furtherance of the purposes of subchapter I of this chapter and for the purpose of improving existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advanced concepts which will contribute materially to low-cost desalination in all countries, including the United States, the President, if he determines it to be feasible, is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and necessary appurtenances to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the President deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of the water treatment and desalting facilities of the dual-purpose project.

(b) Terms and conditions

Any agreement entered into under subsection (a) of this section shall include such terms and conditions as the President deems appropriate to insure, among other things, that all information, products, uses, processes, patents, and other developments obtained or utilized in the development of this prototype plant will be available without further cost to the United States for the use and benefit of the United States throughout the world, and to insure that the United States, its officers, and employees have a permanent right to review data and have access to such plant for the purpose of observing its operations and improving science and technology in the field of desalination.

(c) Contracts

In carrying out the provisions of this section, the President may enter into contracts with public or private agencies and with any person without regard to section 3324(a) and (b) of title 31 and section 5 of title 41.

(d) Patents

Nothing in this section shall be construed as intending to deprive the owner of any background patent or any right which such owner may have under that patent.

(e) Federal agencies

In carrying out the provisions of this section, the President may utilize the personnel, services, and facilities of any Federal agency.

(f) Authorization of appropriations

The United States costs, other than its administrative costs, for the study, design, construction, and operation of a prototype plant under this section shall not exceed either 50 per centum of the total capital costs of the facilities associated with the production of water, and 50 per centum of the operation and maintenance costs for the demonstration period, or $20,000,000, whichever is less. There are authorized to be appropriated, subject to the limitations of this subsection, such sums as may be necessary to carry out the provisions of this section, including administrative costs thereof. Such sums are authorized to remain available until expended.

(g) Restrictions on appropriations

No funds appropriated for the Office of Water Research and Technology pursuant to the appro-

priation authorized by the Act of July 11, 1969 (83 Stat. 45, Public Law 91–43), or prior authorization Acts, shall be used to carry out the purposes of this section.

(Pub. L. 87–195, pt. I, § 219, as added Pub. L. 91–175, pt. I, § 104, Dec. 30, 1969, 83 Stat. 806.)

REFERENCES IN TEXT

Act of July 11, 1969, referred to in subsec. (g), is Pub. L. 91–43, July 11, 1969, 83 Stat. 45, which is not classified to the Code.

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

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

CODIFICATION

In subsec. (c), ''section 3324(a) and (b) of title 31'' substituted for reference to section 3648 of the Revised Statutes (31 U.S.C. 529) on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

CHANGE OF NAME

Office of Water Research and Technology formed through merger of Office of Saline Water and Office of Water Resources Research by order of Secretary of the Interior, Ord. No. 2966, July 26, 1974.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 35 section 210.

§§ 2180, 2180a. Repealed. Pub. L. 95–424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2180, Pub. L. 87–195, pt. I, § 220, as added Pub. L. 91–175, pt. I, § 104, Dec. 30, 1969, 83 Stat. 807, related to programs for peaceful communications using television, etc., for educational, health, etc., purposes.

Section 2180a, Pub. L. 87–195, pt. I, § 220A, as added Pub. L. 92–226, pt. I, § 102(c), Feb. 7, 1972, 86 Stat. 22, related to assistance in the reopening of the Suez Canal.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SUBPART III—SHELTER AND OTHER CREDIT GUARANTY PROGRAMS

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 2394–1 of this title.

§ 2181. Policy

The Congress recognizes that shelter, including essential urban development services, is among the most fundamental of human needs. Shelter for most people in the developing countries consists largely of domestic materials assembled by local labor. While recognizing that most financing for such shelter must come from domestic resources, the Congress finds that carefully designed programs involving United States capital and expertise can increase the availability of domestic financing for improved shelter and related services for low-income people by demonstrating to local entrepreneurs and institutions that providing low-cost shelter can be financially viable. The Congress reaffirms, therefore, that the United States should continue to assist developing countries in marshalling resources for low-cost shelter. Particular attention should be given to programs which will support pilot projects for low-cost shelter or which will have a maximum demonstration impact on local institutions and national policy. The Congress declares that the long run goal of all such programs should be to develop domestic construction capabilities and to stimulate local credit institutions to make available domestic capital and other management and technological resources required for effective low-cost shelter programs and policies.

(Pub. L. 87–195, pt. I, § 221, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807; amended Pub. L. 92–226, pt. I, § 103(a), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93–189, § 5(1), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–559, § 7(1), Dec. 30, 1974, 88 Stat. 1796; Pub. L. 94–161, title III, § 311(3), Dec. 20, 1975, 89 Stat. 861; Pub. L. 95–88, title I, § 117(a)(1), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95–424, title I, § 115(a), Oct. 6, 1978, 92 Stat. 950; Pub. L. 98–473, title I, § 101(1) [title V, § 541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903.)

CODIFICATION

Amendment by Pub. L. 98–473 is based on section 311(a) of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, which was enacted into permanent law by Pub. L. 98–473.

PRIOR PROVISIONS

A prior section 221 of Pub. L. 87–195, pt. I, Sept. 4, 1961, 75 Stat. 429, as amended by Pub. L. 87–565, pt. I, § 104(a), Aug. 1, 1962, 76 Stat. 256; Pub. L. 88–205, pt. I, § 104(a), Dec. 16, 1963, 77 Stat. 381; Pub. L. 88–633, pt. I, § 103(a), Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89–171, pt. I, § 104(a), (b), Sept. 6, 1965, 79 Stat. 654; Pub. L. 89–583, pt. I, § 104(a), Sept. 19, 1966, 80 Stat. 798; Pub. L. 90–137, pt. I, § 104(a), Nov. 14, 1967, 81 Stat. 450; Pub. L. 90–554, pt. I, § 103, Oct. 8, 1968, 82 Stat. 960, related to general authority for foreign investment guaranties by the President, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807.

AMENDMENTS

1984—Pub. L. 98–473 substituted '', including essential urban development services, is'' for ''requirements are'' after ''The Congress recognizes that shelter'' and, in the remainder of the section substituted ''shelter'' for ''housing'' wherever appearing.

1978—Pub. L. 95–424 generally revised the statement of policy to clarify that in developing countries, financing, materials and labor for most housing must be obtained from local sources, while United States capital and technical expertise can increase the availability of housing and related services for low-income people by demonstrating financial viability of credit systems for low-cost housing.

1977—Pub. L. 95–88 struck out provisions that the total face amount of guaranties issued under this section outstanding at any one time not exceed $430,000,000 and added section 2182(c) of this title to the enumeration of sections setting out the conditions under which guaranties shall be issued.

1975—Pub. L. 94–161 substituted ''$430,000,000'' for ''$355,000,000''.

1974—Pub. L. 93–559 substituted ''$355,000,000'' for ''$305,000,000''.

1973—Pub. L. 93–189 substituted ''$305,000,000'' for ''$205,000,000''.

1972—Pub. L. 92–226 substituted ''$205,000,000'' for ''$130,000,000''.

EFFECTIVE DATE OF 1978 AMENDMENT

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

USE OF FUNDS FROM SALE OF NOTES FOR DISCHARGE OF LIABILITIES UNDER GUARANTIES; TRANSFER OF FUNDS AND CANCELLATION OF NOTES AND INTEREST

Pub. L. 90–249, title I, § 120, Jan. 2, 1968, 81 Stat. 941, provided that: ''Hereafter, none of the funds obtained or authorized to be obtained from the sale of notes under authority of paragraph 111(c)(2) of the Economic Cooperation Act of 1948 [section 1509(c)(2) of this title] or paragraph 413(b)(4)(F) of the Mutual Security Act of 1954 [section 1933(b)(4)(F) of this title] may be used for the purposes of discharging liabilities under any guaranties (exclusive of informational media guaranties) issued under sections 221(b) and 224 of the Foreign Assistance Act of 1961 [subsec. (b) of this section and section 2184 of this title], sections 202(b) and 413(b)(4) of the Mutual Security Act of 1954 [sections 1872(b) and 1933(b)(4) of this title] and section 111(b)(3) of the Economic Cooperation Act of 1948 [section 1509(b)(3) of this title]. Any portion of the funds in the reserve established pursuant to section 222(e) of the Foreign Assistance Act of 1961 [section 2182(e) of this title] which are attributable to the funds realized from the sale of notes specified in the preceding sentence shall be transferred to the general fund of the Treasury. The Secretary of the Treasury shall cancel all such notes and sums owing and unpaid thereon, including interest to date of cancellation.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2182, 2186 of this title; title 12 sections 1432, 1464.

§ 2182. Authorization for worldwide shelter guarantees

(a) Authorization to issue guarantees to eligible investors

To carry out the policy of section 2181 of this title, the President is authorized to issue guaranties to eligible investors (as defined in section 2198(c) of this title) assuring against losses incurred in connection with loans made for projects meeting the criteria set forth in section 2181 of this title. The total principal amount of guaranties issued under this subpart or heretofore issued under prior housing guaranty authorities, which are outstanding at any one time, shall not exceed $2,558,000,000. The authority of this section shall continue through September 30, 1992. The President may issue regulations from time to time with regard to the terms and conditions upon which such guaranties shall be issued and the eligibility of lenders.

(b) Emphasis on certain activities

Activities carried out under this section shall emphasize—

(1) projects which provide improved home sites to poor families on which to build shelter, and related services;

(2) projects comprised of expandable core shelter units on serviced sites;

(3) slum upgrading projects designed to conserve and improve existing shelter;

(4) shelter projects for low-income people designed for demonstration or institution building purposes; and

(5) community facilities and services in support of projects authorized under this section to improve the shelter occupied by the poor.

(c) Use of solar energy technology

In issuing guaranties under this section with respect to projects in a country which require the use or conservation of energy, the President shall give consideration to the use of solar energy technologies, where such technologies are economically and technically feasible. Technologies which may be used include solar hot water systems, solar heating and cooling, passive solar heating, biomass conversion, photovoltaic and wind applications, and community-scale solar thermal applications.

(k) [1] Minimum annual program levels

The total principal amount of guaranties issued under this section for each of the fiscal years 1986 and 1987 shall be comparable to the total principal amount of such guaranties issued for fiscal year 1984, subject to the dollar limitations on the issuance of guaranties under this section which are contained in subsection (a) of this section and in appropriation Acts.

(Pub. L. 87–195, pt. I, § 222, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807; amended Pub. L. 94–161, title III, § 311(4), Dec. 20, 1975, 89 Stat. 861; Pub. L. 95–88, title I, § 117(a)(2), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95–424, title I, § 115(a), Oct. 6, 1978, 92 Stat. 950; Pub. L. 96–53, title I, § 112(a), Aug. 14, 1979, 93 Stat. 363; Pub. L. 97–113, title III, § 310(a), Dec. 29, 1981, 95 Stat. 1535; Pub. L. 98–473, title I, § 101(1) [title V, § 541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903; Pub. L. 99–83, title III, § 313(a)–(c), Aug. 8, 1985, 99 Stat. 216, 217; Pub. L. 100–202, § 101(e) [title II, § 201], Dec. 22, 1987, 101 Stat. 1329–131, 1329–142; Pub. L. 101–167, title II, Nov. 21, 1989, 103 Stat. 1205; Pub. L. 101–302, title II, May 25, 1990, 104 Stat. 224; Pub. L. 101–513, title II, Nov. 5, 1990, 104 Stat. 1989.)

CODIFICATION

Amendment by Pub. L. 98–473 is based on section 311(b) of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, which was enacted into permanent law by Pub. L. 98–473.

PRIOR PROVISIONS

A prior section 222 of Pub. L. 87–195, pt. I, Sept. 4, 1961, 75 Stat. 430, as amended by Pub. L. 87–565, pt. I, § 104(b), Aug. 1, 1962, 76 Stat. 257; Pub. L. 88–205, pt. I, § 104(b)–(f), Dec. 16, 1963, 77 Stat. 381, 382; Pub. L. 89–171, pt. I, § 104(c), Sept. 6, 1965, 79 Stat. 654; Pub. L. 89–583, pt. I, § 104(b), Sept. 19, 1966, 80 Stat. 798; Pub. L. 90–137, pt. I, § 104(b), Nov. 14, 1967, 81 Stat. 451, contained general provisions concerning foreign investment guaranties, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–513 substituted ''1992'' for ''1991''.

Pub. L. 101–302 substituted ''$2,558,000,000'' for ''$2,158,000,000''.

1989—Subsec. (a). Pub. L. 101–167 substituted ''1991'' for ''1990''.

1987—Subsec. (a). Pub. L. 100–202 substituted ''1990'' for ''1988''.

1985—Subsec. (a). Pub. L. 99–83, § 313(a), (b), substituted ''$2,158,000,000'' for ''$1,958,000,000'' and ''1988'' for ''1986''.

Subsec. (k). Pub. L. 99–83, § 313(c), added subsec. (k).

[1] So in original. No subsecs. (d) to (j) have been enacted.

1984—Subsec. (a). Pub. L. 98–473 substituted ''$1,958,000,000'' for ''$1,718,000,000'' and ''1986'' for ''1984''.

1981—Subsec. (a). Pub. L. 97–113 increased limitation on total principal amount of outstanding guarantees to $1,718,000,000 from $1,555,000,000 and extended termination date for exercise of guarantee authority to Sept. 30, 1984, from Sept. 30, 1982.

1979—Subsec. (a). Pub. L. 96–53 substituted ''$1,555,000,000'' for ''$1,180,000,000'', and ''through September 30, 1982'' for ''until September 30, 1980''.

1978—Pub. L. 95–424 amended section generally to provide a new consolidated section which provides a single authorization for the worldwide housing guarantee program, a new list of the types of programs to be emphasized, increased the worldwide authorization to $1,180,000,000, and encourages officials and governments in developing countries to consider the use of solar energy in housing projects.

1977—Subsec. (c). Pub. L. 95–88 inserted ''or under section 2181 of this title'' after ''Latin American housing guaranty authority repealed by the Foreign Assistance Act of 1969'' and substituted ''$1,030,000,000'' for ''$600,000,000''.

1975—Subsec. (c). Pub. L. 94–161 substituted ''$600,000,000'' for ''$550,000,000''.

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.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2181, 2183, 2186 of this title.

§ 2182a. Agricultural and productive credit and self-help community development programs

(a) Financing pilot programs; scope

It is the sense of the Congress that in order to stimulate the participation of the private sector in the economic development of less-developed countries, the authority conferred by this section should be used to establish pilot programs to encourage private banks, credit institutions, similar private lending organizations, cooperatives, and private nonprofit development organizations to make loans on reasonable terms to organized groups and individuals residing in a community for the purpose of enabling such groups and individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. Agricultural credit and assistance for self-help community development projects should include, but not be limited to, material and such projects as wells, pumps, farm machinery, improved seed, fertilizer, pesticides, vocational training, food industry development, nutrition projects, improved breeding stock for farm animals, sanitation facilities, and looms and other handicraft aids.

(b) Guaranties; percentage limitation

To carry out the purposes of subsection (a) of this section, the agency primarily responsible for administering subchapter I of this chapter is authorized to issue guaranties, on such terms and conditions as it shall determine, to private lending institutions, cooperatives, and private nonprofit development organizations assuring against loss of not to exceed 50 per centum of the portfolio of such loans made by any lender to organized groups or individuals residing in a community to enable such groups or individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. In no event shall the liability of the United States exceed 75 per centum of any one loan.

(c) Total and individual amount of guaranties

The total face amount of guaranties issued under this section outstanding at any one time shall not exceed $20,000,000. Not more than 10 per centum of such sum shall be provided for any one institution, cooperative, or organization.

(d) Inter-American Foundation consultations

The Inter-American Foundation shall be consulted in developing criteria for making loans eligible for guaranty coverage in Latin America under this section.

(e) Guaranty reserve

Not to exceed $3,000,000 of the guaranty reserve established under section 2183(b) of this title shall be available to make such payments as may be necessary to discharge liabilities under guaranties issued under this section or any guaranties previously issued under section 2200 of this title.

(f) Administrative and operating expenses; funds

Funds held by the Overseas Private Investment Corporation pursuant to section 2196 of this title may be available for meeting necessary administrative and operating expenses for carrying out the provisions of this section through June 30, 1976.

(g) Transfer of Overseas Private Investment Corporation's obligations and assets

The Overseas Private Investment Corporation shall, upon enactment of this subsection, transfer to the agency primarily responsible for administering subchapter I of this chapter all obligations, assets, and related rights and responsibilities arising out of, or related to the predecessor program provided for in section 2200 of this title.

(h) Termination of authority

The authority of this section shall continue through September 30, 1988.

(i) Excess foreign currencies; use

Notwithstanding the limitation in subsection (c) of this section, foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States may be utilized to carry out the purposes of this section, including the discharge of liabilities under this subsection. The authority conferred by this subsection shall be in addition to authority conferred by any other provision of law to implement guaranty programs utilizing excess local currency.

(Pub. L. 87–195, pt. I, § 222A, as added Pub. L. 93–559, § 8(a)(2), Dec. 30, 1974, 88 Stat. 1796; amended Pub. L. 95–88, title I, § 117(b)(1), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95–424, title I, § 115(b), title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 951, 959; Pub. L. 96–53, title I, § 112(b), Aug. 14, 1979, 93 Stat. 364; Pub. L. 97–438, Jan. 8, 1983, 96 Stat. 2286; Pub. L. 98–473, title I, § 101(1) [title V, § 541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903; Pub. L. 99–83, title III, § 313(d), Aug. 8, 1985, 99 Stat. 217.)

REFERENCES IN TEXT

Section 2200 of this title, referred to in subsecs. (e) and (g), was in the original a reference to section 240 of this Act, meaning section 240 of Pub. L. 87–195, as added by section 105 of Pub. L. 91–175, which was repealed by section 8(b) of Pub. L. 93–559, and was replaced by this section. Another section 240 of Pub. L. 87–195, as added by section 9 of Pub. L. 95–268, was enacted Apr. 24, 1978, and is classified to section 2200 of this title.

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

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

CODIFICATION

Amendment by Pub. L. 98–473 is based on section 312 of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, which was enacted into permanent law by Pub. L. 98–473.

AMENDMENTS

1985—Subsec. (h). Pub. L. 99–83 substituted ''1988'' for ''1986''.

1984—Subsec. (a). Pub. L. 98–473 struck out ''in Latin America,'' after ''economic development of less-developed countries'' and ''in not more than six Latin American countries'' after ''establish pilot programs''.

Subsec. (b). Pub. L. 98–473 struck out ''in not more than five Latin American countries'' after ''nonprofit development organizations''.

Subsec. (h). Pub. L. 98–473 substituted ''1986'' for ''1983''.

1983—Subsec. (h). Pub. L. 97–438 substituted ''1983'' for ''1982''.

1979—Subsec. (a). Pub. L. 96–53, § 112(b)(1), substituted ''six'' for ''five''.

Subsec. (c). Pub. L. 96–53, § 112(b)(2), substituted ''$20,000,000'' for ''$15,000,000''.

Subsec. (h). Pub. L. 96–53, § 112(b)(3), substituted ''through September 30, 1982'' for ''until September 30, 1979''.

1978—Subsec. (h). Pub. L. 95–424, § 115(b), substituted ''September 30, 1979'' for ''September 30, 1978''.

Subsec. (j). Pub. L. 95–424, § 502(d)(1), struck out subsec. (j) relating to a Presidential report to Congress on the results of the program established under this section.

1977—Subsec. (h). Pub. L. 95–88 substituted ''September 30, 1978'' for ''December 31, 1977''.

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.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2183 of this title.

§ 2183. General provisions

(a) Fees; determination by President; reduction

A fee shall be charged for each guaranty issued under section 2182 or 2182a of this title in an amount to be determined by the President. In the event the fee to be charged for such type of guaranty is reduced, fees to be paid under existing contracts for the same type of guaranty may be similarly reduced.

(b) Accumulated and existing fees; expenditure of fees; revolving fund account; investments; use of investment income

The amount of $50,000,000 of fees accumulated under prior investment guaranty provisions repealed by the Foreign Assistance Act of 1969, together with all fees collected in connection with guaranties issued under section 2182 of this title or under prior housing guaranty authorities, shall be available for meeting necessary administrative and operating expenses of carrying out the provisions of section 2182 of this title and administering housing guaranties heretofore authorized under this subpart and under prior housing guaranty provisions repealed by the Foreign Assistance Act of 1969 (including, but not limited to expenses pertaining to personnel, supplies, and printing), subject to such limitations as may be imposed in annual appropriation Acts; for meeting management and custodial costs incurred with respect to currencies or other assets acquired under guaranties made pursuant to section 2182 of this title or heretofore pursuant to this subpart or prior Latin American and other housing guaranty authorities repealed by the Foreign Assistance Act of 1969; and to pay the cost of investigating and adjusting (including costs of arbitration) claims under such guaranties; and shall be available for expenditure in discharge of liabilities under such guaranties until such time as all such property has been disposed of and all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of this subsection. Fees collected in connection with guaranties issued under section 2182a of this title shall likewise be available to meet similar expenses, costs, or liabilities incurred in connection with the programs authorized by that section. All of the foregoing fees referred to in this section together with earnings thereon and other income arising from guaranty operations under this subpart shall be held in a revolving fund account maintained in the Treasury of the United States. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments shall be credited to such account and may be used for the purposes cited in this section.

(c) Priorities of funds for guaranty payments

Any payments made to discharge liabilities under guaranties issued under section 2182 of

this title or heretofore under this subpart or under prior Latin American or other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, shall be paid first out of fees referred to in subsection (b) of this section (excluding amounts required for purposes other than the discharge of liabilities under guaranties) as long as such fees are available, and thereafter shall be paid out of funds, if any, realized from the sale of currencies or other assets acquired in connection with any payment made to discharge liabilities under such guaranties as long as funds are available, and finally out of funds hereafter made available pursuant to subsection (e) of this section.

(d) Guaranties as obligations backed by full faith and credit of United States

All guaranties issued under section 2182 or 2182a, or previously under section 2200 of this title or heretofore under this subpart or under prior Latin American or other housing guaranty authority repealed by the Foreign Assistance Act of 1969 shall constitute obligations, in accordance with the terms of such guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

(e) Authorization of appropriations; borrowing authority

(1) There is hereby authorized to be appropriated to the President such amounts, to remain available until expended, as may be necessary from time to time to carry out the purposes of this subpart.

(2)(A) In order to meet obligations incurred for the payment of claims pursuant to loan guaranties described in subsection (d) of this section, the Administrator of the agency primarily responsible for administering subchapter I of this chapter may, to the extent that reserves are not sufficient, borrow from time to time from the Treasury, except that—

(i) the Administrator may exercise the authority to borrow under this paragraph only to such extent or in such amounts as are provided in advance in appropriation Acts; and

(ii) the amount borrowed under this paragraph which is outstanding at any one time may not exceed $100,000,000.

(B) Any such borrowing shall bear interest at a rate determined by the Secretary of the Treasury, taking into account the current average market yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury shall make loans under this paragraph and for such purpose may borrow on the credit of the United States in accordance with subchapter I of chapter 31 of title 31.

(f) Agency determination of maximum rate of interest

In the case of any loan investment guaranteed under section 2182 of this title, the agency primarily responsible for administering subchapter I of this chapter shall prescribe the maximum rate of interest allowable to the eligible investor, which maximum rate shall not exceed by more than 1 per centum the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development. The maximum allowable rate of interest under this subsection shall be prescribed by the agency as of the date the project covered by the investment is officially authorized and, prior to the execution of the contract, the agency may amend such rate at its discretion, consistent with the provisions of this subsection.

(g) Guaranties under prior acts

Housing guaranties committed, authorized, or outstanding heretofore under this subpart or under prior housing guaranty authorities repealed by the Foreign Assistance Act of 1969 shall continue subject to provisions of law originally applicable thereto and fees collected hereafter with respect to such guaranties shall be available for the purposes specified in subsection (b) of this section.

(h) Fraud or misrepresentation

No payment may be made under any guaranty issued pursuant to this subpart for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

(i) Repealed. Pub. L. 95–424, title I, § 115(i), Oct. 6, 1978, 92 Stat. 952

(j) Guaranties for housing projects; percentage requirement for families with income below median income

Guaranties shall be issued under section 2182 of this title only for housing projects which are coordinated with and complementary to any development assistance being furnished under part I of this subchapter and which are specifically designed to demonstrate the feasibility and suitability of particular kinds of housing or of financial or other institutional arrangements. Of the aggregate face value of housing guaranties hereafter issued under this subpart, not less than 90 per centum shall be issued for housing suitable for families with income below the median income (below the median urban income for housing in urban areas) in the country in which the housing is located.

(Pub. L. 87–195, pt. I, § 223, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 808; amended Pub. L. 92–226, pt. I, § 103(b) Feb. 7, 1972, 86 Stat. 22; Pub. L. 93–189, § 5(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–559, §§ 7(2), 8(a)(3)–(5), Dec. 30, 1974, 88 Stat. 1796, 1797; Pub. L. 94–161, title III, § 311(5), Dec. 20, 1975, 89 Stat. 861; Pub. L. 94–329, title IV, § 414, June 30, 1976, 90 Stat. 761; Pub. L. 95–88, title I, § 117(a)(3), (b)(2), (c), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95–424, title I, § 115(c)–(j), Oct. 6, 1978, 92 Stat. 951, 952; Pub. L. 96–53, title I, § 112(c), (d), Aug. 14, 1979, 93 Stat. 364; Pub. L. 97–113, title III, § 310(b), Dec. 29, 1981, 95 Stat. 1535; Pub. L. 98–473, title I, § 101(1) [title V, § 541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903; Pub. L. 100–202, § 101(e) [title II, § 201], Dec. 22, 1987, 101 Stat. 1329–131, 1329–142; Pub. L. 105–277, div. A, § 101(d) [title II], Oct. 21, 1998, 112 Stat. 2681–150, 2681–157.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1969, referred to in subsecs. (b), (c), (d), and (g), is Pub. L. 91–175, Dec. 30, 1969,

83 Stat. 805, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables. The guaranty authorities repealed by the 1969 Act were the guaranty authorities contained in sections 2181 to 2184 prior to the general reorganization of this subpart by the 1969 Act.

Section 2200 of this title, referred to in subsec. (d), was in the original a reference to section 240 of this Act, meaning section 240 of Pub. L. 87–195, as added by section 105 of Pub. L. 91–175, which was repealed by section 8(b) of Pub. L. 93–559, and was replaced by section 2182a of this title. Another section 240 of Pub. L. 87–195, as added by section 9 of Pub. L. 95–268, was enacted Apr. 24, 1978, and is classified to section 2200 of this title.

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

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

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of this subchapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

CODIFICATION

Amendment by Pub. L. 98–473 is based on section 311(c) of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, which was enacted into permanent law by Pub. L. 98–473.

PRIOR PROVISIONS

A prior section 223 of Pub. L. 87–195, pt. I, Sept. 4, 1961, 75 Stat. 431, as amended by Pub. L. 89–171, pt. I, §104(d), Sept. 6, 1965, 79 Stat. 654; Pub. L. 90–137, pt. I, §104(c), Nov. 4, 1967, 81 Stat. 451, contained definitions, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 807.

AMENDMENTS

1998—Subsec. (j). Pub. L. 105–277 struck out at end ''The face value of guaranties issued with respect to housing in any country shall not exceed $25,000,000 in any fiscal year, and the average face value of guaranties issued in any fiscal year shall not exceed $15,000,000. Of the total amount of housing guaranties authorized to be issued under section 2182 of this title through September 30, 1982, not less than a face amount of $25,000,000 shall be issued for projects in Israel and not less than a face amount of $25,000,000 shall be issued for projects in Egypt.''

1987—Subsec. (e)(2)(A)(ii). Pub. L. 100–202 substituted ''$100,000,000'' for ''$40,000,000''.

1984—Subsec. (e). Pub. L. 98–473 designated existing provisions as par. (1) and added par. (2).

1981—Subsec. (b). Pub. L. 97–113 provided for maintenance of a revolving fund account in the Treasury consisting of fees, earnings from fees, and income from guaranty operations and authorized investment of account funds in obligations of the United States and use of investment income.

1979—Subsec. (f). Pub. L. 96–53, §112(c), substituted ''the Department of Housing and Urban Development'' for ''such Department'', and struck out provisions setting forth minimum rate of interest as not less than one-half of one per centum above the then current rate on mortgages insured by the Department of Housing and Urban Development.

Subsec. (j). Pub. L. 96–53, §112(d), struck out requirement that except for regional projects, guarantees for housing projects be granted to countries receiving or which have received in the two previous years assistance under part I of this subchapter and substituted provisions authorizing face amounts of housing guarantees through September 30, 1982 of not less than $25,000,000 for Israel and Egypt for provisions authorizing face amounts of housing guarantees until September 30, 1978 of an amount not to exceed $75,000,000 in Israel and $30,000,000 in Portugal and Lebanon.

1978—Subsec. (a). Pub. L. 95–424, §115(c), substituted ''section 2182 or 2182a'' for ''section 2181, 2182, or 2182a''.

Subsec. (b). Pub. L. 95–424, §115(d), struck out ''2181 or'' after ''guarantees issued under section''; substituted ''section 2182 of this title and administering housing guaranties heretofore authorized under this subpart and under'' for ''section 2181 and section 2182 of this title and of''; struck out ''2181 or'' after ''made pursuant to section'', and inserted ''this subpart'' after ''heretofore pursuant to''.

Subsec. (c). Pub. L. 95–424, §115(e), struck out ''section 2181 or'' after ''guaranties issued under'', and inserted ''under this subpart or'' after ''heretofore''.

Subsec. (d). Pub. L. 95–424, §115(f), substituted ''section 2182 or 2182a'' for ''section 2181, 2182, 2182a'', and inserted ''under this subpart'' after ''heretofore''.

Subsec. (f). Pub. L. 95–424, §115(g), substituted ''section 2182'' for ''section 2181 or 2182''.

Subsec. (g). Pub. L. 95–424, §115(h), inserted ''heretofore under this subpart'' after ''outstanding''.

Subsec. (i). Pub. L. 95–424, §115(i), struck out subsec. (i) directing that the authority of sections 2181 and 2182 of this title shall continue until Sept. 30, 1979.

Subsec. (j). Pub. L. 95–424, §115(j), substituted ''section 2182'' for ''sections 2181 and 2182''.

1977—Subsec. (b). Pub. L. 95–88, §117(b)(2), substituted ''together with all fees collected in connection with guaranties issued under section 2181 or 2182 of this title or under prior housing guaranty authorities'' for ''together with all fees collected in connection with guaranties issued hereunder'' and inserted provision that fees collected in connection with guaranties issued under section 2182a of this title shall likewise be available to meet similar expenses, costs, or liabilities incurred in connection with the programs authorized by that section.

Subsec. (i). Pub. L. 95–88, §117(a)(3), substituted ''September 30, 1979'' for ''September 30, 1978''.

Subsec. (j). Pub. L. 95–88, §117(c), substituted ''September 30, 1978'' for ''September 30, 1977'', ''$75,000,000'' for ''$50,000,000'' in provisions relating to housing guaranties in Israel, ''$30,000,000'' for ''$20,000,000'' in provisions relating to housing guaranties in Portugal, and ''$30,000,000'' for ''$15,000,000'' in provisions relating to housing guaranties in Lebanon.

1976—Subsec. (j). Pub. L. 94–329 authorized President to issue housing guaranties until September 30, 1977, in Lebanon, not exceeding a face amount of $15,000,000.

1975—Subsec. (i). Pub. L. 94–161, §311(5)(A), substituted ''September 30, 1978'' for ''June 30, 1976''.

Subsec. (j). Pub. L. 94–161, §311(5)(B), added subsec. (j).

1974—Subsec. (a). Pub. L. 93–559, §8(a)(3), inserted reference to section 2182a of this title.

Subsec. (b). Pub. L. 93–559, §8(a)(4), substituted in first sentence ''section 2181 and section 2182 of this title'' for ''this subpart''.

Subsec. (d). Pub. L. 93–559, §8(a)(5), substituted ''section 2181, 2182, 2182a, or previously under section 2200 of this title'' for ''section 2181 or section 2182 of this title''.

Subsec. (i). Pub. L. 93–559, §7(2), substituted ''June 30, 1976'' for ''June 30, 1975''.

1973—Subsec. (i). Pub. L. 93–189 substituted ''June 30, 1975'' for ''June 30, 1974''.

1972—Subsec. (i). Pub. L. 92–226 substituted ''June 30, 1974'' for ''June 30, 1972''.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 311(d) of H.R. 5119, as passed by the House of Representatives on May 10, 1984, and enacted into permanent law by section 101(1) [title V, §541(a)] of Pub. L. 98–473 provided that: ''The amendment made by subsection (c) of this section [amending this section] shall

take effect on the date of enactment of this Act [Oct. 12, 1984].''

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2182a, 2186, 2195 of this title.

§ 2184. Trade credit insurance program for Central America

(a) Guarantees to Export-Import Bank; financial transactions with private sector in Central American countries

In order to enable the Export-Import Bank of the United States (hereafter in this section referred to as the ''Bank'') to determine that there exists reasonable assurance of repayment as required under section 2(b)(1)(B) of the Export-Import Bank Act of 1945 [12 U.S.C. 635(b)(1)(B)], the agency primarily responsible for administering subchapter I of this chapter (hereafter in this section referred to as the ''Agency'') is authorized to provide guarantees to the Bank for liabilities to be incurred by the Bank in connection with guarantees or insurance provided under the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.] for financing for transactions involving the export of goods and services for the use of the private sector in Central American countries.

(b) Extent of guarantees; agreements; reserve fund

(1) Guarantees provided by the Agency pursuant to the authority of subsection (a) of this section shall be for short-term guarantees and insurance extended by the Bank which shall be repayable within a period not to exceed one year from the date of arrival at the port of importation of the goods and services covered by such guarantees or insurance. Guarantees or insurance extended by the Bank and guaranteed by the Agency pursuant to subsection (a) of this section shall be provided by the Bank in accordance with criteria and procedures agreed to by the Agency and the Bank. Such agreement shall also provide for the establishment of a reserve fund by the Agency, with such funds made available to the reserve as the Agency deems necessary to discharge liabilities under guarantees provided by the Agency pursuant to subsection (a) of this section.

(2) The Administrator of such agency shall transmit a copy of such agreement to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(c) Deadline for guarantee commitments

The Agency shall not enter into any commitments to guarantee under subsection (a) of this section after September 30, 1991.

(d) Availability of appropriated funds

Of the funds authorized to be appropriated for part IV of subchapter II of this chapter, there are authorized to be made available such sums as may be deemed necessary by the Agency to discharge liabilities under guarantees entered into under subsection (a) of this section.

(e) Guarantee commitments limit

Commitments to guarantee under subsection (a) of this section are authorized only to the extent and in the amounts provided in appropriations Acts, except that the aggregate amount of outstanding commitments under subsection (a) of this section may not exceed $300,000,000 of contingent liability for loan principal during fiscal year 1986 and may not exceed $400,000,000 of contingent liability for loan principal during fiscal year 1987.

(f) Credits to reserve fund

To the extent that any of the funds made available pursuant to subsection (d) of this section are paid out for a claim arising out of liabilities guaranteed under subsection (a) of this section, amounts received after the date of such payment, with respect to such claim, shall be credited to the reserve fund referred to in subsection (b) of this section, shall be merged with the funds in such reserve, and shall be available for the purpose of payments by the Agency to the Bank for guarantees under subsection (a) of this section.

(g) Reports to Congress

Beginning on a date six months after October 12, 1984, and at intervals of six months thereafter, the administrator of the agency primarily responsible for administering subchapter I of this chapter and the President of the Export-Import Bank of the United States shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the amount and extension of credits during the preceding six-month period.

(h) Administrative and technical assistance

The Export-Import Bank shall provide without reimbursement such administrative and technical assistance to the Agency as the Bank and the Agency deem appropriate to assist the Agency in carrying out this section.

(Pub. L. 87–195, pt. I, § 224, as added Pub. L. 98–473, title I, § 101(1) [title V, § 541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903; amended Pub. L. 99–83, title III, § 314, Aug. 8, 1985, 99 Stat. 217; Pub. L. 101–167, title IV, Nov. 21, 1989, 103 Stat. 1216; Pub. L. 101–179, title III, § 304(b), Nov. 28, 1989, 103 Stat. 1313; Pub. L. 101–513, title IV, Nov. 5, 1990, 104 Stat. 2001.)

REFERENCES IN TEXT

The Export-Import Bank Act of 1945, referred to in subsec. (a), 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 the Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables.

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

References to subchapter I of this chapter are deemed to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and

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

CODIFICATION

Section 224 of Pub. L. 87–195 is based on section 1011 of title X of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, and enacted into law by Pub. L. 98–473.

PRIOR PROVISIONS

A prior section 224 of Pub. L. 87–195, pt. I, Sept. 4, 1961, 75 Stat. 432, as amended by Pub. L. 87–565, pt. I, § 104(c), Aug. 1, 1962, 76 Stat. 257; Pub. L. 88–205, pt. I, § 104(g), Dec. 16, 1963, 77 Stat. 382; Pub. L. 88–633, pt. I, § 103(b), Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89–171, pt. I, § 104(e), Sept. 6, 1965, 79 Stat. 655; Pub. L. 89–583, pt. I, § 104(c), Sept. 19, 1966, 80 Stat. 798; Pub. L. 90–137, pt. I, § 104(d), Nov. 14, 1967, 81 Stat. 451; Pub. L. 90–554, pt. I, § 104, Oct. 8, 1968, 82 Stat. 961, related to housing projects in Latin America, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807. See section 2182 of this title.

AMENDMENTS

1990—Subsec. (c). Pub. L. 101–513 substituted ''1991'' for ''1990''.

1989—Pub. L. 101–179 inserted ''for Central America'' after ''program'' in section catchline.

Subsec. (c). Pub. L. 101–167 substituted ''1990'' for ''1989''.

1985—Subsec. (e). Pub. L. 99–83 substituted ''except that the aggregate amount of outstanding commitments under subsection (a) of this section may not exceed $300,000,000 of contingent liability for loan principal during fiscal year 1986 and may not exceed $400,000,000 of contingent liability for loan principal during fiscal year 1987'' for ''not to exceed $300,000,000 in the fiscal year 1985''.

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.

§ 2185. Trade credit insurance program for Poland

(a) General authority

(1) Assurance to Export-Import Bank of repayment

The President is authorized to provide guarantees to the Bank for liabilities described in paragraph (2) in order to satisfy the requirement of section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) that the Bank have[1] reasonable assurance of repayment.

(2) Liabilities which may be guaranteed

The liabilities that may be guaranteed under paragraph (1) are liabilities incurred by the Bank in connection with guarantees or insurance provided under the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.] for financing for transactions involving the export of goods and services for the use of the private sector in Poland.

(b) Guarantees available only for short-term guarantees and insurance

Guarantees provided under subsection (a) of this section shall be for short-term guarantees and insurance extended by the Bank which shall be repayable within a period not to exceed one year from the date of arrival at the port of importation of the goods and services covered by such guarantees or insurance.

(c) Agreement on criteria and procedures

Guarantees or insurance extended by the Bank and guaranteed pursuant to subsection (a) of this section shall be provided by the Bank in accordance with criteria and procedures agreed to by the Administrator and the Bank.

(d) Reserve fund

The agreement referred to in subsection (c) of this section shall also provide for the establishment of a reserve fund by the administering agency, with such funds made available to the reserve as the Administrator deems necessary to discharge liabilities under guarantees provided under subsection (a) of this section.

(e) Discharge of liabilities

(1) Funds which may be used

Such amounts of the funds made available to carry out part IV of subchapter II of this chapter (relating to the economic support fund) as the President determines are necessary may be made available to discharge liabilities under guarantees entered into under subsection (a) of this section.

(2) Crediting of subsequent payments

To the extent that any of the funds made available pursuant to paragraph (1) are paid out for a claim arising out of liabilities guaranteed under subsection (a) of this section, amounts received after the date of such payment, with respect to such claim, shall be credited to the reserve fund established pursuant to subsection (d) of this section, shall be merged with the funds in such reserve, and shall be available for the purpose of payments by the Administrator to the Bank for guarantees under subsection (a) of this section.

(f) Appropriations action required

Commitments to guarantee under subsection (a) of this section are authorized only to the extent and in the amounts provided in advance in appropriations Acts.

(g) Limitation on outstanding commitments

The aggregate amount of outstanding commitments under subsection (a) of this section may not exceed $200,000,000 of contingent liability for loan principal during any fiscal year.

(h) Biannual reports to Congress

Every 6 months, the Administrator and the President of the Bank shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the amount and extension of guarantees and insurance provided by the Bank and guaranteed under this section during the preceding 6-month period.

(i) Administrative and technical assistance

The Bank shall provide, without reimbursement, such administrative and technical assistance to the administering agency as the Bank

[1] So in original. Probably should be ''has''.

and the Administrator determine appropriate to assist the administering agency in carrying out this section.

(j) Fees and premiums

The Bank is authorized to charge fees and premiums, in connection with guarantees or insurance guaranteed by the administering agency under subsection (a) of this section, that are commensurate (in the judgment of the Bank) with the Bank's administrative costs and the risks covered by the agency's guarantees. Any amounts received by the Bank in excess of the estimated costs incurred by the Bank in administering such guarantees or insurance—

(1) shall be credited to the reserve fund established pursuant to subsection (d) of this section,

(2) shall be merged with the funds in such reserve, and

(3) shall be available for the purpose of payments by the administering agency to the Bank for guarantees under subsection (a) of this section.

(k) Restrictions not applicable

Prohibitions on the use of foreign assistance funds for assistance for Poland shall not apply with respect to the funds made available to carry out this section.

***(l)* Expiration of authority**

The President may not enter into any commitments to guarantee under subsection (a) of this section after September 30, 1992.

(m) Definitions

For purposes of this section—

(1) the term ''administering agency'' means the Agency for International Development;

(2) the term ''Administrator'' means the Administrator of the Agency for International Development; and

(3) the term ''Bank'' means the Export-Import Bank of the United States.

(Pub. L. 87–195, pt. I, § 225, as added Pub. L. 101–179, title III, § 304(a), Nov. 28, 1989, 103 Stat. 1312.)

REFERENCES IN TEXT

The Export-Import Bank Act of 1945, referred to in subsec. (a)(2), 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.

CONFORMING REFERENCE

Section 304(c) of Pub. L. 101–179 provided that: ''With respect to Poland, any reference in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 [Pub. L. 101–167, Nov. 21, 1989, 103 Stat. 1195], to section 224 of the Foreign Assistance Act of 1961 [22 U.S.C. 2184] shall be deemed to be a reference to section 225 of that Act [22 U.S.C. 2185] (as enacted by this section).''

§ 2186. Loan guarantees to Israel program

(a) In general

Subject to the terms and conditions of this section, during the period beginning October 1, 1992, and ending September 30, 1997, the President is authorized to issue guarantees against losses incurred in connection with loans to Israel made as a result of Israel's extraordinary humanitarian effort to resettle and absorb immigrants into Israel from the republics of the former Soviet Union, Ethiopia and other countries. In the event that less than the full amount authorized to be issued under subsection (b) of this section is issued in such period, the authority to issue the balance of such guarantees shall be available in the fiscal year ending on September 30, 1998.

(b) Fiscal year levels

The President is authorized to issue guarantees in furtherance of the purposes of this section. Subject to subsection (d) of this section, the total principal amount of guarantees which may be issued by the President under this section shall be up to $10,000,000,000 which may be issued as follows:

(1) in fiscal year 1993, up to $2,000,000,000 may be issued on October 1, 1992 or thereafter;

(2) subject to subsection (d) of this section, in fiscal years 1994 through 1997, up to $2,000,000,000 in each fiscal year may be issued on October 1 or thereafter.

(3) If less than the full amount of guarantees authorized to be made available in a fiscal year pursuant to paragraphs (1) and (2) of this subsection is issued to Israel during that fiscal year, the authority to issue the balance of such guarantees shall extend to any subsequent fiscal year ending on or before September 30, 1998.

(4)(A) Not later than September 1 of each year during the period in which the President is authorized to issue loan guarantees under subsection (a) of this section, beginning in fiscal year 1993, the President shall notify the appropriate congressional committees in writing of his intentions regarding the exercise of that authority for the fiscal year beginning on October 1 of that year, including a statement of the total principal amount of guarantees, if any, that the President proposes to issue for that fiscal year.

(B) For purposes of this paragraph, the term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

(c) Use of guarantees

Guarantees may be issued under this section only to support activities in the geographic areas which were subject to the administration of the Government of Israel before June 5, 1967.

(d) Limitation on guarantee amount

The amount of authorized but unissued guarantees that the President is authorized to issue as specified in subsection (b) of this section shall be reduced by an amount equal to the amount extended or estimated to have been extended by the Government of Israel during the previous year for activities which the President determines are inconsistent with the objectives of this section or understandings reached between the United States Government and the Govern-

ment of Israel regarding the implementation of the loan program. The President shall submit a report to Congress no later than September 30 of each fiscal year during the pendency of the program specifying the amount calculated under this subsection and that will be deducted from the amount of guarantees authorized to be issued in the next fiscal year.

(e) Fees

(1) Fees charged for the loan guarantee program under this section each year shall be an aggregate annual origination fee equal to the estimated subsidy cost of the guarantees issued under this section for that year, calculated by the Office of Management and Budget for the Federal Credit Reform Act of 1990 [2 U.S.C. 661 et seq.]. This shall also include an amount for the administrative expenses of the Agency for International Development in administering the program under this section. All such fees shall be paid by the Government of Israel to the Government of the United States. Funds made available for Israel under part 4 of subchapter II of this chapter, may be utilized by the Government of Israel to pay such fees to the United States Government. No further appropriations of subsidy cost are needed for the loan guarantee authorized hereunder for fiscal year 1993 and the four succeeding fiscal years.

(2) The origination fee shall be payable to the United States Government on a pro rata basis as each guarantee for each loan or increment is issued.

(f) Authority to suspend

Except as provided in subsections (*l*) and (m) of this section, the President shall determine the terms and conditions for issuing guarantees. If the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of the additional loan guarantees not yet issued under this section. Upon making such a determination to suspend or terminate the provision of loan guarantees, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate his determination to do so, including the basis for such suspension or termination.

(g) Procedures for suspension or termination

Any suspension or termination pursuant to subsection (f) of this section shall be in accordance with the following procedures:

(1) Upon making a determination to suspend or terminate the provision of loan guarantees, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate his determination to do so, including the basis for such suspension or termination.

(2) Such a suspension or termination shall cease to be effective if Congress enacts, within 30 days of submission, a joint resolution authorizing the assistance notwithstanding the suspension.

(3) Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(4) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(5) In the event that the President suspends the provision of additional loan guarantees under subsection (f) of this section and Congress does not enact a joint resolution pursuant to this subsection, the provision of additional loan guarantees under the program established by this section may be resumed only if the President determines and so reports to Congress that the reasons for the suspension have been resolved or that the resumption is otherwise in the national interest.

(h) Economic context

The effective absorption of immigrants into Israel from the republics of the former Soviet Union and Ethiopia within the private sector requires large investment and economic restructuring to promote market efficiency and thereby contribute to productive employment and sustainable growth. Congress recognizes that the Government of Israel is developing an economic strategy designed to achieve these goals, and that the Government of Israel intends to adopt a comprehensive, multi-year economic strategy based on prudent macroeconomic policies and structural reforms. Congress also recognizes that these policies are being designed to reduce direct involvement of the government in the economic system and to promote private enterprise, important prerequisites for economic stability and sustainable growth.

(i) Consultations

It is the sense of the Congress that, as agreed between the two Governments and in order to further the policies specified in subsection (h) of this section, Israel and the United States should continue to engage in consultations concerning economic and financial measures, including structural and other reforms, that Israel should undertake during the pendency of this program to enable its economy to absorb and resettle immigrants and to accommodate the increased debt burden that will result from loans guaranteed pursuant to this section. It is the sense of the Congress that these consultations on economic measures should address progress and plans in the areas of budget policies, privatization, trade liberalization, financial and capital markets, labor markets, competition policy, and deregulation.

(j) Goods and services

During the pendency of the loan program authorized under this section, it is anticipated that, in the context of the economic reforms undertaken pursuant to subsections (h) and (i) of this section, Israel's increased population due to its absorption of immigrants, and the liberalization by the Government of Israel of its trade policy with the United States, the amount of United States investment goods and services purchased for use in or with respect to the country of Israel will substantially increase.

(k) Reports

The President shall report to Congress by December 31 of each fiscal year until December 31, 1999, regarding the implementation of this section.

(*l*) Applicability of certain sections

Section 2183 of this title shall apply to guarantees issued under subsection (a) of this section in the same manner as such section applies to guarantees issued under section 2182 of this title, except that subsections (a), (e)(1), (g), and (j) of section 2183 of this title shall not apply to such guarantees and except that, to the extent section 2183 of this title is inconsistent with the Federal Credit Reform Act of 1990 [2 U.S.C. 661 et seq.], that Act shall apply. Loans shall be guaranteed under this section without regard to sections 2181, 2182, and 2198(c) of this title. Notwithstanding section 2183(f) of this title, the interest rate for loans guaranteed under this section may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with this program or financing under this section in the event the borrower elects not to finance such costs or fees out of loan principal. Guarantees once issued hereunder shall be unconditional and fully and freely transferable.

(m) Terms and conditions

(1) Each loan guarantee issued under this section shall guarantee 100 percent of the principal and interest payable on such loans.

(2) The standard terms of any loan or increment guaranteed under this section shall be 30 years with semiannual payments of interest only over the first 10 years, and with semiannual payments of principal and interest on a level payment basis, over the last 20 years thereof, except that the guaranteed loan or any increments issued in a single transaction may include obligations having different maturities, interest rates, and payment terms if the aggregate scheduled debt service for all obligations issued in a single transaction equals the debt service for a single loan or increment of like amount having the standard terms described in this sentence. The guarantor shall not have the right to accelerate any guaranteed loan or increment or to pay any amounts in respect of the guarantees issued other than in accordance with the original payment terms of the loan. For purposes of determining the maximum principal amount of any loan or increment to be guaranteed under this section, the principal amount of each such loan or increment shall be—

(A) in the case of any loan issued on a discount basis, the original issue price (excluding any transaction costs) thereof; or

(B) in the case of any loan issue[1] on an interest-bearing basis, the stated principal amount thereof.

(Pub. L. 87–195, pt. I, § 226, as added Pub. L. 102–391, title VI, § 601, Oct. 6, 1992, 106 Stat. 1699.)

REFERENCES IN TEXT

The Federal Credit Reform Act of 1990, referred to in subsecs. (e)(1) and (*l*), is title V of Pub. L. 93–344 as added by Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–609, which is classified generally to subchapter III (§ 661 et seq.) of chapter 17A of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2 and Tables.

Section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (g)(3), is section 601(b) of Pub. L. 94–329, title VI, June 30, 1976, 90 Stat. 765, which is not classified to the Code.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

SUBPART IV—OVERSEAS PRIVATE INVESTMENT CORPORATION

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2291, 2360, 2396, 2394–1, 5828 of this title.

§ 2191. Congressional statement of purpose; creation and functions of Corporation

To mobilize and facilitate the participation of United States private capital and skills in the economic and social development of less developed countries and areas, and countries in transition from nonmarket to market economies, thereby complementing the development assistance objectives of the United States, there is hereby created the Overseas Private Investment Corporation (hereinafter called the ''Corporation''), which shall be an agency of the United States under the policy guidance of the Secretary of State.

The Corporation, in determining whether to provide insurance, financing, or reinsurance for a project, shall especially—

(1) be guided by the economic and social development impact and benefits of such a project and the ways in which such a project complements, or is compatible with, other development assistance programs or projects of the United States or other donors;

(2) give preferential consideration to investment projects in less developed countries that have per capita incomes of $984 or less in 1986 United States dollars, and restrict its activities with respect to investment projects in less developed countries that have per capita incomes of $4,269 or more in 1986 United States dollars (other than countries designated as beneficiary countries under section 2702 of title 19, Ireland, and Northern Ireland); and

(3) ensure that the project is consistent with the provisions of section 2151p of this title, section 2151p–1 of this title, and section 2151q of this title relating to the environment and natural resources of, and tropical forests and endangered species in, developing countries, and consistent with the intent of regulations issued pursuant to section 2151p of this title, section 2151p–1 of this title, and section 2151q of this title.

In carrying out its purpose, the Corporation, utilizing broad criteria, shall undertake—

(a) to conduct financing, insurance, and reinsurance operations on a self-sustaining basis, taking into account in its financing op-

[1] So in original. Probably should be ''issued''.

erations the economic and financial soundness of projects;

(b) to utilize private credit and investment institutions and the Corporation's guaranty authority as the principal means of mobilizing capital investment funds;

(c) to broaden private participation and revolve its funds through selling its direct investments to private investors whenever it can appropriately do so on satisfactory terms;

(d) to conduct its insurance operations with due regard to principles of risk management including efforts to share its insurance and reinsurance risks;

(e) to the maximum degree possible consistent with its purposes—

(1) to give preferential consideration in its investment insurance, reinsurance, and guaranty activities to investment projects sponsored by or involving United States small business; and

(2) to increase the proportion of projects sponsored by or significantly involving United States small business to at least 30 percent of all projects insured, reinsured, or guaranteed by the Corporation;

(f) to consider in the conduct of its operations the extent to which less developed country governments are receptive to private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

(g) to foster private initiative and competition and discourage monopolistic practices;

(h) to further to the greatest degree possible, in a manner consistent with its goals, the balance-of-payments and employment objectives of the United States;

(i) to conduct its activities in consonance with the activities of the agency primarily responsible for administering subchapter I of this chapter and the international trade, investment, and financial policies of the United States Government, and to seek to support those developmental projects having positive trade benefits for the United States;

(j) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas;

(k)(1) to decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing for an eligible investor's proposed investment if the Corporation determines that such investment is likely to cause such investor (or the sponsor of an investment project in which such investor is involved) significantly to reduce the number of his employees in the United States production he is replacing his United States production with production from such investment which involves substantially the same product for substantially the same market as his United States production; and (2) to monitor conformance with the representations of the investor on which the Corporation relied in making the determination required by clause (1);

(*l*) to decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing for an eligible investor's proposed investment if the Corporation determines that such investment is likely to cause a significant reduction in the number of employees in the United States;

(m) to refuse to insure, reinsure, or finance any investment subject to performance requirements which would reduce substantially the positive trade benefits likely to accrue to the United States from the investment; and

(n) to refuse to insure, reinsure, guarantee, or finance any investment in connection with a project which the Corporation determines will pose an unreasonable or major environmental, health, or safety hazard, or will result in the significant degradation of national parks or similar protected areas.

(Pub. L. 87–195, pt. I, § 231, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 809; amended Pub. L. 93–390, § 2(1), Aug. 27, 1974, 88 Stat. 763; Pub. L. 95–268, § 2, Apr. 24, 1978, 92 Stat. 213; Pub. L. 97–65, § 2, Oct. 16, 1981, 95 Stat. 1021; Pub. L. 99–204, §§ 3, 4(a), Dec. 23, 1985, 99 Stat. 1669; Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 102–549, title I, § 101, Oct. 28, 1992, 106 Stat. 3651; Pub. L. 103–392, title I, § 105, Oct. 22, 1994, 108 Stat. 4099.)

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

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

CODIFICATION

Amendment by Pub. L. 100–461 is based on sections 102 and 110(a)(1) of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and sections 102 and 110(a)(1) of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

PRIOR PROVISIONS

A prior section 231 of Pub. L. 87–195, pt. 1, Sept. 4, 1961, 75 Stat. 432, related to general authority of President to participate in financing of surveys of investment opportunities in less developed friendly countries, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807.

AMENDMENTS

1994—Pub. L. 103–392 inserted ", Ireland, and Northern Ireland" after "title 19" in par. (2) of second undesignated par.

1992—Pub. L. 102–549, in first undesignated par., substituted "countries and areas, and countries in transition from nonmarket to market economies," for "friendly countries and areas,".

1988—Pub. L. 100–461, in par. (2) of second undesignated par., substituted "984 or less in 1986 United States dollars" for "$896 or less in 1983 United States dollars" and "$4,269 or more in 1986 United States dollars (other than countries designated as beneficiary countries under section 2702 of title 19)" for "$3,887 or more in 1983 United States dollars".

Pub. L. 100–461, in par. (3) of second undesignated par., substituted "section 2151p of this title, section 2151p–1 of this title, and section" for "sections 2151p of

this title and'' and ''tropical forests and endangered species'' for ''biological diversity''.

1985—Pub. L. 99–204, in second undesignated par., substituted ''$896 or less in 1983 United States dollars'' for ''$680 or less in 1979 United States dollars'' and ''$3,887 or more in 1983 United States dollars'' for ''$2,950 or more in 1979 United States dollars'' in par. (2), added par. (3), and added cl. (n).

1981—Pub. L. 97–65 substituted ''$680 or less in 1979 United States dollars'' for ''$520 or less in 1975 United States dollars'' and ''$2,950 or more in 1979 United States dollars'' for ''$1,000 or more in 1975 United States dollars'' in par. (2) of undesignated paragraph covering the guidelines to be used with regard to operations in less developed countries, inserted '', and to seek to support those developmental projects having positive trade benefits for the United States'' in cl. (i) of undesignated paragraph enumerating the activities of the Corporation, and, in that unnumbered paragraph, added cl. (m), relating to investments which would reduce positive trade benefits.

1978—Pub. L. 95–268 inserted undesignated par. relating to determinations by the Corporation respecting insurance, financing, or reinsurance for a project, in cl. (e) designated existing provisions as subcl. (1) and, as so designated, substituted reference to guaranty activities for reference to financing activities and reference to small businesses for reference to businesses with a net worth of not more than $2,500,000 or with total assets of not more than $7,500,000, and added subcl. (2), struck out cl. (f) relating to encouragement and support of private investments for certain less developed friendly countries, redesignated former cls. (g) to (k) as (f) to (j), respectively, struck out former cl. (*l*) relating to preference by the Corporation for projects in countries having a per capita income of $450 or less in 1973 United States dollars, redesignated former cl. (m) as (k), and added cl. (n) which, as added, was redesignated as (*l*).

1974—Pub. L. 93–390, in introductory par., substituted ''social development'' for ''social progress'', in cl. (a) inserted provisions for conducting insurance and reinsurance operations and substituted provisions requiring in financial operations consideration of economic and financial soundness of projects for provisions requiring consideration of economic and financial soundness of projects and availability of financing from other sources on appropriate terms, in cl. (d) substituted ''efforts to share its insurance and reinsurance'' for ''when appropriate, efforts to share its insurance'', in cl. (e) substituted provisions requiring preferential treatment to investment projects involving businesses with enumerated net worth or total assets for provisions requiring utilization and encouragement for full participation in Corporation programs of small businesses, in cl. (i) inserted ''and employment'' before ''objectives'', and added cls. (*l*) and (m).

OVERSEAS PRIVATE INVESTMENT CORPORATION; REAFFIRMATION OF SUPPORT

Pub. L. 100–418, title II, § 2203(a), Aug. 23, 1988, 102 Stat. 1328, provided that: ''The Congress reaffirms its support for the Overseas Private Investment Corporation as a United States Government agency serving important development assistance goals. In order to enhance the Corporation's ability to meet these goals, the Overseas Private Investment Corporation should increase its loan guaranty and direct investment programs.''

EX. ORD. NO. 11579. OVERSEAS PRIVATE INVESTMENT CORPORATION

Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055; Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, provided:

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424), as amended (hereinafter the ''Act'') [section 2151 et seq. of this title] and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Transfer to Overseas Private Investment Corporation*. All obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in sections 234(a), (b) and (d) of the Act [section 2194(a), (b) and (d) of this title] are hereby transferred to the Overseas Private Investment Corporation (hereinafter the ''Corporation'').

SEC. 2. *Delegation of functions*. (a) [Revoked by Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673.]

(b) The function of prescribing regulations relating to the reinstatement or restoration of officers and employees of the Corporation to other government positions, when their appointment to a position in the Corporation was made from another government position and their separation from the Corporation was not made for cause, is hereby delegated to the Office of Personnel Management.

SEC. 3. *Allocation and transfer of funds*. Funds made available under section 232 of the Act (repealed by section 105 of the Foreign Assistance Act of 1969) [section 2192 of this title] which are obligated but unexpended are hereby transferred to the Corporation.

SEC. 4. *General provisions*. (a) As used in this order, the words ''function'' or ''functions'' include any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(b) The Corporation shall be deemed to be the successor of the Agency for International Development and the Administrator thereof, with respect to all functions vested in the Corporation pursuant to law.

(c) Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(d) Executive Order No. 10973 of November 3, 1961, as amended [set out as a note under this section], is hereby superseded insofar as any provision therein is in conflict with any provision herein.

(e) The provisions of this order shall become effective upon adoption by the Board of Directors of bylaws for the Corporation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2191a, 2194, 2200, 3304 of this title.

§ 2191a. Additional requirements

(a) Worker rights

(1) Limitation on OPIC activities

The Corporation may insure, reinsure, guarantee, or finance a project only if the country in which the project is to be undertaken is taking steps to adopt and implement laws that extend internationally recognized worker rights, as defined in section 2467(4) of title 19, to workers in that country (including any designated zone in that country). The Corporation shall also include the following language, in substantially the following form, in all contracts which the Corporation enters into with eligible investors to provide financial support under this subpart:

> ''The investor agrees not to take actions to prevent employees of the foreign enterprise from lawfully exercising their right of association and their right to organize and bargain collectively. The investor further agrees to observe applicable laws relating to a minimum age for employment of children,

acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety, and not to use forced labor. The investor is not responsible under this paragraph for the actions of a foreign government.''

(2) Use of annual reports on workers rights

The Corporation shall, in making its determinations under paragraph (1), use the reports submitted to the Congress pursuant to section 2464 of title 19. The restriction set forth in paragraph (1) shall not apply until the first such report is submitted to the Congress.

(3) Waiver

Paragraph (1) shall not prohibit the Corporation from providing any insurance, reinsurance, guaranty, or financing with respect to a country if the President determines that such activities by the Corporation would be in the national economic interests of the United States. Any such determination shall be reported in writing to the Congress, together with the reasons for the determination.

(4) Operations of OPIC in the People's Republic of China

In making a determination under this section for the People's Republic of China, the Corporation shall discuss fully and completely the justification for making such determination with respect to each item set forth in subparagraphs (A) through (E) of section 2467(4) of title 19.

(b) Public hearings

The Board shall hold at least one public hearing each year in order to afford an opportunity for any person to present views as to whether the Corporation is carrying out its activities in accordance with section 2191 of this title and this section or whether any investment in a particular country should have been or should be extended insurance, reinsurance, guarantees, or financing under this subpart.

(Pub. L. 87–195, pt. I, § 231A, as added Pub. L. 99–204, § 5(a), Dec. 23, 1985, 99 Stat. 1670; amended Pub. L. 100–418, title II, § 2203(c), Aug. 23, 1988, 102 Stat. 1328; Pub. L. 102–549, title I, § 102(a), Oct. 28, 1992, 106 Stat. 3651; Pub. L. 104–188, title I, § 1954(b)(3), Aug. 20, 1996, 110 Stat. 1928.)

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–188, § 1954(b)(3)(A), substituted ''2467(4)'' for ''2462(a)(4)''.

Subsec. (a)(2). Pub. L. 104–188, § 1954(b)(3)(B), substituted ''2464'' for ''2465(c)''.

Subsec. (a)(4). Pub. L. 104–188, § 1954(b)(3)(C), substituted ''2467(4)'' for ''2462(a)(4)''.

1992—Subsec. (a)(1). Pub. L. 102–549 inserted at end provisions requiring Corporation to include certain language about employee rights in all contracts with eligible investors.

1988—Subsec. (a)(4). Pub. L. 100–418 added par. (4).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–188 applicable to articles entered on or after Oct. 1, 1996, with provisions relating to retroactive application, see section 1953 of Pub. L. 104–188, set out as an Effective Date note under section 2461 of Title 19, Customs Duties.

EFFECTIVE DATE

Section 5(b) of Pub. L. 99–204 provided that: ''Subsection (a) of section 231A [subsec. (a) of this section], as added by subsection (a) of this section, shall not apply to projects insured, reinsured, guaranteed, or financed before the date of the enactment of this Act [Dec. 23, 1985].''

§ 2192. Capital of the Corporation

The President is authorized to pay in as capital of the Corporation, out of dollar receipts made available through the appropriation process from loans made pursuant to subchapter I of this chapter and from loans made under the Mutual Security Act of 1954, as amended, for the fiscal year 1970 not to exceed $20,000,000 and for the fiscal year 1971 not to exceed $20,000,000. Upon the payment of such capital by the President, the Corporation shall issue an equivalent amount of capital stock to the Secretary of the Treasury.

(Pub. L. 87–195, pt. I, § 232, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 810.)

REFERENCES IN TEXT

The Mutual Security Act of 1954, referred to in text, is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85–141, 71 Stat. 355; June 30, 1958, Pub. L. 85–477, ch. 1, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86–108, § 2, ch. 1, § 101, ch. II, §§ 201 to 205(a) to (i), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86–472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85–141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86–108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86–472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87–195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94–329, title II, § 212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104–127, title II, § 228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

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

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

PRIOR PROVISIONS

A prior section 232 of Pub. L. 87–195, pt. I, Sept. 4, 1961, 75 Stat. 432 as amended by Pub. L. 87–565, pt. I, § 105, Aug. 1, 1962, 76 Stat. 257; Pub. L. 88–633, pt. I, § 104, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 90–137, pt. I, § 105, Nov. 14, 1967, 81 Stat. 451, authorized appropriations for surveys of investment opportunities, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807.

§ 2193. Organization and management

(a) Structure

The Corporation shall have a Board of Directors, a President, an Executive Vice President, and such other officers and staff as the Board of Directors may determine.

(b) Board of directors

All powers of the Corporation shall vest in and be exercised by or under the authority of its

Board of Directors (''the Board'') which shall consist of fifteen Directors, including the Chairman, with eight Directors constituting a quorum for the transaction of business. The Administrator of the Agency for International Development shall be the Chairman of the Board, ex officio. The United States Trade Representative shall be the Vice Chairman of the Board, ex officio, except that the United States Trade Representative may designate the Deputy United States Trade Representative to serve as Vice Chairman of the Board in place of the United States Trade Representative. Eight Directors (other than the President of the Corporation, appointed pursuant to subsection (c) of this section who shall serve as a Director, ex officio) shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall not be officials or employees of the Government of the United States. At least two of the eight Directors appointed under the preceding sentence shall be experienced in small business, one in organized labor, and one in cooperatives. Each such Director shall be appointed for a term of no more than three years. The terms of no more than three such Directors shall expire in any one year. Such Directors shall serve until their successors are appointed and qualified and may be reappointed.

The other Directors shall be officials of the Government of the United States, including an official of the Department of Labor, designated by and serving at the pleasure of the President of the United States.

All Directors who are not officers of the Corporation or officials of the Government of the United States shall be compensated at a rate equivalent to that of level IV of the Executive Schedule when actually engaged in the business of the Corporation and may be paid per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time, while away from their homes or usual places of business.

(c) President

The President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In making such appointment, the President shall take into account private business experience of the appointee. The President of the Corporation shall be its Chief Executive Officer and responsible for the operations and management of the Corporation, subject to bylaws and policies established by the Board.

(d) Officers and staff

The Executive Vice President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. Other officers, attorneys, employees, and agents shall be selected and appointed by the Corporation, and shall be vested with such powers and duties as the Corporation may determine. Of such persons employed by the Corporation, not to exceed twenty may be appointed, compensated, or removed without regard to the civil service laws and regulations: *Provided*, That under such regulations as the President of the United States may prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those otherwise authorized by law, including those authorized by section 5108 of title 5.

(Pub. L. 87–195, pt. I, § 233, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 810; amended Pub. L. 97–65, § 3(a), (b), Oct. 16, 1981, 95 Stat. 1021, 1022.)

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsec. (b), is set out in section 5315 of Title 5, Government Organization and Employees.

The civil service laws, referred to in subsec. (d), are set out in Title 5. See, particularly, section 3301 et seq. of Title 5.

PRIOR PROVISIONS

A prior section 233 of Pub. L. 87–195, pt. I, Sept. 4, 1961, 75 Stat. 432, contained definitions, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807.

AMENDMENTS

1981—Subsec. (b). Pub. L. 97–65 expanded to 15 the number of Directors on the Board, raised to 8 the number required to constitute a quorum and made other technical changes in connection with the increased size of the Board, inserted provision directing that the United States Trade Representative be the Vice Chairman of the Board, ex officio, but authorizing the United States Trade Representative to designate the Deputy United States Trade Representative to serve as Vice Chairman of the Board in place of the United States Trade Representative, provided that the President of the Corporation serve as a Director, ex officio, and inserted provision that an official of the Department of Labor be added to the Board as a Director.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 3(c) of Pub. L. 97–65 provided that: ''The amendments made by this section [amending this section] shall take effect on October 1, 1981.''

MEMBERS OF BOARD OF DIRECTORS OF OVERSEAS PRIVATE INVESTMENT CORPORATION

For provisions directing that the United States Trade Representative serve, ex officio, as an additional voting member of the Board of Directors of the Overseas Private Investment Corporation and to serve as the Vice Chair of that Board and authorizing and directing the appointment of an additional member of the Board of Directors of the Overseas Private Investment Corporation as part of the consolidation of the trade functions of the Federal government, see Reorg. Plan No. 3 of 1979, § 4, 44 F.R. 69274, 93 Stat. 1381, eff. Jan. 2, 1980, as provided in section 1–107(a) of Ex. Ord. No. 12188, 45 F.R. 993, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2194. Investment insurance and other programs

The Corporation is hereby authorized to do the following:

(a) Investment insurance

(1) To issue insurance, upon such terms and conditions as the Corporation may determine, to

eligible investors assuring protection in whole or in part against any or all of the following risks with respect to projects which the Corporation has approved—

(A) inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof;

(B) loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government;

(C) loss due to war, revolution, insurrection, or civil strife; and

(D) loss due to business interruption caused by any of the risks set forth in subparagraphs (A), (B), and (C).

(2) Recognizing that major private investments in less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make arrangements with foreign governments (including agencies, instrumentalities, or political subdivisions thereof) or with multilateral organizations and institutions for sharing liabilities assumed under investment insurance for such investments and may in connection therewith issue insurance to investors not otherwise eligible hereunder, except that liabilities assumed by the Corporation under the authority of this subsection shall be consistent with the purposes of this subpart and that the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the project.

(3) Not more than 10 per centum of the maximum contingent liability of investment insurance which the Corporation is permitted to have outstanding under section 2195(a)(1)[1] of this title shall be issued to a single investor.

(4) Before issuing insurance for the first time for loss due to business interruption, and in each subsequent instance in which a significant expansion is proposed in the type of risk to be insured under the definition of ''civil strife'' or ''business interruption'', the Corporation shall, at least sixty days before such insurance is issued, submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report with respect to such insurance, including a thorough analysis of the risks to be covered, anticipated losses, and proposed rates and reserves and, in the case of insurance for loss due to business interruption, an explanation of the underwriting basis upon which the insurance is to be offered. Any such report with respect to insurance for loss due to business interruption shall be considered in accordance with the procedures applicable to reprogramming notifications pursuant to section 2394–1 of this title.

(b) Investment guaranties

To issue to eligible investors guaranties of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine: *Provided, however*, That such guaranties on other than loan investments shall not exceed 75 per centum of such investment: *Provided further*, That except for loan investments for credit unions made by eligible credit unions or credit union associations, the aggregate amount of investment (exclusive of interest and earnings) so guaranteed with respect to any project shall not exceed, at the time of issuance of any such guaranty, 75 per centum of the total investment committed to any such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to issue any such guaranty: *Provided further*, That not more than 15 per centum of the maximum contingent liability of investment guaranties which the Corporation is permitted to have outstanding under section 2195(a)(2)[1] of this title shall be issued to a single investor.

(c) Direct investment

To make loans in United States dollars repayable in dollars or loans in foreign currencies (including, without regard to section 1306 of title 31, such foreign currencies which the Secretary of the Treasury may determine to be excess to the normal requirements of the United States and the Director of the Office of Management and Budget may allocate) to firms privately owned or of mixed private and public ownership upon such terms and conditions as the Corporation may determine. Loans may be made under this subsection only for projects that are sponsored by or significantly involve United States small business or cooperatives.

The Corporation may designate up to 25 percent of any loan under this subsection for use in the development or adaptation in the United States of new technologies or new products or services that are to be used in the project for which the loan is made and are likely to contribute to the economic or social development of less developed countries.

No loan may be made under this subsection to finance any operation for the extraction of oil or gas. The aggregate amount of loans under this subsection to finance operations for the mining or other extraction of any deposit of ore or other nonfuel minerals may not in any fiscal year exceed $4,000,000.

(d) Investment encouragement

To initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying and promotion of private investment opportunities, utilizing wherever feasible and effective the facilities of private organizations or private investors, except that—

(1) the Corporation shall not finance any survey to ascertain the existence, location, extent, or quality of, or to determine the feasibility of undertaking operations for the extraction of, oil or gas; and

(2) expenditures financed by the Corporation during any fiscal year on surveys to ascertain the existence, location, extent, or quality of, or to determine the feasibility of undertaking

[1] See References in Text note below.

operations for the extraction of nonfuel minerals may not exceed $200,000.

(e) Special projects and programs

To administer and manage special projects and programs, including programs of financial and advisory support which provide private technical, professional, or managerial assistance in the development of human resources, skills, technology, capital savings and intermediate financial and investment institutions and cooperatives and including the initiation of incentives, grants, and studies for renewable energy and other small business activities. The funds for these projects and programs may, with the Corporation's concurrence, be transferred to it for such purposes under the authority of section 2392(a) of this title or from other sources, public or private. Administrative funds may not be made available for incentives, grants, and studies for renewable energy and other small business activities.

(f) Additional insurance functions

(1) To make and carry out contracts of insurance or reinsurance, or agreements to associate or share risks, with insurance companies, financial institutions, any other persons, or groups thereof, and employing the same, where appropriate, as its agent, or acting as their agent, in the issuance and servicing of insurance, the adjustment of claims, the exercise of subrogation rights, the ceding and accepting of reinsurance, and in any other matter incident to an insurance business; except that such agreements and contracts shall be consistent with the purposes of the Corporation set forth in section 2191 of this title and shall be on equitable terms.

(2) To enter into pooling or other risk-sharing arrangements with multinational insurance or financing agencies or groups of such agencies.

(3) To hold an ownership interest in any association or other entity established for the purposes of sharing risks under investment insurance.

(4) To issue, upon such terms and conditions as it may determine, reinsurance of liabilities assumed by other insurers or groups thereof in respect of risks referred to in subsection (a)(1) of this section.

The amount of reinsurance of liabilities under this subpart which the Corporation may issue shall not in the aggregate exceed at any one time an amount equal to the amount authorized for the maximum contingent liability outstanding at any one time under section 2195(a)(1)[1] of this title. All reinsurance issued by the Corporation under this subsection shall require that the reinsured party retain for his own account specified portions of liability, whether first loss or otherwise.

(g) Pilot equity finance program

(1) Authority for pilot program

In order to study the feasibility and desirability of a program of equity financing, the Corporation is authorized to establish a 4-year pilot program under which it may, on the limited basis prescribed in paragraphs (2) through (5), purchase, invest in, or otherwise acquire equity or quasi-equity securities of any firm or entity, upon such terms and conditions as the Corporation may determine, for the purpose of providing capital for any project which is consistent with the provisions of this subpart, except that—

(A) the aggregate amount of the Corporation's equity investment with respect to any project shall not exceed 30 percent of the aggregate amount of all equity investment made with respect to such project at the time that the Corporation's equity investment is made, except for securities acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the Corporation's investment; and

(B) the Corporation's equity investment under this subsection with respect to any project, when added to any other investments made or guaranteed by the Corporation under subsection (b) or (c) of this section with respect to such project, shall not cause the aggregate amount of all such investment to exceed, at the time any such investment is made or guaranteed by the Corporation, 75 percent of the total investment committed to such project as determined by the Corporation.

The determination of the Corporation under subparagraph (B) shall be conclusive for purposes of the Corporation's authority to make or guarantee any such investment.

(2) Limitation to projects in sub-Saharan Africa and Caribbean basin

Equity investments may be made under this subsection only in projects in countries eligible for financing under this subpart that are countries in sub-Saharan Africa or countries designated as beneficiary countries under section 2702 of title 19.

(3) Additional criteria

In making investment decisions under this subsection, the Corporation shall give preferential consideration to projects sponsored by or significantly involving United States small business or cooperatives. The Corporation shall also consider the extent to which the Corporation's equity investment will assist in obtaining the financing required for the project.

(4) Disposition of equity interest

Taking into consideration, among other things, the Corporation's financial interests and the desirability of fostering the development of local capital markets in less developed countries, the Corporation shall endeavor to dispose of any equity interest it may acquire under this subsection within a period of 10 years from the date of acquisition of such interest.

(c)[2] Creation of fund for acquisition of equity

The Corporation is authorized to establish a revolving fund to be available solely for the purposes specified in this subsection and to make transfers to the fund of a total of

[2] So in original. Probably should be "(5)".

$10,000,000 (less amounts transferred to the fund before October 28, 1992) from its noncredit account revolving fund. The Corporation shall transfer to the fund in each fiscal year all amounts received by the Corporation during the preceding fiscal year as income on securities acquired under this subsection, and from the proceeds on the disposition of such securities. Purchases of, investments in, and other acquisitions of equity from the fund are authorized for any fiscal year only to the extent or in such amounts as are provided in advance in appropriations Acts or are transferred to the Corporation pursuant to section 2392(a) of this title.

(6) Consultations with Congress

The Corporation shall consult annually with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the implementation of the pilot equity finance program established under this subsection.

(Pub. L. 87–195, pt. I, §234, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 811; amended 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Pub. L. 93–390, §2(2), Aug. 27, 1974, 88 Stat. 764; Pub. L. 95–268, §3, Apr. 24, 1978, 92 Stat. 214; Pub. L. 97–65, §4, Oct. 16, 1981, 95 Stat. 1022; Pub. L. 99–204, §§6(a), 7, 8, Dec. 23, 1985, 99 Stat. 1671, 1672; Pub. L. 100–461, title V, §555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 101–218, §8(c), Dec. 11, 1989, 103 Stat. 1868; Pub. L. 102–549, title I, §103, Oct. 28, 1992, 106 Stat. 3651.)

REFERENCES IN TEXT

Section 2195(a) of this title, referred to in subsecs. (a)(3), (b), and (f), was amended by Pub. L. 105–118, title V, §581, Nov. 26, 1997, 111 Stat. 2435, and, as so amended, provisions formerly appearing in pars. (1) and (2) of subsec. (a) are now contained in par. (1).

CODIFICATION

Amendment by Pub. L. 100–461 is based on sections 103 and 104 of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and sections 103 and 104 of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

In subsec. (c), ''section 1306 of title 31'' substituted for ''section 1415 of the Supplemental Appropriation Act, 1953, [31 U.S.C. 724]'' on authority of Pub. L. 97–258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1992—Subsec. (g)(5). Pub. L. 102–549 amended par. (5) generally, substituting designation ''(c)'' for ''(5)''. Prior to amendment, par. (5) read as follows: ''CREATION OF FUND FROM CORPORATE REVENUES.—The Corporation is authorized to establish a fund to be available solely for the purposes specified in this subsection and to make a one-time transfer to the fund of $10,000,000 from its income and revenues.''

1989—Subsec. (e). Pub. L. 101–218 inserted ''and including the initiation of incentives, grants, and studies for renewable energy and other small business activities'' after ''cooperatives'' and inserted at end ''Administrative funds may not be made available for incentives, grants, and studies for renewable energy and other small business activities.''

1988—Subsec. (c). Pub. L. 100–461, at end of first undesignated par., struck out ''The Corporation may not purchase or invest in any stock in any other corporation, except that it may (1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation, and (2) acquire stock through the enforcement of any lien or pledge or otherwise to satisfy a previously contracted indebtedness which would otherwise be in default, or as the result of any payment under any contract of insurance or guaranty. The Corporation shall dispose of any stock it may so acquire as soon as reasonably feasible under the circumstances then pertaining.'' and added second undesignated par. relating to designation of up to 25 percent of loan for use in development or adaptation of new technologies or new products or services.

Subsec. (f). Pub. L. 100–461, which directed that first sentence of last par. be struck out, was executed as probable intent of Congress by striking out first sentence of concluding provisions, before ''The amount of reinsurance'', which read as follows: ''The authority granted by paragraph (3) may be exercised notwithstanding the prohibition under subsection (c) of this section against the Corporation purchasing or investing in any stock in any other corporation.''

Subsec. (g). Pub. L. 100–461 added subsec. (g).

1985—Subsec. (a)(1)(D). Pub. L. 99–204, §6(a)(1), added subpar. (D).

Subsec. (a)(4). Pub. L. 99–204, §6(a)(2), substituted ''insurance for the first time for loss due to business interruption'' for ''civil strife insurance for the first time'' and ''definition of 'civil strife' or 'business interruption' '' for ''definition of civil strife'' and inserted provision that in the case of insurance for loss due to business interruption an explanation of the underwriting basis upon which the insurance is to be offered be submitted and provision that any report with respect to insurance for loss due to business interruption be considered in accordance with procedures applicable to reprogramming notifications pursuant to section 2394–1 of this title.

Subsec. (b). Pub. L. 99–204, §7, substituted ''15'' for ''10''.

Subsec. (f)(2). Pub. L. 99–204, §8, struck out ''other national or'' after ''arrangements with''.

1981—Subsec. (a)(1)(C). Pub. L. 97–65, §4(a)(1), inserted reference to civil strife.

Subsec. (a)(2). Pub. L. 97–65, §4(a)(2), substituted ''eligible investors in the project'' for ''eligible investors in the total project financing''.

Subsec. (a)(3). Pub. L. 97–65, §4(a)(3), substituted ''which the Corporation is permitted to have outstanding under section 2195(a)(1) of this title'' for ''which the Corporation is authorized to issue under this subsection''.

Subsec. (a)(4). Pub. L. 97–65, §4(a)(4), added par. (4).

Subsec. (b). Pub. L. 97–65, §4(b)(1), substituted ''which the Corporation is permitted to have outstanding under section 2195(a)(2) of this title'' for ''which the Corporation is authorized to issue under this subsection''.

Subsec. (f)(1). Pub. L. 97–65, §4(b)(2), struck out provisions under which the Corporation was prohibited from making or carrying out any association or risk-sharing agreement for the direct underwriting of insurance by the Corporation with others, other than on an individual basis where such direct underwriting facilitated the purposes of the Corporation as set forth in section 2191 of this title.

Subsec. (f)(4). Pub. L. 97–65, §4(b)(3), struck out provisions which had placed a $600,000,000 limit in any one year on the amount of reinsurance which the Corporation may issue and which had directed the Corporation to endeavor to increase to the maximum extent possible the specified portions of liability, whether first loss or otherwise, which a reinsured party must retain for his own account.

1978—Subsec. (a)(2). Pub. L. 95–268, §3(1), struck out provisions relating to limitations on maximum share of liabilities assumed under par. (1) of this subsection.

Subsec. (a)(3). Pub. L. 95–268, §3(2), substituted ''maximum contingent liability'' for ''total face amount''.

Subsec. (a)(4) to (7). Pub. L. 95–268, §3(3), struck out pars. (4) to (7) which set forth requirements for partici-

pation by private insurance companies, multilateral organizations, or others in insurance programs, and limitations respecting participation by the Corporation as insurer under contracts of insurance.

Subsec. (b). Pub. L. 95–268, § 3(2), substituted ''maximum contingent liability'' for ''total face amount''.

Subsec. (c). Pub. L. 95–268, § 3(4), (5), inserted provisions setting forth requirements respecting United States small businesses or cooperatives, and substituted provisions relating to aggregate amount of loans for mining or other extraction of ores or other nonfuel minerals, for provisions prohibiting loans for mining or other extraction of ores or other minerals.

Subsec. (d). Pub. L. 95–268, § 3(6), substituted provisions setting forth exception for financing surveys relating to oil and gas and limitation on amount of expenditures for surveys relating to nonfuel minerals, for provisions setting forth proviso relating to surveys for mining of any deposit of ore, oil, gas, or other mineral.

Subsec. (f)(1). Pub. L. 95–268, § 3(7), inserted provisions setting forth exceptions for agreements and contracts.

1974—Subsec. (a)(2). Pub. L. 93–390, § 2(2)(B), inserted ''and institutions'' after ''multilateral organizations'' and provisions relating to the maximum share of liabilities assumed under par. (1)(A) to (C) of this subsection.

Subsec. (a)(4) to (7). Pub. L. 93–390, § 2(2)(C), added pars. (4) to (7).

Subsec. (f). Pub. L. 93–390, § 2(2)(D), added subsec. (f).

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of 1970 Reorg. Plan No. 2 redesignated Bureau of the Budget as Office of Management and Budget.

APPROPRIATION OF MONEYS IN ADVANCE AS REQUISITE TO PURCHASES, INVESTMENTS, OR OTHER ACQUISITIONS OF EQUITY BY FUND CREATED UNDER PILOT EQUITY FINANCE PROGRAM

Section 555 of Pub. L. 100–461 provided in part: ''That purchases, investments or other acquisitions of equity by the fund created by section 104 of H.R. 5263 as hereby enacted [22 U.S.C. 2194(g)(5)] are limited to such amounts as may be provided in advance in appropriations Acts'', and further provided ''That purchases, investments or other acquisitions of equity by the fund created by section 104 of S. 2757 as hereby enacted [22 U.S.C. 2194(g)(5)] are limited to such amounts as may be provided in advance in appropriations Acts''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2194a, 2195, 2197, 2198, 2199, 2200, 2370 of this title.

§ 2194a. Contract authority of Corporation; specific authorization in appropriation Acts required

The authority of the Overseas Private Investment Corporation to enter into contracts under section 2194(a) of this title shall be effective for any fiscal year beginning after September 30, 1981, only to such extent or in such amounts as are provided in appropriation Acts.

(Pub. L. 97–65, § 5(b)(2), Oct. 16, 1981, 95 Stat. 1023.)

CODIFICATION

Section was enacted as part of the Overseas Private Investment Corporation Amendments of 1981, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2194b. Enhancing private political risk insurance industry

(a) Cooperative programs

In order to encourage greater availability of political risk insurance for eligible investors by enhancing the private political risk insurance industry in the United States, and to the extent consistent with this subpart, the Corporation shall undertake programs of cooperation with such industry, and in connection with such programs may engage in the following activities:

(1) Utilizing its statutory authorities, encourage the development of associations, pools, or consortia of United States private political risk insurers.

(2) Share insurance risks (through coinsurance, contingent insurance, or other means) in a manner that is conducive to the growth and development of the private political risk insurance industry in the United States.

(3) Notwithstanding section 2197(e) of this title, upon the expiration of insurance provided by the Corporation for an investment, enter into risk-sharing agreements with United States private political risk insurers to insure any such investment; except that, in cooperating in the offering of insurance under this paragraph, the Corporation shall not assume responsibility for more than 50 percent of the insurance being offered in each separate transaction.

(b) Advisory group

(1) Establishment and membership

The Corporation shall establish a group to advise the Corporation on the development and implementation of the cooperative programs under this section. The group shall be appointed by the Board and shall be composed of up to 12 members, including the following:

(A) Up to seven persons from the private political risk insurance industry, of whom no fewer than two shall represent private political risk insurers, one shall represent private political risk reinsurers, and one shall represent insurance or reinsurance brokerage firms.

(B) Up to four persons, other than persons described in subparagraph (A), who are purchasers of political risk insurance.

(2) Functions

The Corporation shall call upon members of the advisory group, either collectively or individually, to advise it regarding the capability of the private political risk insurance industry to meet the political risk insurance needs of United States investors, and regarding the development of cooperative programs to enhance such capability.

(3) Meetings

The advisory group shall meet not later than September 30, 1989, and at least annually thereafter. The Corporation may from time to

time convene meetings of selected members of the advisory group to address particular questions requiring their specialized knowledge.

(4) Federal Advisory Committee Act

The advisory group shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(Pub. L. 87–195, pt. I, § 234A, as added Pub. L. 99–204, § 9(a), Dec. 23, 1985, 99 Stat. 1672; amended Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(4), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Amendment by Pub. L. 100–461 is based on section 105(a) of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and section 105(a) of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

AMENDMENTS

1988—Pub. L. 100–461 amended section generally, substituting provisions relating to enhancing private political risk insurance industry for provisions which related to facultative reinsurance program.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2195, 2197, 2200, 2200a of this title.

§ 2195. Issuing authority, direct investment authority and reserves

(a) Issuing authority

(1) Insurance and financing

(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 2194(a) of this title, and the amount of financing issued under sections[1] 2194(b) and (c) of this title, shall not exceed in the aggregate $29,000,000,000.

(B) Subject to spending authority provided in appropriations Acts pursuant to section 661c(b) of title 2, the Corporation is authorized to transfer such sums as are necessary from its noncredit activities to pay for the subsidy cost of the investment guaranties and direct loan programs under subsections (b) and (c) of section 2194 of this title.

(2) Termination of authority

The authority of subsections (a), (b), and (c) of section 2194 of this title shall continue until September 30, 1999.

(b) Repealed. Pub. L. 102–549, title I, § 104(a)(3), Oct. 28, 1992, 106 Stat. 3652

(c) Insurance Reserve; Guaranty Reserve

There shall be established in the Treasury of the United States an insurance and guaranty fund, which shall have separate accounts to be known as the Insurance Reserve and the Guaranty Reserve, which reserves shall be available for discharge of liabilities, as provided in subsection (d) of this section, until such time as all such liabilities have been discharged or have expired or until all such reserves have been expended in accordance with the provisions of this section. Such fund shall be funded by: (1) the funds heretofore available to discharge liabilities under predecessor guaranty authority (including housing guaranty authorities), less both the amount made available for housing guaranty programs pursuant to section 2183(b) of this title and the amount made available to the Corporation pursuant to subsection (e) of this section; and (2) such sums as shall be appropriated pursuant to subsection (f) of this section for such purpose. The allocation of such funds to each such reserve shall be determined by the Board after consultation with the Secretary of the Treasury. Additional amounts may thereafter be transferred to such reserves pursuant to section 2196 of this title.

(d) Priority of funds used to discharge liabilities

Any payments made to discharge liabilities under investment insurance or reinsurance issued under section 2194 of this title, under similar predecessor guaranty authority, or under section 2194b of this title shall be paid first out of the Insurance Reserve, as long as such reserve remains available, and thereafter out of funds made available pursuant to subsection (f) of this section. Any payments made to discharge liabilities under guaranties issued under section 2194(b) of this title or under similar predecessor guaranty authority shall be paid first out of the Guaranty Reserve as long as such reserve remains available, and thereafter out of funds made available pursuant to subsection (f) of this section.

(e) Reserves from predecessor guaranty authority

There is hereby authorized to be transferred to the Corporation at its call, for the purposes specified in section 2196 of this title, all fees and other revenues collected under predecessor guaranty authority from December 31, 1968, available as of the date of such transfer.

(f) Authorization of appropriations; issuance, etc., of obligations by Corporation for purchase by Secretary of the Treasury

There are authorized to be appropriated to the Corporation, to remain available until expended, such amounts as may be necessary from time to time to replenish or increase the insurance and guaranty fund, to discharge the liabilities under insurance, reinsurance, or guaranties issued by the Corporation or issued under predecessor guaranty authority, or to discharge obligations of the Corporation purchased by the Secretary of the Treasury pursuant to this subsection. However, no appropriations shall be made to augment the Insurance Reserve until the amount of funds in the Insurance Reserve is less than $25,000,000. Any appropriations to augment the Insurance Reserve shall then only be made either pursuant to specific authorization enacted after August 27, 1974, or to satisfy the full faith and credit provision of section 2197(c) of this title. In order to discharge liabilities under investment insurance or reinsurance, the Cor-

[1] So in original. Probably should be ''section''.

poration is authorized to issue from time to time for purchase by the Secretary of the Treasury its notes, debentures, bonds, or other obligations; but the aggregate amount of such obligations outstanding at any one time shall not exceed $100,000,000. Any such obligation shall be repaid to the Treasury within one year after the date of issue of such obligation. Any such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation authorized by this subsection. The Secretary of the Treasury shall purchase any obligation of the Corporation issued under this subsection, and for such purchase he may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31 after August 27, 1974. The purpose for which securities may be issued under such chapter shall include any such purchase.

(Pub. L. 87–195, pt. I, § 235, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 813; amended Pub. L. 93–189, § 6(1), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–390, § 2(3), Aug. 27, 1974, 88 Stat. 766; Pub. L. 95–268, § 4, Apr. 24, 1978, 92 Stat. 214; Pub. L. 97–65, § 5(a), (b)(1), (c), Oct. 16, 1981, 95 Stat. 1022, 1023; Pub. L. 99–204, §§ 9(b)(1), 10, 17(b), Dec. 23, 1985, 99 Stat. 1673, 1676; Pub. L. 100–418, title II, § 2203(b), Aug. 23, 1988, 102 Stat. 1328; Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 102–549, title I, § 104, Oct. 28, 1992, 106 Stat. 3652; Pub. L. 103–392, title I, §§ 101–104, Oct. 22, 1994, 108 Stat. 4098; Pub. L. 104–208, div. A, title I, § 101(c) [title I], Sept. 30, 1996, 110 Stat. 3009–121, 3009–123; Pub. L. 105–118, title V, § 581, Nov. 26, 1997, 111 Stat. 2435.)

CODIFICATION

Amendment by Pub. L. 100–461 is based on sections 106 and 107 of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and sections 106 and 107 of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

In subsec. (f), ''chapter 31 of title 31'' and ''such chapter'' substituted for ''the Second Liberty Bond Act'' and ''such Bond Act'', respectively, on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–118 added heading and text of par. (1)(A), redesignated par. (2)(B) as subpar. (B) of par. (1), redesignated par. (3) as (2) and substituted ''subsections (a), (b), and (c) of section 2194 of this title'' for ''subsections (a) and (b) of section 2194 of this title'' and ''September 30, 1999'' for ''September 30, 1997'', and struck out former pars. (1) and (2)(A) which read as follows:

''(1) INSURANCE.—The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 2194(a) of this title shall not exceed in the aggregate $13,500,000,000.

''(2) FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to financing issued under subsections (b) and (c) of section 2194 of this title shall not exceed in the aggregate $9,500,000,000.''

1996—Subsec. (a)(3). Pub. L. 104–208 substituted ''1997'' for ''1996''.

1994—Subsec. (a)(1). Pub. L. 103–392, § 101, substituted ''$13,500,000,000'' for ''$9,000,000,000''.

Subsec. (a)(2). Pub. L. 103–392, § 102, amended heading and text of par. (2). Prior to amendment, text read as follows:

''(A) The maximum contingent liability outstanding at any one time pursuant to guarantees issued under section 2194(b) of this title shall not exceed in the aggregate $2,500,000,000.

''(B) Subject to spending authority provided in appropriations Acts, pursuant to section 661c(b) of title 2, the Corporation is authorized—

''(i) to transfer $9,800,000, or such sums as are necessary, from its noncredit account revolving fund to pay for the subsidy cost of a program level for the loan and loan guarantee program under subsections (b) and (c) of section 2194 of this title of $650,000,000 for fiscal year 1993; and

''(ii) to transfer such sums as are necessary from its noncredit account revolving fund to pay for the subsidy cost of a program level for the loan and loan guarantee program under subsections (b) and (c) of section 2194 of this title of $850,000,000 for fiscal year 1994.''

Subsec. (a)(3). Pub. L. 103–392, § 103, substituted ''1996'' for ''1994''.

Subsec. (g). Pub. L. 103–392, § 104, struck out heading and text of subsec. (g). Text read as follows: ''Subject to spending authority provided in appropriations Acts, the Corporation is authorized to draw from its noncredit account revolving fund for the administrative costs of its direct loan and loan guarantee programs—

''(1) $8,128,000 for fiscal year 1993; and

''(2) $11,000,000 for fiscal year 1994.''

1992—Pub. L. 102–549, § 104(a)(1), amended section catchline.

Subsec. (a). Pub. L. 102–549, § 104(a)(2), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

''(1) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 2194(a) of this title shall not exceed $7,500,000,000.

''(2) The maximum contingent liability outstanding at any one time pursuant to guaranties issued under section 2194(b) of this title shall not exceed in the aggregate $1,500,000,000. Commitments to guarantee loans are authorized for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

''(3) The Corporation shall not make any commitment to issue any guaranty which would result in a reserve less than 25 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 2194(b) of this title or similar predecessor guaranty authority.

''(4) The Congress, in considering the budget programs transmitted by the President for the Corporation, pursuant to section 9104 of title 31, may limit the obligations and contingent liabilities to be undertaken under section 2194(a) and (b) of this title as well as the use of funds for operating and administrative expenses.

''(5) Subject to paragraphs (2), (3), and (4), the Corporation shall issue guaranties under section 2194(b) of this title having an aggregate contingent liability with respect to principal of not less than $200,000,000 in each fiscal year, to the extent that there are eligible projects which meet the Corporation's criteria for such guaranties.

''(6) The authority of section 2194(a) and (b) of this title shall continue until September 30, 1992.''

Subsec. (b). Pub. L. 102–549, § 104(a)(3), struck out subsec. (b) which provided for establishment of a revolving fund, known as the Direct Investment Fund, to be held by the Corporation.

Subsec. (g). Pub. L. 102–549, § 104(b), added subsec. (g).

1988—Subsec. (a)(2). Pub. L. 100–461 substituted ''$1,500,000,000'' for ''$1,000,000,000''.

Pub. L. 100–418, § 2203(b)(1)(A), substituted ''$1,000,000,000'' for ''$750,000,000''.

Subsec. (a)(5). Pub. L. 100–418, § 2203(b)(1)(C), added par. (5). Former par. (5) redesignated (6).

Subsec. (a)(6). Pub. L. 100–461 substituted ''1992'' for ''1988''.

Pub. L. 100–418, § 2203(b)(1)(B), redesignated par. (5) as (6).

Subsec. (b). Pub. L. 100–418, § 2203(b)(2), in cl. (2), substituted ''1981.'' for ''1981,'', and in closing provisions substituted ''The Corporation shall make loans under section 2194(c) of this title in an aggregate amount of not less than $25,000,000 in each fiscal year, to the extent that there are eligible projects which meet the Corporation's criteria for such loans'' for ''and the Corporation shall use the funds so transferred to make loans under section 2194(c) of this title to the extent that there are eligible projects which meet the Corporation's criteria for funding''.

1985—Subsec. (a)(5). Pub. L. 99–204, § 10, substituted ''1988'' for ''1985''.

Subsec. (c). Pub. L. 99–204, § 17(b)(1), substituted references to subsecs. (d), (e), and (f) of this section for references to sections 2195(d), 2194(e), and 2195(f), respectively, of this title.

Subsec. (d). Pub. L. 99–204, § 9(b)(1), substituted '', under similar predecessor guaranty authority, or under section 2194b of this title'' for ''or under similar predecessor guaranty authority''.

Pub. L. 99–204, § 17(b)(2), substituted reference to subsec. (f) of this section for reference to section 2195(f) of this title wherever appearing.

1981—Subsec. (a)(2). Pub. L. 97–65, § 5(a)(1), substituted provisions that commitments to guarantee loans are authorized for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts for provisions that the Corporation not make any commitment to issue any guaranty which would result in a fractional reserve less than 25 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 2194(b) of this title or similar predecessor guaranty authority. See par. (3).

Subsec. (a)(3). Pub. L. 97–65, § 5(a)(2), added par. (3) which consisted of provisions formerly contained in par. (2). Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 97–65, § 5(a)(2)(A), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 97–65, § 5(a)(2)(A), (b)(1), redesignated former par. (4) as (5) and substituted ''September 30, 1985'' for ''September 30, 1981''.

Subsec. (b). Pub. L. 97–65, § 5(c), inserted provisions relating to the transfer to the Fund of certain moneys in fiscal year 1982 and in each fiscal year thereafter and the making of loans from those moneys under section 2194(c) of this title to the extent that there are eligible projects which meet the Corporation's criteria for funding.

1978—Subsec. (a)(2). Pub. L. 95–268, § 4(1), struck out limitation on guaranties by credit unions of not to exceed $1,250,000.

Subsec. (a)(4). Pub. L. 95–268, § 4(2), substituted ''September 30, 1981'' for ''December 31, 1977''.

1974—Subsec. (a)(4). Pub. L. 93–390, § 2(3)(A), substituted ''December 31, 1977'' for ''December 31, 1974''.

Subsec. (d). Pub. L. 93–390, § 2(3)(B), substituted ''insurance or reinsurance issued under section 2194 of this title'' for ''insurance issued under section 2194(a) of this title''.

Subsec. (f). Pub. L. 93–390, § 2(3)(C), inserted provisions authorizing appropriations to discharge liabilities under reinsurance or obligations of the Corporation purchased by the Secretary of the Treasury, provisions relating to appropriations to augment the Insurance Reserve, and provisions relating to the issuance, sale, etc., of notes, debentures, bonds, or other obligations by the Corporation for purchase by the Secretary of the Treasury.

1973—Subsec. (a)(4). Pub. L. 93–189 substituted ''December 31, 1974'' for ''June 30, 1974''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2194, 2196 of this title.

§ 2196. Income and revenues

In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation, from whatever source derived, shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

(a) payment of all expenses of the Corporation, including investment promotion expenses;

(b) transfers and additions to the insurance or guaranty reserves, the Direct Investment Fund established pursuant to section 2195 of this title, and such other funds or reserves as the Corporation may establish, at such time and in such amounts as the Board may determine; and

(c) payment of dividends, on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers, and additions under subsections (a) and (b) hereof.

(Pub. L. 87–195, pt. I, § 236, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 814.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2182a, 2195, 2198 of this title.

§ 2197. General provisions relating to insurance, guaranty, financing, and reinsurance programs

(a) Scope

Insurance, guaranties, and reinsurance issued under this subpart shall cover investment made in connection with projects in any less developed friendly country or area with the government of which the President of the United States has agreed to institute a program for insurance, guaranties, or reinsurance.

(b) Protection of interest

The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance, guaranty or reinsurance issued under this subpart, including arrangements concerning ownership, use, and disposition of the currency, credits, assets, or investments on account of which payment under such insurance, guaranty or reinsurance is to be made, and any right, title, claim, or cause of action existing in connection therewith.

(c) Guaranties as obligations backed by full faith and credit of United States

All guaranties issued prior to July 1, 1956, all guaranties issued under sections 1872(b)[1] and 1933(b)[1] of this title, all guaranties heretofore issued pursuant to prior guaranty authorities repealed by the Foreign Assistance Act of 1969, and all insurance, reinsurance and guaranties issued pursuant to this subpart shall constitute obligations, in accordance with the terms of such insurance, reinsurance or guaranties, of the United States of America and the full faith and credit of the United States of America is hereby

[1] See References in Text note below.

pledged for the full payment and performance of such obligations.

(d) Fees

(1) In general

Fees may be charged for providing insurance, reinsurance, financing, and other services under this subpart in amounts to be determined by the Corporation. In the event fees charged for insurance, reinsurance, financing, or other services are reduced, fees to be paid under existing contracts for the same type of insurance, reinsurance, financing, or services and for similar guarantees issued under predecessor guarantee authority may be reduced.

(2) Credit transaction costs

Project-specific transaction costs incurred by the Corporation relating to loan obligations or loan guarantee commitments covered by the provisions of the Federal Credit Reform Act of 1990 [2 U.S.C. 661 et seq.], including the costs of project-related travel and expenses for legal representation provided by persons outside the Corporation and other similar expenses which are charged to the borrower, shall be paid out of the appropriate finance account established pursuant to section 505(b) of such Act [2 U.S.C. 661d(b)].

(3) Noncredit transaction costs

Fees paid for the project-specific transaction costs and other direct costs associated with services provided to specific investors or potential investors pursuant to section 2194 of this title (other than those covered in paragraph (2)), including financing, insurance, reinsurance, missions, seminars, conferences, and other preinvestment services, shall be available for obligation for the purposes for which they were collected, notwithstanding any other provision of law.

(e) Maximum term of obligation

No insurance, guaranty, or reinsurance of any equity investment shall extend beyond twenty years from the date of issuance.

(f) Limitations on amounts

Compensation for insurance, reinsurance, or guaranties issued under this subpart shall not exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings, or profits actually accrued on such investment to the extent provided by such insurance, reinsurance, or guaranty, except that the Corporation may provide that (1) appropriate adjustments in the insured dollar value be made to reflect the replacement cost of project assets, (2) compensation for a claim of loss under insurance of an equity investment may be computed on the basis of the net book value attributable to such equity investment on the date of loss, and (3) compensation for loss due to business interruption may be computed on a basis to be determined by the Corporation which reflects amounts lost. Notwithstanding the preceding sentence, the Corporation shall limit the amount of direct insurance and reinsurance issued by it under section 2194 or 2194b of this title so that risk of loss as to at least 10 per centum of the total investment of the insured and its affiliates in the project is borne by the insured and such affiliates, except that such limitation shall not apply to direct insurance or reinsurance of loans by banks or other financial institutions to unrelated parties.

(g) Fraud or misrepresentation

No payment may be made under any guaranty, insurance, or reinsurance issued pursuant to this subpart for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

(h) Limits of obligation

Insurance, guaranties, or reinsurance of a loan or equity investment of an eligible investor in a foreign bank, finance company, or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company, or other credit institution.

(i) Claims settlement

Claims arising as a result of insurance, reinsurance, or guaranty operations under this subpart or under predecessor guaranty authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

(j) Presumption of compliance

Each guaranty contract executed by such officer or officers as may be designated by the Board shall be conclusively presumed to be issued in compliance with the requirements of this chapter.

(k) Balance of payments

In making a determination to issue insurance, guaranties, or reinsurance under this subpart, the Corporation shall consider the possible adverse effect of the dollar investment under such insurance, guaranty, or reinsurance upon the balance of payments of the United States.

(*l*) Convictions under Foreign Corrupt Practices Act of 1977; prohibition on payments for losses resulting from unlawful activities; suspension from eligibility of receipt of financial support

(1) No payment may be made under any insurance or reinsurance which is issued under this subpart on or after April 24, 1978, for any loss occurring with respect to a project, if the preponderant cause of such loss was an act by the investor seeking payment under this subpart, by a person possessing majority ownership and control of the investor at the time of the act, or by any agent of such investor or controlling person, and a court of the United States has entered a final judgment that such act constituted a violation under the Foreign Corrupt Practices Act of 1977.

(2) Not later than 120 days after April 24, 1978, the Corporation shall adopt regulations setting forth appropriate conditions under which any person convicted under the Foreign Corrupt

Practices Act of 1977 for an offense related to a project insured or otherwise supported by the Corporation shall be suspended, for a period of not more than five years, from eligibility to receive any insurance, reinsurance, guaranty, loan, or other financial support authorized by this subpart.

(m) Notification of countries of environmental restrictions on certain activities

(1) Before finally providing insurance, reinsurance, guarantees, or financing under this subpart for any environmentally sensitive investment in connection with a project in a country, the Corporation shall notify appropriate government officials of that country of—

(A) all guidelines and other standards adopted by the International Bank for Reconstruction and Development and any other international organization relating to the public health or safety or the environment which are applicable to the project; and

(B) to the maximum extent practicable, any restriction under any law of the United States relating to public health or safety or the environment that would apply to the project if the project were undertaken in the United States.

The notification under the preceding sentence shall include a summary of the guidelines, standards, and restrictions referred to in subparagraphs (A) and (B), and may include any environmental impact statement, assessment, review, or study prepared with respect to the investment pursuant to section 2199(g) of this title.

(2) Before finally providing insurance, reinsurance, guarantees, or financing for any investment subject to paragraph (1), the Corporation shall take into account any comments it receives on the project involved.

(3) On or before September 30, 1986, the Corporation shall notify appropriate government officials of a country of the guidelines, standards, and legal restrictions described in paragraph (1) that apply to any project in that country—

(A) which the Corporation identifies as potentially posing major hazards to public health and safety or the environment; and

(B) for which the Corporation provided insurance, reinsurance, guarantees, or financing under this subpart before December 23, 1985, and which is in the Corporation's portfolio on that date.

(n) Penalties for fraud

Whoever knowingly makes any false statement or report, or willfully overvalues any land, property, or security, for the purpose of influencing in any way the action of the Corporation with respect to any insurance, reinsurance, guarantee, loan, equity investment, or other activity of the Corporation under section 2194 of this title or any change or extension of any such insurance, reinsurance, guarantee, loan, equity investment, or activity, by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security therefor, shall be fined not more than $1,000,000 or imprisoned not more than 30 years, or both.

(*o*) Use of local currencies

Direct loans or investments made in order to preserve the value of funds received in inconvertible foreign currency by the Corporation as a result of activities conducted pursuant to section 2194(a) of this title shall not be considered in determining whether the Corporation has made or has outstanding loans or investments to the extent of any limitation on obligations and equity investment imposed by or pursuant to this subpart. The provisions of section 504(b) of the Federal Credit Reform Act of 1990 [2 U.S.C. 661c(b)] shall not apply to direct loan obligations made with funds described in this subsection.

(Pub. L. 87–195, pt. I, § 237, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 814; amended Pub. L. 93–390, § 2(4), Aug. 27, 1974, 88 Stat. 767; Pub. L. 95–268, §§ 5, 6, Apr. 24, 1978, 92 Stat. 215; Pub. L. 97–65, § 6, Oct. 16, 1981, 95 Stat. 1023; Pub. L. 99–204, §§ 4(b), 6(b), 9(b)(2), Dec. 23, 1985, 99 Stat. 1670, 1671, 1673; Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 102–549, title I, § 105, Oct. 28, 1992, 106 Stat. 3652.)

REFERENCES IN TEXT

Sections 1872(b) and 1933(b) of this title, referred to in subsec. (c), were repealed by Pub. L. 87–195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460. Section 642(b) of Pub. L. 87–195 provided that references to provisions of law repealed by subsec. (a) were to be deemed references to the appropriate provisions of Pub. L. 87–195. See sections 2163 and 2351 of this title.

The Foreign Assistance Act of 1969, referred to in subsec. (c), is Pub. L. 91–175, Dec. 30, 1969, 83 Stat. 805, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables. The guaranty authorities repealed by the 1969 Act were the guaranty authorities contained in sections 2181 to 2184 prior to the general reorganization of subpart III by the 1969 Act.

The Federal Credit Reform Act of 1990, referred to in subsec. (d)(2), is title V of Pub. L. 93–344, as added by Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–609, which is classified generally to subchapter III (§ 661 et seq.) of chapter 17A of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2 and Tables.

This chapter, referred to in subsec. (j), 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 Foreign Corrupt Practices Act of 1977, referred to in subsec. (*l*), is title I of Pub. L. 95–213, Dec. 19, 1977, 91 Stat. 1494, as amended, which enacted sections 78dd–1 and 78dd–2 of Title 15, Commerce and Trade, and amended sections 78m and 78ff of Title 15. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 78a of Title 15 and Tables.

CODIFICATION

Amendment by Pub. L. 100–461 is based on section 110(c) of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and section 110(c) of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

AMENDMENTS

1992—Subsec. (d). Pub. L. 102–549, § 105(a), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "Fees shall be charged for insurance, guaranty, and reinsurance coverage in amounts to be determined by the Corporation. In the event fees charged for investment insurance, guaranties, or rein-

surance are reduced, fees to be paid under existing contracts for the same type of insurance, guaranties, or reinsurance and for similar guaranties issued under predecessor guaranty authority may be reduced.''

Subsecs. (n), (*o*). Pub. L. 102–549, § 105(b), (c), added subsecs. (n) and (*o*).

1988—Pub. L. 100–461 inserted reference to financing in section catchline.

1985—Subsec. (f). Pub. L. 99–204, § 6(b), added cl. (3).

Pub. L. 99–204, § 9(b)(2), inserted ''or 2194b'' after ''section 2194''.

Subsec. (m). Pub. L. 99–204, § 4(b), added subsec. (m).

1981—Subsec. (f). Pub. L. 97–65 substituted ''Compensation for insurance, reinsurance, or guaranties issued under this subpart shall not exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings, or profits actually accrued on such investment to the extent provided by such insurance, reinsurance, or guaranty, except that the Corporation may provide that (1) appropriate adjustments in the insured dollar value be made to reflect the replacement cost of project assets, and (2) compensation for a claim of loss under insurance of an equity investment may be computed on the basis of the net book value attributable to such equity investment on the date of loss'' for ''No insurance, reinsurance, or guaranty issued under this subpart shall exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings or profits actually accrued on said investment to the extent provided by such insurance, reinsurance, or guaranty, except that the Corporation may provide for appropriate adjustments in the insured dollar value to reflect the replacement cost of project assets'', and struck out provision that the preceding sentence not apply to the extent not permitted by State law.

1978—Subsec. (f). Pub. L. 95–268, § 5, inserted provisions excepting from dollar amounts adjustments in the insured dollar amounts to reflect replacement cost of project assets, and provisions excepting from limitations loans by banks or other financial institutions to unrelated parties.

Subsec. (*l*). Pub. L. 95–268, § 6, added subsec. (*l*).

1974—Subsecs. (a) to (c). Pub. L. 93–390, § 2(4)(A)–(C), inserted references to reinsurance wherever appearing.

Subsec. (d). Pub. L. 93–390, § 2(4)(D), inserted provisions authorizing fees to be charged for reinsurance and reduction of reinsurance fees under existing contracts in the event fees charged for reinsurance are reduced.

Subsec. (e). Pub. 93–390, § 2(4)(E), inserted reference to reinsurance.

Subsec. (f). Pub. L. 93–390, § 2(4)(F), (G), inserted ''reinsurance'' before ''or guaranty'' wherever appearing and provisions relating to limitations on the amount of direct insurance or reinsurance.

Subsec. (g). Pub. L. 93–390, § 2(4)(H), inserted applicability to insurance and reinsurance.

Subsecs. (h) to (k). Pub. L. 93–390, § 2(4)(I)–(K), inserted reference to reinsurance wherever appearing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2194b, 2195, 2199 of this title.

§ 2198. Definitions

As used in this subpart—

(a) the term ''investment'' includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of (1) a loan or loans to an approved project, (2) the purchase of a share of ownership in any such project, (3) participation in royalties, earnings, or profits of any such project, and (4) the furnishing of commodities or services pursuant to a lease or other contract;

(b) the term ''expropriation'' includes, but is not limited to, any abrogation, repudiation, or impairment by a foreign government of its own contract with an investor with respect to a project, where such abrogation, repudiation, or impairment is not caused by the investor's own fault or misconduct, and materially adversely affects the continued operation of the project;

(c) the term ''eligible investor'' means: (1) United States citizens; (2) corporations, partnerships, or other associations including nonprofit associations, created under the laws of the United States, any State or territory thereof, or the District of Columbia, and substantially beneficially owned by United States citizens; and (3) foreign corporations, partnerships, of other associations wholly owned by one or more such United States citizens, corporations, partnerships, or other associations: *Provided*, *however*, That the eligibility of such foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, held by other than the United States owners: *Provided further*, That in the case of any loan investment a final determination of eligibility may be made at the time the insurance or guaranty is issued; in all other cases, the investor must be eligible at the time a claim arises as well as at the time the insurance or guaranty is issued;

(d) the term ''noncredit account revolving fund'' means the account in which funds under section 2196 of this title and all funds from noncredit activities are held; and[1]

(e) the term ''noncredit activities'' means all activities of the Corporation other than its loan guarantee program under section 2194(b) of this title and its direct loan program under section 2194(c) of this title;[2]

(f) the term ''predecessor guaranty authority'' means prior guaranty authorities (other than housing guaranty authorities) repealed by the Foreign Assistance Act of 1969, and sections 1509(b)(3), 1872(b), and 1933(b)[3] of this title (exclusive of authority relating to informational media guaranties).

(Pub. L. 87–195, pt. I, § 238, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 815; amended Pub. L. 92–226, pt. I, § 104(a), Feb. 7, 1972, 86 Stat. 22; Pub. L. 97–65, § 7, Oct. 16, 1981, 95 Stat. 1024; Pub. L. 99–204, § 17(a), Dec. 23, 1985, 99 Stat. 1676; Pub. L. 102–549, title I, § 106, Oct. 28, 1992, 106 Stat. 3653.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1969, referred to in subsec. (f), is Pub. L. 91–175, Dec. 30, 1969, 83 Stat. 805, as amended. For complete classification of this Act to the Code, see Short Title of 1969 Amendment note set out under section 2151 of this title and Tables. The guaranty authorities repealed by the 1969 Act were the guaranty authorities contained in sections 2181 to 2184 prior to the general reorganization of subpart III by the 1969 Act.

Section 1509(b)(3) of this title, referred to in subsec. (f), was repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a)(4), 68 Stat. 861.

[1] So in original. The word ''and'' probably should not appear.

[2] So in original. Probably should be followed by ''and''.

[3] See References in Text note below.

Sections 1872(b) and 1933(b) of this title, referred to in subsec. (f), were repealed by Pub. L. 87–195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460. Section 642(b) of Pub. L. 87–195 provided that references to provisions of law repealed by subsec. (a) were to be deemed references to the appropriate provisions of Pub. L. 87–195. See sections 2163 and 2351 of this title.

AMENDMENTS

1992—Subsecs. (c) to (f). Pub. L. 102–549 struck out ''and'' at end of subsec. (c), added subsecs. (d) and (e), and redesignated former subsec. (d) as (f).

1985—Subsec. (c)(2). Pub. L. 99–204 inserted reference to the District of Columbia.

1981—Subsec. (a). Pub. L. 97–65 substituted ''contribution or commitment of funds'' for ''contribution of funds''.

1972—Subsec. (c). Pub. L. 92–226 struck out ''required by law to be'' after ''share capital,'' in first proviso.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2182, 2186 of this title.

§ 2199. General provisions and powers

(a) Place of residence

The Corporation shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof.

(b) Transfer of prior obligations, etc.; administration prior to transfer

The President shall transfer to the Corporation, at such time as he may determine, all obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in section 2194(a), (b), and (d) of this title. Until such transfer, the agency heretofore responsible for such predecessor programs shall continue to administer such assets and obligations, and such programs and activities authorized under this subpart as may be determined by the President.

(c) Audits of the Corporation

(1) The Corporation shall be subject to the applicable provisions of chapter 91 of title 31, except as otherwise provided in this subpart.

(2) An independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Corporation at least once every three years, in accordance with generally accepted Government auditing standards for a financial and compliance audit, as issued by the Comptroller General. The independent certified public accountant shall report the results of such audit to the Board. The financial statements of the Corporation shall be presented in accordance with generally accepted accounting principles. These financial statements and the report of the accountant shall be included in a report which contains, to the extent applicable, the information identified in section 9106 of title 31, and which the Corporation shall submit to the Congress not later than six and one-half months after the end of the last fiscal year covered by the audit. The General Accounting Office may review the audit conducted by the accountant and the report to the Congress in the manner and at such times as the General Accounting Office considers necessary.

(3) In lieu of the financial and compliance audit required by paragraph (2), the General Accounting Office shall, if the Office considers it necessary or upon the request of the Congress, audit the financial statements of the Corporation in the manner provided in paragraph (2). The Corporation shall reimburse the General Accounting Office for the full cost of any audit conducted under this paragraph.

(4) All books, accounts, financial records, reports, files, workpapers, and property belonging to or in use by the Corporation and the accountant who conducts the audit under paragraph (2), which are necessary for purposes of this subsection, shall be made available to the representatives of the General Accounting Office.

(d) Powers of Corporation

To carry out the purposes of this subpart, the Corporation is authorized to adopt and use a corporate seal, which shall be judicially noticed; to sue and be sued in its corporate name; to adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law; to acquire, hold or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein; to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it shall deem appropriate; to indemnify directors, officers, employees and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities; notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings; to enter into limited-term contracts with nationals of the United States for personal services to carry out activities in the United States and abroad under subsections (d) and (e) of section 2194 of this title; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and guarantee notes, participation certificates, and other evidence of indebtedness (provided that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 2191(c) or participation certificates as evidence of indebtedness held by the Corporation in connection with settlement of claims under section 2197(i) of this title); to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business; to exercise any priority of the Government of the United States in collecting debts from bankrupt, insolvent, or decedents' estates; to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations; to collect or compromise any obligations assigned to or held by the Corporation, including any legal or equitable rights accruing to the Corporation; and to take such actions as may be necessary or appropriate to carry out the powers herein or hereafter specifically conferred upon it.

(e) Reviews, investigations, and inspections by Inspector General of Agency for International Development

The Inspector General of the Agency for International Development (1) may conduct reviews, investigations, and inspections of all phases of the Corporation's operations and activities and (2) shall conduct all security activities of the Corporation relating to personnel and the control of classified material. With respect to his responsibilities under this subsection, the Inspector General shall report to the Board. The agency primarily responsible for administering subchapter I of this chapter shall be reimbursed by the Corporation for all expenses incurred by the Inspector General in connection with his responsibilities under this subsection.

(f) Programs for Yugoslavia, Poland, Hungary, Romania, the People's Republic of China, or Pakistan; national interest

Except for the provisions of this subpart, no other provision of this chapter or any other law shall be construed to prohibit the operation in Yugoslavia, Poland, Hungary, or any other East European country, or the People's Republic of China, or Pakistan of the programs authorized by this subpart, if the President determines that the operation of such program in such country is important to the national interest.

(g) Environmental impact assessments

The requirements of section 2151p(c) of this title relating to environmental impact statements and environmental assessments shall apply to any investment which the Corporation insures, reinsures, guarantees, or finances under this subpart in connection with a project in a country.

(h) Preparation, maintenance, and contents of development impact profile for investment projects; development of criteria for evaluating projects

In order to carry out the policy set forth in paragraph (1) of the second undesignated paragraph of section 2191 of this title, the Corporation shall prepare and maintain for each investment project it insures, finances, or reinsures, a development impact profile consisting of data appropriate to measure the projected and actual effects of such project on development. Criteria for evaluating projects shall be developed in consultation with the Agency for International Development.

(i) Observance of and respect for human rights and fundamental freedoms as considerations for conduct of assistance programs, etc.; provisions applicable for determinations; exceptions

The Corporation shall take into account in the conduct of its programs in a country, in consultation with the Secretary of State, all available information about observance of and respect for human rights and fundamental freedoms in such country and the effect the operation of such programs will have on human rights and fundamental freedoms in such country. The provisions of section 2151n of this title shall apply to any insurance, reinsurance, guaranty, or loan issued by the Corporation for projects in a country, except that in addition to the exception (with respect to benefiting needy people) set forth in subsection (a) of such section, the Corporation may support a project if the national security interest so requires.

(j) Exemption from taxation

The Corporation, including its franchise, capital, reserves, surplus, advances, intangible property, and income, shall be exempt from all taxation at any time imposed by the United States, by any territory, dependency, or possession of the United States, or by any State, the District of Columbia, or any county, municipality, or local taxing authority.

(k) Publication of policy guidelines

The Corporation shall publish, and make available to applicants for insurance, reinsurance, guarantees, financing, or other assistance made available by the Corporation under this subpart, the policy guidelines of the Corporation relating to its programs.

(Pub. L. 87–195, pt. I, § 239, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 816; amended Pub. L. 92–226, pt. I, § 104(b), Feb. 7, 1972, 86 Stat. 22; Pub. L. 92–310, title II, § 227(d), June 6, 1972, 86 Stat. 207; Pub. L. 93–390, § 2(5), Aug. 27, 1974, 88 Stat. 768; Pub. L. 95–268, §§ 7, 8, Apr. 24, 1978, 92 Stat. 215, 216; Pub. L. 95–598, title III, § 318, Nov. 6, 1978, 92 Stat. 2678; Pub. L. 96–327, Aug. 8, 1980, 94 Stat. 1026; Pub. L. 97–65, § 8, Oct. 16, 1981, 95 Stat. 1024; Pub. L. 97–113, title VII, § 705(b)(2), Dec. 29, 1981, 95 Stat. 1545; Pub. L. 99–204, §§ 4(c), 11–13, Dec. 23, 1985, 99 Stat. 1670, 1673, 1674; Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 101–167, title V, § 597(a), Nov. 21, 1989, 103 Stat. 1257; Pub. L. 101–179, title III, § 302(a), Nov. 28, 1989, 103 Stat. 1311; Pub. L. 101–513, title V, § 576(a), Nov. 5, 1990, 104 Stat. 2044; Pub. L. 102–549, title I, § 107, Oct. 28, 1992, 106 Stat. 3654; Pub. L. 105–118, title V, § 579(a), Nov. 26, 1997, 111 Stat. 2435.)

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

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

CODIFICATION

Amendment by Pub. L. 100–461 is based on sections 108 and 110(a)(2) of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and sections 108 and 110(a)(2) of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

AMENDMENTS

1997—Subsec. (f). Pub. L. 105–118 inserted ", or Pakistan" after "China".

1992—Subsec. (d). Pub. L. 102–549, after "legal and arbitral proceedings;", inserted "to enter into limited-term contracts with nationals of the United States for personal services to carry out activities in the United States and abroad under subsections (d) and (e) of section 2194 of this title;".

1990—Subsec. (f). Pub. L. 101–513 inserted "or any other East European country," after "Hungary,".

1989—Subsec. (f). Pub. L. 101–179 inserted ", Poland, Hungary," after "Yugoslavia".

Pub. L. 101–167, which directed amendment of subsec. (f) by inserting ''Poland, Hungary,'' after ''Yugoslavia,'', did not take effect due to similar amendment by section 302(a) of Pub. L. 101–179. See amendment note above and section 302(c) of Pub. L. 101–179, set out below.

1988—Subsec. (f). Pub. L. 100–461, which directed that '', Romania,'' be struck out, was executed by striking out '', Romania'' after ''Yugoslavia'', as the probable intent of Congress, because no comma followed ''Romania'' in original.

Subsec. (g). Pub. L. 100–461 made technical amendment to reference to section 2151p(c) of this title to reflect renumbering of corresponding section of original act.

1985—Subsec. (c). Pub. L. 99–204, § 11, amended subsec. (c) generally, designating existing provisions as par. (1), substituting ''chapter 91 of title 31'' for ''the Government Corporation Control Act'', and adding pars. (2) to (4).

Subsec. (g). Pub. L. 99–204, § 4(c), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''Within six months after August 27, 1974, the Corporation shall develop and implement specific criteria intended to minimize the potential environmental implications of projects undertaken by investors abroad in accordance with any of the programs authorized by this subpart.''

Subsecs. (j), (k). Pub. L. 99–204, §§ 12, 13, added subsecs. (j) and (k).

1981—Subsec. (d). Pub. L. 97–65, § 8(1), inserted provision authorizing the Corporation to collect or compromise any obligations assigned to or held by the Corporation, including any legal or equitable rights accruing to the Corporation.

Subsec. (e). Pub. L. 97–65, § 8(2)(A), and Pub. L. 97–113, § 705(b)(2), made identical amendments by substituting references to Inspector General for references to Auditor-General wherever appearing.

Pub. L. 97–65, § 8(2)(B), substituted language referring to Inspector General's authority to reviews, investigate, and conduct inspections of all phases of the Corporation's operations and activities for provisions which had formerly placed upon that official the responsibility for planning and directing the execution of audits, reviews, investigations, and inspections of all phases of the Corporation's operations and activities.

Subsecs. (f) to (*l*). Pub. L. 97–65, § 8(3), redesignated subsecs. (g), (h), (i), and (*l*) as (f), (g), (h), and (i), respectively. Former subsecs. (f) providing for the establishment of an Advisory Council, (j) providing limits for projects involving the exploration for or the mining of or other extraction of copper, and (k) prohibiting the granting of insurance, reinsurance, guaranty, financing, or other financial support for projects to establish or expand production or processing of palm oil, sugar, or citrus crops for export, were struck out.

1980—Subsec. (g). Pub. L. 96–327 substituted ''Yugoslavia, Romania or the People's Republic of China'' for ''Yugoslavia or Romania''.

1978—Subsec. (b). Pub. L. 95–268, § 7(1), struck out provisions relating to the cessation on Dec. 31, 1979, of programs operated by the Corporation under sections 2194(b) to (e) and 2200 of this title and transfer by the President of such programs and all obligations, etc., arising out of such programs to other agencies of the United States.

Subsec. (d). Pub. L. 95–598 substituted ''any priority'' for ''the priority''.

Pub. L. 95–268, § 7(2), inserted provision relating to participation certificates as evidence of indebtedness held by Corporation for settlement of claims under section 2197(i) of this title.

Subsecs. (i) to (k). Pub. L. 95–268, § 7(3), added subsecs. (i) to (k).

Subsec. (*l*). Pub. L. 95–268, § 8, added subsec. (*l*).

1974—Subsec. (b). Pub. L. 93–390, § 2(5)(A), inserted provisions relating to the cessation on Dec. 31, 1979, of programs operated by the Corporation under sections 2194(b) to (e) and 2200 of this title and transfer by the President of such programs and all obligations, etc., arising out of such programs to other agencies of the United States.

Subsec. (h). Pub. L. 93–390, § 2(5)(B), added subsec. (h).

1972—Subsec. (d). Pub. L. 92–310 struck out provisions which authorized the Corporation to require bonds of officers and employees and to pay premiums therefor.

Subsec. (g). Pub. L. 92–226 added subsec. (g).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95–598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (g) [redesignated (f) by Pub. L. 97–65], as they relate to Presidential certification concerning United Nations Relief and Works Agency, were delegated to Secretary of State, to be exercised in consultation with Director of United States International Development Cooperation Agency by section 1–201(a)(1), (b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title. United States International Development Cooperation Agency (other than Agency for International Development and Overseas Private Investment Corporation) abolished and functions and authorities transferred, see sections 6561 and 6562 of this title.

TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

ENHANCEMENT OF NONGOVERNMENTAL SECTOR IN POLAND AND HUNGARY

Section 302(b) of Pub. L. 101–179 provided that: ''In accordance with its mandate to foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the development process, the Overseas Private Investment Corporation shall support projects in Poland and Hungary which will result in enhancement of the nongovernmental sector and reduction of state involvement in the economy.''

AVOIDANCE OF DUPLICATIVE AMENDMENTS

Section 302(c) of Pub. L. 101–179 provided that: ''If the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 [Pub. L. 101–167], contains the same amendment that is made by subsection (a) of this section [see 1989 Amendment note set out above], the amendment made by that Act shall not be effective.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2197, 2200a of this title.

§ 2200. Small business development in less developed friendly countries or areas; encouragement by other Federal departments, etc., of broadened participation by United States small business cooperatives and investors; project funding

The Corporation shall undertake, in cooperation with appropriate departments, agencies,

and instrumentalities of the United States as well as private entities and others, to broaden the participation of United States small business, cooperatives, and other small United States investors in the development of small private enterprise in less developed friendly countries or areas. The Corporation shall allocate up to 50 per cent of its annual net income, after making suitable provision for transfers and additions to reserves, to assist and facilitate the development of projects consistent with the provisions of this section. Such funds may be expended, notwithstanding the requirements of section 2191(a) of this title, on such terms and conditions as the Corporation may determine, through loans, grants, or other programs authorized by section 2194 of this title and section 2194b of this title.

(Pub. L. 87–195, pt. I, § 240, as added Pub. L. 95–268, § 9, Apr. 24, 1978, 92 Stat. 216; amended Pub. L. 99–204, § 9(b)(3), Dec. 23, 1985, 99 Stat. 1673.)

PRIOR PROVISIONS

A prior section 2200, Pub. L. 87–195, pt. I, § 240, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 817; amended Pub. L. 92–226, pt. I, § 104(c), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93–189, § 6(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–390, § 2(6), Aug. 27, 1974, 88 Stat. 768, provided for agricultural credit and self-help community development projects in Latin America, prior to repeal by Pub. L. 93–559, § 8(b), Dec. 30, 1974, 88 Stat. 1797. See section 2182a of this title.

AMENDMENTS

1985—Pub. L. 99–204 inserted reference to section 2194b of this title.

§ 2200a. Report to Congress

(a) Annual report

After the end of each fiscal year, the Corporation shall submit to the Congress a complete and detailed report of its operations during such fiscal year. Such report shall include—

(1) an assessment, based upon the development impact profiles required by section 2199(h) of this title, of the economic and social development impact and benefits of the projects with respect to which such profiles are prepared, and of the extent to which the operations of the Corporation complement or are compatible with the development assistance programs of the United States and other donors; and

(2) a description of any project for which the Corporation—

(A) refused to provide any insurance, reinsurance, guaranty, financing, or other financial support, on account of violations of human rights referred to in section 2199(i) of this title; or

(B) notwithstanding such violations, provided such insurance, reinsurance, guaranty, financing, or financial support, on the basis of a determination (i) that the project will directly benefit the needy people in the country in which the project is located, or (ii) that the national security interest so requires.

(b) Effect of all projects on employment in United States to be included in annual report

(1) Each annual report required by subsection (a) of this section shall contain projections of the effects on employment in the United States of all projects for which, during the preceding fiscal year, the Corporation initially issued any insurance, reinsurance, or guaranty or made any direct loan. Each such report shall include projections of—

(A) the amount of United States exports to be generated by those projects, both during the start-up phase and over a period of years;

(B) the final destination of the products to be produced as a result of those projects; and

(C) the impact such production will have on the production of similar products in the United States with regard to both domestic sales and exports.

(2) The projections required by this subsection shall be based on an analysis of each of the projects described in paragraph (1).

(3) In reporting the projections on employment required by this subsection, the Corporation shall specify, with respect to each project—

(A) any loss of jobs in the United States caused by the project, whether or not the project itself creates other jobs;

(B) any jobs created by the project; and

(C) the country in which the project is located, and the economic sector involved in the project.

No proprietary information may be disclosed under this paragraph.

(c) Repealed. Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36

(d) Maintenance of records

The Corporation shall maintain as part of its records—

(1) all information collected in preparing the report required by subsection (c) of this section (as in effect before October 1, 1988), whether the information was collected by the Corporation itself or by a contractor; and

(2) a copy of the analysis of each project analyzed in preparing the reports required either by subsection (b) of this section, or by subsection (c) of this section (as in effect before October 1, 1988).

(e) Assessment of cooperative political risk insurance program

Each annual report required by subsection (a) of this section shall include an assessment of programs implemented by the Corporation under section 2194b(a) of this title, including the following information, to the extent such information is available to the Corporation:

(1) The nature and dollar value of political risk insurance provided by private insurers in conjunction with the Corporation, which the Corporation was not permitted to provide under this subpart.

(2) The nature and dollar value of political risk insurance provided by private insurers in conjunction with the Corporation, which the Corporation was permitted to provide under this subpart.

(3) The manner in which such private insurers and the Corporation cooperated in recovery efforts and claims management.

(f) Information not required to be made available to public excluded from reports

Subsections (b) and (e) of this section do not require the inclusion in any report submitted pursuant to those subsections of any information which would not be required to be made available to the public pursuant to section 552 of title 5 (relating to freedom of information).

(Pub. L. 87–195, pt. I, § 240A, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 818; amended Pub. L. 93–390, § 2(7), Aug. 27, 1974, 88 Stat. 768; Pub. L. 95–268, § 10, Apr. 24, 1978, 92 Stat. 216; Pub. L. 97–65, § 9, formerly § 9(a), Oct. 16, 1981, 95 Stat. 1024, renumbered § 9, Pub. L. 99–204, § 17(c)(1), Dec. 23, 1985, 99 Stat. 1677; Pub. L. 99–204, § 14(a), Dec. 23, 1985, 99 Stat. 1674; Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 102–549, title I, § 108, Oct. 28, 1992, 106 Stat. 3654.)

CODIFICATION

Amendment by Pub. L. 100–461 is based on sections 105(b) and 110(b) of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and sections 105(b) and 110(b) of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

AMENDMENTS

1992—Subsec. (b)(2), (3). Pub. L. 102–549 added pars. (2) and (3) and struck out former par. (2) which read as follows: ''Each report required by this subsection shall be based on an analysis of each of the projects described in paragraph (1). The reports may, however, present information and analysis in aggregate form, but only if—

''(A) those projects which are projected to have a positive effect on employment in the United States and those projects which are projected to have a negative effect on employment in the United States are grouped separately; and

''(B) there is set forth for each such grouping the key characteristics of the projects within that grouping, including the number of projects in each economic sector, the countries in which the projects in each economic sector are located, and the projected level of the impact of the projects in each economic sector on employment in the United States and on United States trade.''

1988—Subsec. (c). Pub. L. 100–461 repealed subsec. (c) which related to actual effect of all projects on employment in United States as of Sept. 30, 1986, presentation of information, and methodology used in acquiring information and making analysis.

Subsec. (d)(1). Pub. L. 100–461 inserted ''(as in effect before October 1, 1988)'' after ''subsection (c) of this section''.

Subsec. (d)(2). Pub. L. 100–461 substituted ''either by subsection (b) of this section, or by subsection (c) of this section (as in effect before October 1, 1988)'' for ''by either subsection (b) or (c) of this section''.

Subsec. (e). Pub. L. 100–461 added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 100–461 redesignated subsec. (e) as (f) and substituted ''(e)'' for ''(c)''.

1985—Pub. L. 99–204, § 14(a), designated existing provisions as subsec. (a) and added subsecs. (b) to (e).

1981—Pub. L. 97–65 struck out designation ''(a)'' before ''After the end of each fiscal year'', substituted references to section 2199(h) and (i) of this title for references to section 2199(i) and (*l*) of this title, respectively, in pars. (1) and (2)(A), and struck out subsec. (b) which had provided that, not later than Sept. 30, 1980, the Corporation was to submit to the Congress a report on the development of private and multilateral programs for investment insurance and any reinsurance arrangements the Corporation had made with private insurance companies, multilateral organizations and institutions or other entities.

1978—Subsec. (a). Pub. L. 95–268 added cls. (1) and (2) setting forth required contents of report.

Subsec. (b). Pub. L. 95–268 substituted provisions relating to report to be submitted not later than Sept. 30, 1980 involving the development and any arrangements by the Corporation with private insurance companies, etc., for provisions relating to report submitted not later than Jan. 1, 1976 involving the possibilities of the Corporation transferring all of its activities to private insurance companies, etc.

1974—Subsec. (b). Pub. L. 93–390 substituted ''January 1, 1976'' for ''March 1, 1974'' and ''of its activities to private insurance companies, multilateral organizations and institutions, or other entities'' for ''or part of its activities to private United States citizens, corporations, or other associations''.

REPORT TO CONGRESS NOT LATER THAN JUNE 30, 1982, ON METHODS FOR ESTIMATING THE IMPACT ON INVESTMENTS IF INSURANCE OR OTHER SUPPORT IS NOT PROVIDED

Section 9(b) of Pub. L. 97–65, which provided for a report to Congress by the Overseas Private Investment Corporation on the effect on investments of lack of insurance, was repealed by Pub. L. 99–204, § 17(c)(2), Dec. 23, 1985, 99 Stat. 1677.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2194b of this title.

§ 2200b. Prohibition on noncompetitive awarding of insurance contracts on OPIC supported exports

(a) Requirement for certification

(1) In general

Except as provided in paragraph (3), the investor on whose behalf insurance, reinsurance, guaranties, or other financing is provided under this subpart with respect to a project shall be required to certify to the Corporation that any contract for the export of goods as part of that project will include a clause requiring that United States insurance companies have a fair and open competitive opportunity to provide insurance against risk of loss of such export.

(2) When certification must be made

The investor shall be required, in every practicable case, to so certify before the insurance, reinsurance, guarantee, or other financing is provided. In any case in which such a certification is not made in advance, the investor shall include in the certification the reasons for the failure to make a certification in advance.

(3) Exception

Paragraph (1) does not apply with respect to an investor who does not, because of the nature of the investment, have a controlling interest in fact in the project in question.

(b) Reports by United States Trade Representative

The United States Trade Representative shall review the actions of the Corporation under subsection (a) of this section and, after consultation with representatives of United States insurance companies, shall report to the Congress in the report required by section 2241(b) of title 19 with respect to such actions.

(c) Definitions

For purposes of this section—

(1) the term ''United States insurance company'' includes—

(A) an individual, partnership, corporation, holding company, or other legal entity which is authorized, or in the case of a holding company, subsidiaries of which are authorized, by a State to engage in the business of issuing insurance contracts or reinsuring the risk underwritten by insurance companies; and

(B) foreign operations, branches, agencies, subsidiaries, affiliates, or joint ventures of any entity described in subparagraph (A);

(2) United States insurance companies shall be considered to have had a ''fair and open competitive opportunity to provide insurance'' if they—

(A) have received notice of the opportunity to provide insurance; and

(B) have been evaluated on a nondiscriminatory basis; and

(3) the term ''State'' includes the District of Columbia and any commonwealth, territory, or possession of the United States.

(Pub. L. 87–195, pt. I, § 240B, as added Pub. L. 102–549, title I, § 109, Oct. 28, 1992, 106 Stat. 3654.)

PRIOR PROVISIONS

A prior section 2200b, Pub. L. 87–195, pt. I, § 240B, as added Pub. L. 97–65, § 10, Oct. 16, 1981, 95 Stat. 1024, related to return of appropriated funds, prior to repeal by Pub. L. 99–204, § 15, Dec. 23, 1985, 99 Stat. 1676.

SUBPART V—DISADVANTAGED CHILDREN IN ASIA

§ 2201. Assistance to disadvantaged children in Asia

(a) Congressional findings

The Congress recognizes the humanitarian needs of disadvantaged children in Asian countries where there has been or continues to be a heavy presence of United States military and related personnel in recent years. Moreover, the Congress finds that inadequate provision has been made for the care and welfare of such disadvantaged children, particularly those fathered by the[1] United States citizens.

(b) Authority of President

Accordingly, the President is authorized to expend up to $3,000,000 of funds made available under part I of this subchapter, in addition to funds otherwise available for such purposes, to help meet the needs of these disadvantaged children in Asia by assisting in the expansion and improvement of orphanages, hostels, day care centers, school feeding programs, and health, education, and welfare programs. Assistance provided under this section shall be furnished under the auspices of and by international organizations or private voluntary agencies operating within, and in cooperation with, the countries of Asia where these disadvantaged children reside.

(Pub. L. 87–195, pt. I, § 241, as added Pub. L. 95–424, title I, § 116, Oct. 6, 1978, 92 Stat. 952; amended Pub. L. 99–83, title IX, § 903(a), Aug. 8, 1985, 99 Stat. 268.)

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of this subchapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

PRIOR PROVISIONS

A prior section 2201, Pub. L. 87–195, pt. I, § 241, Sept. 4, 1961, 75 Stat. 433; Pub. L. 88–205, pt. I, § 105, Dec. 16, 1963, 77 Stat. 382, related to general authority of President respecting development research and use of funds for research into problems of population growth, prior to repeal by Pub. L. 94–161, title III, § 306(1), Dec. 20, 1975, 89 Stat. 858.

AMENDMENTS

1985—Subsec. (b). Pub. L. 99–83 substituted ''$3,000,000'' for ''$2,000,000''.

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.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SUBPART VI—ALLIANCE FOR PROGRESS

§§ 2211 to 2213. Repealed. Pub. L. 95–424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2211, Pub. L. 87–195, pt. I, § 251, as added Pub. L. 87–565, pt. I, § 106, Aug. 1, 1962, 76 Stat. 257; amended Pub. L. 88–205, pt. I, § 106(a), Dec. 16, 1963, 77 Stat. 382; Pub. L. 89–583, pt. I, § 105(a), Sept. 19, 1966, 80 Stat. 799; Pub. L. 90–137, pt. I, § 106(a), Nov. 14, 1967, 81 Stat. 451, related to assistance in order to promote the economic development of countries and areas in Latin America.

Section 2212, Pub. L. 87–195, pt. I, § 252, as added Pub. L. 87–565, pt. I, § 106, Aug. 1, 1962, 76 Stat. 258; amended Pub. L. 88–205, pt. I, § 106(b), Dec. 16, 1963, 77 Stat. 383; Pub. L. 88–633, pt. I, § 105, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89–171, pt. I, § 105, Sept. 6, 1965, 79 Stat. 655; Pub. L. 89–583, pt. I, § 105(b), Sept. 19, 1966, 80 Stat. 799; Pub. L. 90–137, pt. I, § 106(b), Nov. 14, 1967, 81 Stat. 451; Pub. L. 90–554, pt. I, § 105, Oct. 8, 1968, 82 Stat. 961; Pub. L. 91–175, pt. I, § 106, Dec. 30, 1969, 83 Stat. 818; Pub. L. 92–226, pt. I, § 105, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93–189, § 7, Dec. 17, 1973, 87 Stat. 718, related to authorization of appropriations for Alliance for Progress.

Section 2213, Pub. L. 87–195, pt. I, § 253, as added Pub. L. 87–565, pt. I, § 106, Aug. 1, 1962, 76 Stat. 258; amended Pub. L. 88–205, pt. I, § 106(c), Dec. 16, 1963, 77 Stat. 383, related to availability of receipts from loans for Alliance for Progress.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SUBPART VII—EVALUATION OF PROGRAMS

§ 2216. Repealed. Pub. L. 95–424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section, Pub. L. 87–195, pt. I, § 261, as added Pub. L. 88–205, pt. I, § 107, Dec. 16, 1963, 77 Stat. 383, related to appointment of a committee to review and evaluate economic development program for less developed countries.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

[1] So in original.

SUBPART VIII—SOUTHEAST ASIA MULTILATERAL AND REGIONAL PROGRAMS

§§ 2217, 2217a. Repealed. Pub. L. 95–424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2217, Pub. L. 87–195, pt. I, § 271, as added Pub. L. 89–583, pt. I, § 106, Sept. 19, 1966, 80 Stat. 799, set forth sense of Congress that acceleration of social and economic progress would be served by an expanded effort by countries of southeast Asia and other interested countries in cooperative programs.

Section 2217a, Pub. L. 87–195, pt. I, § 272, as added Pub. L. 89–583, pt. I, § 106, Sept. 19, 1966, 80 Stat. 800, related to a number of criteria to be taken into account in providing assistance under the Southeast Asia Multilateral and Regional Programs.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2217b. Repealed. Pub. L. 90–137, pt. I, § 107, Nov. 14, 1967, 81 Stat. 452

Section, Pub. L. 87–195, pt. I, § 273, as added Pub. L. 89–583, pt. I, § 106, Sept. 19, 1966, 80 Stat. 800, prescribed a $10,000,000 limitation on use of funds for promotion of social and economic development and stability in southeast Asia.

SUBPART IX—UTILIZATION OF DEMOCRATIC INSTITUTIONS IN DEVELOPMENT

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 290h of this title.

§ 2218. Utilization of democratic institutions in development

(a) Popular participation through encouragement of democratic institutions

In carrying out programs authorized in this part and part I of this subchapter, emphasis shall be placed on assuring maximum participation in the task of economic development on the part of the people of the developing countries, through the encouragement of democratic private and local governmental institutions.

(b) Human and intellectual resources; self-government through civic education and training in requisite skills

In order to carry out the purposes of this section programs under this part and part I of this subchapter shall—

(1) recognize the differing needs, desires, and capacities of the people of the respective developing countries and areas;

(2) use the intellectual resources of such countries and areas in conjunction with assistance provided under this chapter so as to encourage the development of indigenous institutions that meet their particular requirements for sustained economic and social progress; and

(3) support civic education and training in skills required for effective participation in governmental and political processes essential to self-government.

(c) Political, social, and related obstacles to development; democratic social and political trends

In the allocation of funds for research under this part and part I of this subchapter, emphasis shall be given to research designed to examine the political, social, and related obstacles to development in countries receiving assistance under subchapter I of this chapter. In particular, emphasis should be given to research designed to increase understanding of the ways in which development assistance can support democratic social and political trends in recipient countries.

(d) Implementation of objectives through application of experience gained from program evaluation

Emphasis shall also be given to the evaluation of relevant past and current programs under subchapter I of this chapter and to applying this experience so as to strengthen their effectiveness in implementing the objectives of this section.

(e) Inservice training programs

In order to carry out the purposes of this section, the agency primarily responsible for administering subchapter I of this chapter shall develop systematic programs of inservice training to familiarize its personnel with the objectives of this section and to increase their knowledge of the political and social aspects of development. In addition to other funds available for such purposes, not to exceed 1 per centum of the funds authorized to be appropriated for grant assistance under this part and part I of this subchapter may be used for carrying out the objectives of this subsection.

(Pub. L. 87–195, pt. I, § 281, as added Pub. L. 89–583, pt. I, § 106, Sept. 19, 1966, 80 Stat. 800; amended Pub. L. 90–137, pt. I, § 108, Nov. 14, 1967, 81 Stat. 452; Pub. L. 90–554, pt. I, § 106, Oct. 8, 1968, 82 Stat. 961; Pub. L. 95–424, title I, § 102(g)(2)(A), Oct. 6, 1978, 92 Stat. 942.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(2), 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.

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

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

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of this subchapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

AMENDMENTS

1978—Subsecs. (a), (b), (c), (e). Pub. L. 95–424 inserted ''and part 1 of this subchapter'' after ''this part''.

1968—Subsec. (c). Pub. L. 90–554, § 106(a), emphasized research designed to increase understanding of ways in which development assistance can support democratic social and political trends in recipient countries.

Subsec. (e). Pub. L. 90–554, § 106(b), added subsec. (e).

1967—Pub. L. 90–137 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

EFFECTIVE DATE OF 1978 AMENDMENT

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

SUBPART X—PROGRAMS RELATING TO POPULATION GROWTH AND FAMILY PLANNING

§§ 2219, 2219a. Repealed. Pub. L. 95–424, title I, § 104(b), Oct. 6, 1978, 92 Stat. 947

Section 2219, Pub. L. 87–195, pt. I, § 291, as added Pub. L. 90–137, pt. I, § 109, Nov. 14, 1967, 81 Stat. 453, set forth a general statement of policy concerning population growth and family planning.

Section 2219a, Pub. L. 87–195, pt. I, § 292, as added Pub. L. 90–137, pt. I, § 109, Nov. 14, 1967, 81 Stat. 453; amended Pub. L. 90–554, pt. I, § 107, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–175, pt. I, § 107, Dec. 30, 1969, 83 Stat. 818; Pub. L. 92–226, pt. I, § 106, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93–189, § 8, Dec. 17, 1973, 87 Stat. 718; Pub. L. 93–559, § 4(2), Dec. 30, 1974, 88 Stat. 1795, related to the availability of funds on a loan or grant basis to carry out the purposes of this subpart.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SUBPART XI—FOOD PRODUCTION TARGETS AND REPORTS

§ 2220. Repealed. Pub. L. 95–424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959

Section, Pub. L. 87–195, pt. I, § 295, as added Pub. L. 90–137, pt. I, § 109, Nov. 14, 1967, 81 Stat. 453, related to reports and recommendations to Congress by the President for each country receiving assistance under this chapter which the President finds has a substantial food deficit.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SUBPART XII—FAMINE PREVENTION AND FREEDOM FROM HUNGER

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in title 7 section 3124a.

§ 2220a. General provisions

(a) Congressional objectives and findings

The Congress declares that, in order to prevent famine and establish freedom from hunger, the United States should strengthen the capacities of the United States land-grant and other eligible universities in program-related agricultural institutional development and research, consistent with sections 2151a and 2151a–1 of this title, should improve their participation in the United States Government's international efforts to apply more effective agricultural sciences to the goal of increasing world food production, and in general should provide increased and longer term support to the application of science to solving food and nutrition problems of the developing countries.

The Congress so declares because it finds—

(1) that the establishment, endowment, and continuing support of land-grant universities in the United States by Federal, State, and county governments has led to agricultural progress in this country;

(2) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with foreign agricultural institutions in expanding indigenous food production for both domestic and international markets;

(3) that, in a world of growing population with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger but to build the economic base for growth, and moreover, that the greatest potential for increasing world food supplies is in the developing countries where the gap between food need and food supply is the greatest and current yields are lowest;

(4) that increasing and making more secure the supply of food is of greatest benefit to the poorest majority in the developing world;

(5) that research, teaching, and extension activities, and appropriate institutional development therefor are prime factors in increasing agricultural production abroad (as well as in the United States) and in improving food distribution, storage, and marketing;

(6) moreover, that agricultural research abroad has in the past and will continue in the future to provide benefits for agriculture in the United States and that increasing the availability of food of higher nutritional quality is of benefit to all; and

(7) that universities need a dependable source of Federal funding, as well as other financing, in order to expand, or in some cases to continue, their efforts to assist in increasing agricultural production in developing countries.

(b) Congressional objectives and declaration for collation of components to increase world food production

Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, various components must be brought together in order to increase world food production, including—

(1) strengthening the capabilities of universities to assist in increasing agricultural production in developing countries;

(2) institution-building programs for development of national and regional agricultural research and extension capacities in developing countries which need assistance;

(3) international agricultural research centers;

(4) contract research; and

(5) research program grants.

(c) University involvement, participation, and cooperation

The United States should—

(1) effectively involve the United States land-grant and other eligible universities more extensively in each component;

(2) provide mechanisms for the universities to participate and advise in the planning, development, implementation, and administration of each component; and

(3) assist such universities in cooperative joint efforts with—

(A) agricultural institutions in developing nations, and

(B) regional and international agricultural research centers,

directed to strengthening their joint and respective capabilities and to engage them more effectively in research, teaching, and extension activities for solving problems in food production, distribution, storage, marketing, and consumption in agriculturally underdeveloped nations.

(d) Universities

As used in this subpart, the term ''universities'' means those colleges or universities in each State, territory, or possession of the United States, or the District of Columbia, now receiving, or which may hereafter receive, benefits under the Act of July 2, 1862 (known as the First Morrill Act) [7 U.S.C. 301 et seq.], or the Act of August 30, 1890 (known as the Second Morrill Act) [7 U.S.C. 321 et seq.], which are commonly known as ''land-grant'' universities; institutions now designated or which may hereafter be designated as sea-grant colleges under the Act of October 15, 1966 (known as the National Sea Grant College and Program Act) [33 U.S.C. 1121 et seq.], which are commonly known as sea-grant colleges; and other United States colleges and universities which—

(1) have demonstrable capacity in teaching, research, and extension activities in the agricultural sciences; and

(2) can contribute effectively to the attainment of the objectives of this subpart.

(e) Administrator

As used in this subpart, the term ''Administrator'' means the Administrator of the Agency for International Development.

(Pub. L. 87–195, pt. I, § 296, as added Pub. L. 94–161, title III, § 312, Dec. 20, 1975, 89 Stat. 861; amended Pub. L. 95–424, title I, § 103(c), Oct. 6, 1978, 92 Stat. 945.)

REFERENCES IN TEXT

The First Morrill Act and the Second Morrill Act, referred to in subsec. (d), refer to acts July 2, 1862, ch. 130, 12 Stat. 503, and Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, which are classified generally to subchapters I (§ 301 et seq.) and II (§ 321 et seq.), respectively, of chapter 13 of Title 7, Agriculture. For complete classification of these Acts to the Code, see Short Title notes set out under sections 301 and 321 of Title 7 and Tables.

The National Sea Grant College and Program Act, referred to in subsec. (d), is title II of Pub. L. 89–454, as added Pub. L. 89–688, § 1, Oct. 15, 1966, 80 Stat. 998, as amended, which is classified generally to subchapter II (§ 1121 et seq.) of chapter 22 of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1121 of Title 33 and Tables.

AMENDMENTS

1978—Subsecs. (f), (g). Pub. L. 95–424 struck out subsecs. (f) defining ''agriculture'', and (g) defining ''farmers''.

EFFECTIVE DATE OF 1978 AMENDMENT

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

INTERNATIONAL FOOD RESERVE

Pub. L. 95–426, title VI, § 604, Oct. 7, 1978, 92 Stat. 986, provided that:

''(a) The Congress finds that—

''(1) half a billion people suffer regularly from malnutrition or undernutrition;

''(2) even very modest shortfalls in crop production can result in greatly increased human suffering, and undercut the benefits of bilateral and multilateral assistance programs, in poor developing countries with chronic food deficits;

''(3) increasing variability in world food production and trade presents a serious threat not only to consumers but also to producers;

''(4) the World Food Conference recognized the urgent need for an international undertaking to achieve a system of world food security based largely upon strategic food reserves;

''(5) the Congress through legislation has repeatedly urged the President to negotiate with other nations to establish such a system of reserves;

''(6) although the nations of the world have agreed to begin discussions on a system of grain reserves to regulate food availability, agreement on a global network of nationally held reserves still eludes the international community;

''(7) while some progress has taken place in the United States in creating domestic farmer held reserves, the scale of such reserves does not insure adequate protection against fluctuations in world production and price; and

''(8) the United States, as the world's leading producer of foodstuffs, remains in a unique position to provide the leadership necessary to make world food security a reality.

''(b) It is therefore the sense of the Congress that the President should continue his efforts directed toward achievement of an agreement establishing an international network of nationally held grain reserves which provides for supply assurance to consumers and income security to producers.''

Similar provisions were contained in the following prior authorization act:

Pub. L. 95–105, title V, § 510, Aug. 17, 1977, 91 Stat. 860.

COMMISSION ON HUNGER AND MALNUTRITION

Pub. L. 95–426, title VII, § 711, Oct. 7, 1978, 92 Stat. 994, which authorized funds to be appropriated for fiscal years 1979 and 1980 for a commission to conduct studies on global hunger and malnutrition, which commission was to make recommendations to the President and Congress on policies to increase the capacity of the United States to reduce hunger and malnutrition, was repealed by Pub. L. 97–241, title V, § 505(a)(2), Aug. 24, 1982, 96 Stat. 299.

SETTLEMENT OF DEBT OWED THE UNITED STATES

Section 321 of Pub. L. 94–161 provided that: ''No debt owed to the United States by any foreign country with respect to the payment of any loan made under any program funded under this Act [see Short Title of 1975 Amendment note set out under section 2151 of this title] may be settled in an amount less than the full amount of such debt unless the Congress by concurrent resolution approves of such settlement.''

COOPERATION WITH OTHER COUNTRIES IN ALLEVIATING WORLD FOOD SHORTAGE; EMERGENCY AND HUMANITARIAN REQUIREMENTS

Pub. L. 93–189, § 39, Dec. 17, 1973, 87 Stat. 735, provided that:

''(a) It is the sense of the Congress that the United States should participate fully in efforts to alleviate current and future food shortages which threaten the world. To this end, the President shall—

''(1) encourage, support, and expedite, studies relating to the long-range implications of the world food situation (including studies of national and world production, distribution, and utilization of agricultural commodities and other foodstuffs) and support the organizing of a world food conference under United Nations auspices in 1974;

''(2) request the member nations of the General Agreement on Tariffs and Trade to explore the means for assuring equitable access by all nations to national markets and mineral and agricultural resources;

''(3) consult and cooperate with appropriate international agencies, such as the Food and Agriculture Organization of the United Nations, in determining the need for, the feasibility of, and cost on an equitably-shared basis of, establishing an international system of strategic food reserves; and

''(4) report his findings and recommendations to the Congress on the implementation of this section no later than December 31, 1974.

''(b) It is further the sense of the Congress that—

''(1) in making assessments which would affect or relate to the level of domestic production, the Executive Branch should include in the estimates of overall utilization the expected demands for humanitarian food assistance through such programs as are carried out under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) [section 1691 et seq. of Title 7, Agriculture]; and

''(2) legislation providing increased flexibility for responding to emergency and humanitarian requirements for food assistance should be considered as promptly as possible to the end that the last sentence of section 401 of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) [section 1731 of title 7], may be amended by striking the period and inserting in lieu thereof a comma and the following: 'unless the Secretary determines that some part of the exportable supply should be used to carry out the national interest and humanitarian objectives of this Act [see Short Title of 1973 Amendment note set out under section 2151 of this title]'.''

§ 2220b. General authority

(a) Programs and activities affecting universities, agriculturally developing countries, and research

To carry out the purposes of this subpart, the President is authorized to provide assistance on such terms and conditions as he shall determine—

(1) to strengthen the capabilities of universities in teaching, research, and extension work to enable them to implement current programs authorized by paragraphs (2), (3), (4), and (5) of this subsection, and those proposed in the report required by section 2220e of this title;

(2) to build and strengthen the institutional capacity and human resource skills of agriculturally developing countries so that these countries may participate more fully in the international agricultural problem-solving effort and to introduce and adapt new solutions to local circumstances;

(3) to provide program support for long-term collaborative university research, in the developing countries themselves to the maximum extent practicable, on food production, distribution, storage, marketing, and consumption;

(4) to involve universities more fully in the international network of agricultural science, including the international research centers, the activities of international organizations such as the United Nations Development Program and the Food and Agriculture Organization, and the institutions of agriculturally developing nations; and

(5) to provide program support for international agricultural research centers, to provide support for research projects identified for specific problem-solving needs, and to develop and strengthen national research systems in the developing countries.

(b) Programs and activities respecting university capabilities, benefiting domestic and non-domestic agriculture, and based on existing programs and institutions

Programs under this subpart shall be carried out so as to—

(1) utilize and strengthen the capabilities of universities in—

(A) developing capacity in the cooperating nation for classroom teaching in agriculture, plant and animal sciences, human nutrition, and vocational and domestic arts and other relevant fields appropriate to local needs;

(B) agricultural research to be conducted in the cooperating nations, at international agricultural research centers, or in the United States;

(C) the planning, initiation, and development of extension services through which information concerning agriculture and related subjects will be made available directly to farmers and farm families in the agriculturally developing nations by means of education and demonstration; or

(D) the exchange of educators, scientists, and students for the purpose of assisting in successful development in the cooperating nations;

(2) take into account the value to United States agriculture of such programs, integrating to the extent practicable the programs and financing authorized under this subpart with those supported by other Federal or State resources so as to maximize the contribution to the development of agriculture in the United States and in agriculturally developing nations; and

(3) whenever practicable, build on existing programs and institutions including those of the universities and the United States Department of Agriculture and the United States Department of Commerce.

(c) Activity objectives

To the maximum extent practicable, activities under this section shall—

(1) be directly related to the food and agricultural needs of developing countries;

(2) be carried out within the developing countries;

(3) be adapted to local circumstances;

(4) provide for the most effective interrelationship between research, education, and extension in promoting agricultural development in developing countries; and

(5) emphasize the improvement of local systems for delivering the best available knowledge to the small farmers of such countries.

(d) Function of Administrator

The President shall exercise his authority under this section through the Administrator.

(Pub. L. 87–195, pt. I, § 297, as added Pub. L. 94–161, title III, § 312, Dec. 20, 1975, 89 Stat. 863; amended Pub. L. 96–53, title I, § 113, Aug. 14, 1979, 93 Stat. 364.)

AMENDMENTS

1979—Subsec. (a)(3). Pub. L. 96–53, § 113(1), inserted provision relating to the scope of effort in developing countries.

Subsec. (c). Pub. L. 96–53, § 113(2), reworked activity objectives through revising terminology and structure and expanding such objectives to include requirement for a direct relationship between activities and the food and agricultural needs of developing countries.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2220c of this title.

§ 2220c. Board for International Food and Agricultural Development

(a) Establishment; terms and expenses of members

To assist in the administration of the programs authorized by this subpart, the President shall establish a permanent Board for International Food and Agricultural Development (hereafter in this subpart referred to as the ''Board'') consisting of seven members, not less than four to be selected from the universities. Terms of members shall be set by the President at the time of appointment. Members of the Board shall be entitled to such reimbursement for expenses incurred in the performance of their duties (including per diem in lieu of subsistence while away from their homes or regular place of business) as the President deems appropriate.

(b) General areas of responsibility

The Board's general areas of responsibility shall include, but not be limited to—

(1) participating in the planning, development, and implementation of,

(2) initiating recommendations for, and

(3) monitoring of,

the activities described in section 2220b of this title.

(c) Specific, but not exclusive, duties

The Board's duties shall include, but not necessarily be limited to—

(1) participating in the formulation of basic policy, procedures, and criteria for project proposal review, selection, and monitoring;

(2) developing and keeping current a roster of universities—

(A) interested in exploring their potential for collaborative relationships with agricultural institutions, and with scientists working on significant programs designed to increase food production in developing countries,

(B) having capacity in the agricultural sciences,

(C) able to maintain an appropriate balance of teaching, research, and extension functions,

(D) having capacity, experience, and commitment with respect to international agricultural efforts, and

(E) able to contribute to solving the problems addressed by this subpart;

(3) recommending which developing nations could benefit from programs carried out under this subpart, and identifying those nations which have an interest in establishing or developing agricultural institutions which engage in teaching, research, or extension activities;

(4) reviewing and evaluating memorandums of understanding or other documents that detail the terms and conditions between the Administrator and universities participating in programs under this subpart;

(5) reviewing and evaluating agreements and activities authorized by this subpart and undertaken by universities to assure compliance with the purposes of this subpart;

(6) recommending to the Administrator the apportionment of funds under section 2220b of this title; and

(7) assessing the impact of programs carried out under this subpart in solving agricultural problems in the developing nations.

(d) Subordinate units; creation of Joint Research Committee, Joint Committee on Country Programs, and other units

The President may authorize the Board to create such subordinate units as may be necessary for the performance of its duties, including but not limited to the following:

(1) a Joint Research Committee to participate in the administration and development of the collaborative activities described in section 2220b(a)(3) of this title; and

(2) a Joint Committee on Country Programs which shall assist in the implementation of the bilateral activities described in sections 2220b(a)(2), 2220b(a)(4), and 2220b(a)(5) of this title.

(e) Consultations in preparation of annual report and on agricultural development activities

In addition to any other functions assigned to and agreed to by the Board, the Board shall be consulted in the preparation of the annual report required by section 2220e of this title and on other agricultural development activities related to programs under this subpart.

(Pub. L. 87–195, pt. I, § 298, as added Pub. L. 94–161, title III, § 312, Dec. 20, 1975, 89 Stat. 864.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2220e of this title.

§ 2220d. Funds for programs and activities

(a) Funds available under section 2151a of this title unaffected by other provisions

The President is authorized to use any of the funds hereafter made available under section 2151a of this title to carry out the purposes of this subpart. Funds made available for such purposes may be used without regard to the provisions of sections 2151h(b) and 2151t(d) of this title.

(b) Foreign currencies

Foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States shall be used to the maximum extent pos-

sible in lieu of dollars in carrying out the provisions of this subpart.

(c) Other authorizations

Assistance authorized under this subpart shall be in addition to any allotments or grants that may be made under other authorizations.

(d) Disclosure of funds to Administrator; annual report

Universities may accept and expend funds from other sources, public and private, in order to carry out the purposes of this subpart. All such funds, both prospective and inhand, shall be periodically disclosed to the Administrator as he shall by regulation require, but no less often than in an annual report.

(Pub. L. 87–195, pt. I, § 299, as added Pub. L. 94–161, title III, § 312, Dec. 20, 1975, 89 Stat. 865; amended Pub. L. 95–424, title I, § 102(c)(2), Oct. 6, 1978, 92 Stat. 941.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–424 substituted ''sections 2151h(b) and 2151t(d) of this title'' for ''sections 2151h(b), 2171(a), and 2171(d) of this title''.

EFFECTIVE DATE OF 1978 AMENDMENT

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

§ 2220e. Presidential report to Congress

The President shall transmit to the Congress, not later than April 1 of each year, a report detailing the activities carried out pursuant to this subpart during the preceding fiscal year and containing a projection of programs and activities to be conducted during the subsequent five fiscal years. Each report shall contain a summary of the activities of the Board established pursuant to section 2220c of this title and may include the separate views of the Board with respect to any aspect of the programs conducted or proposed to be conducted under this subpart.

(Pub. L. 87–195, pt. I, § 300, as added Pub. L. 94–161, title III, § 312, Dec. 20, 1975, 89 Stat. 866.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2220b, 2220c of this title.

PART III—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 2151b of this title.

§ 2221. General authority

(a) Voluntary contributions; grants and loans in case of the Indus Basin Development Fund

When he determines it to be in the national interest, the President is authorized to make voluntary contributions on a grant basis to international organizations and to programs administered by such organizations, and in the case of the Indus Basin Development Fund administered by the International Bank for Reconstruction and Development to make grants and loans payable as to principal and interest in United States dollars and subject to the provisions of section 2151t(b) of this title, on such terms and conditions as he may determine, in order to further the purposes of subchapter I of this chapter.

(b) Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(c) Palestine refugees; considerations and conditions for furnishing assistance

No contributions by the United States shall be made to the United Nations Relief and Works Agency for Palestine Refugees in the Near East except on the condition that the United Nations Relief and Works Agency take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerrilla type organization or who has engaged in any act of terrorism.

(d) Audit of funds; report to Congress and the President

In any case in which a fund established solely by United States contributions under this chapter or any other Act is administered by an international organization under the terms of an agreement between the United States and such international organization, such agreement shall provide that the Comptroller General of the United States shall conduct such audits as are necessary to assure that such fund is administered in accordance with such agreement. The President shall undertake to modify any existing agreement entered into before November 14, 1967, to conform to the requirements of the preceding sentence. The Comptroller General shall report simultaneously to the Congress and the President the results of the audits conducted under this subsection.

(e) Evaluation of United Nations and its affiliated organizations; International Bank for Reconstruction and Development; Asian Development Bank

(1) In the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations of external, professionally qualified groups of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, evaluation, and audits of the programs and activities of such organizations. Such proposal shall provide that such groups shall be established in accordance with such terms of reference as such governing authority may prescribe and that the reports of such groups on each examination, review, evaluation, or audit shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization con-

cerned to assist in formulating terms of reference for such review and evaluation groups.

(2) In the case of the International Bank for Reconstruction and Development and the Asian Development Bank, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations professionally qualified groups of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, evaluation, and audit of the programs and activities of such organizations. Such proposal shall provide that such groups shall be established in accordance with such terms of reference as such governing authorities may prescribe, and that the reports of such groups on each examination, review, evaluation, or audit shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation groups.

(f) International Fertilizer Development Center; United States participation and assistance

The President is hereby authorized to permit United States participation in the International Fertilizer Development Center and is authorized to use any of the funds made available under this part for the purpose of furnishing assistance to the Center on such terms and conditions as he may determine.

(g) Transfer of funding of technological assistance programs to United Nations Development Program

It is the sense of the Congress that the President should instruct the appropriate representatives of the United States to the United Nations to encourage the specialized agencies of the United Nations to transfer the funding of technical assistance programs carried out by such agencies to the United Nations Development Program.

(h) International Food Policy Research Institute; availability of funds, etc.

The President is authorized to permit the United States to participate in and to use any of the funds made available under subchapter I of this chapter after December 29, 1981, for the purpose of furnishing assistance (on such terms and conditions as the President may determine) to the International Food Policy Research Institute.

(Pub. L. 87–195, pt. I, § 301, Sept. 4, 1961, 75 Stat. 433; Pub. L. 89–171, pt. I, § 106 (a), Sept. 6, 1965, 79 Stat. 656; Pub. L. 89–583, pt. I, § 107(a)–(c), Sept. 19, 1966, 80 Stat. 800; Pub. L. 90–137, pt. I, § 110(a), Nov. 14, 1967, 81 Stat. 453; Pub. L. 91–175, pt. I, § 108(a), Dec. 30, 1969, 83 Stat. 819; Pub. L. 93–189, § 9(1), Dec. 17, 1973, 87 Stat. 718; Pub. L. 94–161, title III, § 313(c), Dec. 20, 1975, 89 Stat. 866; Pub. L. 95–424, title I, §§ 102(b)(2)(A), 117(d), Oct. 6, 1978, 92 Stat. 941, 953; Pub. L. 96–533, title VII, § 702, Dec. 16, 1980, 94 Stat. 3156; Pub. L. 97–113, title III, § 311(a), title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1536, 1560.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d), 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.

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

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

AMENDMENTS

1981—Subsec. (b). Pub. L. 97–113, § 734(a)(1), struck out subsec. (b) which limited contributions to United Nations Development Program and restricted assistance to Cuba. See section 2370(f) of this title.

Subsec. (e)(3). Pub. L. 97–113, § 734(a)(1), struck out par. (3) which required reports by the President and the General Accounting Office of their evaluation of reports of international organizations to United States representatives on those organizations. See section 2394 of this title.

Subsec. (h). Pub. L. 97–113, § 311(a), added subsec. (h).

1980—Subsec. (d). Pub. L. 96–533, § 702(a), required the Comptroller General to report to Congress and the President the results of the audits.

Subsec. (e)(1). Pub. L. 96–533, § 702(b)(1)–(3), substituted ''organizations of external, professionally'' for ''organizations a single professionally'', ''groups'' for ''group'' in three places, ''evaluation, and audits'' for ''and evaluation'', and ''evaluation, or audit'' for ''and evaluation''.

Subsec. (e)(2). Pub. L. 96–533, § 702(b)(4), (5), required audits of programs and activities and reports of professionally qualified groups to include such audits.

Subsec. (e)(3). Pub. L. 96–533, § 702(b)(6), required the Comptroller General to include in the reports to Congress and the President his evaluation of the reports received by the United States representatives to the international organizations and related information.

1978—Subsec. (a). Pub. L. 95–424 substituted ''section 2151t(b) of this title'' for ''section 2161(d) of this title''.

Subsec. (g). Pub. L. 95–424 added subsec. (g).

1975—Subsec. (f). Pub. L. 94–161 added subsec. (f).

1973—Subsec. (e). Pub. L. 93–189 added subsec. (e).

1969—Subsec. (c). Pub. L. 91–175 omitted provisions dealing with Israel and Arab governments taking steps toward repatriation of refugees and the extent and success of the United Nations and Arab governments to rectify refugees relief rolls, as criteria for the President to use in determining whether to furnish assistance for such refugees through contributions to the United Nations, omitted provisions dealing with amount of contribution for the fiscal year 1967, and expanded prohibition against the inclusion of members of other guerrilla type organizations or refugees engaged in any act of terrorism.

1967—Subsec. (d). Pub. L. 90–137 added subsec. (d).

1966—Subsec. (a). Pub. L. 89–583, § 107(a), authorized in the case of the Indus Basin Development Executive grants and loans payable as to principal and interest in United States dollars and subject to the provisions of section 2161(d) of this title.

Subsec. (b). Pub. L. 89–583, § 107(b), substituted ''United Nations Development Program'' for ''United Nations Expanded Program of Technical Assistance and the United States Special Fund'' and restricted economic or technical assistance to Cuba.

Subsec. (c). Pub. L. 89–583, § 107(c), substituted provisions limiting contributions by the United States for

fiscal year 1967 to $13,300,000, for provisions limiting contributions for calendar year 1966 to $15,200,000 and prohibited the making of contributions assisting any refugee who is receiving military training as a member of the Palestine Liberation Army.

1965—Subsec. (c). Pub. L. 89–171 limited contributions by the United States to the United Nations Relief and Works Agency for Palestine Refugees in the Near East to $15,200,000 for the calendar year 1966.

EFFECTIVE DATE OF 1978 AMENDMENT

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

DELEGATION OF FUNCTIONS

Functions of President under subsecs. (a), (c), and (e)(1), as they relate to Presidential certification concerning United Nations Relief and Works Agency, delegated to Secretary of State by section 1–201(a)(1) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

USE OF CONTRIBUTIONS FOR PROJECTS IN CUBA

Pub. L. 91–194, title I, § 100, Feb. 9, 1970, 84 Stat. 5, provided in part: ''That the President shall seek to assure that no contribution to the United Nations Development Program authorized by the Foreign Assistance Act of 1961, as amended [section 2151 et seq. of this title], shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime.''

Similar provisions were contained in Pub. L. 89–691, title I, § 100, Oct. 15, 1966, 80 Stat. 1018; Pub. L. 90–249, title I, § 100, Jan. 2, 1968, 81 Stat. 936; Pub. L. 90–581, title I, § 100, Oct. 17, 1968, 82 Stat. 1137.

§ 2222. Authorization of appropriations

(a) Grants

(1) There are authorized to be appropriated to the President $270,000,000 for fiscal year 1986 and $236,084,000 for fiscal year 1987 for grants to carry out the purposes of this part, in addition to funds available under other Acts for such purposes. Of the amount appropriated for each of the fiscal years 1986 and 1987 pursuant to these authorizations—

(A) 59.65 percent shall be for the United Nations Development Program;

(B) 19.30 percent shall be for the United Nations Children's Fund;

(C) 7.20 percent shall be for the International Atomic Energy Agency, except that these funds may be contributed to that Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency;

(D) 5.44 percent shall be for Organization of American States development assistance programs;

(E) 3.51 percent shall be for the United Nations Environment Program;

(F) 0.70 percent shall be for the World Meteorological Organization;

(G) 0.70 percent shall be for the United Nations Capital Development Fund;

(H) 0.35 percent shall be for the United Nations Education and Training Program for Southern Africa;

(I) 0.18 percent shall be for the United Nations Voluntary Fund for the Decade for Women;

(J) 0.07 percent shall be for the Convention on International Trade in Endangered Species;

(K) 0.70 percent shall be for the World Food Program;

(L) 0.18 percent shall be for the United Nations Institute for Namibia;

(M) 0.12 percent shall be for the United Nations Trust Fund for South Africa;

(N) 0.04 percent shall be for the United Nations Voluntary Fund for Victims of Torture;

(O) 0.07 percent shall be for the United Nations Industrial Development Organization;

(P) 0.55 percent shall be for the United Nations Development Program Trust Fund to Combat Poverty and Hunger in Africa;

(Q) 0.97 percent shall be for contributions to international conventions and scientific organizations;

(R) 0.18 percent for the United Nations Centre on Human Settlements (Habitat); and

(S) 0.09 percent shall be for the World Heritage Fund.

(2) The Congress reaffirms its support for the work of the Inter-American Commission on Human Rights. To permit such Commission to better fulfill its function of insuring observance and respect for human rights within this hemisphere, not less than $357,000 of the amount appropriated for fiscal year 1976 and $358,000 of the amount appropriated for fiscal year 1977, for contributions to the Organization of American States, shall be used only for budgetary support for the Inter-American Commission on Human Rights.

(b) Indus Basin Development

(1) There is authorized to be appropriated to the President for loans for Indus Basin Development to carry out the purposes of this section, in addition to funds available under this chapter or any other Act for such purposes, for use beginning in the fiscal year 1969, $61,220,000. Such amounts are authorized to remain available until expended.

(2) There is authorized to be appropriated to the President for grants for Indus Basin Development, in addition to any other funds available for such purposes, for use in the fiscal year 1974, $14,500,000, and for use in the fiscal year 1975, $14,500,000, and for use beginning in the fiscal year 1976, $27,000,000, which amounts shall remain available until expended. The President shall not exercise any special authority granted to him under section 2360(a) or 2364(a) of this title to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provision of this chapter.

(c) Prohibition against contributions for volunteer manpower programs

None of the funds available to carry out this part shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, or agency relating to the selection, training, and programing of volunteer manpower.

(d) to (h) Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

(i) International Atomic Energy Agency; safeguards and inspections of nuclear fissile facilities and materials

In addition to amounts otherwise available under this section, there are authorized to be appropriated for fiscal year 1976 $1,000,000 and for fiscal year 1977 $2,000,000 to be available only for the International Atomic Energy Agency to be used for the purpose of strengthening safeguards and inspections relating to nuclear fissile facilities and materials. Amounts appropriated under this subsection are authorized to remain available until expended.

(j) Authorization of appropriations for multilateral and regional drug abuse control programs

In addition to amounts otherwise available under this section for such purposes, there are authorized to be appropriated to the President $3,000,000 for fiscal year 1989 to be available only for United States contributions to multilateral and regional drug abuse control programs. Of the amount authorized to be appropriated by this subsection—

(1) $2,000,000 shall be for a United States contribution to the United Nations Fund for Drug Abuse Control;

(2) $600,000 shall be for the Organization of American States (OAS) Inter-American Drug Abuse Control Commission (CICAD) Legal Development Project, except that the proportion which such amount bears to the total amount of contributions to this specific project may not exceed the proportion which the United States contribution to the budget of the Organization of American States for that fiscal year bears to the total contributions to the budget of the Organization of American States for that fiscal year; and

(3) $400,000 shall be for the Organization of American States (OAS) Inter-American Drug Abuse Control Commission (CICAD) Law Enforcement Training Project, except that the proportion which such amount bears to the total amount of contributions to this specific project may not exceed the proportion which the United States contribution to the budget of the Organization of American States for that fiscal year bears to the total contributions to the budget of the Organization of American States for that fiscal year.

(Pub. L. 87–195, pt. I, § 302, Sept. 4, 1961, 75 Stat. 433; Pub. L. 87–565, pt. I, § 107, Aug. 1, 1962, 76 Stat. 259; Pub. L. 88–205, pt. I, § 108, Dec. 16, 1963, 77 Stat. 383; Pub. L. 88–633, pt. I, § 106, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89–171, pt. I, § 106(b), Sept. 6, 1965, 79 Stat. 656; Pub. L. 89–583, pt. I, § 107(d), Sept. 19, 1966, 80 Stat. 801; Pub. L. 90–137, pt. I, § 110(b), Nov. 14, 1967, 81 Stat. 454; Pub. L. 90–554, pt. I, § 108, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–175, pt. I, § 108(b)–(d), Dec. 30, 1969, 83 Stat. 819; Pub. L. 92–226, pt. I, § 107, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93–189, § 9(2)–(5), Dec. 17, 1973, 87 Stat. 719; Pub. L. 93–559, § 9, Dec. 30, 1974, 88 Stat. 1798; Pub. L. 94–161, title III, § 313(a), Dec. 20, 1975, 89 Stat. 866; Pub. L. 94–329, title V, § 505, June 30, 1976, 90 Stat. 764; Pub. L. 95–88, title I, § 118(a), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95–424, title I, § 117(a), (b)(1), (c), title VI, § 604, Oct. 6, 1978, 92 Stat. 952, 953, 961; Pub. L. 96–53, title I, § 114(a), Aug. 14, 1979, 93 Stat. 364; Pub. L. 96–533, title III, § 309, Dec. 16, 1980, 94 Stat. 3148; Pub. L. 97–113, title III, § 311(b), title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1536, 1560; Pub. L. 99–83, title IV, § 402(a), Aug. 8, 1985, 99 Stat. 217; Pub. L. 99–529, title IV, § 404(2), Oct. 24, 1986, 100 Stat. 3019; Pub. L. 100–690, title IV, § 4107, Nov. 18, 1988, 102 Stat. 4266.)

REFERENCES IN TEXT

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

AMENDMENTS

1988—Subsec. (j). Pub. L. 100–690 added subsec. (j).

1986—Subsec. (a)(1). Pub. L. 99–529 substituted ''$236,084,000 for fiscal year 1987'' for ''$270,000,000 for fiscal year 1987''.

1985—Subsec. (a)(1). Pub. L. 99–83 substituted provisions relating to amounts authorized, percentages, and covered programs for fiscal years 1986 and 1987, for provisions relating to amounts authorized, percentages, and covered programs for fiscal years 1982 and 1983.

1981—Subsec. (a)(1). Pub. L. 97–113 substituted appropriations of $218,600,000 for fiscal years 1982 and 1983 for appropriation of $233,350,000 for fiscal year 1981 and added cls. (A) to (E).

Subsec. (a)(3). Pub. L. 97–113 struck out par. (3) which prohibited, for fiscal year 1979, funding of the United Nations Institute for Namibia unless the President found that the money would not be used for Southwest African Peoples Organization.

1980—Subsec. (a)(1). Pub. L. 96–533 substituted appropriations authorization of $233,350,000 for fiscal year 1981 for prior authorization of $267,280,000 for fiscal year 1980, including $42,500,000 of this amount for voluntary contributions to the United Nations Relief and Works Agency for Palestine Refugees, increasable to $52,000,000 upon certification of the President to Congress that members of Organization of Petroleum Exporting Countries have made equivalent matching contributions.

1979—Subsec. (a)(1). Pub. L. 96–53 substituted provisions authorizing appropriations of $267,280,000 for fiscal year 1980, for provisions authorizing appropriations of $285,450,000 for fiscal year 1979 and provisions respecting availability of funds for United Nations Trust Fund on South Africa, and the Namibia Institute, and availability of appropriations for fiscal year 1978.

1978—Subsec. (a)(1). Pub. L. 95–424, § 117(a), (b)(1), substituted ''$285,450,000 for the fiscal year 1979 of which not to exceed $300,000 shall be available for contributions to the United Nations Trust Fund on South Africa'' for ''for the fiscal year 1977, $219,900,000 and for the fiscal year 1978, $252,000,000''; substituted ''fiscal year 1978, not to exceed $52,000,000'' for ''fiscal year 1978, not to exceed $42,500,000'', and inserted provision relating to voluntary contributions to the United Nations Relief and Works Agency for Palestine Refugees.

Subsec. (a)(3). Pub. L. 95–424, § 117(c), added par. (3).

Subsec. (d). Pub. L. 95–424, § 604, struck out subsec. (d) which related to contributions to the United Nations Children's Fund for fiscal years 1976 and 1977.

Subsec. (e). Pub. L. 95–424, § 604, struck out subsec. (e) which related to added contributions for expansion of technical and vocational training of Arab refugees.

Subsec. (f). Pub. L. 95–424, § 604, struck out subsec. (f) which related to appropriation of Egyptian pounds for technical and vocational training and other assistance to Arab refugees.

Subsec. (g). Pub. L. 95–424, § 604, struck out subsec. (g) which related to availability of funds for the International Atomic Energy Agency.

Subsec. (h). Pub. L. 95–424, § 604, struck out subsec. (h) which related to prohibition of expenditures for the United Nations Educational, Scientific, and Cultural Organization.

1977—Subsec. (a)(1). Pub. L. 95–88 struck out provisions which authorized appropriations of $127,822,000 for fiscal year 1974, $165,000,000 for fiscal year 1975, and $194,500,000 for fiscal year 1976, inserted provisions authorizing an appropriation of $252,000,000 for fiscal year 1978, and inserted requirement that, of the funds authorized to be appropriated under subsec. (a) for fiscal year 1978, not to exceed $42,500,000 be available for voluntary contributions to the United Nations Relief and Works Agency for Palestine Refugees.

1976—Subsec. (i). Pub. L. 94–329 added subsec. (i).

1975—Subsec. (a)(1). Pub. L. 94–161, § 313(a)(1)(A), (B), authorized appropriations of $194,500,000 and $219,900,000 for fiscal years 1976 and 1977, required maximum contribution of $250,000 to be made to the Namibia Institute, and designated existing provisions as par. (1).

Subsec. (a)(2). Pub. L. 94–161, § 313(a)(1)(C), added par. (2).

Subsec. (b)(1). Pub. L. 94–161, § 313(a)(2), substituted ''$61,220,000'' for ''$51,220,000''.

Subsec. (b)(2). Pub. L. 94–161, § 313(a)(3), authorized appropriations of $27,000,000 for use beginning in fiscal year 1976.

Subsec. (d). Pub. L. 94–161, § 313(a)(4), substituted appropriations authorization of $20,000,000 for fiscal years 1976 and 1977, for prior appropriations authorization of $18,000,000 for fiscal years 1974 and 1975.

1974—Subsec. (a). Pub. L. 93–559, § 9(a)(1), increased appropriations authorization for fiscal year 1975 to $165,000,000 from $150,000,000.

Subsecs. (g), (h). Pub. L. 93–559, § 9(a)(2), added subsecs. (g) and (h).

1973—Subsec. (a). Pub. L. 93–189, § 9(2), substituted ''for the fiscal year 1974, $127,822,000 and for the fiscal year 1975, $150,000,000'', for ''for the fiscal year 1972, $138,000,000 and for the fiscal year 1973, $138,000,000''.

Subsec. (b)(2). Pub. L. 93–189, § 9(3), substituted ''for use in the fiscal year 1974, $14,500,000, and for use in the fiscal year 1975, $14,500,000'', for ''for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000''.

Subsec. (d). Pub. L. 93–189, § 9(4), substituted provisions directing that out of the funds made available for carrying out this part $18,000,000 be available in each of fiscal years 1974 and 1975 for contributions to the United Nations Children's Fund, for provisions authorizing the appropriation of $1,000,000 for fiscal year 1969 for contributions to the United Nations Children's Fund during the calendar year 1969 and directing that funds made thus available be in addition to funds available under this chapter or any other Act for such contributions and not be taken into account in computing the aggregate amount of United States contributions to such fund for the calendar year 1969.

Subsec. (e). Pub. L. 93–189, § 9(5), substituted ''$2,000,000 for the fiscal year 1974 and $2,000,000 for the fiscal year 1975'', for ''$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973''.

1972—Subsec. (a). Pub. L. 92–226, § 107(a), authorized appropriations of $138,000,000 for fiscal years 1972 and 1973, and struck out provisions for authorization of $122,620,000 for fiscal years 1970 and 1971.

Subsec. (b)(2). Pub. L. 92–226, § 107(b), authorized appropriations of $15,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $7,530,000 for fiscal years 1970 and 1971; and prohibited the President from exercising any special authority to transfer any amount appropriated under par. (2) to, and to consolidate such amount with, any funds made available under any other provision of this chapter.

Subsec. (e). Pub. L. 92–226, § 107(c), authorized appropriations of $1,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $1,000,000 for fiscal years 1970 and 1971.

Subsec. (f). Pub. L. 92–226, § 107(d), added subsec. (f).

1969—Subsec. (a). Pub. L. 91–175, § 108(b), substituted ''fiscal year 1970, $122,620,000, and for the fiscal year 1971, $122,620,000'' for ''fiscal year 1969, $135,000,000''.

Subsec. (b). Pub. L. 91–175, § 108(c), designated existing provisions as par. (1) and added par. (2).

Subsec. (e). Pub. L. 91–175, § 108(d), added subsec. (e).

1968—Subsec. (a). Pub. L. 90–554, § 108(a), substituted authorization of $135,000,000 for fiscal year 1969, for authorization of $141,000,000 for fiscal year 1968.

Subsec. (d). Pub. L. 90–554, § 108(b), added subsec. (d).

1967—Subsec. (a). Pub. L. 90–137, § 110(b)(1), substituted authorization of $141,000,000 for fiscal year 1968, for authorization of $140,433,000, for fiscal year 1967.

Subsec. (b). Pub. L. 90–137, § 110(b)(2), substituted appropriation authorization of $51,220,000 for fiscal year 1969, for Indus Basin Development for appropriations authorization of $1,000,000 for fiscal year 1967, for contributions to United Nations Children's Fund during calendar year 1967 and for exclusion of such contributions from computation of aggregate amount of United States contributions to the fund during calendar year 1967.

1966—Subsec. (a). Pub. L. 89–583 designated existing provisions as subsec. (a) and (c), substituted in subsec. (a) ''grants'' for ''use'' and authorization of $140,433,000 for fiscal year 1967 for authorization of $144,755,000 for fiscal year 1966, and added subsec. (b).

1965—Pub. L. 89–171 substituted ''1966'' and ''$144,755,000'' for ''1965'' and ''$134,272,400'', respectively.

1964—Pub. L. 88–633 substituted ''1965'' and ''$134,272,400'' for ''1964'' and ''$136,050,000'', respectively, and prohibited contribution of funds for payment of costs of volunteer manpower programs.

1963—Pub. L. 88–205 substituted ''1964'' and ''$136,050,000'' for ''1963'' and ''$148,900,000'', respectively.

1962—Pub. L. 87–565 substituted ''1963'' and ''$148,900,000'' for ''1962'' and ''$153,500,000'', respectively.

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.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a)(1), as they relate to Presidential certification concerning United Nations Relief and Works Agency, delegated to Secretary of State by section 1–201(a)(1) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

REPORT TO CONGRESS ON PALESTINE REFUGEE RATION DISTRIBUTION SYSTEM

Section 117(b)(2) of Pub. L. 95–424 which provided that, not later than Jan. 31, 1979, the Secretary of State provide the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives with a full and detailed report on the progress made by the Commissioner-General of the United Nations Relief and Works Agency to improve the ration distribution system so that food to Palestine refugees can be more equitably distributed on the basis of need, rather than entitlement, was repealed by Pub. L. 97–113, title VII, § 734(a)(5), Dec. 29, 1981, 95 Stat. 1560.

AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTIONS TO THE WORLD ASSEMBLY ON AGING

Section 117(e) of Pub. L. 95–424 provided that: ''In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the Presi-

dent not to exceed $1,000,000 for contributions to the World Assembly on Aging to be convened under the auspices of the United Nations, except that the amount so contributed may not exceed 25 percent of the expenditures of such Assembly. Amounts appropriated under this subsection [this note] are authorized to remain available until expended.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 13388.

§ 2223. Indus Basin development

In the event that funds made available under this chapter (other than subchapter II of this chapter) are used by or under the supervision of the International Bank for Reconstruction and Development in furtherance of the development of the Indus Basin through the program of cooperation among South Asian and other countries of the free world, which is designed to promote economic growth and political stability in South Asia, such funds may be used in accordance with requirements, standards, or procedures established by the Bank concerning completion of plans and cost estimates and determination of feasibility, rather than with requirements, standards, or procedures, concerning such matters set forth in this chapter or other Acts; and such funds may also be used without regard to the provisions of section 1241(b) of title 46, Appendix, whenever the President determines that such provisions cannot be fully satisfied without seriously impeding or preventing accomplishment of the purposes of such programs: *Provided*, That compensating allowances are made in the administration of other programs to the same or other areas to which the requirements of said section 1241(b) of title 46, Appendix, are applicable.

(Pub. L. 87–195, pt. I, § 303, Sept. 4, 1961, 75 Stat. 433.)

REFERENCES IN TEXT

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

REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE CERTAIN PARTS OF SUBCHAPTER II

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2394 of this title.

§ 2224. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. I, § 304, as added Pub. L. 90–137, pt. I, § 110(c), Nov. 14, 1967, 81 Stat. 454, related to exploration by the President of means and prospects of establishing improved peacekeeping arrangements for standby forces maintained by the United Nations.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2225. Integration of women

The President is requested to instruct each representative of the United States to each international organization of which the United States is a member (including but not limited to the International Bank for Reconstruction and Development, the Asian Development Bank, the Inter-American Development Bank, the International Monetary Fund, the United Nations, and the Organization for Economic Cooperation and Development) to carry out their duties with respect to such organizations in such a manner as to encourage and promote the integration of women into the national economies of member and recipient countries and into professional and policy-making positions within such organizations, thereby improving the status of women. The President is further requested, in making United States contributions to such organizations, to take into account the progress, or lack of progress, of such organizations in adopting and implementing policies and practices which encourage and promote the integration of women into the national economies of member and recipient countries, and into professional and policy-making positions within such organizations, in accordance with the World Plan of Action of the Decade for Women.

(Pub. L. 87–195, pt. I, § 305, as added Pub. L. 93–559, § 54, Dec. 30, 1974, 88 Stat. 1818; amended Pub. L. 94–161, title III, § 313(b), Dec. 20, 1975, 89 Stat. 866; Pub. L. 95–88, title I, § 118(b), Aug. 3, 1977, 91 Stat. 540.)

AMENDMENTS

1977—Pub. L. 95–88 inserted request that President, in making United States contributions, take into account the progress, or lack of progress, of organizations in adopting and implementing policies and practices which encourage and promote the integration of women into the national economies of member and recipient countries, and into professional and policy-making positions within such organizations, in accordance with the World Plan of Action of the Decade for Women.

1975—Pub. L. 94–161 corrected the credit to read ''pt. I'' rather than ''pt. III''.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State, with certain exceptions, by section 1–201(a)(1) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

Functions of President under this section, insofar as it relates to certain financial institutions, delegated to Secretary of the Treasury to be exercised in consultation with Director of United States International Development Cooperation Agency by section 1–501(a)(1), (c) of Ex. Ord. No. 12163. United States International Development Cooperation Agency (other than Agency for International Development and Overseas Private Investment Corporation) abolished and functions and authorities transferred, see sections 6561 and 6562 of this title.

§ 2226. Reports on international organizations

The annual reports to the Congress under section 262a of this title, shall be submitted within nine months after the end of the fiscal year to which they relate.

(Pub. L. 87–195, pt. I, § 306, as added Pub. L. 96–533, title VII, § 703, Dec. 16, 1980, 94 Stat. 3157;

amended Pub. L. 105–362, title XIII, § 1301(b), Nov. 10, 1998, 112 Stat. 3293.)

AMENDMENTS

1998—Pub. L. 105–362 struck out subsec. (a) designation and struck out subsec. (b) which related to President's semiannual reports to Congress concerning voluntary contributions by United States Government to international organizations.

§ 2227. Withholding of United States proportionate share for certain programs of international organizations

(a) Covered programs

Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this part shall be available for the United States proportionate share for programs for Burma, Iraq, North Korea, Syria, Libya, Iran, Cuba, or the Palestine Liberation Organization or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it, or at the discretion of the President, Communist countries listed in section 2370(f) of this title.

(b) Review and report by Secretary of State

The Secretary of State—

(1) shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any funds authorized to be appropriated by this part; and

(2) shall report to the appropriate committees of the Congress the amounts of funds expended by each such organization for the purposes described in subsection (a) of this section and the amount contributed by the United States to each such organization.

(c) Exceptions

(1) Subject to paragraph (2), the limitations of subsection (a) of this section shall not apply to contributions to the International Atomic Energy Agency or the United Nations Children's Fund (UNICEF).

(2)(A) Except as provided in subparagraph (B), with respect to funds authorized to be appropriated by this part and available for the International Atomic Energy Agency, the limitations of subsection (a) of this section shall apply to programs or projects of such Agency in Cuba.

(B)(i) Subparagraph (A) shall not apply with respect to programs or projects of the International Atomic Energy Agency that provide for the discontinuation, dismantling, or safety inspection of nuclear facilities or related materials, or for inspections and similar activities designed to prevent the development of nuclear weapons by a country described in subsection (a) of this section.

(ii) Clause (i) shall not apply with respect to the Juragua Nuclear Power Plant near Cienfuegos, Cuba, or the Pedro Pi Nuclear Research Center unless Cuba—

(I) ratifies the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (commonly known as the Treaty of Tlatelolco);

(II) negotiates full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

(III) incorporates internationally accepted nuclear safety standards.

(Pub. L. 87–195, pt. I, § 307, as added Pub. L. 99–83, title IV, § 403, Aug. 8, 1985, 99 Stat. 219; amended Pub. L. 103–236, title IV, § 431(a), Apr. 30, 1994, 108 Stat. 459; Pub. L. 105–277, div. A, § 101(d) [title V, § 516], div. G, subdiv. B, title XXVIII, § 2809(a), Oct. 21, 1998, 112 Stat. 2681–150, 2681–174, 2681–849.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–277, § 101(d) [title V, § 516], inserted before period at end ", or at the discretion of the President, Communist countries listed in section 2370(f) of this title".

Subsec. (c). Pub. L. 105–277, § 2809(a), designated existing provisions as par. (1), substituted "Subject to paragraph (2), the limitations" for "The limitations", and added par. (2).

1994—Subsec. (a). Pub. L. 103–236, § 431(a)(1), substituted "Burma, Iraq, North Korea, Syria" for "the South-West Africa People's Organization".

Subsec. (c). Pub. L. 103–236, § 431(a)(2), added subsec. (c).

EFFECTIVE DATE

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6039 of this title.

PART IV—SUPPORTING ASSISTANCE

REFERENCES TO PART IV OF SUBCHAPTER I DEEMED REFERENCES TO PART IV OF SUBCHAPTER II

References to part IV of subchapter I of this chapter, or any sections thereof, are deemed references to part IV of subchapter II (§ 2346 et seq.) of this chapter, or to appropriate sections thereof. See section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

§§ 2241 to 2243. Repealed. Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27

Section 2241, Pub. L. 87–195, pt. I, § 401, Sept. 4, 1961, 75 Stat. 434; Pub. L. 89–583, pt. I, § 108(a), Sept. 19, 1966, 80 Stat. 801; Pub. L. 90–137, pt. I, § 111(a), Nov. 14, 1967, 81 Stat. 454, provided for general authority and limitation on countries to receive assistance.

Section 2242, Pub. L. 87–195, pt. I, § 402, Sept. 4, 1961, 75 Stat. 434; Pub. L. 87–565, pt. I, § 108, Aug. 1, 1962, 76 Stat. 259; Pub. L. 88–205, pt. I, § 109, Dec. 16, 1963, 77 Stat. 383; Pub. L. 88–633, pt. I, § 107, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89–171, pt. I, § 107, Sept. 6, 1965, 79 Stat. 656; Pub. L. 89–371, § 1, Mar. 18, 1966, 80 Stat. 74; Pub. L. 89–583, pt. I, § 108(b), Sept. 19, 1966, 80 Stat. 801; Pub. L. 90–137, pt. I, § 111(b), Nov. 14, 1967, 81 Stat. 454; Pub. L. 90–554, pt. I, § 109, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–175, pt. I, § 109, Dec. 30, 1969, 83 Stat. 819; Pub. L. 91–652, § 5, Jan. 5, 1971; 84 Stat. 1942, provided for authorization of appropriations, executive approval of budgeting of proceeds by Vietnam for economic assistance projects or programs, and executive approval of accommodation rate of exchange between United States and Vietnam.

Section 2243, Pub. L. 87–195, pt. I, § 403, as added Pub. L. 90–137, pt. I, § 111(c), Nov. 14, 1967, 81 Stat. 454, provided for United States refund claims.

For subject matters of sections 2241 to 2243 of this title, see sections 2346, 2346a, and 2346b of this title, respectively.

PART V—CONTINGENCIES

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 2394–1 of this title.

§ 2261. Authorization of appropriations

(a) Emergency assistance; reports to Speaker of House and committees of Senate

(1) Notwithstanding any other provision of law, the President is authorized to use funds made available to carry out any provision of this chapter (other than the provisions of part I of this subchapter) in order to provide, for any unanticipated contingencies, assistance authorized by subchapter I of this chapter in accordance with the provisions applicable to the furnishing of such assistance, except that the authority of this subsection may not be used to authorize the use of more than $25,000,000 during any fiscal year.

(2) The President shall report promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate each time he exercises the authority contained in this subsection.

(b) Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(c) Prohibition against payment of gifts to foreign officials

No part of this fund shall be used to pay for any gifts to any officials of any foreign government made heretofore or hereafter.

(Pub. L. 87–195, pt. I, § 451, Sept. 4, 1961, 75 Stat. 434; Pub. L. 87–565, pt. I, § 109, Aug. 1, 1962, 76 Stat. 259; Pub. L. 88–205, pt. I, § 110, Dec. 16, 1963, 77 Stat. 384; Pub. L. 88–633, pt. I, § 108, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89–171, pt. I, § 108, Sept. 6, 1965, 79 Stat. 656; Pub. L. 89–371, § 2, Mar. 18, 1966, 80 Stat. 74; Pub. L. 89–583, pt. I, § 109, Sept. 19, 1966, 80 Stat. 801; Pub. L. 90–137, pt. I, § 112, Nov. 14, 1967, 81 Stat. 455; Pub. L. 90–554, pt. I, § 110, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–175, pt. I, § 110, Dec. 30, 1969, 83 Stat. 819; Pub. L. 91–652, § 6(a), Jan. 5, 1971, 84 Stat. 1942; Pub. L. 92–226, pt. I, § 108, Feb. 7, 1972, 86 Stat. 24; Pub. L. 93–189, § 10, Dec. 17, 1973, 87 Stat. 719; Pub. L. 93–559, § 28(c), Dec. 30, 1974, 88 Stat. 1803; Pub. L. 94–329, title V, § 503(2), June 30, 1976, 90 Stat. 763; Pub. L. 95–92, § 2, Aug. 4, 1977, 91 Stat. 614; Pub. L. 95–384, § 2, Sept. 26, 1978, 92 Stat. 730; Pub. L. 96–92, § 2(b), Oct. 29, 1979, 93 Stat. 701; Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560; Pub. L. 101–513, title V, § 588, Nov. 5, 1990, 104 Stat. 2056.)

References in Text

This chapter, referred to in subsec. (a)(1), 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.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

References to Part I Deemed To Include Section 2293

References to part I of this subchapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Amendments

1990—Subsec. (a)(1). Pub. L. 101–513 struck out ''not to exceed $10,000,000 of'' after ''authorized to use'' and ''in any fiscal year'' after ''funds made available'', substituted ''unanticipated contingencies'' for ''emergency purposes'', and directed the amendment of subsec. (a) by inserting before the period '', except that the authority of this subsection may not be used to authorize the use of more than $25,000,000 during any fiscal year'', which was executed by making the insertion before the period in par. (1) to reflect the probable intent of Congress.

1981—Subsec. (b). Pub. L. 97–113 struck out subsec. (b) which required quarterly Presidential reports to Committees of Senate and Speaker of House on the programming and obligation of funds under this section.

1979—Subsec. (a)(1). Pub. L. 96–92 designated existing provisions as par. (1), substituted authorization of $10,000,000 when made available in any fiscal year for emergency purposes for appropriation authorization of $5,000,000 for emergency purposes in fiscal year 1979, and deleted provision making appropriated amounts available until expended.

Subsec. (a)(2). Pub. L. 96–92 added par. (2).

1978—Subsec. (a). Pub. L. 95–384 substituted ''fiscal year 1979 not to exceed $5,000,000'' for ''fiscal year 1978 not to exceed $5,000,000''.

1977—Subsec. (a). Pub. L. 95–92 substituted provisions authorizing appropriations of not to exceed $5,000,000 for fiscal year 1978, for provisions authorizing appropriations of not to exceed $5,000,000 for fiscal years 1976 and 1977.

1976—Subsec. (a). Pub. L. 94–329 substituted ''fiscal year 1976 not to exceed $5,000,000 and for the fiscal year 1977 not to exceed $5,000,000'' for ''fiscal year 1975 not to exceed $5,000,000,'' and ''authorized by subchapter I of this chapter for any emergency'' for ''authorized by this subchapter or by section 2399 of this title for any emergency'' and inserted provision authorizing that funds appropriated remain available until expended.

1974—Subsec. (a). Pub. L. 93–559 substituted appropriations authorization of $5,000,000 for fiscal year 1975 for prior authorization of $30,000,000 for fiscal years 1974, and 1975, and authorized assistance under section 2399 of this title and for any emergency purpose.

Subsec. (b). Pub. L. 93–559 substantially reenacted subsec. (b) provisions, substituting ''submit'' for ''provide''.

Subsec. (c). Pub. L. 93–559 added subsec. (c).

1973—Subsec. (a). Pub. L. 93–189 substituted provisions authorizing the appropriation of not to exceed $30,000,000 for each of the fiscal years 1974 and 1975, for provisions authorizing the appropriation of not to exceed $30,000,000 for each of the fiscal years 1972 and 1973, substituted ''to provide assistance authorized by this subchapter primarily for disaster relief purposes, in accordance with the provisions applicable to the furnishing of such assistance'', for ''for use by the President for assistance authorized by this subchapter in accordance with the provisions applicable to the furnishing of such assistance, when he determines such use to be important to the national interest'', and struck out a proviso for the use of $15,000,000, in addition to any other available funds, out of the funds appropriated for fiscal year 1971 for the flood victims of the East Pakistan flood.

1972—Subsec. (a). Pub. L. 92–226 authorized appropriations not to exceed $30,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of not to exceed $15,000,000 for fiscal year 1970, and not to exceed $30,000,000 for fiscal year 1971.

1971—Subsec. (a). Pub. L. 91–652 substituted ''1971 not to exceed $30,000,000'' for ''1971 not to exceed

$15,000,000'', and inserted proviso which required $15,000,000 of the amount authorized for the fiscal year 1971 to be used for the relief of cyclone, etc., victims in East Pakistan.

1969—Subsec. (a). Pub. L. 91–175 substituted '' fiscal year 1970 not to exceed $15,000,000, and for the fiscal year 1971 not to exceed $15,000,000'' for ''fiscal year 1968 not to exceed $50,000,000, and for the fiscal year 1969 not to exceed $10,000,000''.

1968—Subsec. (a). Pub. L. 90–554 authorized an appropriation of $10,000,000 for fiscal year 1969.

1967—Subsec. (a). Pub. L. 90–137 substituted ''1968'' and ''$50,000,000'' for ''1967'' and ''$110,000,000'', respectively.

1966—Subsec. (a). Pub. L. 89–583, § 109(a), substituted ''1967'' and ''$110,000,000'' for ''1966'' and ''$150,000,000'', respectively, and struck out second and third sentences which authorized withholding of assistance, from fiscal year 1966 funds, to any country permitting transportation of equipment, materials, or commodities to or from North Vietnam unless contrary to national interest of United States and authorized the appropriation of such sums, not to exceed $89,000,000, as may be necessary in the fiscal year 1966 for programs authorized by subchapters I and II of this chapter, to the President for use in Southeast Asia.

Pub. L. 89–371 substituted ''$150,000,000'' for ''$50,000,000'' and authorized withholding of assistance, from fiscal 1966 funds, to any country permitting transportation of equipment, materials, or commodities to or from North Vietnam unless contrary to national interest of United States.

Subsec. (b). Pub. L. 89–583, § 109(b), struck out ''the first sentence of'' before ''subsection (a)''.

1965—Subsec. (a). Pub. L. 89–171, § 108(a), substituted ''1966'' and ''$50,000,000'' for ''1965'' and ''$150,000,000'', respectively, and authorized the appropriation of such sums, not to exceed $89,000,000, as may be necessary in the fiscal year 1966 for programs authorized by subchapters I and II of this chapter, to the President for use in Southeast Asia.

Subsec. (b). Pub. L. 89–171, § 108(b), substituted ''the first sentence of subsection (a) of this section'' for ''this section''.

1964—Subsec. (a). Pub. L. 88–633 substituted ''1965'' and ''$150,000,000'' for ''1964'' and ''$160,000,000'', respectively.

1963—Subsec. (a). Pub. L. 88–205 substituted ''1964'' and ''$160,000,000'' for ''1963'' and ''$300,000,000'', respectively.

1962—Subsec. (a). Pub. L. 87–565, § 109(a), substituted ''1963'' for ''1962''.

Subsec. (b). Pub. L. 87–565, § 109(b), substituted ''provide quarterly reports to'' for ''keep'', and ''on the programing and the obligation'' for ''currently informed of the use''.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State by section 1–201(a)(2) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

APPROPRIATION FOR DISASTER RELIEF OF UNALLOCATED EXCESS FOREIGN CURRENCIES HELD IN PAKISTAN

Section 6(b) of Pub. L. 91–652 authorized the appropriation of excess foreign currencies held in Pakistan not allocated on Jan. 5, 1971, for a period of one year from such date to help Pakistan withstand the disaster which had occurred.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2360, 2413 of this title.

§ 2262. Transferred

CODIFICATION

Section, Pub. L. 87–195, pt. I, § 494, formerly § 452, as added Pub. L. 93–333, § 2(2), July 8, 1974, 88 Stat. 290; renumbered Pub. L. 94–161, title I, § 101(4), Dec. 20, 1975, 89 Stat. 850, authorizing appropriations for disaster relief in Pakistan and Nicaragua, was transferred to section 2292c of this title.

PART VI—CENTRAL AMERICA DEMOCRACY, PEACE, AND DEVELOPMENT INITIATIVE

§ 2271. Statement of policy

(a) Congressional findings

The Congress finds that—

(1) the building of democracy, the restoration of peace, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States; and

(2) the interrelated issues of social and human progress, economic growth, political reform, and regional security must be effectively dealt with to assure a democratic and economically and politically secure Central America.

(b) Policy requirements

(1) The achievement of democracy, respect for human rights, peace, and equitable economic growth depends primarily on the cooperation and the human and economic resources of the people and governments of Central America. The Congress recognizes that the United States can make a significant contribution to such peaceful and democratic development through a consistent and coherent policy which includes a long-term commitment of assistance. This policy should be designed to support actively—

(A) democracy and political reform, including opening the political process to all members of society;

(B) full observance of internationally recognized human rights, including free elections, freedom of the press, freedom of association, and the elimination of all human rights abuses;

(C) leadership development, including training and educational programs to improve public administration and the administration of justice;

(D) land reform, reform in tax systems, encouragement of private enterprise and individual initiative, creation of favorable investment climates, curbing corruption where it exists, and spurring balanced trade;

(E) the establishment of the rule of law and an effective judicial system; and

(F) the termination of extremist violence by both the left and the right as well as vigorous action to prosecute those guilty of crimes and the prosecution to the extent possible of past offenders.

(2) The policy described in paragraph (1) should also promote equitable economic growth and development, including controlling the flight of capital and the effective use of foreign assistance and adhering to approved programs for economic stabilization and fiscal responsibility. Finally, this policy should foster dialog and negotiations—

(A) to achieve peace based upon the objectives of democratization, reduction of armament, an end to subversion, and the with-

drawal of foreign military forces and advisers; and

(B) to provide a security shield against violence and intimidation.

(3) It is the purpose of this part to establish the statutory framework and to authorize the appropriations and financing necessary to carry out the policy described in this section.

(c) Additional Congressional findings

The Congress finds, therefore, that the people of the United States are willing to sustain and expand a program of economic and military assistance in Central America if the recipient countries can demonstrate progress toward and a commitment to these goals.

(Pub. L. 87–195, pt. I, § 461, as added Pub. L. 99–83, title VII, § 701, Aug. 8, 1985, 99 Stat. 234.)

CODIFICATION

Another section 461 of Pub. L. 87–195 is classified to section 2281 of this title.

PRIOR PROVISIONS

A prior section 2271, Pub. L. 87–195, pt. I, § 461, Sept. 4, 1961, 75 Stat. 434; Pub. L. 87–565, pt. I, § 110, Aug. 1, 1962, 76 Stat. 259; Pub. L. 90–137, pt. I, § 113, Nov. 14, 1967, 81 Stat. 455, related to emphasis on programs in agrarian countries which reach people who are engaged in agrarian pursuits, prior to repeal by Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961, eff. Oct. 1, 1978.

EFFECTIVE DATE

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2272 of this title.

§ 2272. Conditions on furnishing assistance

The President shall ensure that assistance authorized by this chapter and the Arms Export Control Act [22 U.S.C. 2751 et seq.] to Central American countries is furnished in a manner which fosters demonstrated progress toward and commitment to the objectives set forth in section 2271 of this title. Where necessary to achieve this purpose, the President shall impose conditions on the furnishing of such assistance. In carrying out this section, the President shall consult with the Congress in regard to progress toward the objectives set forth in section 2271 of this title, and any conditions imposed on the furnishing of assistance in furtherance of those objectives.

(Pub. L. 87–195, pt. I, § 462, as added Pub. L. 99–83, title VII, § 701, Aug. 8, 1985, 99 Stat. 235.)

REFERENCES IN TEXT

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

The Arms Export Control Act, referred to in text, 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.

CODIFICATION

Another section 462 of Pub. L. 87–195 is classified to section 2282 of this title.

§ 2273. Peace process in Central America

The Congress—

(1) strongly supports the initiatives taken by the Contadora group and the resulting Document of Objectives which has been agreed to by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region; and

(2) finds that the United States should provide such assistance and support as may be appropriate in helping to reach comprehensive and verifiable final agreements, based on the Document of Objectives, which will ensure peaceful and enduring solutions to the Central American conflicts.

(Pub. L. 87–195, pt. I, § 463, as added Pub. L. 99–83, title VII, § 701, Aug. 8, 1985, 99 Stat. 235.)

CODIFICATION

Another section 463 of Pub. L. 87–195 is classified to section 2283 of this title.

§ 2274. Economic assistance coordination

(a) Congressional findings

The Congress finds that participation by Central American countries in an effective forum for dialog on, and the continuous review and advancement of, Central America's political, economic, and social development would foster cooperation between the United States and Central American countries.

(b) Sense of Congress; Central American Development Organization; establishment, etc.

It is the sense of the Congress that—

(1) the President should enter into negotiations with the countries of Central America to establish a Central American Development Organization (hereafter in this section referred to as the ''Organization'') to help provide a continuous and coherent approach to the development of the Central American region; and

(2) the establishment of the Organization should be based upon the following principles:

(A) Participation in the Organization should be open to the United States, other donors, and those Central American countries that commit themselves to, among other things, respecting internationally recognized human rights, building democracy, and encouraging equitable economic growth through policy reforms.

(B) The Organization should be structured to include representatives from both the public and private sectors, including representatives from the labor, agriculture, and business communities.

(C) The Organization should meet periodically to carry out the functions described in subparagraphs (D) and (E) of this paragraph and should be supported by a limited professional secretariat.

(D) The Organization should make recommendations affecting Central American countries on such matters as—

(i) political, economic, and social development objectives, including the strengthening of democratic pluralism and the safeguarding of internationally recognized human rights;

(ii) mobilization of resources and external assistance needs; and

(iii) reform of economic policies and structures.

(E) The Organization should have the capacity for monitoring country performance on recommendations issued in accordance with subparagraph (D) of this paragraph and for evaluating progress toward meeting such country objectives.

(F) To the maximum extent practicable, the United States should follow the recommendations of the Organization in disbursing bilateral economic assistance for any Central American country. No more than 75 percent of such United States assistance in any fiscal year should be disbursed until the recommendations of the Organization for that fiscal year have been made final and communicated to the donor countries. The limitation on disbursements contained in the preceding sentence should apply only to recommendations made final and communicated to donor countries prior to the fourth quarter of such fiscal year. The United States representative to the Organization should urge other donor countries to similarly implement the recommendations of the Organization.

(G) The administrator of the agency primarily responsible for administering subchapter I of this chapter, or his designee, should represent the United States Government in the Organization and should carry out his functions in that capacity under the continuous supervision and general direction of the Secretary of State.

(c) Participation of President in Organization

Subject to subsection (d)(2) of this section, the President is authorized to participate in the Organization.

(d) Preparation and transmission of proposal for implementation of provisions

(1) The administrator of the agency primarily responsible for administering subchapter I of this chapter, under the supervision and direction of the Secretary of State, shall prepare a detailed proposal to carry out this section and shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed concerning the development of this proposal.

(2) The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of the text of any agreement, which he proposes to sign, that would provide for the establishment of and United States participation in the Organization no less than sixty days prior to his signature. During that sixty-day period there shall be full and formal consultations with and review by those committees in accordance with procedures applicable to reprogramming notifications pursuant to section 2394–1 of this title.

(Pub. L. 87–195, pt. I, § 464, as added Pub. L. 99–83, title VII, § 701, Aug. 8, 1985, 99 Stat. 235.)

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

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

CODIFICATION

Another section 464 of Pub. L. 87–195 is classified to section 2284 of this title.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2275. Authorization of appropriations

(a) Fiscal years 1988 and 1989

In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the President, for the purpose of furnishing nonmilitary assistance for Central American countries, $1,200,000,000 for each of the fiscal years 1988 and 1989, which are authorized to remain available until expended.

(b) Transfer of funds

For the purpose of providing the assistance described in subsection (a) of this section, funds appropriated pursuant to the authorizations in that subsection may be transferred by the President for obligation in accordance with the authorities of subchapter I of this chapter (including part IV of subchapter II of this chapter), the Peace Corps Act [22 U.S.C. 2501 et seq.], the Migration and Refugee Assistance Act of 1962 [22 U.S.C. 2601 et seq.], the United States Information and Education Exchange Act of 1948 [22 U.S.C. 1431 et seq.], the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.], the National Endowment for Democracy Act [22 U.S.C. 4411 et seq.], and the State Department Basic Authorities Act of 1956.

(Pub. L. 87–195, pt. I, § 465, as added Pub. L. 99–83, title VII, § 701, Aug. 8, 1985, 99 Stat. 237.)

REFERENCES IN TEXT

The Peace Corps Act, referred to in subsec. (b), is Pub. L. 87–293, Sept. 22, 1961, 75 Stat. 612, as amended, which is classified principally to chapter 34 (§ 2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

The Migration and Refugee Assistance Act of 1962, referred to in subsec. (b), is Pub. L. 87–510, June 28, 1962, 76 Stat. 121, as amended, which is classified principally to chapter 36 (§ 2601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

The United States Information and Education Exchange Act of 1948, referred to in subsec. (b), probably means the United States Information and Educational Exchange Act of 1948, which is act Jan. 27, 1948, ch. 36,

62 Stat. 6, as amended, and is classified generally to chapter 18 (§ 1431 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1431 of this title and Tables.

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (b), is Pub. L. 87–256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§ 2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

The National Endowment for Democracy Act, referred to in subsec. (b), is title V of Pub. L. 98–164, Nov. 22, 1983, 97 Stat. 1039, as amended, which is classified generally to subchapter II (§ 4411 et seq.) of chapter 54 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4411 of this title and Tables.

The State Department Basic Authorities Act of 1956, referred to in subsec. (b), is act Aug. 1, 1956, ch. 841, 70 Stat. 890, as amended, which enacted sections 2651a, 2669 to 2672, 2673 to 2679a, 2680, 2680a, 2684, 2687 to 2690, 2692, 2695, and 2696 to 2724 of this title and chapters 53 (§ 4301 et seq.), 53A (§ 4341 et seq.), and 53B (§ 4351 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1956 Amendment note set out under section 2651 of this title and Tables.

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

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

CODIFICATION

Another section 465 of Pub. L. 87–195 is classified to section 2285 of this title.

§ 2276. "Central American countries" defined

For the purposes of this part, the term ''Central American countries'' includes Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, and regional programs which benefit such countries.

(Pub. L. 87–195, pt. I, § 466, as added Pub. L. 99–83, title VII, § 701, Aug. 8, 1985, 99 Stat. 237.)

CODIFICATION

Another section 466 of Pub. L. 87–195 is classified to section 2286 of this title.

PART VII—DEBT-FOR-NATURE EXCHANGES

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in title 7 section 1738k.

§ 2281. "Debt-for-nature exchange" defined

For purpose of this part, the term ''debt-for-nature exchange'' means the cancellation or redemption of the foreign debt of the government of a country in exchange for—

(1) that government's making available local currencies (including through the issuance of bonds) which are used only for eligible projects involving the conservation or protection of the environment in that country (as described in section 2283 of this title); or

(2) that government's financial resource or policy commitment to take certain specified actions to ensure the restoration, protection, or sustainable use of natural resources within that country; or

(3) a combination of assets and actions under both paragraphs (1) and (2).

(Pub. L. 87–195, pt. I, § 461 [471], as added Pub. L. 101–240, title VII, § 711, Dec. 19, 1989, 103 Stat. 2521.)

REFERENCES IN TEXT

Section 2283 of this title, referred to in par. (1), was in the original ''section 463'', meaning section 463 of Pub. L. 87–195, which has been translated as meaning section 463 of Pub. L. 87–195 relating to eligible projects rather than section 463 of Pub. L. 87–195, relating to the peace process in Central America, which is classified to section 2273 of this title.

CODIFICATION

Another section 461 of Pub. L. 87–195 is classified to section 2271 of this title.

PRIOR PROVISIONS

A prior section 2281, Pub. L. 87–195, pt. I, § 471, as added Pub. L. 89–583, pt. I, § 110, Sept. 19, 1966, 80 Stat. 802, related to agreements with less developed countries for establishment of Joint Commissions on Rural Development, prior to repeal by Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961, effective Oct. 1, 1978.

§ 2282. Assistance for commercial debt exchanges

(a) The Administrator of the Agency for International Development is authorized to furnish assistance, in the form of grants on such terms and conditions as may be necessary, to nongovernmental organizations for the purchase on the open market of discounted commercial debt of a foreign government of an eligible country which will be canceled or redeemed under the terms of an agreement with that government as part of a debt-for-nature exchange.

(b) Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in subsection (a) of this section 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, § 462 [472], as added Pub. L. 101–240, title VII, § 711, Dec. 19, 1989, 103 Stat. 2521.)

CODIFICATION

Another section 462 of Pub. L. 87–195 is classified to section 2272 of this title.

§ 2283. Eligible projects

(a) The Administrator of the Agency for International Development shall seek to ensure that debt-for-nature exchanges under this part support one or more of the following activities by either the host government, a local private conservation group, or a combination thereof:

(1) restoration, protection, or sustainable use of the world's oceans and atmosphere;

(2) restoration, protection, or sustainable use of diverse animal and plant species;

(3) establishment, restoration, protection, and maintenance of parks and reserves;

(4) development and implementation of sound systems of natural resource management;

(5) development and support of local conservation programs;

(6) training programs to strengthen conservation institutions and increase scientific, technical, and managerial capabilities of individuals and organizations involved in conservation efforts;

(7) efforts to generate knowledge, increase understanding, and enhance public commitment to conservation;

(8) design and implementation of sound programs of land and ecosystem management; and

(9) promotion of regenerative approaches in farming, forestry, fishing, and watershed management.

(b)(1) In cooperation with nongovernmental organizations, the Administrator of the Agency for International Development shall seek to identify those areas, which because of an imminent threat, are in particular need of immediate attention to prevent the loss of unique biological life or valuable ecosystem.

(2) The Administrator of the Agency for International Development shall encourage as many eligible countries as possible to propose such exchanges with the purpose of demonstrating to a large number of governments the feasibility and benefits of sustainable development.

(Pub. L. 87–195, pt. I, § 463 [473], as added Pub. L. 101–240, title VII, § 711, Dec. 19, 1989, 103 Stat. 2522.)

CODIFICATION

Another section 463 of Pub. L. 87–195 is classified to section 2273 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2281 of this title.

§ 2284. Eligible countries

In order for a foreign country to be eligible to participate in a debt-for-nature exchange under this part, the Administrator of the Agency for International Development shall determine that—

(1) the host country is fully committed to the long-term viability of the program or project that is to be undertaken through the debt-for-nature exchange;

(2) a long-term plan has been prepared by the host country, or private conservation group, which adequately provides for the long-term viability of the program or project that is to be undertaken through the debt-for-nature exchange or that such a plan will be prepared in a timely manner; and

(3) there is a government agency or a local nongovernmental organization, or combination thereof, in the host country with the capability, commitment, and record of environmental concern to oversee the long-term viability of the program or project that is to be undertaken through the debt-for-nature exchange.

(Pub. L. 87–195, pt. I, § 464 [474], as added Pub. L. 101–240, title VII, § 711, Dec. 19, 1989, 103 Stat. 2522.)

CODIFICATION

Another section 464 of Pub. L. 87–195 is classified to section 2274 of this title.

§ 2285. Terms and conditions

(a) Fulfillment upon final approval by Administrator

The terms and conditions for making grants under this part shall be deemed to be fulfilled upon final approval by the Administrator of the Agency for International Development of the debt-for-nature exchange, a certification by the nongovernmental organization that the host government has accepted the terms of the exchange, and that an agreement has been reached to cancel the commercial debt in an agreed upon fashion.

(b) Grants intended to complement assistance otherwise available

Grants made under this section are intended to complement, and not substitute for, assistance otherwise available to a foreign country under this chapter or any other provision of law.

(c) Prohibition against acceptance of title or interest in land as condition on debt exchange

The United States Government is prohibited from accepting title or interest in any land in a foreign country as a condition on the debt exchange.

(Pub. L. 87–195, pt. I, § 465 [475], as added Pub. L. 101–240, title VII, § 711, Dec. 19, 1989, 103 Stat. 2522.)

REFERENCES IN TEXT

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

CODIFICATION

Another section 465 of Pub. L. 87–195 is classified to section 2275 of this title.

§ 2286. Pilot program for sub-Saharan Africa

(a) List of areas of severely degraded national resources or of biological or ecological importance

The Administrator of the Agency for International Development, in cooperation with nongovernmental conservation organizations, shall invite the government of each country in sub-Saharan Africa to submit a list of those areas of severely degraded national resources which threaten human survival and well-being and the opportunity for future economic growth or those areas of biological or ecological importance within the territory of that country.

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

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

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

(1) The Administrator of the Agency for International Development is authorized to make

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

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

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

CODIFICATION

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

PART VIII—INTERNATIONAL NARCOTICS CONTROL

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2318, 2321j, 2357, 2375, 2392, 2394–1 of this title.

§ 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

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

[1] See References in Text note below.

country as part of any foreign police action with respect to narcotics control efforts, notwithstanding any other provision of law.

(2) Participation in arrest actions

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

(3) Exception for exigent, threatening circumstances

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

(4) Exception for maritime law enforcement

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

(5) Interrogations

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

(6) Exception for Status of Forces arrangements

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

(d) Use of herbicides for aerial eradication

(1) Monitoring

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

(2) Annual reports

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

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

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

(e) Definitions

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

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

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

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

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

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

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

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

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

(4) the term ''United States assistance'' means—

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

(i) assistance under this part,

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

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

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

(v) assistance for refugees;

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

(C) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954 [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.)

REFERENCES IN TEXT

The National Narcotics Leadership Act of 1988, referred to in subsec. (b)(1), is subtitle A of title I of Pub. L. 100–690, Nov. 18, 1988, 102 Stat. 4181, as amended. Chapter 1 of the Act was classified principally to subchapter I (§ 1501 et seq.) of chapter 20 of Title 21, Food and Drugs, prior to repeal by Pub. L. 100–690, title I, § 1009, Nov. 18, 1988, 102 Stat. 4188. For complete classification of this Act to the Code, see Tables.

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

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

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

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

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

PRIOR PROVISIONS

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

AMENDMENTS

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 development and transmittal of plans by each signatory country to the Single Convention on Narcotic Drugs, 1961, in which illicit narcotics and psychotropic crop cultivation exists, which would advise the International Narcotics Control Board, the United Nations Commission on Narcotic Drugs, and the international community of the strategy, programs, and timetable such country has established for the progressive elimination of that cultivation.''

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

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

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

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

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

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

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

Subsec. (i)(2). Pub. L. 101–231, § 17(e), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''the term 'major illicit drug producing country' means a country producing five metric tons or more of opium or opium derivative during a fiscal year or producing five hundred metric tons or more of coca or marijuana (as the case may be) during a fiscal year;''.

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

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

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

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

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

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

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

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

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

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

EFFECTIVE DATE OF 1987 AMENDMENT

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

EFFECTIVE DATE OF 1985 AMENDMENT

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

DELEGATION OF FUNCTIONS

Functions of President under this part delegated and funds available to President under this section allocated to Secretary of State by sections 1–201(a)(27), 1–701(d), and 1–801(c) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, as amended, set out as a note under section 2381 of this title.

LIMITATION ON COUNTERNARCOTICS ASSISTANCE TO COLOMBIA

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

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

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

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

REPORT ON ARMED FORCES STATIONED IN ANDEAN COUNTRIES

Pub. L. 101–623, § 8, Nov. 21, 1990, 104 Stat. 3355, provided that: ''Within 15 days after the end of each month, the President shall submit to the Congress a report listing the number of members of the United States Armed Forces who were assigned or detailed to, or otherwise performed functions in, each Andean country at any time during that month.''

PRECURSOR CHEMICALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEBT-FOR-DRUGS EXCHANGES

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

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

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

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

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

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

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

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

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

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

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

DEFINITION OF TERMS USED IN INTERNATIONAL NARCOTICS CONTROL ACT OF 1988

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

REGIONAL ANTI-NARCOTICS FORCES

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

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

Section 4405(b) of Pub. L. 100–690 directed Secretary of State to make determination of major drug-transit countries with respect to fiscal year 1989, prior to re-

peal by Pub. L. 102–583, § 6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

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

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

REVIEW OF EFFECTIVENESS OF INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM

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

MULTILATERAL DEVELOPMENT BANK ASSISTANCE FOR DRUG ERADICATION AND CROP SUBSTITUTION PROGRAMS

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

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

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

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

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

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

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

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

REPORTS TO CONGRESS ON DRUG EDUCATION PROGRAMS ABROAD

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

UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

Pub. L. 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, provided that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(i) TERMINATION.—The Caucus shall cease to exist on September 30, 1999.''

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

''(a) Notwithstanding the provisions of this or any other Act, the United States International Narcotics Control Commission, established by section 814 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 [section 814 of Pub. L. 99–93, set out as a note above], is hereby redesignated and shall hereafter be known as the United States Senate Caucus on International Narcotics Control.

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

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

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

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

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

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

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

''(b) POLICY.—The Congress—

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

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

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

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

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

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

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

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

UNITED STATES CITIZENS IMPRISONED IN MEXICO

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

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151x–2, 2291a of this title; title 7 section 1736g–1; title 12 section 635; title 48 sections 1902, 1903.

§ 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, before the interdiction occurs, has determined with respect to that country that—

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

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

(b) Employees and agents of United States

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

(c) Definitions

For purposes of this section:

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

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

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

(Pub. L. 103–337, div. A, title X, § 1012, Oct. 5, 1994, 108 Stat. 2837.)

CODIFICATION

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

PRESIDENTIAL DETERMINATIONS RELATING TO INTERDICTION

The President made the determination required by subsec. (a)(2) of this section for the following countries:

Columbia, Determination No. 95–7, Dec. 1, 1994, 59 F.R. 64835.

Peru, Determination No. 95–9, Dec. 8, 1994, 59 F.R. 65231.

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

(a) In general

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

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

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

(b) Additional requirement

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

(c) Notification requirement

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

(d) Sense of Congress

It is the sense of Congress that—

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

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

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

CODIFICATION

Section was enacted as part of the Western Hemisphere Drug Elimination Act, and also as part of the

Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2291a. Authorization of appropriations

(a) Fiscal year authorization; availability of funds

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

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

(b) Procurement of weapons and ammunition

(1) Prohibition

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

(2) Exceptions

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

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

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

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

(c) Contributions and reimbursement

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

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

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

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

(d) Administrative assistance

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

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

(e) Advance notification of transfer of seized assets

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

(f) Treatment of funds

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

(g) Excess property

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

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

AMENDMENTS

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

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

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

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

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

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

Subsecs. (c), (d). Pub. L. 102–583, §6(b)(4), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: ''Notwithstanding section 1306 of title 31, section 508 of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, and section 1705 of title 7, up to the equivalent of $10,000,000 in currencies or credits of the Government of Pakistan held by the United States shall, to such extent as may be provided in an appropriation Act, be available to the President for the fiscal year 1981 (and shall remain available until expended) to carry out the purposes of section 2291 of this title through assistance to the Government of Pakistan. Notwithstanding any other provision of law, the availability or expenditure of such foreign currencies shall not affect or reduce appropriations otherwise available to carry out the administration of the international narcotics control program.''

1989—Subsec. (a)(1). Pub. L. 101–231, §16, substituted ''$115,000,000 for fiscal year 1990'' for ''$101,000,000 for fiscal year 1989''.

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

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

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

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

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

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

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

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

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

1980—Subsec. (a). Pub. L. 96–533, §402(a), in par. (1), substituted appropriations authorization of $38,573,000 for fiscal year 1981 for such authorization of $51,758,000 for fiscal year 1980, redesignated as par. (3) as (2), substituting therein ''1981'' and ''50 percent'' for ''1980'' and ''25 percent'', and deleted former par. (2) authorization of $16,000,000 for interdiction of drug traffic by Republic of Colombia to be used only for helicopters, patrol vessels, fixed radar equipment, transport vehicles, fuel, and for training personnel, and redesignated par. (4) as (3).

Subsec. (c). Pub. L. 96–533, §402(b), added subsec. (c).

1979—Subsec. (a)(1). Pub. L. 96–92 designated existing provisions as par. (1), substituted appropriations authorization of $51,758,000 for fiscal year 1980 for authorization of $40,000,000 for fiscal year 1979, and designated provision respecting availability of funds as par. (4).

Subsec. (a)(2), (3). Pub. L. 96–92 added pars. (2) and (3).

Subsec. (a)(4). Pub. L. 96–92 designated existing provision respecting availability of funds as par. (4) and substituted ''subsection'' for ''section''.

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

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

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

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

EFFECTIVE DATE OF 1985 AMENDMENT

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

COLOMBIAN ANTI-NARCOTICS ENFORCEMENT PROGRAM

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2291, 2420 of this title.

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

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

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

REFERENCES IN TEXT

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

EFFECTIVE DATE

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

§ 2291c. Requirements relating to aircraft and other equipment

(a) Retention of title to aircraft

(1) In general

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

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

(2) Exceptions

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

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

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

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

(3) Assistance for leasing of aircraft

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

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

(C) To the extent that aircraft so leased were acquired under chapter 5 of that Act [22 U.S.C. 2795 et seq.], funds used pursuant to this paragraph to finance such leases shall be credited to the Special Defense Acquisition Fund under chapter 5 of that Act (excluding the amount of funds that reflects the charges described in section 21(e)(1) of that Act [22 U.S.C. 2761(e)(1)]). The funds described in the parenthetical clause of the preceding sentence shall be available for payments consistent with sections 37(a) and 43(b) of that Act [22 U.S.C. 2777(a), 2792(b)].

(b) Permissible uses of aircraft and other equipment

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

(c) Reports

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

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

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

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

REFERENCES IN TEXT

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

CODIFICATION

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

AMENDMENTS

1992—Pub. L. 102–583, § 4(f)(1), amended section generally, substituting subsec. (a) for former text which read as follows: ''Any aircraft which, at any time after October 27, 1986, are made available to a foreign country under this part, or are made available to a foreign country primarily for narcotics-related purposes under any other provision of law, shall be provided only on a

[1] See References in Text note below.

lease or loan basis. The requirement of this section does not apply with respect to aircraft made available to a foreign country under section 635(b)(6)(B) of title 12 or under any provision of law that authorizes property that has been civilly or criminally forfeited to the United States to be made available to foreign countries.''

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

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

TRAINING OF HOST COUNTRY PILOTS

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

''(a) INSTRUCTION PROGRAM.—Not less than 90 days after the date of enactment of this Act [Nov. 21, 1990], the President shall implement, under chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 and following; relating to international narcotics control assistance), a detailed program of instruction to train host country pilots, and other flight crew members, to fly host country aircraft involved in 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) of this section available to the Congress upon a request of the Chairman of the Committee on Foreign Affairs of the House of Representatives or the Chairman of the Committee on Foreign Relations of the Senate.

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

AMENDMENTS

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

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 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 ''as-

sistance 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)''.

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

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

§ 2291f. Prohibition on assistance to drug traffickers

(a) Prohibition

The President shall take all reasonable steps to ensure that assistance under this chapter and the Arms Export Control Act [22 U.S.C. 2751 et seq.] is not provided to or through any individual or entity that the President knows or has reason to believe—

(1) has been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States, a State or the District of Columbia, or a foreign country relating to narcotic or psychotropic drugs or other controlled substances; or

(2) is or has been an illicit trafficker in any such controlled substance or is or has been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such substance.

(b) Regulations

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

(c) Congressional review of regulations

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

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

REFERENCES IN TEXT

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

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

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103–447 inserted ''to'' after ''relating''.

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

§ 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.

(3) Report

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.

(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.)

AMENDMENTS

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''.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on Inter-

national Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2291h. Reporting requirements

(a) International narcotics control strategy report

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

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

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

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

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

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

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

(3) The identity of those countries which are—

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

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

(C) major money laundering countries.

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

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

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

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

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

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

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

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

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

(A)(i) Which countries have financial institutions engaging in currency transactions involving international narcotics trafficking proceeds that include significant amounts of

United States currency or currency derived from illegal drug sales in the United States or that otherwise significantly affect the United States;

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

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

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

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

(B) Which countries—

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

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

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

(i) criminalized narcotics money laundering;

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

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

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

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

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

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

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

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

(b) Annual reports on assistance

(1) In general

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

(2) Information to be included

Each report pursuant to this subsection shall—

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

(B) include, for each country identified in subsection (a)(3)(A) of this section, information from the Drug Enforcement Administration, the Customs Service, and the Coast Guard describing in detail—

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

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

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

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

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

REFERENCES IN TEXT

Section 2015 of the International Narcotics Act of 1986, referred to in subsec. (a)(2)(A), probably means section 2015 of the International Narcotics Control Act of 1986, Pub. L. 99–570, which is set out as a note under section 1902 of Title 46, Appendix, Shipping.

PRIOR PROVISIONS

A prior section 2291h, Pub. L. 87–195, pt. I, § 489, as added Pub. L. 100–690, title IV, § 4507, Nov. 18, 1988, 102 Stat. 4286, related to permissible uses of aircraft and other equipment, prior to amendment by Pub. L. 102–583, § 4(f)(2), Nov. 2, 1992, 106 Stat. 4917, which also

transferred subsecs. (a) and (b) to section 2291c(b) and (c) of this title, respectively, and repealed the designation, heading, and subsecs. (c) and (d).

AMENDMENTS

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

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

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

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

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

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

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

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

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

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

STATUTORY REFERENCES TO ANNUAL REPORTS, CERTIFICATIONS, AND DEFINITIONS

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2291, 2291c, 2291j of this title; title 19 sections 2492, 2494.

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

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

§ 2291j. Annual certification procedures

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

(1) Bilateral assistance

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

(2) Multilateral assistance

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

(b) Certification procedures

(1) What must be certified

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

(A) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own, to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or

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

(2) Considerations regarding cooperation

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

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

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

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

(3) Information to be included in national interest certification

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

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

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

(c) Licit opium producing countries

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

(d) Congressional review

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

(e) Denial of assistance for countries decertified

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

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

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

(f) Recertification

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

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

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

(A) the President also certifies that—

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

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

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

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

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

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

(g) Senate procedures

Any joint resolution under this section shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

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

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

(Pub. L. 87–195, pt. I, § 490, as added Pub. L. 102–583, § 5(a), Nov. 2, 1992, 106 Stat. 4924; amended Pub. L. 103–447, title I, § 101(g)(1), Nov. 2, 1994, 108 Stat. 4692; Pub. L. 104–66, title I, § 1112(d), Dec. 21, 1995, 109 Stat. 724.)

REFERENCES IN TEXT

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

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

AMENDMENTS

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

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

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

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

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

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

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

Subsec. (g). Pub. L. 103–447, § 101(g)(1)(F), substituted ''Senate procedures'' for ''Congressional review procedures'' in heading, struck out designation and heading of par. (1), and struck out heading and text of par. (2). Text read as follows: ''For the purpose of expediting the consideration and enactment of joint resolutions under this section, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.''

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

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

CERTIFICATION FOR MAJOR ILLICIT DRUG PRODUCING AND DRUG TRANSIT COUNTRIES

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

Memorandum for the Secretary of State

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

Aruba, The Bahamas, Belize, Bolivia, Brazil, China, Colombia, Dominican Republic, Ecuador, Guatemala, Hong Kong, India, Jamaica, Laos, Mexico, Pakistan, Panama, Peru, Taiwan, Thailand, Venezuela, and Vietnam.

By virtue of the authority vested in me by section 490(b)(1)(B) of the Act, I hereby determine that it is in the vital national interests of the United States to certify the following major illicit drug producing and/or major illicit drug transit countries:

Cambodia, Haiti, Nigeria, and Paraguay.

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

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

Afghanistan, Burma.

In making these determinations, I have considered the factors set forth in section 490 of the Act. Given that the performance of each of these countries/dependent territories has differed, I have attached an explanatory statement for each of the countries/dependent territories subject to this determination [not set out in the Code].

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

WILLIAM J. CLINTON.

Prior certifications for major narcotics producing and transit countries were contained in the following:

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

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

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

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

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

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

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

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

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

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

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2291e, 2291h of this title; title 12 section 635; title 18 section 981; title 19 sections 1616a, 3202; title 21 sections 881, 1703.

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

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

PART IX—INTERNATIONAL DISASTER ASSISTANCE

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2291, 2318 of this title.

§ 2292. General provisions

(a) Congressional policy

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

(b) General authority

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

(c) Specific direction

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

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

REFERENCES IN TEXT

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

PRIOR PROVISIONS

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

AMENDMENTS

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

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

EFFECTIVE DATE OF 1978 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151u, 2292a, 2292f, 2292g, 2292h, 2292i, 2292j, 2292l, 2292m, 2292n, 2292o, 2292p, 2292q of this title.

§ 2292a. Authorization of appropriations

(a) Fiscal year authorization

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

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

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

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

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

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

AMENDMENTS

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

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

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

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

1979—Pub. L. 96–53 substituted ''$21,800,000'' for ''$25,000,000'' and ''1980'' for ''1979''.

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

1977—Pub. L. 95–88 substituted ''fiscal years 1977 and 1978'' for ''fiscal years 1976 and 1977''.

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.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2292, 2292k of this title.

§ 2292a–1. Appropriated funds; Presidential reports to Committees on Appropriations of the Senate and the House

The President shall submit quarterly reports to the Committee on Appropriations of the United States Senate and to the Committee on Appropriations of the House of Representatives on the programing and obligation of funds appropriated for International Disaster Assistance.

(Pub. L. 94–330, title I, § 100, June 30, 1976, 90 Stat. 773.)

CODIFICATION

Section was not enacted as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2292b. Disaster assistance coordination through a Special Coordinator for International Disaster Assistance; Presidential appointment and duties

The President is authorized to appoint a Special Coordinator for International Disaster Assistance whose responsibility shall be to promote maximum effectiveness and coordination in responses to foreign disasters by United States agencies and between the United States and other donors. Included among the Special Coordinator's responsibilities shall be the formulation and updating of contingency plans for providing disaster relief.

(Pub. L. 87–195, pt. I, § 493, as added Pub. L. 94–161, title I, § 101(3), Dec. 20, 1975, 89 Stat. 849.)

§ 2292c. Authorization of appropriations for disaster relief and emergency recovery needs in Pakistan and Nicaragua

There are authorized to be appropriated, in addition to other sums available for such purposes, $65,000,000 for use by the President for disaster relief and emergency recovery needs in Pakistan and Nicaragua, under such terms and conditions as he may determine, such sums to remain available until expended.

(Pub. L. 87–195, pt. I, § 494, formerly § 452, as added Pub. L. 93–333, § 2(2), July 8, 1974, 88 Stat. 290; renumbered § 494, Pub. L. 94–161, title I, § 101(4), Dec. 20, 1975, 89 Stat. 850.)

CODIFICATION

Section was formerly classified to section 2262 of this title.

§ 2292d. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. I, § 494A, formerly pt. III, § 639A, as added Pub. L. 93–189, § 20, Dec. 17, 1973, 87 Stat. 725, amended Pub. L. 93–333, § 3(2)–(5), July 8, 1974, 88 Stat. 290; renumbered pt. I, § 494A, Pub. L. 94–161, title I, § 101(5), Dec. 20, 1975, 89 Stat. 850, related to famine and disaster relief to drought-stricken African nations.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

ASSISTANCE IN CONTROLLING LOCUST PLAGUES IN AFRICA; AUTHORIZATION OF APPROPRIATIONS

Pub. L. 95–424, title I, § 120, Oct. 6, 1978, 92 Stat. 954, provided that: "In order to assist in attempts to control locust plagues in Africa, especially in the Horn of Africa, there is authorized to be appropriated to the President, in addition to amounts otherwise authorized for disaster relief purposes, $2,000,000, which amount is authorized to remain available until expended."

§ 2292e. Transferred

CODIFICATION

Section, Pub. L. 87–195, pt. I, § 120, formerly pt. III, § 639B, as added Pub. L. 93–189, § 20, Dec. 17, 1973, 87 Stat. 725; renumbered pt. I, § 494B, and amended Pub. L. 94–161, title I, § 101(5), (7), Dec. 20, 1975, 89 Stat. 850; renumbered pt. I, § 120; amended Pub. L. 95–88, title I, § 115(1), (2), Aug. 3, 1977, 91 Stat. 539, which related to the Sahel development program and had been classified to section 2399–1b of this title, has been transferred to section 2151r of this title.

§ 2292f. Cyprus: relief and rehabilitation; terms and conditions; authorization of appropriations; section 2292 policy and general authority applicable

The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other needy people in Cyprus. There is authorized to be appropriated for the purposes of this section, in addition to amounts otherwise available for such purposes, $40,000,000. Such amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policy and general authority contained in section 2292 of this title.

(Pub. L. 87–195, pt. I, § 495, as added Pub. L. 94–161, title I, § 101(8), Dec. 20, 1975, 89 Stat. 850; amended Pub. L. 94–329, title IV, § 402, June 30, 1976, 90 Stat. 757.)

AMENDMENTS

1976—Pub. L. 94–329 substituted "$40,000,000" for "$30,000,000".

§ 2292g. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. I, § 495A, as added Pub. L. 94–276, § 2, Apr. 21, 1976, 90 Stat. 397, related to relief and rehabilitation for people victimized by recent earthquakes in Guatemala.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2292h. Italy: relief, rehabilitation and reconstruction assistance

(a) In addition to amounts otherwise available for such purpose, there is authorized to be appropriated $25,000,000 for the fiscal year 1976 to furnish assistance under this part for the relief and rehabilitation of the people who have been victimized by the recent earthquake in Italy. Amounts appropriated under this section are authorized to remain available until expended.

(b) There are authorized to be appropriated to the President $30,000,000 for the fiscal year 1978 for relief, rehabilitation, and reconstruction assistance, in accordance with the provisions of section 2292 of this title and on such terms and conditions as he may determine, for the people who have been victimized by the recent earthquakes in Italy. Amounts appropriated under this subsection are authorized to remain available until expended.

(c) Obligations incurred prior to June 30, 1976, against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Italy may be charged to the appropriations authorized under this section.

(d)(1) The Congress recognizes that prompt United States assistance is necessary to alleviate the human suffering arising from the earthquakes in southern Italy in late 1980. Accordingly, there are authorized to be appropriated to the President, in addition to amounts otherwise available for such purpose, $50,000,000 for the fiscal year 1981 for relief, rehabilitation, and reconstruction assistance for the victims of those earthquakes. Such assistance shall be provided in accordance with the policies and general authorities of section 2292 of this title and on such terms and conditions as the President may determine.

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

(3) Obligations incurred against other appropriations or accounts for the purpose of providing relief, rehabilitation, and reconstruction assistance for the victims of the late 1980 earthquakes in southern Italy may be charged to appropriations, enacted after those obligations were incurred, for assistance for that purpose under this part.

(Pub. L. 87–195, pt. I, § 495B, as added Pub. L. 94–329, title IV, § 415, June 30, 1976, 90 Stat. 761; amended Pub. L. 95–88, title I, § 120, Aug. 3, 1977, 91 Stat. 541; Pub. L. 96–525, Dec. 12, 1980, 94 Stat. 3043.)

AMENDMENTS

1980—Subsec. (d). Pub. L. 96–525 added subsec. (d).

1977—Subsecs. (b), (c). Pub. L. 95–88 added subsec. (b) and redesignated subsec. (b) as (c).

§ 2292i. Lebanon: relief and rehabilitation

(a) General authority

The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from civil strife in Lebanon and to restore the confidence of the people of Lebanon, authorizes the President to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other needy people in Lebanon.

(b) Authorization of appropriations

There is authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $20,000,000, which amount is authorized to remain available until expended.

(c) Section 2292 policy and general authority applicable

Assistance under this section shall be provided in accordance with the policies and general authority contained in section 2292 of this title.

(d) Obligations charged to appropriations

Obligations incurred prior to June 30, 1976, against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Lebanon may be charged to the appropriations authorized under this section.

(Pub. L. 87–195, pt. I, § 495C, as added Pub. L. 94–329, title IV, § 416, June 30, 1976, 90 Stat. 762; amended Pub. L. 95–424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959.)

AMENDMENTS

1978—Subsec. (e). Pub. L. 95–424 struck out subsec. (e) relating to reports to Congress by the President regarding the programing and obligation of funds under this section.

EFFECTIVE DATE OF 1978 AMENDMENT

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

§ 2292j. Romania: relief and rehabilitation

(a) Authorization of assistance

The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from recent earthquakes in Romania, authorizes the President to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other earthquake victims in Romania.

(b) Authorization of appropriations

There are hereby authorized to be appropriated to the President for the fiscal year 1977, notwithstanding any other provisions of this chapter, in addition to amounts otherwise available for such purposes, not to exceed $20,000,000, which amount is authorized to remain available until expended.

(c) Policies and general authority

Assistance under this section shall be provided in accordance with the policies and general authority contained in section 2292 of this title.

(d) Obligations charged against appropriations

Obligations incurred prior to April 18, 1977, against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Romania may be charged to the appropriations authorized under this section.

(e) Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(f) Human rights

Nothing in this section shall be interpreted as endorsing any measure undertaken by the Government of Romania which would suppress human rights as defined in the Conference on Security and Co-operation in Europe (Helsinki) Final Act and the United Nations Declaration on Human Rights, or as constituting a precedent for or commitment to provide United States development assistance to Romania, and the Romanian Government shall be so notified when aid is furnished under this section.

(Pub. L. 87–195, pt. I, § 495D, as added Pub. L. 95–21, Apr. 18, 1977, 91 Stat. 48; amended Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560.)

REFERENCES IN TEXT

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

AMENDMENTS

1981—Subsec. (e). Pub. L. 97–113 repealed subsec. (e) which required quarterly reports on the programming and obligation of funds under this section.

§ 2292k. Turkey: relief, rehabilitation, and reconstruction

The President is requested to use up to $10,000,000 of the funds made available under section 2292a of this title to provide relief, rehabilitation, and reconstruction assistance to the victims of the recent earthquakes in Turkey.

(Pub. L. 87–195, pt. I, § 495E, formerly § 495D, as added Pub. L. 95–88, title I, § 121, Aug. 3, 1977, 91 Stat. 541; renumbered § 495E, Pub. L. 95–424, title I, § 119(1), Oct. 6, 1978, 92 Stat. 953.)

EFFECTIVE DATE OF 1978 AMENDMENT

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

§ 2292*l*. Africa: rehabilitation and resettlement

(a) Congressional policy; general authority

The Congress recognizes that United States assistance is necessary to help developing countries in Africa meet the longer term rehabilitation and resettlement needs of displaced persons and other innocent victims of civil strife. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for the longer term rehabilitation and resettlement needs of such victims. Funds for this purpose should be used to assist African governments in providing semi-permanent housing, potable water supply systems, and sanitary facilities which are generally not provided by existing refugee relief agencies.

(b) Authorization of appropriations

There are authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $15,000,000 for the fiscal year 1981. Amounts appropriated under this subsection are authorized to remain available until expended.

(c) Provisions of section 2292 of this title applicable to this section

Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 2292 of this title.

(Pub. L. 87–195, pt. I, § 495F, as added Pub. L. 95–424, title I, § 119(2), Oct. 6, 1978, 92 Stat. 953; amended Pub. L. 96–53, title I, § 116, Aug. 14, 1979, 93 Stat. 365; Pub. L. 96–533, title IV, § 405, Dec. 16, 1980, 94 Stat. 3150.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96–533 substituted subsec. (a) for prior first sentence authorization of the President to furnish assistance, on such terms and conditions as he may determine, exclusively for the relief and rehabilitation of African refugees and other needy people located in Africa.

Subsec. (b). Pub. L. 96–533 incorporated existing second sentence in provisions designated subsec. (b) and increased appropriations authorization to $15,000,000 for fiscal year 1981 for such authorization of $14,920,000 for fiscal year 1980.

Subsec. (c). Pub. L. 96–533 designated third sentence as subsec. (c).

1979—Pub. L. 96–53 substituted ''1980'' for ''1979'' and ''$14,920,000'' for ''$15,000,000''.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of President relating to policy decisions pertaining to refugee programs delegated to Secretary of State by section 1–201(a)(3) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2292m. Special Caribbean hurricane relief assistance

The President is authorized to furnish assistance, on such terms and conditions as he may determine, for disaster relief and reconstruction in the Caribbean to assist in alleviating the human suffering caused by recent hurricanes in that region. In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for purposes of this section $25,000,000 for the fiscal year 1980, which amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 2292 of this title.

(Pub. L. 87–195, pt. I, § 495G, as added Pub. L. 96–109, § 1, Nov. 9, 1979, 93 Stat. 842.)

§ 2292n. Cambodia: disaster relief assistance

(a) Congressional recognition and statement of purpose; authority of President; scope of assistance

The Congress recognizes that prompt United States assistance is necessary to alleviate the

human suffering arising from famine and disease in Cambodia. Accordingly, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for disaster relief to alleviate the suffering of the victims of famine and disease in Cambodia. Assistance provided under this section shall be for humanitarian purposes and limited to the civilian population, with emphasis on providing food, medicine and medical care, clothing, temporary shelter, transportation for emergency supplies and personnel, and similar assistance to save human lives.

(b) Assistance through international agencies and private voluntary organizations

Assistance provided under this section or any other provision of law to alleviate the human suffering caused by famine and disease in Cambodia shall be provided, to the maximum extent practicable, through international agencies and private voluntary organizations such as (among others) the World Relief Committee, World Medical Missions, Inc., Cama Services, World Vision, Food for the Hungry, Thailand Baptist Mission, Catholic Relief Services, Oxfam, and the International Rescue Committee.

(c) Assistance procedures; monitoring of deliveries

(1) In providing assistance under this section, the President shall satisfy himself that adequate procedures have been established to ensure that such assistance reaches the innocent victims of famine and disease for whom it is intended. Such procedures shall include end use monitoring of deliveries on a periodic basis by individuals having freedom of movement where the assistance is being distributed within Cambodia.

(2) Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560.

(d) Authorization of appropriations; charges for obligations incurred under other appropriations or accounts; authority for transfer of funds; agricultural commodity assistance priorities

(1) In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for purposes of this section $30,000,000 for the fiscal year 1980, which amount is authorized to remain available until expended.

(2) Obligations incurred, prior to the enactment of appropriations to carry out this section, against other appropriations or accounts for the purpose of alleviating the human suffering caused by famine and disease in Cambodia may be charged to the appropriations authorized by paragraph (1) of this subsection.

(3) The President may exercise the authority of section 2360(a) of this title (without regard to the 20 percent limitation contained in that section on increases in accounts) in order to transfer, for use in carrying out this section, up to $30,000,000 of the funds made available for the fiscal year 1980 to carry out other provisions of this chapter.

(4) Priority shall be given in allocating assistance under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.] to furnishing agricultural commodities for use in carrying out this section.

(e) Section 2292 policies and general authorities applicable

Assistance under this section shall be provided in accordance with the policies and utilizing the general authorities provided in section 2292 of this title.

(Pub. L. 87–195, pt. I, § 495H, as added Pub. L. 96–110, § 2, Nov. 13, 1979, 93 Stat. 843; amended Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(3), 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 Agricultural Trade Development and Assistance Act of 1954, referred to in subsec. (d)(4), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, 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.

AMENDMENTS

1981—Subsec. (c)(2). Pub. L. 97–113 repealed par. (2) which required a Presidential report to Congress no later than 90 days after Nov. 13, 1979, on provision of Cambodian Disaster Relief Assistance.

§ 2292*o*. Assistance for displaced persons in Central America

(a) Nature and scope of assistance

(1) The Congress recognizes that prompt United States assistance is necessary to help meet the basic human needs of persons displaced by strife in El Salvador. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to help alleviate the suffering of these displaced persons. Assistance provided under this section shall be for humanitarian purposes, with emphasis on the provision of food, medicine, medical care, and shelter and, where possible, implementation of other relief and rehabilitation activities. The Congress encourages the use, where appropriate, of the services of private and voluntary organizations and international relief agencies in the provision of assistance under this section.

(2) The Congress understands that the country of Belize has expressed interest and willingness in the resettlement in its territory of Haitian nationals who desire to settle in Belize. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to assist the Government of Belize in the resettlement of Haitian nationals in the national territory of Belize.

(b) Authorization of appropriations

There are authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $5,000,000 for the fiscal year 1982 and $5,000,000 for the fiscal year 1983. Amounts appropriated under this section are authorized to remain available until expended.

(c) Applicable policies and authorities

Assistance under this section shall be provided in accordance with the policies and utilizing the

general authorities provided in section 2292 of this title.

(Pub. L. 87–195, pt. I, § 495I, as added Pub. L. 97–113, title V, § 504, Dec. 29, 1981, 95 Stat. 1540.)

§ 2292p. Lebanon: emergency relief, rehabilitation, and reconstruction assistance

(a) Congressional policy and authorization

The Congress recognizes that prompt United States assistance is necessary to alleviate the human suffering and resettlement needs of the innocent victims of recent strife in Lebanon. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for the relief, rehabilitation, and reconstruction needs of such victims. Assistance provided under this section shall emphasize the provision of food, medicine, clothing, shelter, and water supply systems, and similar efforts to ameliorate the suffering of the people in Lebanon.

(b) Authorization of appropriations

In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the President $50,000,000 to carry out this section. Amounts appropriated under this subsection are authorized to remain available until expended.

(c) Policies and general authority

Assistance under this section shall be furnished in accordance with the policies and general authorities contained in section 2292 of this title.

(Pub. L. 87–195, pt. I, § 495J, as added Pub. L. 97–208, June 30, 1982, 96 Stat. 138.)

§ 2292q. African famine assistance

(a) Authorization of assistance

The President is authorized to provide assistance for famine relief, rehabilitation, and recovery in Africa. Assistance under this section shall be provided for humanitarian purposes and shall be provided on a grant basis. Such assistance shall include—

(1) relief, rehabilitation, and recovery projects to benefit the poorest people, including the furnishing of seeds for planting, fertilizer, pesticides, farm implements, farm animals and vaccine and veterinary services to protect livestock upon which people depend, blankets, clothing, and shelter, disease prevention and health care projects, water projects (including water purification and well-drilling), small-scale agricultural projects, and food protection and preservation projects; and

(2) projects to meet emergency health needs, including vaccinations.

(b) Uses of funds

(1) Private and voluntary organizations and international organizations

Funds authorized to be appropriated by this section shall be used primarily for grants to private and voluntary organizations and international organizations.

(2) Emergency health projects

A significant portion of the funds authorized to be appropriated by this section shall be used for emergency health projects pursuant to subsection (a)(2) of this section.

(3) Management support activities

Of the amount authorized to be appropriated by this section, $2,500,000 shall be transferred to the ''Operating Expenses of the Agency for International Development'' account. These funds shall be used for management support activities associated with the planning, monitoring, and supervision of emergency food and disaster assistance provided in those countries in Africa described in section 5(a) of the African Famine Relief and Recovery Act of 1985.

(c) Authorization of appropriations

In addition to the amounts otherwise available for such purpose, there are authorized to be appropriated $137,500,000 for the fiscal year 1985 for use in providing assistance under this section.

(d) Policies and authorities to be applied

Assistance under this section shall be furnished in accordance with the policies and general authorities contained in section 2292 of this title.

(Pub. L. 87–195, pt. I, § 495K, as added Pub. L. 99–8, § 2, Apr. 2, 1985, 99 Stat. 21.)

REFERENCES IN TEXT

Section 5(a) of the African Famine Relief and Recovery Act of 1985, referred to in subsec. (b)(3), is section 5(a) of Pub. L. 99–8, formerly set out below.

AFRICAN FAMINE RELIEF AND RECOVERY ACT OF 1985

Pub. L. 99–8, §§ 1, 3–6, Apr. 2, 1985, 99 Stat. 21–23, authorized appropriations of $37,500,000 for fiscal year 1985 for assisting refugees and displaced persons in Africa, in addition to amounts otherwise available for such purpose, with such amount available only for assistance in those countries in Africa that suffered during calendar years 1984 and 1985 from exceptional food supply problems due to drought and other calamities and directed the President to report to Congress not later than June 30, 1985, with respect to the United States contribution to meet emergency needs, including food needs, for African famine assistance, and to report to Congress not later than Sept. 30, 1985, on assistance provided pursuant to this Act.

PART X—DEVELOPMENT FUND FOR AFRICA

PRIOR PROVISIONS

A prior part X, consisting of sections 2293 and 2294, related to assistance to Portugal and Portuguese colonies in Africa gaining independence, prior to repeal by Pub. L. 99–83, title XII, § 1211(a)(4), Aug. 8, 1985, 99 Stat. 279.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2151k, 2151n, 2151p, 2151u, 2151x, 2346, 2421d, 6591 of this title.

§ 2293. Long-term development assistance for sub-Saharan Africa

(a) Findings

The Congress finds that—

(1) drought and famine have caused countless deaths and untold suffering among the people of sub-Saharan Africa;

(2) drought and famine in combination with other factors such as desertification, government neglect of the agricultural sector, and inappropriate economic policies have severely

affected long-term development in sub-Saharan Africa; and

(3) the most cost-effective and efficient way of overcoming Africa's vulnerability to drought and famine is to address Africa's long-term development needs through a process that builds upon the needs and capabilities of the African people, promotes sustained and equitable economic growth, preserves the environment, and protects the rights of the individual.

(b) Authority to furnish assistance

The President is authorized to furnish project and program assistance, on such terms and conditions as he may determine in accordance with the policies contained in this section, for long-term development in sub-Saharan Africa.

(c) Purpose of assistance

(1) Purpose

The purpose of assistance under this section shall be to help the poor majority of men and women in sub-Saharan Africa to participate in a process of long-term development through economic growth that is equitable, participatory, environmentally sustainable, and self-reliant.

(2) Use of assistance to encourage private sector development

Assistance under this section should, in a manner consistent with paragraph (1), be used to promote sustained economic growth, encourage private sector development, promote individual initiatives, and help to reduce the role of central governments in areas more appropriate for the private sector.

(d) Application of development assistance general authorities and policies

Except to the extent inconsistent with this section—

(1) any reference in any law to part I of this subchapter (including references to sections 2151a through 2151d of this title) shall be deemed to include a reference to this section; and

(2) assistance under this section shall be provided consistent with the policies contained in section 2151–1 of this title.

(e) Private and voluntary organizations

(1) Consultation to ensure local perspectives

The Agency for International Development shall take into account the local-level perspectives of the rural and urban poor in sub-Saharan Africa, including women, during the planning process for project and program assistance under this section. In order to gain that perspective the Agency for International Development should consult closely with African, United States, and other private and voluntary organizations that have demonstrated effectiveness in or commitment to the promotion of local, grassroots activities on behalf of long-term development in sub-Saharan Africa as described in subsection (c) of this section.

(2) "Private and voluntary organization" defined

For purposes of this section, the term ''private and voluntary organization'' includes (in addition to entities traditionally considered to be private and voluntary organizations) cooperatives, credit unions, trade unions, women's groups, nonprofit development research institutions, and indigenous local organizations, which are private and nonprofit.

(f) Local involvement in project implementation

Local people, including women, shall be closely consulted and involved in the implementation of every project under this section which as[1] a local focus.

(g) Participation of African women

The Agency for International Development shall ensure that development activities assisted under this section incorporate a significant expansion of the participation (including decisionmaking) and integration of African women in each of the critical sectors described in subsection (i) of this section.

(h) Types of assistance

(1) Projects and programs to address critical sectoral priorities

Assistance under this section shall emphasize primarily projects and programs to address critical sectoral priorities for long-term development described in subsection (i) of this section.

(2) Reform of economic policies

(A) Use of program assistance

Assistance under this section may also include program assistance to promote reform of sectoral economic policies affecting long-term development in sub-Saharan Africa as described in subsection (c) of this section, with primary emphasis on reform of economic policies to support the critical sectoral priorities described in subsection (i) of this section.

(B) Protection of vulnerable groups

Assisted policy reforms shall also include provisions to protect vulnerable groups (especially poor, isolated, and female farmers, the urban poor, and children including displaced children) and long-term environmental interests from possible negative consequences of the reforms.

(3) Other assistance

Funds made available to carry out this section shall be used almost exclusively for assistance in accordance with paragraphs (1) and (2). Assistance consistent with the purpose of subsection (c) of this section may also be furnished under this section to carry out the provisions of sections 2151a through 2151d of this title.

(i) Critical sectoral priorities

The critical sectoral priorities for long-term development, as described in subsection (c) of this section, are the following:

(1) Agricultural production and natural resources

(A) Agricultural production

Increasing agricultural production in ways which protect and restore the natural re-

[1] So in original. Probably should be ''has''.

source base, especially food production, through agricultural policy changes, agricultural research (including participatory research directly involving small farmers) and extension, development and promotion of agriculture marketing activities, credit facilities, and appropriate production packages, and the construction and improvement of needed production-related infrastructure such as farm-to-market roads, small-scale irrigation, and rural electrification. Within this process, emphasis shall be given to promoting increased equity in rural income distribution, recognizing the role of small farmers.

(B) Natural resource base

Maintaining and restoring the renewable natural resource base primarily in ways which increase agricultural production, through the following:

(i) Small-scale, affordable, resource-conserving, low-risk local projects, using appropriate technologies (including traditional agricultural methods) suited to local environmental, resource, and climatic conditions, and featuring close consultation with and involvement of local people at all stages of project design and implementation. Emphasis shall be given to grants for African local government organizations, international or African nongovernmental organizations, and United States private and voluntary organizations.

(ii) Support for efforts at national and regional levels to provide technical and other support for projects of the kinds described in clause (i) and to strengthen the capacities of African countries to provide effective extension and other services in support of environmentally sustainable increases in food production.

(iii) Support for special training and education efforts to improve the capacity of countries in sub-Saharan Africa to manage their own environments and natural resources.

(iv) Support for low-cost desalination activities in order to increase the availability of fresh water sources in sub-Saharan Africa.

(2) Health

Improving health conditions, with special emphasis on meeting the health needs of mothers and children (including displaced children) through the establishment of primary health care systems that give priority to preventive health and that will be ultimately self-sustaining.

(3) Voluntary family planning services

Providing increased access to voluntary family planning services, including encouragement of private, community, and local government initiatives.

(4) Education

Improving the relevance, equity, and efficiency of education, with special emphasis on improving primary education.

(5) Income-generating opportunities

Developing income-generating opportunities for the unemployed and underemployed in urban and rural areas through, among other things, support for off-farm employment opportunities in micro- and small-scale labor-intensive enterprises.

(j) Minimum levels of assistance for certain critical sectors

The Agency for International Development should target the equivalent of 10 percent of the amount authorized to be appropriated for each fiscal year to carry out this part for each of the following:

(1) The activities described in subsection (i)(1)(B) of this section, including identifiable components of agricultural production projects.

(2) The activities described in subsection (i)(2) of this section.

(3) The activities described in subsection (i)(3) of this section.

(k) Effective use of assistance

Assistance provided under this section shall be concentrated in countries which will make the most effective use of such assistance in order to fulfill the purpose specified in subsection (c) of this section, especially those countries (including those of the Sahel region) having the greatest need for outside assistance.

(*l*) Promotion of regional integration

Assistance under this section shall, to the extent consistent with this section, include assistance to promote the regional and subregional integration of African production structures, markets, and infrastructure.

(m) Donor coordination mechanism

Funds made available to carry out this section may be used to assist the governments of countries in sub-Saharan Africa to increase their capacity to participate effectively in donor coordination mechanisms at the country, regional, and sector levels.

(n) Relation to other authorities

(1) Assistance under other authorities

The authority granted by this section to provide assistance for long-term development in sub-Saharan Africa is not intended to preclude the use of other authorities for that purpose. Centrally funded programs which benefit sub-Saharan Africa shall continue to be funded under part I of this subchapter.

(2) Transfer authorities

(A) The transfer authority contained in section 2151g of this title shall not apply with respect to this section.

(B) The transfer authority contained in section 2360(a) of this title may not be used to transfer funds made available to carry out this section in order to allow them to be used in carrying out any other provision of this chapter.

(3) Reprogramming notifications

Section 2394–1 of this title does not apply with respect to funds made available to carry out this section.

(4) Procurement of goods and services

In order to allow the assistance authorized by this section to be furnished as effectively and expeditiously as possible, section 2354(a) of this title, and similar provisions relating to the procurement of goods and services, shall not apply with respect to goods and services procured for use in carrying out this section. The exemption provided by this paragraph shall not be construed to apply to the Comprehensive Anti/Apartheid Act of 1986.

(*o*) Support for SADCC projects

(1) Authority to provide assistance

To the extent funds are provided for such purpose in the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act, funds made available to carry out this part may be used to assist sector projects, in the sectors specified in paragraph (2), that are supported by the Southern Africa Development Coordination Conference (SADCC) to enhance the economic development of the member states forming that regional institution.

(2) Sectors

The sectors with respect to which assistance may be provided under this subsection are the following: transportation; manpower development; agriculture and natural resources; energy (including the improved utilization of electrical power sources which already exist in the member states and offer the potential to swiftly reduce the dependence of those states on South Africa for electricity); and industrial development and trade (including private sector initiatives).

(3) Relation to DFA policies and authorities

To the maximum extent feasible, the assistance authorized by this subsection shall be provided consistent with the policies and authorities contained in the preceding subsection of this section.

(Pub. L. 87–195, pt. I, § 496, as added Pub. L. 101–513, title V, § 562(a), Nov. 5, 1990, 104 Stat. 2026.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (n)(2)(B), was in the original ''this Act'', meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Comprehensive Anti/Apartheid Act of 1986, referred to in subsec. (n)(4), probably means the Comprehensive Anti-Apartheid Act of 1986, which is Pub. L. 99–440, Oct. 2, 1986, 100 Stat. 1086, as amended, and was classified principally to chapter 60 (§ 5001 et seq.) of this title, prior to repeal by Pub. L. 103–149, § 4(a)(1), (2), Nov. 23, 1993, 107 Stat. 1504, 1505. For complete classification of this Act to the Code, see Tables.

PRIOR PROVISIONS

A prior section 2293, Pub. L. 87–195, pt. I, § 496, as added Pub. L. 93–559, § 53, Dec. 30, 1974, 88 Stat. 1818; amended Pub. L. 94–161, title III, § 314, Dec. 20, 1975, 89 Stat. 866, related to economic assistance, etc., to Portugal and Portuguese colonies in Africa gaining independence, prior to repeal by Pub. L. 99–83, title XII, § 1211(a)(4), Aug. 8, 1985, 99 Stat. 279, effective Oct. 1, 1985.

AGRICULTURAL AND RURAL DEVELOPMENT IN SUB-SAHARAN AFRICA

Pub. L. 105–385, § 2, Nov. 13, 1998, 112 Stat. 3460, provided that:

''(a) FINDINGS.—Congress finds the following:

''(1) The economic, security, and humanitarian interests of the United States and the nations of sub-Saharan Africa would be enhanced by sustainable, broad-based agricultural and rural development in each of the African nations.

''(2) According to the Food and Agriculture Organization, the number of undernourished people in Africa has more than doubled, from approximately 100,000,000 in the late 1960s to 215,000,000 in 1998, and is projected to increase to 265,000,000 by the year 2010. According to the Food and Agriculture Organization, the term 'under nutrition' means inadequate consumption of nutrients, often adversely affecting children's physical and mental development, undermining their future as productive and creative members of their communities.

''(3) Currently, agricultural production in Africa employs about two-thirds of the workforce but produces less than one-fourth of the gross domestic product in sub-Saharan Africa, according to the World Bank Group.

''(4) African women produce up to 80 percent of the total food supply in Africa according to the International Food Policy Research Institute.

''(5) An effective way to improve conditions of the poor is to increase the productivity of the agricultural sector. Productivity increases can be fostered by increasing research and education in agriculture and rural development.

''(6) In November 1996, the World Food Summit set a goal of reducing hunger worldwide by 50 percent by the year 2015 and encouraged national governments to develop domestic food plans and to support international aid efforts.

''(7) Although the World Bank Group recently has launched a major initiative to support agricultural and rural development, only 10 percent, or $1,200,000,000, of its total lending to sub-Saharan Africa for fiscal years 1993 to 1997 was devoted to agriculture.

''(8)(A) United States food processing and agricultural sectors benefit greatly from the liberalization of global trade and increased exports.

''(B) Africa represents a growing market for United States food and agricultural products. Africa's food imports are projected to rise from less than 8,000,000 metric tons in 1990 to more than 25,000,000 metric tons by the [sic] 2020.

''(9)(A) Increased private sector investment in African countries and expanded trade between the United States and Africa can greatly help African countries achieve food self-sufficiency and graduate from dependency on international assistance.

''(B) Development assistance, technical assistance, and training can facilitate and encourage commercial development in Africa, such as improving rural roads, agricultural research and extension, and providing access to credit and other resources.

''(10)(A) Several United States private voluntary organizations have demonstrated success in empowering Africans through direct business ownership and helping African agricultural producers more efficiently and directly market their products.

''(B) Rural business associations, owned and controlled by farmer shareholders, also greatly help agricultural producers to increase their household incomes.

''(b) DECLARATION OF POLICY.—It is the policy of the United States, consistent with title XII of part I of the Foreign Assistance Act of 1961 [probably means title XII of chapter 2 of part I of the Foreign Assistance Act of 1961, 22 U.S.C. 2220a et seq.], to support governments of sub-Saharan African countries, United States and African nongovernmental organizations, universities,

businesses, and international agencies, to help ensure the availability of basic nutrition and economic opportunities for individuals in sub-Saharan Africa, through sustainable agriculture and rural development.''

Pub. L. 105–385, title I, Nov. 13, 1998, 112 Stat. 3462, provided that:

''SEC. 101. AFRICA FOOD SECURITY INITIATIVE.

''(a) ADDITIONAL REQUIREMENTS IN CARRYING OUT THE INITIATIVE.—In providing development assistance under the Africa Food Security Initiative, or any comparable or successor program, the Administrator of the United States Agency for International Development—

''(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

''(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects;

''(3) shall favor countries that are implementing reforms of their trade and investment laws and regulations in order to enhance free market development in the food processing and agricultural sectors; and

''(4) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

''(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, if there is an increase in funding for sub-Saharan programs, the Administrator of the United States Agency for International Development should proportionately increase resources to the Africa Food Security Initiative, or any comparable or successor program, for fiscal year 2000 and subsequent fiscal years in order to meet the needs of the countries participating in such Initiative.

''SEC. 102. MICROENTERPRISE ASSISTANCE.

''(a) BILATERAL ASSISTANCE.—In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should use the applied research and technical assistance capabilities of United States land-grant universities.

''(b) MULTILATERAL ASSISTANCE.—

''(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall continue to work with other countries, international organizations (including multilateral development institutions), and entities assisting microenterprises and shall develop a comprehensive and coordinated strategy for providing microenterprise assistance for sub-Saharan Africa.

''(2) ADDITIONAL REQUIREMENT.—In carrying out paragraph (1), the Administrator should encourage the World Bank Consultative Group to Assist the Poorest to coordinate the strategy described in such paragraph.

''SEC. 103. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to support producer-owned cooperative purchasing and marketing associations in sub-Saharan Africa;

''(2) to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to promote rural development in sub-Saharan Africa;

''(3) to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, technical expertise; and

''(4) to support small businesses in sub-Saharan Africa as they grow beyond microenterprises.

''(b) SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.—

''(1) ACTIVITIES.—

''(A) IN GENERAL.—The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders.

''(B) ADDITIONAL REQUIREMENTS.—In carrying out subparagraph (A), the Administrator—

''(i) shall take into account small-scale farmers, small rural entrepreneurs, and rural workers and communities; and

''(ii) shall take into account the local-level perspectives of the rural and urban poor through close consultation with these groups, consistent with section 496(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(e)(1)).

''(2) OTHER ACTIVITIES.—In addition to carrying out paragraph (1), the Administrator is encouraged—

''(A) to cooperate with governments of foreign countries, including governments of political subdivisions of such countries, their agricultural research universities, and particularly with United States nongovernmental organizations and United States land-grant universities, that have demonstrated expertise in the development and promotion of successful private producer-owned cooperative marketing associations; and

''(B) to facilitate partnerships between United States and African cooperatives and private businesses to enhance the capacity and technical and marketing expertise of business associations in sub-Saharan Africa.

''SEC. 104. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

''(a) PURPOSE.—The purpose of this section is to encourage the Overseas Private Investment Corporation to work with United States businesses and other United States entities to invest in rural sub-Saharan Africa, particularly in ways that will develop the capacities of small-scale farmers and small rural entrepreneurs, including women, in sub-Saharan Africa.

''(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

''(1) the Overseas Private Investment Corporation should exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guaranties, and insurance, to support rural development in sub-Saharan Africa, particularly to support intermediary organizations that—

''(A) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

''(B) have a clear track-record of support for sound business management practices; and

''(C) have demonstrated experience with participatory development methods; and

''(2) the Overseas Private Investment Corporation should utilize existing equity funds, loan and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

''SEC. 105. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES.

''(a) DEVELOPMENT OF PLAN.—The Administrator of the United States Agency for International Develop-

ment, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the Cooperative State, Research, Education and Extension Service (CSREES), shall develop a comprehensive plan to coordinate and build on the research and extension activities of United States land-grant universities, international agricultural research centers, and national agricultural research and extension centers in sub-Saharan Africa.

''(b) ADDITIONAL REQUIREMENTS.—Such plan shall seek to ensure that—

''(1) research and extension activities will respond to the needs of small-scale farmers while developing the potential and skills of researchers, extension agents, farmers, and agribusiness persons in sub-Saharan Africa;

''(2) sustainable agricultural methods of farming will be considered together with new technologies in increasing agricultural productivity in sub-Saharan Africa; and

''(3) research and extension efforts will focus on sustainable agricultural practices and will be adapted to widely varying climates within sub-Saharan Africa.''

REPORTS TO CONGRESS

Section 562(c) of Pub. L. 101–513 provided that: ''As part of the annual Congressional Presentation materials for economic assistance, the Administrator of the Agency for International Development shall include a description of the progress made during the previous fiscal year in carrying out chapter 10 of part I of the Foreign Assistance Act of 1961 [this part] in three countries in sub-Saharan Africa which represent differing economic situations and levels of progress. The description shall include—

''(1) the nature and extent of consultation to ensure local perspectives, as described in subsections (e)(1) and (f) of section 496 [22 U.S.C. 2293(e)(1), (f)];

''(2) the degree of involvement of local people in the implementation of projects having a local focus;

''(3) the extent to which there has been expansion of the participation and integration of African women in each of the critical sectors specified in section 496(i);

''(4) program assistance provided, including the amounts obligated, the criteria used for assisting reforms, and the provisions made pursuant to section 496(h)(2)(B) to protect vulnerable groups from possible negative consequences of the reforms; and

''(5) a description of the assistance for the critical sector priorities specified in section 496(i), by sector, including the amounts obligated.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2294 of this title.

§ 2294. Authorizations of appropriations for Development Fund for Africa

Funds appropriated to carry out this part are authorized to be made available until expended. It is the sense of the Congress that the authority of this subsection[1] should be used to extend the period of availability of those funds whenever appropriate to improve the quality of assistance provided under section 2293 of this title.

(Pub. L. 87–195, pt. I, § 497, as added Pub. L. 101–513, title V, § 562(a), Nov. 5, 1990, 104 Stat. 2030.)

PRIOR PROVISIONS

A prior section 2294, Pub. L. 87–195, pt. I, § 497, as added Pub. L. 95–92, § 4, Aug. 4, 1977, 91 Stat. 614, related to balance of payments loan for Portugal, prior to repeal by Pub. L. 99–83, title XII, § 1211(a)(4), Aug. 8, 1985, 99 Stat. 279, effective Oct. 1, 1985.

PART XI—SUPPORT FOR ECONOMIC AND DEMOCRATIC DEVELOPMENT OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5813, 5821, 5823, 5828, 5841, 6591 of this title.

§ 2295. Assistance for the independent states

The President is authorized to provide assistance to the independent states of the former Soviet Union under this part for the following activities:

(1) Urgent humanitarian needs

Meeting urgent humanitarian needs (including those arising from the health effects of exposure to radiation in the Chernobyl region), in particular—

(A) meeting needs for medicine, medical supplies and equipment, and food, including the nutritional needs of infants such as processed baby food; and

(B) continuing efforts to rebuild from the earthquake in Armenia.

(2) Democracy

Establishing a democratic and free society by fostering—

(A) political, social, and economic pluralism;

(B) respect for internationally recognized human rights and the rule of law;

(C) the development of institutions of democratic governance, including electoral and legislative processes;

(D) the institution and improvement of public administration at the national, intergovernmental, regional, and local level;

(E) the development of a free and independent media;

(F) the development of effective control by elected civilian officials over, and the development of a nonpolitical officer corps in, the military and security forces; and

(G) strengthened administration of justice through programs and activities carried out in accordance with section 2295b(e) of this title.

(3) Free market systems

Creating and developing private enterprise and free market systems based on the principle of private ownership of property, including—

(A) the development of private cooperatives, credit unions, and labor unions;

(B) the improvement in the collection and analysis of statistical information;

(C) the reform and restructuring of banking and financial systems; and

(D) the protection of intellectual property.

(4) Trade and investment

Creating conditions that promote trade and investment, and encouraging participation of the United States private sector in the development of the private sector in the independent states of the former Soviet Union.

(5) Food distribution and production

Promoting market-based mechanisms for the distribution of the inputs necessary to ag-

[1] So in original. Probably should be ''section''.

ricultural production and for the handling, marketing, storage, and processing of agricultural commodities; encouraging policies that provide incentives for agricultural production; and creating institutions that provide technical and financial support for the agricultural sector.

(6) Health and human services

Promoting programs to strengthen and build institutions that provide quality health care and voluntary family planning services, housing, and other services and policies that are components of a social safety net, particularly for infants, children, and people with disabilities.

(7) Education and educational television

Promoting broad-based educational reform at all levels, in particular—

(A) by assisting the development of curricula and by making available textbooks, other educational materials, and appropriate telecommunications technologies for the delivery of educational and instructional programming; and

(B) by assisting the development of the skills necessary to produce educational television programs aimed at promoting basic skills and the human values associated with a democratic society and a free market economy.

(8) Energy efficiency and production

Promoting market-based pricing policies and the transfer of technologies that reduce energy wastage and harmful emissions; supporting developmentally sound capital energy projects that utilize United States advanced coal technologies; and promoting efficient production, use, and transportation of oil, gas, coal, and other sources of energy.

(9) Civilian nuclear reactor safety

Implementing—

(A) a program of short-term safety upgrade of civilian nuclear power plants, including the training of power plant personnel, implementation of improved procedures for nuclear power plant operation, the development of effective and independent regulatory authorities, and cost-effective hardware upgrades; and

(B) a program to retire those civilian nuclear power plants whose capacity could be more cost-effectively replaced through energy efficiency.

(10) Environment

Enhancing the human and natural environment and conserving environmental resources, including through—

(A) facilitation of the adoption of environmentally-sound policies and technologies, environmental restoration, and sustainable use of natural resources;

(B) promotion of the provision of environmental technology, education, and training by United States businesses, not-for-profit organizations, and institutions of higher education; and

(C) promotion of cooperative research efforts to validate and improve environmental monitoring of protracted radiation exposure.

(11) Transportation and telecommunications

Improving transportation and telecommunications infrastructure and management, including intermodal transportation systems to ensure the safe and efficient movement of people, products, and materials.

(12) Drug education, interdiction, and eradication

Promoting drug education, interdiction, and eradication programs.

(13) Migration

Protecting and caring for refugees, displaced persons, and other migrants; addressing the root causes of migration; and promoting the development of appropriate immigration and emigration laws and procedures.

(Pub. L. 87–195, pt. I, § 498, as added Pub. L. 102–511, title II, § 201, Oct. 24, 1992, 106 Stat. 3324.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2295b, 5813, 5821 of this title.

§ 2295a. Criteria for assistance to governments of the independent states

(a) In general

In providing assistance under this part for the government of any independent state of the former Soviet Union, the President shall take into account not only relative need but also the extent to which that independent state is acting to—

(1) make significant progress toward, and is committed to the comprehensive implementation of, a democratic system based on principles of the rule of law, individual freedoms, and representative government determined by free and fair elections;

(2) make significant progress in, and is committed to the comprehensive implementation of, economic reform based on market principles, private ownership, and integration into the world economy, including implementation of the legal and policy frameworks necessary for such reform (including protection of intellectual property and respect for contracts);

(3) respect internationally recognized human rights, including the rights of minorities and the rights to freedom of religion and emigration;

(4) respect international law and obligations and adhere to the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the Charter of Paris, including the obligations to refrain from the threat or use of force and to settle disputes peacefully;

(5) cooperate in seeking peaceful resolution of ethnic and regional conflicts;

(6) implement responsible security policies, including—

(A) adhering to arms control obligations derived from agreements signed by the former Soviet Union;

(B) reducing military forces and expenditures to a level consistent with legitimate defense requirements;

(C) not proliferating nuclear, biological, or chemical weapons, their delivery systems, or related technologies; and

(D) restraining conventional weapons transfers;

(7) take constructive actions to protect the international environment, prevent significant transborder pollution, and promote sustainable use of natural resources;

(8) deny support for acts of international terrorism;

(9) accept responsibility for paying an equitable portion of the indebtedness to United States firms incurred by the former Soviet Union;

(10) cooperate with the United States Government in uncovering all evidence regarding Americans listed as prisoners-of-war, or otherwise missing during American operations, who were detained in the former Soviet Union during the Cold War; and

(11) terminate support for the communist regime in Cuba, including removal of troops, closing military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos, and ceasing trade subsidies and economic, nuclear, and other assistance.

(b) Ineligibility for assistance

The President shall not provide assistance under this part—

(1) for the government of any independent state that the President determines is engaged in a consistent pattern of gross violations of internationally recognized human rights or of international law;

(2) for the government of any independent state that the President determines has failed to take constructive actions to facilitate the effective implementation of applicable arms control obligations derived from agreements signed by the former Soviet Union;

(3) for the government of any independent state that the President determines has, on or after October 24, 1992, knowingly transferred to another country—

(A) missiles or missile technology inconsistent with the guidelines and parameters of the Missile Technology Control Regime; or

(B) any material, equipment, or technology that would contribute significantly to the ability of such country to manufacture any weapon of mass destruction (including nuclear, chemical, and biological weapons) if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of such weapon;

(4) for the government of any independent state that is prohibited from receiving such assistance by section 2799aa or 2799aa–1 of this title or sections 5604(a)(1) and 5605 of this title;

(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within that 30-day period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 2295b(k)(3) of this title) with, the Cuban Government; or

(6) for the Government of Russia if it has failed to make significant progress on the removal of Russian or Commonwealth of Independent States troops from Estonia, Latvia, and Lithuania or if it has failed to undertake good faith efforts, such as negotiations, to end other military practices that violate the sovereignty of the Baltics[1] states.

(c) Exceptions to ineligibility

Assistance prohibited by subsection (b) of this section or any similar provision of law, other than assistance prohibited by the provisions referred to in subsection (b)(4) of this section, may be furnished under any of the following circumstances:

(1) The President determines that furnishing such assistance is important to the national interest of the United States.

(2) The President determines that furnishing such assistance will foster respect for internationally recognized human rights and the rule of law or the development of institutions of democratic governance.

(3) The assistance is furnished for the alleviation of suffering resulting from a natural or man-made disaster.

(4) The assistance is provided under the secondary school exchange program administered by the United States Information Agency.

The President shall immediately report to the Congress any determination under paragraph (1) or (2) or any decision to provide assistance under paragraph (3).

(d) Reduction in assistance for support of intelligence facilities in Cuba

(1) Reduction in assistance

Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after March 12, 1996, for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided on or after March 12, 1996, by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

(2) Waiver

(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

(B) At the time of a certification made with respect to Russia under subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government

[1] So in original. Probably should be ''Baltic''.

and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

(C) The report required by subparagraph (B) may be submitted in classified form.

(D) For purposes of this paragraph, the term ''appropriate congressional committees'' includes the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(3) Exceptions to reductions in assistance

The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

(B) democratic political reform or rule of law activities;

(C) technical assistance for safety upgrades of civilian nuclear power plants;

(D) the creation of private sector or nongovernmental organizations that are independent of government control;

(E) the development of a free market economic system;

(F) assistance under the secondary school exchange program administered by the United States Information Agency; or

(G) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160) [22 U.S.C. 5951 et seq.].

(Pub. L. 87–195, pt. I, § 498A, as added Pub. L. 102–511, title II, § 201, Oct. 24, 1992, 106 Stat. 3326; amended Pub. L. 103–236, title VIII, § 826(c), Apr. 30, 1994, 108 Stat. 519; Pub. L. 104–114, title I, § 106(b), (c)(1), (3), (d)(2), Mar. 12, 1996, 110 Stat. 795–797.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(1), 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 Cooperative Threat Reduction Act of 1993, referred to in subsec. (d)(3)(G), is title XII of div. A of Pub. L. 103–160, Nov. 30, 1993, 107 Stat. 1777, which is classified generally to chapter 68A (§ 5951 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5951 of this title and Tables.

AMENDMENTS

1996—Subsec. (a)(11). Pub. L. 104–114, § 106(b), substituted ''military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos'' for ''of military facilities''.

Subsec. (b)(5), (6). Pub. L. 104–114, § 106(c)(1), added par. (5) and redesignated former par. (5) as (6).

Subsec. (c)(4). Pub. L. 104–114, § 106(c)(3), added par. (4).

Subsec. (d). Pub. L. 104–114, § 106(d)(2), added subsec. (d).

1994—Subsec. (b)(4). Pub. L. 103–236 substituted ''section 2799aa or 2799aa–1'' for ''section 2429 or 2429a''.

CHANGE OF NAME

The Conference on Security and Cooperation in Europe to be called the Organization for Security and Cooperation in Europe effective Jan. 1, 1995, pursuant to Ex. Ord. No. 13029, Dec. 3, 1996, 61 F.R. 64591.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

TRANSFER OF FUNCTIONS

United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.

DELEGATION OF FUNCTIONS

Functions of President under subsecs. (a) and (c)(2) of this section delegated to Coordinator by section 2(c), (d) of Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, set out as a note under section 5812 of this title.

Functions of President under subsecs. (b)(1)–(3), (5), and (c)(1) of this section delegated to Secretary of State by section 1(2), (3) of Ex. Ord. No. 12884.

INELIGIBILITY FOR ASSISTANCE OF INSTITUTIONS WITHHOLDING CERTAIN DOCUMENTS OF UNITED STATES NATIONALS

Section 202 of Pub. L. 102–511 provided that:

''(a) PROHIBITION.—Except as provided in subsections (b) and (c), an agency, instrumentality, or other governmental entity of an independent state of the former Soviet Union shall not be eligible to receive assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.] if—

''(1) on the date of enactment of this Act [Oct. 24, 1992], there is outstanding a final judgment by a court of competent jurisdiction in that independent state that that governmental entity is withholding unlawfully books or other documents of religious or historical significance that are the property of United States persons; and

''(2) within 90 days of a request by such United States persons, the Secretary of State determines that execution of the court's judgment is blocked as the result of extrajudicial causes such as any of the following:

''(A) A declared refusal of the defendant to comply.

''(B) The unwillingness or failure of local authorities to enforce compliance.

''(C) The issuance of an administrative decree nullifying a court's judgment or forbidding compliance.

''(D) The passage of legislation, after a court's judgment, nullifying that judgment or forbidding compliance with that judgment.

''(b) EXCEPTION FOR HUMANITARIAN ASSISTANCE.—The prohibition contained in subsection (a) shall not apply to the provision of assistance to alleviate suffering resulting from a natural or man-made disaster.

''(c) WAIVER AUTHORITY.—The Secretary of State may waive the application of subsection (a) whenever the Secretary finds that—

''(1) the court's judgment has been executed; or

''(2) it is important to the national interest of the United States to do so.

''(d) REPORT.—Nine months after the date of enactment of this Act [Oct. 24, 1992], the Secretary of State shall report to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on the status of final judgments described in subsection (a)(1).

''(e) UNITED STATES PERSON.—For purposes of this section, the term 'United States person' means—

''(1) any citizen, national, or permanent resident alien of the United States; and

''(2) any corporation, partnership, or other juridical entity which is 50 percent or more beneficially owned by individuals described in paragraph (1).''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2295b, 5814 of this title.

§ 2295b. Authorities relating to assistance and other provisions

(a) Assistance through governments and nongovernmental organizations

Assistance under this part may be provided to governments or through nongovernmental organizations.

(b) Technical and managerial assistance

Technical assistance under this part shall, to the maximum extent feasible, be provided on a long term, on-site basis and shall emphasize the provision of practical, management and other problem-solving advice, particularly advice on private enterprise provided by United States business volunteers.

(c) Enterprise funds

Activities supported pursuant to this part may include the establishment of and the provision of support for one or more enterprise funds for the independent states of the former Soviet Union. If the President determines that an enterprise fund should be established and supported under this part, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 [22 U.S.C. 5421] (excluding the authorizations of appropriations provided in subsection (b) of that section) shall be deemed to apply with respect to such enterprise fund and to funds made available to such enterprise fund pursuant to this part.

(d) Cooperative development and research projects

Assistance under this part may include support for cooperative development projects, including cooperative development research projects, among the United States, other countries, and independent states of the former Soviet Union.

(e) Administration of justice programs

In order to strengthen the administration of justice in the independent states of the former Soviet Union under paragraph (2)(G) of section 2295 of this title, the President may exercise the same authorities as are available under section 2346c of this title, subject to the limitations and requirements of that section, other than subsection (c) and the last two sentences of subsection (e).

(f) Use of economic support funds

Any funds that have been allocated under part 4 of subchapter II of this chapter for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this part.

(g) Use of SEED agency funds and administrative authorities

The President may authorize any agency of the United States Government that has authority to conduct activities under the Support for East European Democracy (SEED) Act of 1989 [22 U.S.C. 5401 et seq.] to use—

(1) any funds that are available to it for activities related to international affairs outside Eastern Europe, and

(2) any administrative authorities that are available to it for activities with respect to Eastern Europe,

to conduct activities authorized by section 2295 of this title with respect to the independent states of the former Soviet Union.

(h) Procurement restrictions

Funds made available for assistance under this part may be used for procurement—

(1) in the United States, the independent states of the former Soviet Union, or a developing country; or

(2) in any other country but only if—

(A) the provision of such assistance requires commodities or services of a type that are not produced in and available for purchase in any country specified in paragraph (1); or

(B) the President determines, on a case-by-case basis, that procurement in such other country is necessary—

(i) to meet unforseen[1] circumstances, such as emergency situations, where it is important to permit procurement in a country not specified in paragraph (1), or

(ii) to promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives.

(i) Terms and conditions

Assistance under this part shall be provided on such terms and conditions as the President may determine, consistent with applicable provisions of law (except as otherwise provided in subsection (j) of this section).

(j) Waiver of certain provisions

(1) In general

Funds authorized to be appropriated for fiscal year 1993 by this part, and any other funds appropriated for fiscal year 1993 that are used under the authority of subsection (f) or (g) of this section, may be used to provide assistance under this part notwithstanding any other provision of law, except for—

(A) this part;

(B) section 2394–1 of this title and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act;

(C) sections 2799aa and 2799aa–1 of this title and sections 5604 and 5605 of this title, to the extent that they apply to assistance to governments; and

(D) section 1341 of title 31 (commonly referred to as the ''Anti-Deficiency Act''), the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Budget Enforcement Act of 1990.

(2) Nuclear reactor safety and related activities

Any provision that corresponds to section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (relating to the prohibition on fi-

[1] So in original. Probably should be ''unforeseen''.

nancing exports of nuclear equipment, fuel, and technology) shall not apply with respect to funds used pursuant to this part.

(k) Definitions

(1) Appropriate congressional committees

As used in this part, 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.

(2) Independent states of the former Soviet Union

As used in this part, the terms ''independent states of the former Soviet Union'' and ''independent states'' have the meaning given those terms by section 5801 of this title.

(3) Nonmarket based trade

As used in section 2295a(b)(5) of this title, the term ''nonmarket based trade'' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

(A) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

(B) imports from the Cuban Government at preferential tariff rates;

(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

(D) the exchange, reduction, or forgiveness of debt of the Cuban Government in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

(4) Cuban Government

(A) The term ''Cuban Government'' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term ''agency or instrumentality of the Government of Cuba'' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, with each reference in such section to ''a foreign state'' deemed to be a reference to ''Cuba''.

(Pub. L. 87–195, pt. I, § 498B, as added Pub. L. 102–511, title II, § 201, Oct. 24, 1992, 106 Stat. 3328; amended Pub. L. 103–236, title VIII, § 826(c), Apr. 30, 1994, 108 Stat. 519; Pub. L. 104–114, title I, § 106(c)(2), Mar. 12, 1996, 110 Stat. 796.)

REFERENCES IN TEXT

The Support for East European Democracy (SEED) Act of 1989, referred to in subsec. (g), is Pub. L. 101–179, Nov. 28, 1989, 103 Stat. 1298, as amended, which is classified principally to chapter 63 (§ 5401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5401 of this title and Tables.

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (j)(1)(D), is Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (j)(1)(D), is title II of Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1038, as amended, which enacted chapter 20 (§ 900 et seq.) and sections 654 to 656 of Title 2, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106 and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

The Budget Enforcement Act of 1990, referred to in subsec. (j)(1)(D), is title XIII of Pub. L. 101–508, Nov. 5, 1990, 104 Stat. 1388–573. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 900 of Title 2 and Tables.

Section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, referred to in subsec. (j)(2), is section 510 of Pub. L. 101–513, title V, Nov. 5, 1990, 104 Stat. 2003, which is not classified to the Code.

AMENDMENTS

1996—Subsec. (k)(3), (4). Pub. L. 104–114 added pars. (3) and (4).

1994—Subsec. (j)(1)(C). Pub. L. 103–236 substituted ''sections 2799aa and 2799aa–1'' for ''sections 2429 and 2429a''.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

DELEGATION OF FUNCTIONS

Functions of President under subsecs. (c) and (g) of this section delegated to Coordinator by section 2(c) of Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, set out as a note under section 5812 of this title.

Functions of President under subsecs. (h) and (i) of this section delegated by section 5(a) of Ex. Ord. No. 12884 to head of agency responsible for administering the particular program or activity with respect to which the authority is to be exercised.

TRANS-CAUCASUS ENTERPRISE FUND

Pub. L. 104–107, title II, [(t)], Feb. 12, 1996, 110 Stat. 714, provided that: ''The President shall establish a Trans-Caucasus Enterprise Fund to encourage regional peace through economic cooperation: *Provided*, That the President shall seek other bilateral and multilateral investors in the Fund: *Provided further*, That of the funds made available under this heading [OTHER BILATERAL ECONOMIC ASSISTANCE, ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION, see 110 Stat. 712], not less than $15,000,000 shall be made available for a United States investment in the Trans-Caucasus Enterprise Fund.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2295, 2295a, 5814 of this title.

§ 2295c. Authorization of appropriations

(a) In general

To carry out this part, there are authorized to be appropriated to the President for fiscal year 1993 $410,000,000, in addition to amounts otherwise available for assistance for the independent states of the former Soviet Union. Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

(b) Operating expenses

(1) Authority to transfer program funds

Subject to paragraph (2), funds made available under subsection (a) of this section may be transferred to, and merged with, funds appropriated for ''Operating Expenses of the Agency for International Development''. Funds so transferred may be expended for administrative costs in carrying out this part, including reimbursement of the Department of State for its incremental costs associated with assistance provided under this part.

(2) Limitation on amount transferred

Not more than 2 percent of the funds made available for a fiscal year under subsection (a) of this section may be transferred pursuant to paragraph (1) unless, at least 15 days before transferring any additional amount, the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 2394–1 of this title.

(Pub. L. 87–195, pt. I, § 498C, as added Pub. L. 102–511, title II, § 201, Oct. 24, 1992, 106 Stat. 3330.)

PART XII—ENTERPRISE FOR THE AMERICAS INITIATIVE

§ 2296. Repealed. Pub. L. 102–549, title VI, § 602(b), Oct. 28, 1992, 106 Stat. 3669

Section, Pub. L. 87–195, pt. I, § 499, as added Pub. L. 102–391, title V, § 594(a), Oct. 6, 1992, 106 Stat. 1692, authorized reduction of certain debts owed to the United States.

EXERCISE OF AUTHORITIES UNDER REPEALED PROVISION

Section 602(b) of Pub. L. 102–549 provided that: ''Chapter 12 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2296] (as enacted by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 [Pub. L. 102–391]), relating to the Enterprise for the Americas Initiative, is repealed. Any exercise of the authorities provided in that chapter prior to its repeal by this subsection shall be deemed to be an exercise of the authorities of part IV of the Foreign Assistance Act of 1961 [22 U.S.C. 2430 et seq.] (as enacted by subsection (a) of this section) and shall be carried out, after the enactment of this section [Oct. 28, 1992], in accordance with that part.''

SUBCHAPTER II—MILITARY ASSISTANCE AND SALES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2223, 2301, 2318, 2321d, 2344, 2346, 2348c, 2349aa–5, 2352, 2371, 2383, 2385, 2392, 2393, 2395, 2396, of this title; title 10 section 2552; title 50 section 415.

PART I—DECLARATION OF POLICY

§ 2301. Congressional statement of policy

The Congress of the United States reaffirms the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except for individual or collective self-defense. The Congress finds that the efforts of the United States and other friendly countries to promote peace and security continue to require measures of support based upon the principle of effective self-help and mutual aid. It is the purpose of subchapter II of this chapter to authorize measures in the common defense against internal and external aggression, including the furnishing of military assistance, upon request, to friendly countries and international organizations. In furnishing such military assistance, it remains the policy of the United States to continue to exert maximum efforts to achieve universal control of weapons of mass destruction and universal regulation and reduction of armaments, including armed forces, under adequate safeguards to protect complying countries against violation and evasion.

The Congress recognizes that the peace of the world and the security of the United States are endangered so long as hostile countries continue by threat of military action, by the use of economic pressure, and by internal subversion, or other means to attempt to bring under their domination peoples now free and independent and continue to deny the rights of freedom and self-government to peoples and countries once free but now subject to such domination.

It is the sense of the Congress that an important contribution toward peace would be made by the establishment under the Organization of American States of an international military force.

In enacting this legislation, it is therefore the intention of the Congress to promote the peace of the world and the foreign policy, security, and general welfare of the United States by fostering an improved climate of political independence and individual liberty, improving the ability of friendly countries and international organizations to deter or, if necessary, defeat aggression, facilitating arrangements for individual and collective security, assisting friendly countries to maintain internal security, and creating an environment of security and stability in the developing friendly countries essential to their more rapid social, economic, and political progress. The Congress urges that all other countries able to contribute join in a common undertaking to meet the goals stated in subchapter II of this chapter.

It is the sense of the Congress that in the administration of subchapter II of this chapter priority shall be given to the needs of those countries in danger of becoming victims of aggression or in which the internal security is threatened by internal subversion inspired or supported by hostile countries.

Finally, the Congress reaffirms its full support of the progress of the members of the North Atlantic Treaty Organization toward increased cooperation in political, military, and economic affairs. In particular, the Congress welcomes the

steps which have been taken to promote multilateral programs of coordinated procurement, research, development, and production of defense articles and urges that such programs be expanded to the fullest extent possible to further the defense of the North Atlantic Area.

(Pub. L. 87–195, pt. II, § 501, formerly § 502, Sept. 4, 1961, 75 Stat. 434, renumbered § 501 and amended Pub. L. 90–137, pt. II, § 201(a), Nov. 14, 1967, 81 Stat. 455; Pub. L. 103–199, title VII, § 705(1), Dec. 17, 1993, 107 Stat. 2328.)

REFERENCES IN TEXT

This legislation, referred to in fourth paragraph, means 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.

REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE CERTAIN PARTS OF SUBCHAPTER II

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

PRIOR PROVISIONS

A prior section 501 of Pub. L. 87–195, provided that part II of Pub. L. 87–195 [subchapter II of this chapter] should be cited as the ''International Peace and Security Act of 1961'', prior to repeal by Pub. L. 88–205, pt. II, § 201(b), Dec. 16, 1963, 77 Stat. 384.

AMENDMENTS

1993—Pub. L. 103–199, § 705(1)(A), in second par., substituted ''hostile countries'' for ''international communism and the countries it controls''.

Pub. L. 103–199, § 705(1)(B), in fourth par., struck out ''Communist or Communist-supported'' after ''if necessary, defeat''.

Pub. L. 103–199, § 705(1)(C), in fifth par., substituted ''aggression or in which the internal security is threatened by internal subversion inspired or supported by hostile countries.'' for ''active Communist or Communist-supported aggression or those countries in which the internal security is threatened by Communist-inspired or Communist-supported internal subversion.''

1967—Pub. L. 90–137 inserted par. to indicate that priority shall be given in the use of the funds available to defend against Communist aggression or Communist-inspired internal subversion.

§ 2302. Utilization of defense articles and defense services

Defense articles and defense services to any country shall be furnished solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of assisting foreign military forces in less developed friendly countries (or the voluntary efforts of personnel of the Armed Forces of the United States in such countries) to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort.

(Pub. L. 87–195, pt. II, § 502, formerly § 505(a), Sept. 4, 1961, 75 Stat. 436; Pub. L. 88–205, pt. II, § 202(b), Dec. 16, 1963, 77 Stat. 384; Pub. L. 89–171, pt. II, § 201(c), Sept. 6, 1965, 79 Stat. 656; renumbered and amended Pub. L. 90–137, pt. II, § 201(d), Nov. 14, 1967, 81 Stat. 456.)

CODIFICATION

Section was formerly classified to section 2313 of this title.

AMENDMENTS

1967—Pub. L. 90–137 substituted ''Defense articles and defense services'' for ''Military assistance''.

1965—Pub. L. 89–171 authorized military assistance to any country for the purpose of assisting foreign military forces in less developed friendly countries (or the voluntary efforts of personnel of the Armed Forces of the United States in such countries) to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries, expressed the sense of Congress that such foreign military forces should not be maintained or established solely for civic action activities, and that such civic action activities should not significantly detract from the capability of the military forces to perform their military missions, and should be coordinated with and from part of the total economic and social development effort, and struck out prohibition against further assistance to Latin American countries, now incorporated in section 2319(c) of this title.

1963—Pub. L. 88–205 inserted proviso stopping further military assistance under this chapter to Latin American countries except to the extent necessary to fulfill prior commitments or to safeguard the security of the United States or of a country associated with the United States in the Alliance for Progress against the overthrow of a duly constituted government, now incorporated in section 2319(c) of this title.

TRANSFER TO REPUBLIC OF KOREA OF DEFENSE ARTICLES; REIMBURSEMENT FOR TRANSFER

Pub. L. 91–652, § 3, Jan. 5, 1971, 84 Stat. 1942, authorized the President until June 30, 1972, to transfer to the Republic of Korea such Armed Forces defense articles located in Korea on July 1, 1970 as he determined appropriate and provided that no funds appropriated under Pub. L. 91–652 or this chapter were to be available for reimbursement to any Government agency for any such transfers of defense articles.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2314 of this title.

§ 2303. Repealed. Pub. L. 104–164, title I, § 104(b)(2)(A), July 21, 1996, 110 Stat. 1426

Section, Pub. L. 87–195, pt. II, § 502A, as added Pub. L. 93–189, § 12(a), Dec. 17, 1973, 87 Stat. 720, directed that excess defense articles be provided whenever possible rather than new items.

§ 2304. Human rights and security assistance

(a) Observance of human rights as principal goal of foreign policy; implementation requirements

(1) The United States shall, in accordance with its international obligations as set forth in the

Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.

(2) Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights. Security assistance may not be provided to the police, domestic intelligence, or similar law enforcement forces of a country, and licenses may not be issued under the Export Administration Act of 1979 [50 App. U.S.C. 2401 et seq.] for the export of crime control and detection instruments and equipment to a country, the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate (when licenses are to be issued pursuant to the Export Administration Act of 1979).[1] that extraordinary circumstances exist warranting provision of such assistance and issuance of such licenses. Assistance may not be provided under part V of this subchapter to a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that extraordinary circumstances exist warranting provision of such assistance.

(3) In furtherance of paragraphs (1) and (2), the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

(4) In determining whether the government of a country engages in a consistent pattern of gross violations of internationally recognized human rights, the President shall give particular consideration to whether the government—

(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 6402 of this title; or

(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.

[1] So in original. The period probably should not appear.

(b) Report by Secretary of State on practices of proposed recipient countries; considerations

The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor and with the assistance of the Ambassador at Large for International Religious Freedom, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization. Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 6402 of this title). Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year. In determining whether a government falls within the provisions of subsection (a)(3) of this section and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights.

(c) Congressional request for information; information required; 30-day period; failure to supply information; termination or restriction of assistance

(1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Secretary of State shall, within thirty days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor, with respect to the country designated in such request, setting forth—

(A) all the available information about observance of and respect for human rights and fundamental freedom in that country, and a detailed description of practices by the recipient government with respect thereto;

(B) the steps the United States has taken to—

(i) promote respect for and observance of human rights in that country and discourage any practices which are inimical to internationally recognized human rights, and

(ii) publicly or privately call attention to, and disassociate the United States and any

security assistance provided for such country from, such practices;

(C) whether, in the opinion of the Secretary of State, notwithstanding any such practices—

(i) extraordinary circumstances exist which necessitate a continuation of security assistance for such country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section), and

(ii) on all the facts it is in the national interest of the United States to provide such assistance; and

(D) such other information as such committee or such House may request.

(2)(A) A resolution of request under paragraph (1) of this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) The term ''certification'', as used in section 601 of such Act, means, for the purposes of this subsection, a resolution of request of the Senate under paragraph (1) of this subsection.

(3) In the event a statement with respect to a country is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within thirty days after receipt of such request, no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law from such country unless and until such statement is transmitted.

(4)(A) In the event a statement with respect to a country is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing security assistance for such country. In the event such a joint resolution is adopted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) The term ''certification'', as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

(d) Definitions

For the purposes of this section—

(1) the term ''gross violations of internationally recognized human rights'' includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person; and

(2) the term ''security assistance'' means—

(A) assistance under part II (military assistance) or part IV (economic support fund) or part V (military education and training) or part VI (peacekeeping operations) or part VIII (antiterrorism assistance) of this subchapter.

(B) sales of defense articles or services, extensions of credits (including participations in credits, and guaranties of loans under the Arms Export Control Act [22 U.S.C. 2751 et seq.]); or

(C) any license in effect with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country under section 38 of the Arms Export Control Act [22 U.S.C. 2778].

(e) Removal of prohibition on assistance

Notwithstanding any other provision of law, funds authorized to be appropriated under subchapter I of this chapter may be made available for the furnishing of assistance to any country with respect to which the President finds that such a significant improvement in its human rights record has occurred as to warrant lifting the prohibition on furnishing such assistance in the national interest of the United States.

(f) Allocations concerned with performance record of recipient countries without contravention of other provisions

In allocating the funds authorized to be appropriated by this chapter and the Arms Export Control Act [22 U.S.C. 2751 et seq.], the President shall take into account significant improvements in the human rights records of recipient countries, except that such allocations may not contravene any other provision of law.

(g) Report to Congress on use of certain authorities relating to human rights conditions

Whenever the provisions of subsection (e) or (f) of this section are applied, the President shall report to the Congress before making any funds available pursuant to those subsections. The report shall specify the country involved, the amount and kinds of assistance to be provided, and the justification for providing the assistance, including a description of the significant improvements which have occurred in the country's human rights record.

(Pub. L. 87–195, pt. II, § 502B, as added Pub. L. 93–559, § 46, Dec. 30, 1974, 88 Stat. 1815; amended Pub. L. 94–329, title III, § 301(a), June 30, 1976, 90 Stat. 748; Pub. L. 95–105, title I, § 109(a)(3), Aug. 17, 1977, 91 Stat. 846; Pub. L. 95–384, §§ 6(a)–(d)(1), (e), 10(b)(1), 12(b), Sept. 26, 1978, 92 Stat. 731, 732, 735, 737; Pub. L. 96–53, title V, § 511, Aug. 14, 1979, 93 Stat. 380; Pub. L. 96–92, § 4, Oct. 29, 1979, 93 Stat. 702; Pub. L. 96–533, title VII, §§ 701(b), 704, Dec. 16, 1980, 94 Stat. 3156, 3157; Pub. L. 98–151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972; Pub. L. 99–64, title I, § 124, July 12, 1985, 99 Stat. 156; Pub. L. 99–83, title XII, § 1201, Aug. 8, 1985, 99 Stat. 276; Pub. L. 100–204, title I, § 127(2), Dec. 22, 1987, 101 Stat. 1343; Pub. L. 103–236, title I, § 162(e)(2), Apr. 30, 1994, 108 Stat. 405; Pub. L. 103–437, § 9(a)(6), Nov. 2, 1994, 108 Stat. 4588; Pub. L. 104–319, title II, § 201(b), Oct. 19, 1996, 110 Stat. 3866; Pub. L. 105–292, title I, § 102(d)(2), title IV, § 421(b), Oct. 27, 1998, 112 Stat. 2795, 2810.)

REFERENCES IN TEXT

The Export Administration Act of 1979, referred to in subsec. (a)(2), is Pub. L. 96–72, Sept. 29, 1979, 93 Stat. 503, as amended, which is classified principally to section 2401 et seq. of Title 50, Appendix, War and National De-

fense. For complete classification of this Act to the Code, see Short Title note set out under section 2401 of Title 50, Appendix, and Tables.

Section 601 of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (c)(2)(A), (4)(B), is section 601 of Pub. L. 94–329, which was not classified to the Code.

The Arms Export Control Act, referred to in subsecs. (d)(2)(B) and (f), 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.

This chapter, referred to in subsec. (f), 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.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

The 1983 amendment by Pub. L. 98–151 is based on section 202(a) of H.R. 2992, Ninety-eighth Congress, 1st Session, as reported May 17, 1983, which was enacted into permanent law by Pub. L. 98–151.

Amendments

1998—Subsec. (a)(4). Pub. L. 105–292, § 421(b), added par. (4).

Subsec. (b). Pub. L. 105–292, § 102(d)(2), in introductory provisions, inserted ''and with the assistance of the Ambassador at Large for International Religious Freedom'' after ''Labor'' and ''Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 6402 of this title).'' after ''sterilization.''

1996—Subsec. (b). Pub. L. 104–319 inserted ''Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year.'' after second sentence.

1994—Subsec. (b). Pub. L. 103–236 substituted ''Democracy, Human Rights, and Labor'' for ''Human Rights and Humanitarian Affairs'' in introductory provisions.

Subsec. (c)(1). Pub. L. 103–437 substituted ''Foreign Affairs'' for ''International Relations'' in introductory provisions.

Pub. L. 103–236 substituted ''Democracy, Human Rights, and Labor'' for ''Human Rights and Humanitarian Affairs'' in introductory provisions.

1987—Subsec. (b). Pub. L. 100–204 inserted after first sentence ''Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization.''

1985—Subsec. (a)(2). Pub. L. 99–64 inserted ''and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate (when licenses are to be issued pursuant to the Export Administration Act of 1979).''

Subsec. (g). Pub. L. 99–83 added subsec. (g).

1983—Subsec. (d)(2)(A). Pub. L. 98–151 inserted ''or part VIII (antiterrorism assistance)''.

1980—Subsec. (a)(2). Pub. L. 96–533, § 704, substituted ''Export Administration Act of 1979'' for ''Export Administration Act of 1969''.

Subsec. (d)(1). Pub. L. 96–533, § 701(b), defined ''gross violations of internationally recognized human rights'' to include causing the disappearance of persons by the abduction and clandestine detention of those persons.

1979—Subsec. (e). Pub. L. 96–53 added subsec. (e).

Subsec. (f). Pub. L. 96–92 added subsec. (f).

1978—Subsec. (a)(1). Pub. L. 95–384, § 6(a), substituted ''The United States shall'' for ''It is the policy of the United States'', ''throughout the world'' for ''for all'', and ''Accordingly'' for ''To this end''.

Subsec. (a)(2). Pub. L. 95–384, § 6(b), (d)(1), (e), substituted ''Except'' for ''It is further the policy of the United States that, except'' and inserted provisions prohibiting security assistance, including crime control and detection instruments, from being provided to police, domestic intelligence, or other police forces of governments which the executive branch determines are guilty of a consistent pattern of gross violations of internationally recognized human rights and prohibiting assistance under part V of this subchapter to a country the government of which, as determined by the executive branch, is engaged in a consistent pattern of gross violations of internationally recognized human rights.

Subsec. (a)(3). Pub. L. 95–384, § 6(c), substituted ''paragraphs (1) and (2),'' for ''the foregoing policy''.

Subsec. (d)(2)(A). Pub. L. 95–384, §§ 10(b)(1), 12(b), substituted ''(economic support fund)'' for ''(security supporting assistance)'', inserted ''or part VI (peacekeeping operations)'' after ''and training)'', and struck out ''or subchapter V (assistance to the Middle East) of this chapter'' after ''of this subchapter''.

1977—Subsecs. (b), (c)(1). Pub. L. 95–105 substituted ''Assistant Secretary of State'' for ''Coordinator''.

1976—Pub. L. 94–329 restricted the power of the President by eliminating the extraordinary circumstances exception to termination of assistance for gross violations of recognized human rights, directed the Secretary of State, as part of the presentation materials for an assistance program, to transmit a full and complete report to Congress on the human rights practices of the proposed recipient country and, within 30 days of a request by Congress, to supply information concerning the human rights practices of a country receiving assistance for determination as to whether the assistance should be continued, restricted, or terminated, and defined ''security assistance''.

Change of Name

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

Effective Date of 1994 Amendment

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of this title.

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.

Effective Date of 1979 Amendment

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

Delegation of Functions; Allocation of Funds

Functions of President under this section delegated to Secretary of State and funds available to President under this subchapter allocated to Secretary of Defense

by sections 1–201(a)(28) and 1–801(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, as amended, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321, 2349aa, 2398, 2651a, 5732, 6402, 6412, 6442, 6445, 6461 of this title; title 12 section 635; title 48 section 1904; title 50 App. section 2405.

PART II—MILITARY ASSISTANCE

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2304, 2360, 2415, 2428b, 2776, 2796, 2796a, 2796b of this title; title 10 section 7307.

§ 2311. General authority

(a) Defense articles and services; noncombatant personnel; transfer of funds

The President is authorized to furnish military assistance, on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, by—

(1) acquiring for any source and providing (by loan or grant) any defense article or defense service;

(2) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to perform duties of a noncombatant nature; or

(3) transferring such of the funds appropriated or otherwise made available under this part as the President may determine for assistance to a recipient country, to the account in which funds for the procurement of defense articles and defense services under section 21 and section 22 of the Arms Export Control Act [22 U.S.C. 2761 and 2762] have been deposited for such recipient, to be merged with such deposited funds, and to be used solely to meet obligations of the recipient for payment for sales under that Act [22 U.S.C. 2751 et seq.].

Sales which are wholly paid from funds transferred under paragraph (3) or from funds made available on a non-repayable basis under section 23 of the Arms Export Control Act [22 U.S.C. 2763] shall be priced to exclude the costs of salaries of members of the Armed Forces of the United States (other than the Coast Guard).

(b) Terms and conditions

In addition to such other terms and conditions as the President may determine pursuant to subsection (a) of this section, defense articles may be loaned thereunder only if—

(1) there is a bona fide reason, other than the shortage of funds, for providing such articles on a loan basis rather than on a grant basis;

(2) there is a reasonable expectation that such articles will be returned to the agency making the loan at the end of the loan period, unless the loan is then renewed;

(3) the loan period is of fixed duration not exceeding five years, during which such article may be recalled for any reason by the United States;

(4) the agency making the loan is reimbursed for the loan based on the amount charged to the appropriation for military assistance under subsection (c) of this section; and

(5) the loan agreement provides that (A) if the defense article is damaged while on loan, the country or international organization to which it was loaned will reimburse the United States for the cost of restoring or replacing the defense article, and (B) if the defense article is lost or destroyed while on loan, the country or international organization to which it was loaned will pay to the United States an amount equal to the replacement cost (less any depreciation in the value) of the defense article.

(c) Appropriation charges; exceptions

(1) In the case of any loan of a defense article or defense service made under this section, there shall be a charge to the appropriation for military assistance for any fiscal year while the article or service is on loan in an amount based on—

(A) the out-of-pocket expenses authorized to be incurred in connection with such loan during such fiscal year; and

(B) the depreciation which occurs during such year while such article is on loan.

(2) The provisions of this subsection shall not apply—

(A) to any particular defense article or defense service which the United States Government agreed, prior to December 17, 1973, to lend; and

(B) to any defense article or defense service, or portion thereof, acquired with funds appropriated for military assistance under this chapter.

(Pub. L. 87–195, pt. II, § 503, Sept. 4, 1961, 75 Stat. 435; Pub. L. 88–633, § 201(a), Oct. 7, 1964, 78 Stat. 1011; Pub. L. 89–171, pt. II, § 201(a), Sept. 6, 1965, 79 Stat. 656; Pub. L. 90–137, pt. II, § 201(b), Nov. 14, 1967, 81 Stat. 455; Pub. L. 93–189, § 12(b)(1), Dec. 17, 1973, 87 Stat. 720; Pub. L. 96–533, title I, § 112(a), Dec. 16, 1980, 94 Stat. 3138; Pub. L. 97–113, title I, §§ 109(c), 110(c), Dec. 29, 1981, 95 Stat. 1526; Pub. L. 99–83, title I, § 123(a), Aug. 8, 1985, 99 Stat. 205; Pub. L. 100–461, title V, § 586(a), Oct. 1, 1988, 102 Stat. 2268–50.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (a)(3), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, 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.

This chapter, referred to in subsec. (c)(2)(B), was in the original ''this Act'', meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

A guaranty provision, formerly subsec. (e) of this section, was renumbered section 525(a) of Pub. L. 87–195 by Pub. L. 90–137, pt. II, § 201(b)(3), Nov. 14, 1967, 81 Stat. 455, and classified to section 2345(a) of this title and repealed by Pub. L. 90–629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–461 inserted in last sentence ''or from funds made available on a non-repay-

able basis under section 23 of the Arms Export Control Act'' after ''under paragraph (3)'' and ''(other than the Coast Guard)'' after ''Armed Forces of the United States''.

1985—Subsec. (a). Pub. L. 99–83 inserted sentence relating to pricing of sales wholly paid from transferred funds.

1981—Subsec. (a)(3). Pub. L. 97–113, § 110(c), substituted ''country'' for ''specified in section 2312(a)(1) of this title, within the dollar limitations of that section''.

Subsec. (b)(5). Pub. L. 97–113 substituted provision respecting payment of restoration or replacement costs for defense articles on loan for provision for making such a loan only if arrangements were made with the agency making the loan for reimbursement in the event the article was lost or destroyed while on loan, the reimbursement of which was to be made first out of any funds available to carry out this part and based on the depreciated value of the article at the time of loss or destruction.

1980—Subsec. (a)(3). Pub. L. 96–533 added par. (3).

1973—Pub. L. 93–189 designated existing provisions as subsec. (a), struck out references to making financial contributions to multilateral programs for the acquisition or construction of facilities for collective defense and providing financial assistance for expenses incident to participation by the United States government in regional or collective defense organizations, and added subsecs. (b) and (c).

1967—Subsec. (a). Pub. L. 90–137, § 201(b)(1), substituted ''or grant'' for '', lease, sale, exchange, grant, or any other means''.

Subsec. (d). Pub. L. 90–137, § 201(b)(2), substituted a period for ''; and''.

Subsec. (e). Pub. L. 90–137, § 201(b)(3), struck out subsec. (e) which related to the guaranty and insuring against political and credit risks in connection with credit sales for defense articles and services procured in the United States. See Codification note above.

1965—Subsec. (b). Pub. L. 89–171 struck out ''in foreign countries'' after ''facilities''.

1964—Subsec. (e). Pub. L. 88–633 added subsec. (e).

EFFECTIVE DATE OF 1988 AMENDMENT

Section 586(c) of Pub. L. 100–461 provided that: ''This section [amending this section] shall be effective on October 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

Functions of President under this section, except those functions under subsec. (a) relating to findings, delegated to Secretary of Defense by sections 1–301(a) and 1–701(e)(1) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

REPORTS TO CONGRESSIONAL COMMITTEES

Section 301 of Pub. L. 100–461 provided: ''That the Committees on Appropriations shall be furnished on March 1 of each year a complete report of the status of military assistance funds appropriated by this or any future Act committed for the payment of any sales under the Arms Export Control Act [22 U.S.C. 2751 et seq.] as regards the individual sale, item description, and estimated sales price.''

FINDINGS BY SECRETARY OF STATE

The Secretary of State, in the implementation of the functions delegated to him under section 2314(a)(1), (4), and (e) of this title, was authorized by section 1–701(e)(1) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title, to find, in the case of a proposed transfer of a defense article or a related training or a related defense service by a foreign country or international organization to a foreign country or international organization not otherwise eligible under subsec. (a) of this section, whether the proposed transfer would strengthen the security of the United States and promote world peace.

REVIEW OF MILITARY ASSISTANCE PROGRAM; REDUCTION AND ELIMINATION PLAN; SUBMITTAL TO CONGRESS

Pub. L. 93–559, § 17, Dec. 30, 1974, 88 Stat. 1800, which set forth provisions respecting review of military assistance program and submittal to Congress of plan for reduction and elimination, was repealed by Pub. L. 95–384, § 29(c)(4), Sept. 26, 1978, 92 Stat. 747.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321j, 2394, 2761, 2764, 2765 of this title.

§ 2312. Authorization of appropriations

(a) Authorization and availability of amounts

(1) There are authorized to be appropriated to the President to carry out the purposes of this part $805,100,000 for fiscal year 1986 and $805,100,000 for fiscal year 1987.

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

(b) Programing and budgeting procedures

In order to make sure that a dollar spent on military assistance to foreign countries is as necessary as a dollar spent for the United States military establishment, the President shall establish procedures for programing and budgeting so that programs of military assistance come into direct competition for financial support with other activities and programs of the Department of Defense.

(Pub. L. 87–195, pt. II, § 504, Sept. 4, 1961, 75 Stat. 436; Pub. L. 88–205, pt. II, § 202(a), Dec. 16, 1963, 77 Stat. 384; Pub. L. 88–633, pt. II, § 201(b), Oct. 7, 1964, 78 Stat. 1011; Pub. L. 89–171, pt. II, § 201(b), Sept. 6, 1965, 79 Stat. 656; Pub. L. 89–583, pt. II, § 201(a), Sept. 19, 1966, 80 Stat. 802; Pub. L. 90–137, pt. II, § 201(c), Nov. 14, 1967, 81 Stat. 455; Pub. L. 90–554, pt. II, § 201(a), Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–175, pt. II, § 201, Dec. 30, 1969, 83 Stat. 819; Pub. L. 92–226, pt. II, § 201(a), Feb. 7, 1972, 86 Stat. 25; Pub. L. 93–189, § 12(b)(2), Dec. 17, 1973, 87 Stat. 721; Pub. L. 93–559, § 10, Dec. 30, 1974, 88 Stat. 1798; Pub. L. 94–329, title I, § 101, June 30, 1976, 90 Stat. 729; Pub. L. 95–23, Apr. 30, 1977, 91 Stat. 54; Pub. L. 95–92, § 5(a), Aug. 4, 1977, 91 Stat. 614; Pub. L. 95–384, § 7(a), Sept. 26, 1978, 92 Stat. 732; Pub. L. 96–92, § 5(a), Oct. 29, 1979, 93 Stat. 702; Pub. L. 96–533, title I, § 112(b), Dec. 16, 1980, 94 Stat. 3139; Pub. L. 97–113, title I, § 110(a), Dec. 29, 1981, 95 Stat. 1526; Pub. L. 99–83, title I, § 103, Aug. 8, 1985, 99 Stat. 195.)

AMENDMENTS

1985—Subsec. (a)(1). Pub. L. 99–83 amended par. (1) generally, substituting provisions authorizing appropriations of $805,100,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of not to exceed $238,500,000 for fiscal years 1982 and 1983.

1981—Subsec. (a). Pub. L. 97–113 in par. (1) substituted appropriations of $238,500,000 for fiscal years 1982 and 1983 for appropriation of $106,100,000 for fiscal year 1981 and struck out provision limiting assistance in listed amounts to Portugal ($51,000,000), Spain ($3,600,000),

Philippines ($25,000,000), and Sudan ($1,700,000) for fiscal year 1981 and authorization of a 10-percent increase in any such amount when deemed necessary by the President, redesignated former par. (4) as (2), struck out former pars. (2), which limited assistance to those countries listed in par. (1), and par. (3), which provided that the authority contained in sections 2360(a) and 2364(a) of this title not be used to increase the amounts specified in par. (1) or the limitations in par. (2).

1980—Subsec. (a)(1). Pub. L. 96–533 substituted appropriations authorization of $106,100,000 for fiscal year 1981 with allocations of specified amounts for certain countries for fiscal year 1981 for such authorization of $110,200,000 for fiscal year 1980 with similar allocations for fiscal year 1980, included an allocation for The Sudan and deleted Jordan from the list.

1979—Subsec. (a)(1). Pub. L. 96–92 substituted appropriations authorization of $110,200,000 for fiscal year 1980 for prior authorization of $133,500,000 for fiscal year 1979, made the allocations available in specified amounts to Portugal, Spain, Jordan and the Philippines, struck out from the listing Greece, and struck out ''for the fiscal year 1979'' after ''any such country'' in provision limiting the percentage increment in an allotment to such fiscal year.

1978—Subsec. (a). Pub. L. 95–384 substituted provisions authorizing appropriations of $133,500,000 to the President for fiscal year 1979 to carry out the purposes of this part with specified amounts allocated to Portugal, Spain, Jordan, the Philippines, and Greece for provisions authorizing appropriations of $228,900,000 to the President for fiscal year 1978 to carry out the purposes of this part with specified amounts allocated to Greece, Portugal, Spain, Turkey, Jordan, Indonesia, the Philippines, and Thailand.

1977—Subsec. (a)(1). Pub. L. 95–92 substituted provisions authorizing appropriations for fiscal year 1978 to carry out the purposes of this part with specified amounts allocated to Greece, Portugal, Spain, Turkey, Jordan, Indonesia, Philippines, and Thailand, for provisions authorizing appropriations for fiscal years 1976 and 1977 to carry out the purposes of this part with specified amounts allocated to Greece, Indonesia, Jordan, Republic of Korea, Philippines, Thailand, Turkey, Ethiopia, and Portugal.

Pub. L. 95–23 substituted ''$179,550,000'' for ''$177,300,000'' and added Portugal, with a fiscal year 1977 limit of $32,250,000, to the table of countries.

Subsec. (a)(2). Pub. L. 95–92 substituted provisions prohibiting assistance to countries other than the countries specified in par. (1) except with respect to costs incurred under section 2321j(b) of this title or as otherwise required by law, for provisions setting forth limitations on amounts available for fiscal years 1976 and 1977 to carry out the purposes of this part with respect to assistance to international organizations and countries not designated in former par. (1).

Subsec. (a)(3). Pub. L. 95–92 substituted provisions relating to the authority of sections 2360(a) and 2364(a) of this title, for provisions setting forth limitations on the number of countries eligible for assistance under this part in fiscal years 1976 and 1977.

Subsec. (a)(4). Pub. L. 95–92 substituted provisions authorizing availability until expended of amounts appropriated under this subsection, for provisions relating to the authority of sections 2360(a) and 2364(a) of this title to increase appropriated amounts and making inapplicable to emergency assistance under section 2314(a) of this title limitations on appropriated funds under this section.

Subsec. (a)(5) to (8). Pub. L. 95–92 struck out pars. (5) to (8) which provided for appropriations for administrative and related expenses for fiscal years 1976 and 1977, restricted use of funds with respect to sophisticated weapons systems, authorized appropriated amounts to remain available until expended, and required assistance to Turkey under this part to be subject to section 2370(x) of this title, respectively.

1976—Subsec. (a). Pub. L. 94–329 designated existing provisions as par. (1), substituted provisions authorizing appropriations for the purpose of this part of $196,700,000 for fiscal 1976 and $177,300,000 for fiscal 1977, with limitations in expenditures for the specified countries, and authorizing an increase of not more than 10% of the specified amounts if the President finds it necessary for the purpose of this part, for provisions authorizing appropriations not to exceed $600,000,000 for fiscal 1975 with provisos limiting assistance under this part to thirty-one countries except for training in the United States, and prohibiting the furnishing of sophisticated weapons systems to underdeveloped countries unless the President determined that such systems were important to national security, and added pars. (2) to (8).

1974—Subsec. (a). Pub. L. 93–559 substituted ''$600,000,000 for the fiscal year 1975'' for ''$512,500,000 for the fiscal year 1974'' and designated existing provision as item (1) and added item (2).

1973—Subsec. (a). Pub. L. 93–189 substituted ''$512,500,000 for the fiscal year 1974'', for ''$500,000,000 for the fiscal year 1972'' and ''thirty-one countries'' for ''forty countries''.

1972—Subsec. (a). Pub. L. 92–226 substituted ''$500,000,000 for the fiscal year 1972'' for ''$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971''.

1969—Subsec. (a). Pub. L. 91–175 substituted ''$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971'' for ''$375,000,000 for the fiscal year 1969,'' and inserted provisions cost-sharing expenses of United States participation in the military headquarters and related agencies program.

1968—Subsec. (a). Pub. L. 90–554 substituted ''1969'' and ''$375,000,000'' for ''1968'' and ''$510,000,000'', respectively, struck out provisions which made $24,100,000 of authorization available for fiscal year 1968, for cost-sharing expenses, and which prohibited other available funds from being used for cost-sharing expenses, and prohibited use of appropriated funds for weapons systems expenditures without Presidential determination of importance to national security and report to Congress, respectively.

1967—Subsec. (a). Pub. L. 90–137 substituted provisions authorizing appropriation of $510,000,000 for fiscal year 1968 for provisions authorizing appropriation of $875,000,000 for fiscal year 1967 in addition to such amounts as may be otherwise authorized to support Vietnamese forces and other free world forces in Vietnam, made $24,100,000 of such authorization available for fiscal year 1968 for cost-sharing expenses, and prohibited other available funds from being used for such cost-sharing expenses.

1966—Subsec. (a). Pub. L. 89–583 substituted provisions authorizing appropriation of $875,000,000 for fiscal year 1967 in addition to such amounts as may be otherwise authorized to support Vietnamese forces and other free world forces in Vietnam and limiting assistance to forty countries in any fiscal year for provisions authorizing appropriation of $1,170,000,000 for fiscal year 1966 and prescribing availability of minimum of $200,000,000 for use in Vietnam for fiscal year 1965 unless otherwise determined by the President and so reported to Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House.

1965—Pub. L. 89–171 substituted ''1966'' and ''$1,170,000,000'' for ''1965'' and ''$1,055,000,000'', respectively.

1964—Subsec. (a). Pub. L. 88–633 substituted ''1965'' and ''$1,055,000,000'' for ''1964'' and ''$1,000,000,000'', respectively, and required not less than $200,000,000 to be available for fiscal year 1965 for use in Vietnam unless the President determined and reported otherwise to Congressional committees.

1963—Subsec. (a). Pub. L. 88–205 substituted ''fiscal year 1964'' and ''$1,000,000,000, which'', for ''the fiscal years 1962 and 1963'' and ''$1,700,000,000 for each such fiscal year, which sum'', respectively.

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.

ALLOCATION OF FUNDS

Funds available to President for carrying out this part allocated to Secretary of Defense by section 1–801(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, 56678, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321i, 2321j of this title.

§ 2313. Transferred

CODIFICATION

Section, Pub. L. 87–195, pt. II, § 505(a), (b), Sept. 4, 1961, 75 Stat. 436, as amended, was renumbered §§ 502, 507(c) of Pub. L. 87–195 by Pub. L. 90–137, pt. II, § 201(d)(1), (*l*), Nov. 14, 1967, 81 Stat. 456, 457, and transferred to sections 2302 and 2319 of this title.

§ 2314. Furnishing of defense articles or related training or other defense service on grant basis

(a) Conditions of eligibility

In addition to such other provisions as the President may require, no defense articles or related training or other defense service shall be furnished to any country on a grant basis unless it shall have agreed that—

(1) it will not, without the consent of the President—

(A) permit any use of such articles or related training or other defense service by anyone not an officer, employee, or agent of that country,

(B) transfer, or permit any officer, employee, or agent of that country to transfer such articles or related training or other defense service by gift, sale, or otherwise, or

(C) use or permit the use of such articles or related training or other defense service for purposes other than those for which furnished;

(2) it will maintain the security of such articles or related training or other defense service, and will provide substantially the same degree of security protection afforded to such articles or related training or other defense service by the United States Government;

(3) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such articles or related training or other defense service; and

(4) unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interests of the United States, such articles or related training or other defense service which are no longer needed for the purposes for which furnished.

(b) Limitation on amount; exceptions

No defense articles shall be furnished on a grant basis to any country at a cost in excess of $3,000,000 in any fiscal year unless the President determines—

(1) that such country conforms to the purposes and principles of the Charter of the United Nations;

(2) that such defense articles will be utilized by such country for the maintenance of its own defensive strength, or the defensive strength of the free world;

(3) that such country is taking all reasonable measures, consistent with its political and economic stability, which may be needed to develop its defense capacities; and

(4) that the increased ability of such country to defend itself is important to the security of the United States.

(c) Reduction and termination of grants to countries able to maintain adequate military forces without undue economic strain

The President shall regularly reduce and, with such deliberate speed as orderly procedure and other relevant considerations, including prior commitments, will permit, shall terminate all further grants of military equipment and supplies to any country having sufficient wealth to enable it, in the judgment of the President, to maintain and equip its own military forces at adequate strength, without undue burden to its economy.

(d) Termination of assistance; report of violation by President; conditions for reinstatement

(1) Assistance and deliveries of assistance under this part to any country shall be terminated as hereinafter provided, if such country uses defense articles or defense services furnished under this chapter, the Mutual Security Act of 1954, or any predecessor Foreign Assistance Act, in substantial violation (either in terms of quantities or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement entered into pursuant to any such Act (A) by using such articles or services for a purpose not authorized under section 2302 of this title or, if such agreement provides that such articles or services may only be used for purposes more limited than those authorized under section 2302 of this title, for a purpose not authorized under such agreement; (B) by transferring such articles or services to, or permitting any use of such articles or services by, anyone not an officer, employee, or agent of the recipient country without the consent of the President; or (C) by failing to maintain the security of such articles or services.

(2)(A) Assistance and deliveries of assistance shall be terminated pursuant to paragraph (1) of this subsection if the President so determines and so states in writing to the Congress, or if the Congress so finds by joint resolution.

(B) The President shall report to the Congress promptly upon the receipt of information that a violation described in paragraph (1) of this subsection may have occurred.

(3) Assistance to a country shall remain terminated in accordance with paragraph (1) of this subsection until such time as—

(A) the President determines that the violation has ceased; and

(B) the country concerned has given assurances satisfactory to the President that such violation will not recur.

(4) The authority contained in section 2364(a) of this title may not be used to waive the provisions of this section with respect to further assistance under this part.

(e) Consent by President to transfer

In considering a request for approval of any transfer of any weapon, weapons system, munitions, aircraft, military boat, military vessel, or other implement of war to another country, the President shall not give his consent under subsection (a)(1) or (a)(4) of this section to the transfer unless the United States itself would transfer the defense article under consideration to that country. In addition, the President shall not give his consent under subsection (a)(1) or (a)(4) of this section to the transfer of any significant defense articles on the United States Munitions List unless the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

(f) Disposition of defense articles furnished on a grant basis; net proceeds to be paid over to the United States

Effective July 1, 1974, no defense article shall be furnished to any country on a grant basis unless such country shall have agreed that the net proceeds of sale received by such country in disposing of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war received under this part will be paid to the United States Government and shall be available to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.]. In the case of items which were delivered prior to 1985, the President may waive the requirement that such net proceeds be paid to the United States Government if he determines that to do so is in the national interest of the United States.

(g) Discrimination on basis of race, religion, national origin, or sex prohibited

(1) It is the policy of the United States that no assistance under this part should be furnished to any foreign country, the laws, regulations, official policies, or governmental practices of which prevent any United States person (as defined in section 7701(a)(30) of title 26) from participating in the furnishing of defense articles or defense services under this part on the basis of race, religion, national origin, or sex.

(2)(A) No agency performing functions under this part shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

(B) Each contract entered into by any such agency for the performance of any function under this part shall contain a provision to the effect that no person, partnership, corporation, or other entity performing functions pursuant to such contract, shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

(3) The President shall promptly transmit reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate concerning any transaction in which any United States person (as defined in section 7701(a)(30) of title 26) is prevented by a foreign government on the basis of race, religion, national origin, or sex, from participating in the furnishing of assistance under this part, or education and training under part V of this subchapter, to any foreign country. Such reports shall include (A) a description of the facts and circumstances of any such discrimination, (B) the response thereto on the part of the United States or any agency or employee thereof, and (C) the result of such response, if any.

(4)(A) Upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall, within 60 days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor, with respect to the country designated in such request, setting forth—

(i) all the available information about the exclusionary policies or practices of the government of such country when such policies or practices are based upon race, religion, national origin, or sex and prevent any such person from participating in a transaction involving the furnishing of any assistance under this part or any education and training under part V of this subchapter;

(ii) the response of the United States thereto and the results of such response;

(iii) whether, in the opinion of the President, notwithstanding any such policies or practices—

(I) extraordinary circumstances exist which necessitate a continuation of such assistance or education and training transaction, and, if so, a description of such circumstances and the extent to which such assistance or education and training transaction should be continued (subject to such conditions as Congress may impose under this section), and

(II) on all the facts it is in the national interest of the United States to continue such assistance or education and training transaction; and

(iv) such other information as such committee may request.

(B) In the event a statement with respect to an assistance or training transaction is requested pursuant to subparagraph (A) of this paragraph but is not transmitted in accordance

therewith within 60 days after receipt of such request, such assistance or training transaction shall be suspended unless and until such statement is transmitted.

(C)(i) In the event a statement with respect to an assistance or training transaction is transmitted under subparagraph (A) of this paragraph, the Congress may at any time thereafter adopt a joint resolution terminating or restricting such assistance or training transaction.

(ii) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(iii) The term ''certification'', as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under subparagraph (A) of this paragraph.

(Pub. L. 87–195, pt. II, § 505, formerly § 506, Sept. 4, 1961, 75 Stat. 436; Pub. L. 87–565, pt. II, § 201(a), Aug. 1, 1962, 76 Stat. 259; Pub. L. 89–583, pt. II, § 201(b), Sept. 19, 1966, 80 Stat. 803; renumbered § 505, Pub. L. 90–137, pt. II, § 201(e), Nov. 14, 1967, 81 Stat. 456 and amended Pub. L. 92–226, pt. II, § 201(b), (c), Feb. 7, 1972, 86 Stat. 25; Pub. L. 93–189, § 12(b)(3), Dec. 17, 1973, 87 Stat. 721; Pub. L. 94–329, title II, §§ 203(b), 204(b)(2), title III, §§ 302(a), 304(a), June 30, 1976, 90 Stat. 735, 736, 751, 754; Pub. L. 95–105, title I, § 109(a)(4), Aug. 17, 1977, 91 Stat. 846; Pub. L. 99–83, title I, § 123(b), Aug. 8, 1985, 99 Stat. 205; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 101–513, title III, Nov. 5, 1990, 104 Stat. 1998; Pub. L. 103–236, title I, § 162(e)(2), Apr. 30, 1994, 108 Stat. 405; Pub. L. 103–437, § 9(a)(6), Nov. 2, 1994, 108 Stat. 4588.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(1), 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 Mutual Security Act of 1954, referred to in subsec. (d)(1), is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2–11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85–141, 71 Stat. 355; June 30, 1958, Pub. L. 85–477, ch. 1, §§ 101–103, ch. II, §§ 201–205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86–108, § 2, ch. 1, § 101, ch. II, §§ 201–205(a)–(i), (k)–(n), ch. III, § 301, ch. IV, § 401(a)–(k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86–472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85–141, §§ 2(e) 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86–108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86–472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87–195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94–329, title II, § 212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104–127, title II, § 228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (f), is Pub. L. 87–256, Sept. 21, 1961, 5 Stat. 527, as amended, which is classified principally to chapter 33 (§ 2451 et. seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

Section 601 of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (g)(4)(C)(ii), is section 601 of Pub. L. 94–329, which was not classified to the Code.

AMENDMENTS

1994—Subsec. (g)(4)(A). Pub. L. 103–437 substituted ''Foreign Affairs'' for ''International Relations'' in introductory provisions.

Pub. L. 103–236 substituted ''Democracy, Human Rights, and Labor'' for ''Human Rights and Humanitarian Affairs'' in introductory provisions.

1990—Subsec. (f). Pub. L. 101–513 substituted ''1985'' for ''1975'' in second sentence.

1986—Subsec. (g)(1), (3). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1985—Subsec. (f). Pub. L. 99–83 inserted provisions relating to waiver for items delivered prior to 1975.

1977—Subsec. (g)(4)(A). Pub. L. 95–105 substituted ''Assistant Secretary of State'' for ''Coordinator'' in provisions preceding cl. (i).

1976—Subsec. (a). Pub. L. 94–329, § 203(b), inserted ''or related training or other defense service'' after ''articles'' wherever appearing.

Subsec. (d). Pub. L. 94–329, § 304(a), provided that either the President, by so stating in a writing to Congress, or Congress, by joint resolution, terminate assistance upon determining a violation, specified conditions for reinstatement of assistance, and denied the President the power, where a violation has been determined, of granting assistance on the basis of national security.

Subsec. (e). Pub. L. 94–329, § 204(b)(2), struck out provisions relating to the President's notification of his consent to transfer war implements to another country, in writing, to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate indicating his justification for the transfer and the particular war implement transferred.

Subsec. (g). Pub. L. 94–329 added subsec. (g).

1973—Subsecs. (e), (f). Pub. L. 93–189 added subsecs. (e) and (f).

1972—Subsec. (b)(2). Pub. L. 92–226, § 201(b), substituted ''or'' for ''and''.

Subsec. (e). Pub. L. 92–226, § 201(c), repealed provisions respecting conditions of eligibility requiring agreements for use of foreign currencies from sale of surplus commodities for common defense including internal security.

1966—Subsec. (e). Pub. L. 89–583 added subsec. (e).

1962—Subsecs. (c), (d). Pub. L. 87–565 added subsecs. (c) and (d).

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of this title.

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.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 203(b) of Pub. L. 94–329 provided that the amendment made by that section is effective July 1, 1976.

DELEGATION OF FUNCTIONS

Functions of President under this section, with exception of those under subsec. (b) respecting countries that do not agree to conditions set forth in subsec. (b), those respecting determinations under subsec. (d)(2)(A), (3), and certain other specified exceptions, delegated to Secretary of Defense by sections 1–301(a) and 1–701(d), (e)(2) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, 56677, as amended, set out as a note under section 2381 of this title.

Functions of President under subsec. (a) relating to other provisions which may be required by President, subsec. (a)(1) and (4) relating to consent, subsec. (b) to the extent it pertains to countries agreeing to conditions set forth therein, and subsecs. (d) to (g) delegated to Secretary of State, with authorization to find whether proposed transfer of defense article or related training or related defense service would strengthen United States security and promote world peace, by sections 1–201(a)(4)–(6) and 1–701(e)(1) of Ex. Ord. No. 12163.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2753, 2776, 2780 of this title.

§ 2314a. Repealed. Pub. L. 93–189, § 26(4), Dec. 17, 1973, 87 Stat. 731

Section, Pub. L. 91–672, § 9, Jan. 12, 1971, 84 Stat. 2055, related to transfer of defense articles to other countries under sections 2314(a)(1), (4) and 2753(a)(2) of this title and prerequisites for consent of President to transfer.

§§ 2315 to 2317. Transferred

CODIFICATION

Section 2315, Pub. L. 87–195, pt. II, § 507, Sept. 4, 1961, 75 Stat. 437, as amended, which related to sale of defense articles and services, manner of payment, price of non-excess defense articles, value of excess defense articles, contracts for procurement, undertakings, and fixed-price sales agreements, was renumbered §§ 522, 523 of Pub. L. 87–195 by Pub. L. 90–137, pt. II, § 201(f), (g), Nov. 14, 1967, 81 Stat. 456, and transferred to sections 2342 and 2343 of this title, respectively, which sections were subsequently repealed.

Section 2316, Pub. L. 87–195, pt. II, § 508, Sept. 4, 1961, 75 Stat. 437, as amended, which related to reimbursements and transfers to separate fund account, was renumbered § 524 of Pub. L. 87–195 by Pub. L. 90–137, pt. II, § 201(h), Nov. 14, 1967, 81 Stat. 456, and transferred to section 2344 of this title.

Section 2317(a), Pub. L. 87–195, pt. II, § 509(a), Sept. 4, 1961, 75 Stat. 437; Pub. L. 88–633, pt. II, § 201(d), Oct. 7, 1964, 78 Stat. 1011, related to exchanges, and was repealed by Pub. L. 90–137, pt. II, § 201(i)(1), Nov. 14, 1967, 81 Stat. 457.

Section 2317(b), Pub. L. 87–195, pt. II, § 509(b), as added Pub. L. 88–633, pt. II, § 201(d), Oct. 7, 1964, 78 Stat. 1011, which related to guaranties, was renumbered § 525(b) of Pub. L. 87–195 by Pub. L. 90–137, pt. II, § 201(i)(2), Nov. 14, 1967, 81 Stat. 457, transferred to section 2345(b) of this title, and subsequently repealed.

§ 2318. Special authority

(a) Unforeseen emergency; national interest; determinations and reports to Congress; limitation of defense articles, defense services, and military education and training furnished

(1) If the President determines and reports to the Congress in accordance with section 2411 of this title that—

(A) an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization; and

(B) the emergency requirement cannot be met under the authority of the Arms Export Control Act [22 U.S.C. 2751 et seq.] or any other law except this section;

he may direct, for the purposes of subchapter II of this chapter, the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not to exceed $100,000,000 in any fiscal year.

(2)(A) If the President determines and reports to the Congress in accordance with section 2411 of this title that it is in the national interest of the United States to draw down articles and services from the inventory and resources of any agency of the United States Government and military education and training from the Department of Defense, the President may direct the drawdown of such articles, services, and military education and training—

(i) for the purposes and under the authorities of—

(I) part VIII of subchapter I of this chapter (relating to international narcotics control assistance);

(II) part IX of subchapter I of this chapter (relating to international disaster assistance); or

(III) the Migration and Refugee Assistance Act of 1962 [22 U.S.C. 2601 et seq.]; or

(ii) for the purpose of providing such articles, services, and military education and training to Vietnam, Cambodia, and Laos as the President determines are necessary—

(I) to support cooperative efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War; and

(II) to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support Department of Defense-sponsored humanitarian projects associated with such efforts.

(B) An aggregate value of not to exceed $150,000,000 in any fiscal year of such articles, services, and military education and training may be provided pursuant to subparagraph (A) of this paragraph—

(i) not more than $75,000,000 of which may be provided from the drawdown from the inventory and resources of the Department of Defense;

(ii) not more than $75,000,000 of which may be provided pursuant to clause (i)(I) of such subparagraph; and

(iii) not more than $15,000,000 of which may be provided to Vietnam, Cambodia, and Laos pursuant to clause (ii) of such subparagraph.

(b) Notification and information to Congress of assistance furnished

(1) The authority contained in this section shall be effective for any such emergency only upon prior notification to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Appropriations of

each House of Congress. In the case of drawdowns authorized by subclauses (I) and (III) of subsection (a)(2)(A)(i) of this section, notifications shall be provided to those committees at least 15 days in advance of the drawdowns in accordance with the procedures applicable to reprogramming notifications under section 2394–1 of this title.

(2) The President shall keep the Congress fully and currently informed of all defense articles, defense services, and military education and training provided under this section, including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.

(c) Commercial transportation and related services

For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.

(d) Authorization of appropriations for reimbursement of applicable funds

There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

(Pub. L. 87–195, pt. II, § 506, formerly § 510, Sept. 4, 1961, 75 Stat. 437; Pub. L. 87–565, pt. II, § 201(d), Aug. 1, 1962, 76 Stat. 260; Pub. L. 88–205, pt. II, § 202(c), Dec. 16, 1963, 77 Stat. 384; Pub. L. 88–633, pt. II, § 201(e), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 89–171, pt. II, § 201(g), Sept. 6, 1965, 79 Stat. 658; Pub. L. 89–583, pt. II, § 201(d), Sept. 19, 1966, 80 Stat. 803; renumbered § 506 and amended Pub. L. 90–137, pt. II, § 201(j), Nov. 14, 1967, 81 Stat. 457; Pub. L. 90–554, pt. II, § 201(b), Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–175, pt. II, § 202, Dec. 30, 1969, 83 Stat. 820; Pub. L. 92–226, pt. II, § 201(d), pt. III, § 304(a)(2), Feb. 7, 1972, 86 Stat. 25, 28; Pub. L. 93–189, § 12(b)(4), Dec. 17, 1973, 87 Stat. 721; Pub. L. 93–559, § 11, Dec. 30, 1974, 88 Stat. 1798; Pub. L. 94–329, title I, § 102, June 30, 1976, 90 Stat. 730; Pub. L. 96–92, § 5(b), Oct. 29, 1979, 93 Stat. 702; Pub. L. 96–533, title I, § 112(c), Dec. 16, 1980, 94 Stat. 3139; Pub. L. 97–113, title I, § 110(b), Dec. 29, 1981, 95 Stat. 1526; Pub. L. 101–167, title V, § 551(b), Nov. 21, 1989, 103 Stat. 1236; Pub. L. 104–164, title I, § 103(a), (b), July 21, 1996, 110 Stat. 1423; Pub. L. 105–118, title V, § 576, Nov. 26, 1997, 111 Stat. 2433.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (a)(1)(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 Migration and Refugee Assistance Act of 1962, referred to in subsec. (a)(2)(A)(i)(III), is Pub. L. 87–510, June 28, 1962, 76 Stat. 121, as amended, which is classified principally to chapter 36 (§ 2601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE CERTAIN PARTS OF SUBCHAPTER II

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

AMENDMENTS

1997—Subsec. (b)(2). Pub. L. 105–118, § 576(1), inserted before period at end ", including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets".

Subsecs. (c), (d). Pub. L. 105–118, § 576(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d).

1996—Subsec. (a)(1). Pub. L. 104–164, § 103(a), substituted "$100,000,000" for "$75,000,000" in concluding provisions.

Subsec. (a)(2)(A). Pub. L. 104–164, § 103(b)(1), substituted "articles and services from the inventory and resources of any agency of the United States Government and military education and training from the Department of Defense, the President may direct the drawdown of such articles, services, and military education and training—" and cls. (i) and (ii) for "defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, he may direct—

"(i) the drawdown of such articles, services, and the provision of such training for the purposes and under the authorities of parts VIII and IX of subchapter I of this chapter, as the case may be; and

"(ii) the drawdown of defense services for the purposes and under the authorities of the Migration and Refugee Assistance Act of 1962."

Subsec. (a)(2)(B). Pub. L. 104–164, § 103(b)(2), substituted "$150,000,000 in any fiscal year of such articles, services, and military education and training may be provided pursuant to subparagraph (A) of this paragraph—" and cls. (i) to (iii) for "$75,000,000 in any fiscal year of defense articles, defense services, and military education and training may be provided pursuant to subparagraph (A) of this paragraph."

Subsec. (b)(1). Pub. L. 104–164, § 103(b)(3), inserted at end "In the case of drawdowns authorized by subclauses (I) and (III) of subsection (a)(2)(A)(i) of this section, notifications shall be provided to those committees at least 15 days in advance of the drawdowns in accordance with the procedures applicable to reprogramming notifications under section 2394–1 of this title."

1989—Subsec. (a). Pub. L. 101–167 designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and added par. (2).

1981—Subsec. (a). Pub. L. 97–113 increased fiscal year limitation to $75,000,000 from $50,000,000 on aggregate value of assistance furnished.

1980—Subsec. (a). Pub. L. 96–533 increased to $50,000,000 from $10,000,000 fiscal year limitation on aggregate value of assistance furnished.

1979—Subsec. (a). Pub. L. 96–92 authorized military education and training assistance, substituted $10,000,000 fiscal year limitation on aggregate value of assistance furnished for $67,500,000 fiscal year limitation on total value of defense articles and defense services ordered, and eliminated requirement for determination that failure to respond immediately to the emergency would result in serious harm to vital United States security interests, deleted provision authorizing reimbursement from subsequent appropriations which is covered in subsec. (c), provision for effectiveness of authority only as provided in an appropriation Act, and requirement of information to Congress which is covered in subsec. (b)(2).

Subsec. (b). Pub. L. 96–92 required notification of Congressional Committees, reenacted former subsec. (a) provision for information to Congress respecting assistance furnished, included military education and training, and deleted authorization of Defense Department, in applicable appropriations, to incur obligations in anticipation of reimbursements, and authorization of appropriations for reimbursement purposes.

Subsec. (c). Pub. L. 96–92 incorporated reimbursement provision of former subsec. (b) and expanded section to include military education and training.

1976—Subsec. (a). Pub. L. 94–329 redesignated existing provisions as pars. (1) to (3), limited the President's authority to act by inserting requirements that he act only in cases of unforeseen emergencies requiring immediate military assistance to a foreign country or international organization where vital United States security interests are concerned when such emergency requirement cannot be met under authority of the Arms Export Control Act or any other law, reduced the President's authority from $150 million to $67.5 million in any fiscal year, and required current reporting to Congress on the use of such authority.

1974—Subsec. (a). Pub. L. 93–559 substituted ''fiscal year 1975'' for ''fiscal year 1974'' wherever appearing and ''$150,000,000'' for ''$250,000,000''.

1973—Subsec. (a). Pub. L. 93–189 substituted ''the fiscal year 1974'', ''in the security interests'', and ''$250,000,000'' for ''the fiscal year 1972'', ''vital to the security'', and ''$300,000,000'', respectively.

1972—Subsec. (a). Pub. L. 92–226 substituted ''1972'' for ''1970 and the fiscal year 1971'' and ''the fiscal year 1972'' for ''each of the fiscal years 1970 and 1971'', and repealed last sentence providing for prompt notice of action taken to Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and Speaker of the House.

1969—Subsec. (a). Pub. L. 91–175 substituted ''1970 and the fiscal year 1971'' for ''1969'' in first sentence, and substituted ''in each of the fiscal years 1970 and 1971'' for ''in the fiscal year 1969'' in second sentence.

1968—Subsec. (a). Pub. L. 90–554 substituted ''1969'' for ''1968'' wherever appearing.

1967—Subsec. (a). Pub. L. 90–137 substituted ''1968'' for ''1967'' wherever appearing.

1966—Subsec. (a). Pub. L. 89–583 substituted ''1967'' for ''1966'' wherever appearing.

1965—Subsec. (a). Pub. L. 89–171 substituted ''1966'' for ''1965'' wherever appearing.

1964—Subsec. (a). Pub. L. 88–633 substituted ''1965'' for ''1964'' wherever appearing.

1963—Subsec. (a). Pub. L. 88–205 substituted ''1964'' for ''1963'' wherever appearing.

1962—Subsec. (a). Pub. L. 87–565 substituted ''1963'' for ''1962'' wherever appearing.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

ALLOCATION OF FUNDS

Funds available to President for carrying out this subchapter, with specified exceptions, allocated to Secretary of Defense by section 1–801(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2360, 2370, 2392, 2411 of this title.

§§ 2319 to 2321. Repealed. Pub. L. 93–189, § 12(b)(5), Dec. 17, 1973, 87 Stat. 722

Section 2319, Pub. L. 87–195, pt. II, § 507, formerly §§ 505(b), 511, Sept. 4, 1961, 75 Stat. 436, 438; amended Pub. L. 88–205, pt. II, § 202(d), Dec. 16, 1963, 77 Stat. 384; Pub. L. 89–171, pt. II, § 201(c), (h), Sept. 6, 1965, 79 Stat. 656, 658; renumbered § 507 and amended Pub. L. 90–137, pt. II § 201(k), (*l*), Nov. 14, 1967, 81 Stat. 457; Pub. L. 90–554, pt. II, § 201(c), Oct. 8, 1968, 82 Stat. 963; Pub. L. 92–226, pt. II, § 201(e), Feb. 7, 1972, 86 Stat. 25, placed certain restrictions on military aid to Latin America.

Section 2320, Pub. L. 87–195, pt. II, § 508, formerly § 512, as added Pub. L. 88–205, pt. II, § 202(e), Dec. 16, 1963, 77 Stat. 384; amended Pub. L. 86–633, pt. II, § 201(f), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 89–171, pt. II, § 201(i), Sept. 6, 1965, 79 Stat. 658; Pub. L. 89–583, pt. II, § 201(e), Sept. 19, 1966, 80 Stat. 803; renumbered § 508 and amended Pub. L. 90–137, pt. II, § 201(m), Nov. 14, 1967, 81 Stat. 457; Pub. L. 90–554, pt. II, § 201(d), Oct. 8, 1968, 82 Stat. 963, placed certain restrictions on military aid to African countries.

Section 2321, Pub. L. 87–195, pt. II, § 509, formerly § 513, as added Pub. L. 88–633, pt. II, § 201(g), Oct. 7, 1964, 78 Stat. 1012; renumbered § 509 and amended Pub. L. 90–137, pt. II, § 201(n), Nov. 14, 1967, 81 Stat. 457, provided for the giving of certification of recipients' capabilities to utilize defense articles effectively and for the making of a report to the Speaker of the House and the Senate's Foreign Relations and Appropriations Committees whenever articles are furnished without such certification.

§ 2321a. Repealed. Pub. L. 94–329, title I, § 106(b)(1), June 30, 1976, 90 Stat. 733

Section, Pub. L. 87–195, pt. II, § 510, as added Pub. L. 91–175, pt. II, § 203, Dec. 30, 1969, 83 Stat. 820, limited the number of foreign military students to be trained in the United States out of funds appropriated under this subchapter, to not more than the number of foreign civilians brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) in the immediately preceding year.

SAVINGS PROVISION

Section 106(c) of Pub. L. 94–329 provided that: ''Except as may be expressly provided to the contrary in this Act [see Short Title of 1976 Amendment note under section 2151 of this title], all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law amended or repealed by this section [repealing this section and amending sections 2382, 2383, 2392, 2396, and 2403 of this title] shall continue in full force and effect until modified, revoked, or superseded by appropriate authority.''

§ 2321b. Excess defense article

(a) to (c) Repealed. Pub. L. 94–329, title II, § 210(c)(2), June 30, 1976, 90 Stat. 740

(d) Reports to Congress

The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the

Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress. The annual presentation materials for security assistance programs shall include a table listing by country the total value of all deliveries of excess defense articles, disclosing both the aggregate original acquisition cost and the aggregate value at the time of delivery.

(Pub. L. 91–672, § 8, Jan. 12, 1971, 84 Stat. 2054; Pub. L. 92–226, pt. IV, § 402, Feb. 7, 1972, 86 Stat. 33; Pub. L. 93–189, § 26(1)–(3), Dec. 17, 1973, 87 Stat. 731; Pub. L. 93–559, § 13, Dec. 30, 1974, 88 Stat. 1799; Pub. L. 94–329, title II, § 210(c)(2), June 30, 1976, 90 Stat. 740; Pub. L. 95–384, § 29(a), Sept. 26, 1978, 92 Stat. 747.)

CODIFICATION

Section was not enacted as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

1978—Subsec. (d). Pub. L. 95–384 substituted ''The annual presentation materials for security assistance programs shall include a table'' for ''Additionally, the President shall also submit a quarterly report to the Congress''.

1976—Subsec. (a). Pub. L. 94–329 struck out subsec. (a) which provided that the value of excess defense article granted to a foreign country or international organization shall be considered to be an expenditure from the funds of this chapter for military assistance, and established accounting procedure when an order for excess defense article was placed.

Subsec. (b). Pub. L. 94–329 struck out subsec. (b) which provided that in the case of excess defense articles that were generated abroad, provisions of former subsec. (a) shall apply during any fiscal year only to the extent that the aggregate value of excess defense articles ordered during that year exceeded $100,000,000.

Subsec. (c). Pub. L. 94–329 struck out subsec. (c) which defined ''value'' as that meaning found in section 2403m of this title, except the term shall not include a value for any excess defense article which was less than 33⅓ percent of the amount the United States paid for such article when it was acquired.

Subsec. (e). Pub. L. 94–329 struck out subsec. (e) which provided that except for excess defense articles granted under this subchapter, the provisions of this section did not apply to grants of such articles to South Vietnam prior to July 1, 1972.

1974—Subsec. (b). Pub. L. 93–559, § 13(a)(1), substituted ''$100,000,000'' for ''$150,000,000''.

Subsec. (c). Pub. L. 93–559, § 13(a)(2), inserted exception provision respecting definitions of value for excess defense articles.

1973—Subsec. (a). Pub. L. 93–189, § 26(1), inserted provision preceding cl. (1) relating to the subtraction of amounts to be transferred under section 2392(d) of this title.

Subsec. (b). Pub. L. 93–189, § 26(2), substituted ''In the case of excess defense articles which are generated abroad, the provisions'', for ''The provisions'' and ''$150,000,000'' for ''$185,000,000''.

Subsec. (c). Pub. L. 93–189, § 26(3), substituted provisions defining ''value'' as that meaning given it in section 2403(m) of this title, for provisions defining such term as not less than 33⅓ per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

1972—Subsec. (a). Pub. L. 92–226, § 402(1), substituted in first sentence ''by any department, agency, or independent establishment of the United States Government (other than the Agency for International Development)'' for ''subchapter II of this chapter'' and ''the Foreign Assistance Act of 1961'' for ''that Act'', codified in the text as ''this chapter'' and in second sentence ''Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article'' for ''When an order is placed under the military assistance program with the military departments for a defense article''.

Subsec. (b). Pub. L. 92–226, § 402(2), substituted ''$185,000,000'' for ''$100,000,000''.

Subsec. (e). Pub. L. 92–226, § 402(3), added subsec. (e).

EFFECTIVE DATE OF 1976 AMENDMENT

Section 210(c)(2) of Pub. L. 94–329 provided in part that the amendment of subsecs. (a) to (c) and (e) by Pub. L. 94–329 is effective July 1, 1976.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (d) delegated to Secretary of State by section 1–201(a)(20) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, as amended, set out as a note under section 2381 of this title.

TRANSFER OF SUSPENSE ACCOUNT FUNDS TO GENERAL FUND OF TREASURY

Section 210(c)(2) of Pub. L. 94–329 provided in part that all funds in the suspense account referred to in former subsec. (a) of this section on July 1, 1976, shall be transferred to the general fund of the Treasury.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2321c of this title.

§ 2321c. Definitions

For purposes of sections 2321b and 2314a[1] of this title—

(1) ''defense article'' and ''excess defense articles'' have the same meanings as given them in subsections (d) and (g), respectively, of section 2403 of this title; and

(2) ''foreign country'' includes any department, agency, or independent establishment of the foreign country.

(Pub. L. 91–672, § 11, Jan. 12, 1971, 84 Stat. 2055.)

REFERENCES IN TEXT

Section 2314a, referred to in text, was repealed by Pub. L. 93–189, § 26(4), Dec. 17, 1973, 87 Stat. 731.

§ 2321d. Considerations in furnishing military assistance

Decisions to furnish military assistance made under subchapter II of this chapter shall take into account whether such assistance will—

(1) contribute to an arms race;

(2) increase the possibility of outbreak or escalation of conflict; or

(3) prejudice the development of bilateral or multilateral arms control arrangements.

(Pub. L. 87–195, pt. II, § 511, as added Pub. L. 92–226, pt. II, § 201(f), Feb. 7, 1972, 86 Stat. 25; amended Pub. L. 94–141, title I, § 150(c), Nov. 29, 1975, 89 Stat. 760; Pub. L. 105–277, div. G, subdiv. A, title XII, § 1225(b), Oct. 21, 1998, 112 Stat. 2681–773.)

[1] See References in Text note below.

REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE CERTAIN PARTS OF SUBCHAPTER II

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

AMENDMENTS

1998—Pub. L. 105–277 substituted ''take into account'' for ''be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to'' in introductory provisions.

1975—Pub. L. 94–141 substituted ''be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to'' for ''take into account''.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–277 effective on earlier of Apr. 1, 1999, or date of abolition of the United States Arms Control and Disarmament Agency pursuant to reorganization plan described in section 6601 of this title, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 of this title.

§ 2321e. Repealed. Pub. L. 93–189, § 12(b)(5), Dec. 17, 1973, 87 Stat. 722

Section, Pub. L. 87–195, pt. II, § 512, as added Pub. L. 92–226, pt. II, § 201(f), Feb. 7, 1972, 86 Stat. 25, provided for the diminution and consolidation of military assistance advisory groups and missions in foreign countries.

§ 2321f. Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 87–195, pt. II, § 513, as added Pub. L. 92–226, pt. II, § 201(f), Feb. 7, 1972, 86 Stat. 25; amended Pub. L. 93–189, § 12(b)(6), Dec. 17, 1973, 87 Stat. 722; Pub. L. 93–559, § 12, Dec. 30, 1974, 88 Stat. 1798, prohibited military assistance to Thailand, Laos, and South Vietnam after June 30, 1972, 1974, and 1976, respectively, without prior authorization.

§ 2321g. Repealed. Pub. L. 93–189, § 12(b)(5), Dec. 17, 1973, 87 Stat. 722

Section, Pub. L. 87–195, pt. II, § 514, as added Pub. L. 92–226, pt. II, § 201(f), Feb. 7, 1972, 86 Stat. 26, covered special foreign country accounts, the deposit of currencies, use of special accounts for payments of certain costs, Presidential waiver authority, the nonapplicability of provisions for special accounts, and the limitations on the amount of deposits.

SPECIAL FOREIGN COUNTRY ACCOUNTS

Section 1–501(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title, authorized the Secretary of the Treasury to continue to administer any open special foreign country accounts established pursuant to this section prior to its repeal by Pub. L. 93–189.

§ 2321h. Stockpiling of defense articles for foreign countries

(a) Transfer of defense articles

No defense article in the inventory of the Department of Defense which is set aside, reserved, or in any way earmarked or intended for future use by any foreign country may be made available to or for use by any foreign country unless such transfer is authorized under this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] or any subsequent corresponding legislation, and the value of such transfer is charged against funds authorized under such legislation or against the limitations specified in such legislation, as appropriate, for the fiscal period in which such defense article is transferred. For purposes of this subsection, ''value'' means the acquisition cost plus crating, packing, handling, and transportation costs incurred in carrying out this section.

(b) Fiscal year limits on new stockpiles or additions to existing stockpiles located in foreign countries

(1) The value of defense articles to be set aside, earmarked, reserved, or intended for use as war reserve stocks for allied or other foreign countries (other than for purposes of the North Atlantic Treaty Organization or in the implementation of agreements with Israel) in stockpiles located in foreign countries may not exceed in any fiscal year an amount that is specified in security assistance authorizing legislation for that fiscal year.

(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $50,000,000 for each of the fiscal years 1996 and 1997, $60,000,000 for fiscal year 1998 and $340,000,000 for fiscal year 1999.

(B) Of the amount specified in subparagraph (A) for each of the fiscal years 1996 and 1997, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $10,000,000 may be made available for stockpiles in Thailand. Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand. Of the amount specified in subparagraph (A) for fiscal year 1999, not more than $320,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.

(c) Location of stockpiles of defense articles

(1) Limitation

Except as provided in paragraph (2), no stockpile of defense articles may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

(2) Exceptions

Paragraph (1) shall not apply with respect to stockpiles of defense articles located in the Republic of Korea, Thailand, any country that is a member of the North Atlantic Treaty Organization, any country that is a major non-NATO ally, or any other country the President may designate. At least 15 days before designating a country pursuant to the last clause of the preceding sentence, the President shall notify the congressional committees specified in section 2394–1(a) of this title in accordance with the procedures applicable to reprogramming notifications under that section.

(d) Transferred articles not to be considered excess articles in determining value

No defense article transferred from any stockpile which is made available to or for use by any

foreign country may be considered an excess defense article for the purpose of determining the value thereof.

(Pub. L. 87–195, pt. II, § 514, as added Pub. L. 93–559, § 15, Dec. 30, 1974, 88 Stat. 1799; amended Pub. L. 94–329, title I, § 103, June 30, 1976, 90 Stat. 730; Pub. L. 95–92, § 6, Aug. 4, 1977, 91 Stat. 615; Pub. L. 95–384, § 8, Sept. 26, 1978, 92 Stat. 732; Pub. L. 96–92, § 6(a), Oct. 29, 1979, 93 Stat. 703; Pub. L. 96–533, title I, § 113, Dec. 16, 1980, 94 Stat. 3139; Pub. L. 97–113, title I, § 111, Dec. 29, 1981, 95 Stat. 1527; Pub. L. 98–473, title I, § 101(1) [title V, § 541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903; Pub. L. 99–83, title I, § 124, Aug. 8, 1985, 99 Stat. 205; Pub. L. 100–202, § 101(e) [title III, § 301], Dec. 22, 1987, 101 Stat. 1329–131, 1329–147; Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 101–167, title V, § 587(b), Nov. 21, 1989, 103 Stat. 1253; Pub. L. 101–510, div. A, title XIII, § 1303(b), Nov. 5, 1990, 104 Stat. 1669; Pub. L. 101–513, title V, § 573, Nov. 5, 1990, 104 Stat. 2042; Pub. L. 102–391, title V, § 569, Oct. 6, 1992, 106 Stat. 1681; Pub. L. 103–87, title V, § 535, Sept. 30, 1993, 107 Stat. 955; Pub. L. 103–306, title V, § 535, Aug. 23, 1994, 108 Stat. 1637; Pub. L. 104–107, title V, § 531B, Feb. 12, 1996, 110 Stat. 732; Pub. L. 105–118, title V, § 575, Nov. 26, 1997, 111 Stat. 2433; Pub. L. 105–277, div. A, § 101(d) [title V, § 571], Oct. 21, 1998, 112 Stat. 2681–150, 2681–198.)

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.

CODIFICATION

Amendment by Pub. L. 98–473 is based on section 116(a) of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, which was enacted into permanent law by Pub. L. 98–473.

AMENDMENTS

1998—Subsec. (b)(2)(A). Pub. L. 105–277, § 101(d) [title V, § 571(a)], substituted a comma for ''and'' after ''1997'' and inserted ''and $340,000,000 for fiscal year 1999'' before period at end.

Subsec. (b)(2)(B). Pub. L. 105–277, § 101(d) [title V, § 571(b)], inserted at end ''Of the amount specified in subparagraph (A) for fiscal year 1999, not more than $320,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.''

1997—Subsec. (b)(2)(A). Pub. L. 105–118, § 575(a), inserted ''and $60,000,000 for fiscal year 1998'' before period at end.

Subsec. (b)(2)(B). Pub. L. 105–118, § 575(b), inserted at end ''Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.''

1996—Subsec. (b)(1). Pub. L. 104–107, § 531B(a), inserted ''or in the implementation of agreements with Israel'' after ''North Atlantic Treaty Organization''.

Subsec. (b)(2). Pub. L. 104–107, § 531B(b), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''The value of such additions to stockpiles in foreign countries shall not exceed a total of $200,000,000 for stockpiles in Israel for fiscal years 1994 and 1995, up to $40,000,000 may be made available for stockpiles in the Republic of Korea, and up to $10,000,000 may be made available for stockpiles in Thailand for fiscal year 1995, up to $72,000,000 may be made available for stockpiles in the Republic of Korea, and up to $20,000,000 may be made available for stockpiles in Thailand.''

Subsec. (c). Pub. L. 104–107, § 531B(c), inserted heading and amended text generally. Prior to amendment, text read as follows: ''Except for stockpiles in existence on June 30, 1976 and for stockpiles located in the Republic of Korea, Thailand, or countries which are members of the North Atlantic Treaty Organization, or major non-NATO allies, no stockpile may be located outside the boundaries of a United States military base or a military base used primarily by the United States.''

1994—Subsec. (b)(2). Pub. L. 103–306 substituted ''a total of $200,000,000 for stockpiles in Israel for fiscal years 1994 and 1995, up to $40,000,000 may be made available for stockpiles in the Republic of Korea, and up to $10,000,000 may be made available for stockpiles in Thailand for fiscal year 1995'' for ''$200,000,000 for stockpiles in Israel for fiscal year 1994''.

1993—Subsec. (b)(2). Pub. L. 103–87 which directed amendment of par. (2) ''by striking out '$389,000,000 for fiscal year 1993, of which amount not less than $200,000,000 shall be available for stockpiles in Israel, and up to $189,000,000 may be available for stockpiles in the Republic of Korea' and inserting in lieu thereof '$200,000,000 for stockpiles in Israel for fiscal year 1994', up to $72,000,000 may be made available for stockpiles in the Republic of Korea, and up to $20,000,000 may be made available for stockpiles in Thailand.'' was executed as if the end quotation mark for the inserted material followed ''Thailand'' rather than following ''1994'' to reflect the probable intent of Congress.

1992—Subsec. (b)(2). Pub. L. 102–391, which directed the substitution of ''$389,000,000 for fiscal year 1993, of which amount not less than $200,000,000 shall be available for stockpiles in Israel, and up to $189,000,000 may be available for stockpiles in the Republic of Korea'' for ''$378,000,000 for fiscal year 1991, of which amount not less than $300,000,000 shall be available for stockpiles in Israel'', was executed by making such substitution for ''$378,000,000 for fiscal year 1991, of which amount not less than $300,000,000 shall be for stockpiles in Israel'', to reflect the probable intent of Congress.

1990—Subsec. (b)(2). Pub. L. 101–513, § 573(b), substituted ''$378,000,000 for fiscal year 1991, of which amount not less than $300,000,000 shall be for stockpiles in Israel'' for ''$165,000,000 for fiscal year 1990''.

Subsec. (c). Pub. L. 101–513, § 573(a), inserted ''or major non-NATO allies,'' after ''Organization,''.

Subsec. (e). Pub. L. 101–510 struck out subsec. (e) which read as follows: ''The President shall promptly report to the Congress each new stockpile, or addition to an existing stockpile, described in this section of defense articles valued in excess of $10,000,000 in any fiscal year.''

1989—Subsec. (b)(1). Pub. L. 101–167, § 587(b)(1), substituted ''an amount that is specified'' for ''an amount greater than is specified''.

Subsec. (b)(2). Pub. L. 101–167, § 587(b)(2), substituted ''$165,000,000 for fiscal year 1990'' for ''$77,000,000 for fiscal year 1989''.

1988—Subsec. (b)(2). Pub. L. 100–461 amended par. (2) generally, substituting ''$77,000,000 for fiscal year 1989'' for ''$116,000,000 for fiscal year 1988''.

1987—Subsec. (b)(2). Pub. L. 100–202 amended par. (2) generally, substituting ''$116,000,000 for fiscal year 1988'' for ''$360,000,000 for fiscal year 1986 and shall not exceed $125,000,000 for fiscal year 1987''.

Subsec. (c). Pub. L. 100–202 inserted '', Thailand,'' after ''Korea''.

1985—Subsec. (b)(2). Pub. L. 99–83 amended par. (2) generally, substituting provisions authorizing appropriations of not to exceed $360,000,000 for fiscal year 1986 and $125,000,000 for fiscal year 1987, for provisions au-

thorizing appropriations of $125,000,000 for fiscal year 1984 and $248,000,000 for fiscal year 1985.

1984—Subsec. (b)(2). Pub. L. 98–473 substituted ''$125,000,000 for the fiscal year 1984 and $248,000,000 for the fiscal year 1985'' for ''$130,000,000 for the fiscal year 1982 and $125,000,000 for the fiscal year 1983''.

1981—Subsec. (b)(2). Pub. L. 97–113 substituted ''$130,000,000 for the fiscal year 1982 and $125,000,000 for the fiscal year 1983'' for ''$85,000,000 for the fiscal year 1981''.

1980—Subsec. (b)(2). Pub. L. 96–533 substituted ''$85,000,000 for the fiscal year 1981'' for ''$95,000,000 for the fiscal year 1980''.

1979—Subsec. (b)(2). Pub. L. 96–92, § 6(a)(1), substituted ''$95,000,000 for the fiscal year 1980'' for ''$90,000,000 for the fiscal year 1979''.

Subsec. (c). Pub. L. 96–92, § 6(a)(2), inserted reference to stockpiles in Republic of Korea.

1978—Subsec. (b)(2). Pub. L. 95–384 substituted ''$90,000,000 for the fiscal year 1979'' for ''$270,000,000 for the fiscal year 1978''.

1977—Subsec. (b)(2). Pub. L. 95–92 substituted ''$270,000,000 for the fiscal year 1978'' for ''$93,750,000 for the period beginning July 1, 1975, and ending September 30, 1976, and $125,000,000 for the fiscal year 1977''.

1976—Subsec. (a). Pub. L. 93–329 substituted provisions prohibiting the transfer of any defense article earmarked for foreign use unless such transfer is authorized under this chapter or the Arms Export Control Act or subsequent legislation, requiring the charge-off of such transfer against funds authorized under such legislation, and defining ''value'', for provisions that no funds, other than funds made available under this part or section 401(a) of Pub. L. 89–367 (80 Stat. 37) be obligated for purposes of stockpiling any defense article or war reserve material if such article is earmarked for future foreign use.

Subsec. (b). Pub. L. 94–329 substituted provisions limiting the value of earmarked defense articles for allied or foreign use to an amount not greater than is specified in security assistance legislation for that fiscal year and limiting the value of additions to stockpiles in foreign countries not to exceed $93,750,000 for the period beginning July 1, 1975 and ending Sept. 30, 1976, and $125,000,000 for fiscal 1977 for provisions specifying a charge-off of the cost of any such article earmarked for use by or on behalf of the country referred to in section 401(a)(1) of Pub. L. 89–367 (80 Stat. 37) against the limitations specified in such section or subsequent legislation and against funds authorized under this part.

Subsecs. (c) to (e). Pub. L. 94–329 added subsecs. (c) to (e).

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.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 116(b) of H.R. 5119, as passed by the House of Representatives May 10, 1984, and enacted into permanent law by 101(1) [title V, § 541(a)], of Pub. L. 98–473 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on the date of enactment of this Act [Oct. 12, 1984].''

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Defense to be carried out by Secretary in consultation with Secretary of State by sections 1–301(a) and 1–302 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

FISCAL YEAR 1992 ADDITIONS TO STOCKPILES IN ISRAEL

Pub. L. 102–145, § 118, as added by Pub. L. 102–266, § 102, Apr. 1, 1992, 106 Stat. 93, provided in part that the authority and conditions provided in section 571 of H.R. 2621, One Hundred Second Congress, 1st Session, as passed by the House on June 19, 1991, shall be applicable to funds appropriated by Pub. L. 102–145 (and are hereby enacted) in lieu of the authority and conditions provided in section 573 of Pub. L. 101–513 [amending this section]. Section 571 of H.R. 2621, as referred to above, provided that: ''Notwithstanding section 514(b) of the Foreign Assistance Act of 1961 [subsec. (b) of this section], additions may be made to stockpiles in Israel during fiscal year 1992 having a value of $300,000,000: *Provided*, That the word 'value' as used in this section shall have the same meaning as in section 514 of the Foreign Assistance Act of 1961 [this section].''

REPUBLIC OF KOREA STOCKPILING AUTHORITIES; REPORT TO CONGRESS

Section 6(b) of Pub. L. 96–92 directed President to transmit to Congress, not later than Dec. 31, 1979, a report regarding stockpiling authorities for Republic of Korea, prior to repeal by Pub. L. 97–113, title VII, § 734(a)(11), Dec. 29, 1981, 95 Stat. 1560.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2321j of this title.

§ 2321i. Overseas management of assistance and sales programs

(a) Assignment of military personnel for performance of enumerated functions

In order to carry out his responsibilities for the management of international security assistance programs conducted under this part, part V of this subchapter, and the Arms Export Control Act [22 U.S.C. 2751 et seq.], the President may assign members of the Armed Forces of the United States to a foreign country to perform one or more of the following functions:

(1) equipment and services case management;

(2) training management;

(3) program monitoring;

(4) evaluation and planning of the host government's military capabilities and requirements;

(5) administrative support;

(6) promoting rationalization, standardization, interoperability, and other defense cooperation measures; and

(7) liaison functions exclusive of advisory and training assistance.

(b) Furnishing of advisory and training assistance

Advisory and training assistance conducted by military personnel assigned under this section shall be kept to an absolute minimum. It is the sense of the Congress that advising and training assistance in countries to which military personnel are assigned under this section shall be provided primarily by other personnel who are not assigned under this section and who are detailed for limited periods to perform specific tasks.

(c) Number of personnel assigned; waiver; procedures applicable

(1) The number of members of the Armed Forces assigned to a foreign country under this section may not exceed six unless specifically authorized by the Congress. The president may waive this limitation if he determines and reports to the Committee on Foreign Relations of the Senate and the Committee on Foreign Af-

fairs of the House of Representatives, 30 days prior to the introduction of the additional military personnel, that United States national interests require that more than six members of the Armed Forces be assigned under this section to carry out international security assistance programs in a country not specified in this paragraph. Pakistan, Tunisia, El Salvador, Honduras, Colombia, Indonesia, the Republic of Korea, the Philippines, Thailand, Egypt, Jordan, Morocco, Saudi Arabia, Greece, Portugal, Spain, and Turkey are authorized to have military personnel strengths larger than six under this section to carry out international security assistance programs.

(2) The total number of members of the Armed Forces assigned under this section to a foreign country in a fiscal year may not exceed the number justified to the Congress for that country in the congressional presentation materials for that fiscal year, unless the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives are notified 30 days in advance of the introduction of the additional military personnel.

(d) Costs

Effective October 1, 1989, the entire costs (excluding salaries of the United States military personnel other than the Coast Guard) of overseas management of international security assistance programs under this section shall be charged to or reimbursed from funds made available to carry out this part or the Arms Export Control Act [22 U.S.C. 2751 et seq.], other than any such costs which are either paid directly for such defense services under section 21(a) of the Arms Export Control Act [22 U.S.C. 2761(a)] or reimbursed from charges for services collected from foreign governments pursuant to section 21(e) [22 U.S.C. 2761(e)] and section 43(b) [22 U.S.C. 2792(b)] of that Act.

(e) Direction and supervision of assigned personnel

Members of the Armed Forces assigned to a foreign country under this section shall serve under the direction and supervision of the Chief of the United States Diplomatic Mission to that country.

(f) Presidential directive respecting purchase by foreign country of United States-made military equipment

The President shall continue to instruct United States diplomatic and military personnel in the United States missions abroad that they should not encourage, promote, or influence the purchase by any foreign country of United States-made military equipment, unless they are specifically instructed to do so by an appropriate official of the executive branch.

(Pub. L. 87–195, pt. II, § 515, as added Pub. L. 93–559, § 16, Dec. 30, 1974, 88 Stat. 1799; amended Pub. L. 94–329, title I, § 104, June 30, 1976, 90 Stat. 731; Pub. L. 95–92, § 7(a), Aug. 4, 1977, 91 Stat. 615; Pub. L. 95–384, § 9, Sept. 26, 1978, 92 Stat. 732; Pub. L. 96–92, § 7, Oct. 29, 1979, 93 Stat. 703; Pub. L. 96–533, title I, § 114, Dec. 16, 1980, 94 Stat. 3139; Pub. L. 97–113, title I, § 112, Dec. 29, 1981, 95 Stat. 1527; Pub. L. 99–83, title I, § 125, Aug. 8, 1985, 99 Stat. 205; Pub. L. 100–690, title IV, § 4305(a), Nov. 18, 1988, 102 Stat. 4273; Pub. L. 101–165, title IX, § 9104(a), Nov. 21, 1989, 103 Stat. 1152; Pub. L. 101–167, title III, Nov. 21, 1989, 103 Stat. 1213; Pub. L. 102–391, title V, § 556(c), Oct. 6, 1992, 106 Stat. 1675; Pub. L. 104–164, title I, § 143, July 21, 1996, 110 Stat. 1434.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsecs. (a) and (d), 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

1996—Subsec. (a)(6). Pub. L. 104–164 struck out ''among members of the North Atlantic Treaty Organization and with the Armed Forces of Japan, Australia, and New Zealand'' after ''defense cooperation measures''.

1992—Subsec. (d). Pub. L. 102–391, which directed the substitution of ''(excluding salaries of the United States military personnel other than the Coast Guard)'' for ''(excluding salaries of the United States military personnel)'', was executed by making the substitution for ''(excluding salaries of United States military personnel)'', to reflect the probable intent of Congress.

1989—Subsec. (d). Pub. L. 101–167 inserted ''or the Arms Export Control Act'' after ''this part''.

Pub. L. 101–165 changed effective date from Oct. 1, 1982, to Oct. 1, 1989, and provided that costs would exclude rather than include salaries of U.S. military personnel.

1988—Subsec. (c)(1). Pub. L. 100–690 inserted ''Colombia,'' after ''Honduras,''.

1985—Subsec. (c)(1). Pub. L. 99–83 substituted ''Pakistan, Tunisia, El Salvador, Honduras'' for ''For the fiscal year 1982 and the fiscal year 1983''.

1981—Subsec. (a). Pub. L. 97–113 substituted provision authorizing the President to assign members of the Armed Forces of the United States to a foreign country to perform one or more enumerated functions for provision requiring specific Congressional authorization for military assistance groups, etc., to operate in a foreign country, with exception of regular units of the Armed Forces of the United States engaged in routine functions designed to bring about standardization of military operation and procedures between United States forces and defense treaty allies.

Subsec. (b). Pub. L. 97–113 substituted provision directing that advisory and training assistance conducted by military personnel assigned under this section be kept to an absolute minimum for provision authorizing the President to assign military personnel under international security programs to Portugal, Spain, Jordan, the Philippines, the Republic of Korea, Panama, Greece, Turkey, Indonesia, Thailand, Morocco, Egypt, and Saudi Arabia to perform logistics management, transportation, fiscal management, and contract administration of country programs, designated the maximum number assignable, and provided for reimbursement from Saudi Arabia. See subsec. (a) of this section.

Subsec. (c). Pub. L. 97–113 substituted provision designating the maximum number of personnel assignable, waiver of this limitation, and the procedures applicable for provision relating to assignment of military personnel to countries not specified in former subsec. (b) of this section for performance of accounting and other management functions, the maximum number assignable, and an exception to that number if the Chief of the Diplomatic Mission so requests.

Subsec. (d). Pub. L. 97–113 substituted provision directing that, effective Oct. 1, 1982, the entire costs of overseas management of international security assistance programs be charged or reimbursed from funds

made available to carry out this part, other than costs paid directly for defense services under section 2761(a) of this title or reimbursed from charges for services collected from foreign governments pursuant to sections 2761(e) and 2792(b) of this title, for provision that the maximum number of members of the Armed Forces assignable for fiscal year 1979 to all countries not exceed 790.

Subsec. (e). Pub. L. 97–113 substituted ''under this section'' for ''under subsection (b) or (c) of this section'' and ''to that country'' for ''in that country''.

Subsec. (f). Pub. L. 97–113 redesignated subsec. (h) as (f). Former subsec. (f), relating to performance of management functions by defense attaché's if that President determined it was the most economic and efficient means of performing those functions, was struck out.

Subsec. (g). Pub. L. 97–113 struck out subsec. (g) which provided that the entire cost of overseas management of international security assistance programs under this section be charged or reimbursed from funds made available to carry out this part, including costs reimbursed from charges for services collected from foreign governments pursuant to sections 2761(e) and 2792(b) of this title, and that the prohibition of former subsec. (a) of this section and the numerical limitations of former subsecs. (b), (c), and (d) of this section not apply to Armed Forces members performing services for specific purposes and for fixed periods of time on a fully reimbursable basis under section 2761(a) of this title. See subsec. (d) of this section.

Subsec. (h). Pub. L. 97–113 redesignated subsec. (h) as (f).

1980—Subsec. (b)(1). Pub. L. 96–533, § 114(1), substituted ''fiscal year 1981'' for ''fiscal year 1980'', substituted ''Portugal, Spain, Jordan, the Philippines,'' for ''the countries specified in section 2312(a) of this title and in'', authorized assignment of military personnel for programs in Egypt, and deleted from the list of countries eligible for such programs Iran and Kuwait.

Subsec. (b)(3). Pub. L. 96–533, § 114(2), substituted ''assigned to Saudi Arabia'' for ''assigned to Iran, Kuwait, and Saudi Arabia'', ''assigned to such country'' for ''assigned to such countries'' and ''assigned to such country exceeds'' for ''assigned to each such country exceeds''.

Subsec. (f). Pub. L. 96–533, § 114(3), substituted ''may not exceed six more than the number of defense attachés'' for ''may not exceed the number of defense attachés'' and ''December 31, 1979'' for ''December 31, 1978'', and inserted ''such countries and countries to which military personnel have been assigned pursuant to subsection (c) of this section'' after ''such countries''.

1979—Subsec. (b)(1). Pub. L. 96–92, § 7(1), substituted ''fiscal year 1980'' for ''fiscal year 1979'' and authorized assignment of military personnel for programs in Greece.

Subsec. (f). Pub. L. 96–92, § 7(2), substituted ''December 31, 1978'' for ''December 31, 1977''.

1978—Subsec. (b)(1). Pub. L. 95–384, § 9(a), substituted ''fiscal year 1979'' for ''fiscal year 1978'' and ''Turkey, Indonesia, Thailand'' for ''Brazil''.

Subsec. (d). Pub. L. 95–384, § 9(b), substituted '', including any such members serving on a reimbursable basis pursuant to subsection (b)(3) of this section, may not exceed 790 for the fiscal year 1979'' for ''may not exceed 865 for the fiscal year 1978''.

Subsec. (f). Pub. L. 95–384, § 9(c), substituted ''December 31, 1977, except that the President may assign an aggregate total of not to exceed eight additional defense attachés to such countries in order to perform overseas management functions under this subsection'' for ''December 31, 1976''.

Subsec. (g). Pub. L. 95–384, § 9(d), inserted ''for fixed'' after ''for specific purposes and''.

Subsec. (h). Pub. L. 95–384, § 9(e), added subsec. (h).

1977—Subsec. (a). Pub. L. 95–92 substituted provisions requiring specific Congressional authorization for a military assistance advisory group, etc., to operate in any foreign country and set forth exceptions to such requirement, for provisions authorizing deductions of expenditures from military assistance appropriations during the period beginning July 1, 1976, and ending Sept. 30, 1977, under section 2312 of this title where under this section reimbursement is requested by the expending government agency or if the available funds are deposited in the Treasury as miscellaneous receipts.

Subsec. (b). Pub. L. 95–92 substituted provisions relating to assignment of military personnel to specified countries by President for implementation of management responsibilities during fiscal year 1978 under international security assistance programs, for provisions requiring specific Congressional authority for assignment of any military assistance advisory group, etc., to operate in any foreign country after Sept. 30, 1977, and provisions relating to assignment by the President of military personnel to diplomatic missions of the United States.

Subsec. (c). Pub. L. 95–92 substituted provisions relating to assignment of military personnel to nonspecified countries by President for performance of accounting and other management functions under international security assistance programs, for provisions limiting after Sept. 30, 1976, the number of military missions and groups to not more than 34.

Subsec. (d). Pub. L. 95–92 substituted provisions setting forth maximum number of military personnel assignable under subsecs. (b) and (c) of this section for fiscal year 1978 as 865, for provisions defining ''military assistance advisory group, military mission, or other organization of United States military personnel performing similar military advisory functions under this chapter''.

Subsecs. (e) to (g). Pub. L. 95–92 added subsecs. (e) to (g).

1976—Subsec. (a). Pub. L. 94–329, § 104(1), designated existing provisions as subsec. (a) and substituted ''During the period beginning July 1, 1976, and ending September 30, 1977'' for ''Effective July 1, 1976''.

Subsecs. (b) to (d). Pub. L. 94–329, § 104(2), added subsecs. (b) to (d).

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

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

Functions of President under this section delegated to Secretary of Defense by section 1–301(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2321j of this title.

§ 2321j. Authority to transfer excess defense articles

(a) Authorization

The President is authorized to transfer excess defense articles under this section to countries for which receipt of such articles was justified pursuant to the annual congressional presentation documents for military assistance programs, or for programs under part VIII of subchapter I of this chapter, submitted under section 2394 of this title, or for which receipt of such articles was separately justified to the

Congress, for the fiscal year in which the transfer is authorized.

(b) Limitations on transfers

(1) The President may transfer excess defense articles under this section only if—

(A) such articles are drawn from existing stocks of the Department of Defense;

(B) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer;

(C) the transfer of such articles will not have an adverse impact on the military readiness of the United States;

(D) with respect to a proposed transfer of such articles on a grant basis, such a transfer is preferable to a transfer on a sales basis, after taking into account the potential proceeds from, and likelihood of, such sales, and the comparative foreign policy benefits that may accrue to the United States as the result of a transfer on either a grant or sales basis;

(E) the President determines that the transfer of such articles will not have an adverse impact on the national technology and industrial base and, particularly, will not reduce the opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are transferred; and

(F) the transfer of such articles is consistent with the policy framework for the Eastern Mediterranean established under section 2373 of this title.

(2) Accordingly, for the four-year period beginning on October 1, 1996, the President shall ensure that excess defense articles offered to Greece and Turkey under this section will be made available consistent with the manner in which the President made available such excess defense articles during the four-year period that began on October 1, 1992, pursuant to section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990.

(c) Terms of transfers

(1) No cost to recipient country

Excess defense articles may be transferred under this section without cost to the recipient country.

(2) Priority

Notwithstanding any other provision of law, the delivery of excess defense articles under this section to member countries of the North Atlantic Treaty Organization (NATO) on the southern and southeastern flank of NATO and to major non-NATO allies on such southern and southeastern flank shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

(d) Waiver of requirement for reimbursement of Department of Defense expenses

Section 2392(d) of this title shall not apply with respect to transfers of excess defense articles (including transportation and related costs) under this section.

(e) Transportation and related costs

(1) In general

Except as provided in paragraph (2), funds available to the Department of Defense may not be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of this section.

(2) Exception

The President may provide for the transportation of excess defense articles without charge to a country for the costs of such transportation if—

(A) it is determined that it is in the national interest of the United States to do so;

(B) the recipient is a developing country receiving less than $10,000,000 of assistance under part V of this subchapter (relating to international military education and training) or section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) in the fiscal year in which the transportation is provided;

(C) the total weight of the transfer does not exceed 25,000 pounds; and

(D) such transportation is accomplished on a space available basis.

(f) Advance notification to Congress for transfer of certain excess defense articles

(1) In general

The President may not transfer excess defense articles that are significant military equipment (as defined in section 47(9) of the Arms Export Control Act [22 U.S.C. 2794(9)]) or excess defense articles valued (in terms of original acquisition cost) at $7,000,000 or more, under this section or under the Arms Export Control Act (22 U.S.C. 2751 et seq.) until 30 days after the date on which the President has provided notice of the proposed transfer to the congressional committees specified in section 2394–1(a) of this title in accordance with procedures applicable to reprogramming notifications under that section.

(2) Contents

Such notification shall include—

(A) a statement outlining the purposes for which the article is being provided to the country, including whether such article has been previously provided to such country;

(B) an assessment of the impact of the transfer on the military readiness of the United States;

(C) an assessment of the impact of the transfer on the national technology and industrial base and, particularly, the impact on opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are to be transferred; and

(D) a statement describing the current value of such article and the value of such article at acquisition.

(g) Aggregate annual limitation

(1) In general

The aggregate value of excess defense articles transferred to countries under this sec-

tion in any fiscal year may not exceed $350,000,000.

(2) Effective date

The limitation contained in paragraph (1) shall apply only with respect to fiscal years beginning after fiscal year 1996.

(h) Congressional presentation documents

Documents described in subsection (a) of this section justifying the transfer of excess defense articles shall include an explanation of the general purposes of providing excess defense articles as well as a table which provides an aggregate annual total of transfers of excess defense articles in the preceding year by country in terms of offers and actual deliveries and in terms of acquisition cost and current value. Such table shall indicate whether such excess defense articles were provided on a grant or sale basis.

(i) Excess Coast Guard property

For purposes of this section, the term ''excess defense articles'' shall be deemed to include excess property of the Coast Guard, and the term ''Department of Defense'' shall be deemed, with respect to such excess property, to include the Coast Guard.

(Pub. L. 87–195, pt. II, § 516, as added Pub. L. 99–661, div. A, title XI, § 1101, Nov. 14, 1986, 100 Stat. 3960; amended Pub. L. 100–202, § 101(b) [title VIII, § 8143], Dec. 22, 1987, 101 Stat. 1321–43, 1329–89; Pub. L. 101–189, div. A, title IX, § 934, Nov. 29, 1989, 103 Stat. 1538; Pub. L. 101–513, title V, § 589, Nov. 5, 1990, 104 Stat. 2057; Pub. L. 102–190, div. A, title X, § 1049(a), Dec. 5, 1991, 105 Stat. 1469; Pub. L. 102–391, title V, § 574, Oct. 6, 1992, 106 Stat. 1683; Pub. L. 102–484, div. A, title XIII, § 1313, Oct. 23, 1992, 106 Stat. 2548; Pub. L. 103–160, div. A, title XI, § 1182(c)(2), title XIV, § 1421, Nov. 30, 1993, 107 Stat. 1772, 1829; Pub. L. 103–236, title VII, § 731(a), Apr. 30, 1994, 108 Stat. 502; Pub. L. 104–106, div. A, title X, § 1012(g)(1), Feb. 10, 1996, 110 Stat. 422; Pub. L. 104–164, title I, § 104(a), July 21, 1996, 110 Stat. 1424.)

REFERENCES IN TEXT

Section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, referred to in subsec. (b)(2), is section 573(e) of Pub. L. 101–167, which is set out in a note below.

The Arms Export Control Act, referred to in subsec. (f)(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.

PRIOR PROVISIONS

A prior section 2321j, Pub. L. 87–195, pt. II, § 516, as added Pub. L. 94–329, title I, § 105, June 30, 1976, 90 Stat. 732; amended Pub. L. 95–92, §§ 5(b), 7(b), Aug. 4, 1977, 91 Stat. 615, 617; Pub. L. 95–384, § 7(b), Sept. 26, 1978, 92 Stat. 732; Pub. L. 96–92, § 5(c), Oct. 29, 1979, 93 Stat. 703; Pub. L. 96–533, title I, § 112(d), Dec. 16, 1980, 94 Stat. 3139, provided for termination of authorities contained in this part other than the authorities contained in sections 2318, 2321h, and 2321i of this title, prior to repeal by Pub. L. 97–113, title I, § 110(d), Dec. 29, 1981, 95 Stat. 1526.

AMENDMENTS

1996—Pub. L. 104–164 amended section generally, expanding geographic scope of President's authority to transfer excess defense articles, including Coast Guard property and permitting waiver of Department of Defense reimbursement, to any country for military assistance programs or international narcotics control, so long as such transfer is preferable to sale and is consistent within congressionally documented Eastern Mediterranean policy requirements, meets certain terms of transfer requirements including preference for NATO and non-NATO allies on southern flank, complies with advance notification to Congress for certain excess defense articles, and is within aggregate annual limitations of $350,000,000 in value, for provisions which authorized President to transfer excess defense articles to predominantly NATO countries on southern flank for purpose of modernization of their defense capabilities.

Subsec. (g). Pub. L. 104–106 added subsec. (g) which prohibited certain transfers of vessels on a grant basis.

1994—Subsec. (b)(4). Pub. L. 103–236 added par. (4).

1993—Subsec. (a). Pub. L. 103–160, § 1182(c)(2), made technical amendment to Pub. L. 102–484, § 1313(2). See 1992 Amendment note below.

Subsec. (a)(3). Pub. L. 103–160, § 1421, inserted ''or fiscal year 1992'' after ''fiscal year 1991''.

1992—Subsec. (a). Pub. L. 102–484, § 1313(4), which directed the amendment of subsec. (a) by striking ''and those countries which received Foreign Military Financing (FMF) assistance in fiscal year 1990 and which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf,'', could not be executed because that language did not appear subsequent to amendment by Pub. L. 102–391. See below.

Pub. L. 102–484, § 1313(3), inserted ''and (3) to those countries which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf, and which either received Foreign Military Financing (FMF) assistance in fiscal year 1990 or are in the Near East Region and received Foreign Military Financing (FMF) assistance in fiscal year 1991,'' after ''southeastern flank of NATO which are eligible for United States security assistance,''.

Pub. L. 102–484, § 1313(2), as amended by Pub. L. 103–160, § 1182(c)(2), substituted ''structure, (2)'' for ''structure, and''.

Pub. L. 102–484, § 1313(1), inserted ''(1)'' after ''may transfer''.

Pub. L. 102–391 repealed the amendment by Pub. L. 101–513. See 1990 Amendment note below.

1991—Subsec. (a). Pub. L. 102–190, § 1049(a)(1), struck out ''during the fiscal years 1987 through 1991,'' before ''the President may transfer''.

Subsec. (f). Pub. L. 102–190, § 1049(a)(2), added subsec. (f).

1990—Subsec. (a). Pub. L. 101–513, which directed amendment of subsec. (a) by inserting ''and those countries which received Foreign Military Financing (FMF) assistance in fiscal year 1990 and which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf,'' after the second occurrence of the words ''United States security assistance,'', was repealed by Pub. L. 102–391. See 1992 Amendment note above.

1989—Subsec. (a). Pub. L. 101–189 substituted ''during the fiscal years 1987 through 1991'' for ''during the fiscal years 1987, 1988, and 1989'' and inserted at end ''Transfers to recipient countries under this subsection shall be consistent with the policy framework for the Eastern Mediterranean region established in section 2373 of this title.''

1987—Subsec. (a). Pub. L. 100–202, § 101(b) [title VIII, § 8143(a), (b), (c)(1)], in first sentence substituted '', 1988, and 1989,'' for ''and 1988'', inserted '', and to major non-NATO allies on the southern and southeastern flank of NATO which are eligible for United States security assistance,'' after ''military structure'', and inserted ''excess'' before ''defense articles'', and in second sentence inserted ''excess defense'' before ''articles''.

Subsec. (b). Pub. L. 100–202, § 101(b) [title VIII, § 8143(c)(2)], in introductory text, inserted ''excess'' before ''defense articles''.

Subsecs. (c), (d). Pub. L. 100–202, § 101(b) [title VIII, § 8143(c)(2)], inserted ''excess'' before ''defense articles''.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 1012(g)(2) of Pub. L. 104–106 provided that: ''The amendment made by paragraph (1) [amending this section] shall apply with respect to the transfer of a vessel on or after the date of the enactment of this Act [Feb. 10, 1996] (other than a vessel the transfer of which is authorized by subsection (a) [110 Stat. 421] or by law before the date of the enactment of this Act).''

EFFECTIVE DATE OF 1993 AMENDMENT

Section 1182(c)(2) of Pub. L. 103–160 provided in part that the amendment made by that section is effective as of Oct. 23, 1992.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

Pub. L. 104–208, div. A, title I, § 101(c) [title V, § 535], Sept. 30, 1996, 110 Stat. 3009–121, 3009–153, provided that: ''For the four-year period beginning on October 1, 1996, the President shall ensure that excess defense articles will be made available under section[s] 516 and 519 of the Foreign Assistance Act of 1961 [22 U.S.C. 2321j, 2321m] consistent with the manner in which the President made available excess defense articles under those sections during the four-year period that began on October 1, 1992, pursuant to section 573(e) of the Foreign Operations, Export Financing, Related Programs Appropriations Act, 1990 [Pub. L. 101–167, set out below].''

Similar provisions were contained in the following prior appropriation act:

Pub. L. 104–107, title V, § 536, Feb. 12, 1996, 110 Stat. 735.

AVOIDING DUPLICATIVE AMENDMENTS

Section 1049(b) of Pub. L. 102–190, which provided that if the International Cooperation Act of 1991 was enacted and made the same amendments to this section as did section 1049(a) of Pub. L. 102–190, then the duplicative amendments enacted by section 1049(a) would not take effect, was repealed by Pub. L. 102–484, div. A, title X, § 1053(7), Oct. 23, 1992, 106 Stat. 2502.

MODERNIZATION OF MILITARY CAPABILITIES OF CERTAIN COUNTRIES

Pub. L. 101–167, title V, § 573, Nov. 21, 1989, 103 Stat. 1246, as amended by Pub. L. 102–391, title V, § 578(a), Oct. 6, 1992, 106 Stat. 1685, provided that:

''(a) AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.—

''(1) NATO SOUTHERN FLANK COUNTRIES.—The President may transfer—

''(A) to any NATO southern flank country which is eligible for United States security assistance and which is integrated into NATO's military structure; and

''(B) to any major non-NATO ally on the southern and southeastern flank of NATO which is eligible for United States security assistance, such excess defense articles as may be necessary to help modernize the defense capabilities of such country.

''(2) MAJOR ILLICIT DRUG PRODUCING COUNTRIES.—Subject to subsection (f), the President may transfer to any country—

''(A) which is a major illicit drug producing country,

''(B) which has a democratic government, and

''(C) whose armed forces do not engage in a consistent pattern of gross violations of internationally recognized human rights, such excess defense articles as may be necessary to carry out subsection (f)(1).

''(3) TERMS OF TRANSFERS.—Excess defense articles may be transferred under this section without cost to the recipient country.

''(b) LIMITATIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

''(1) they are drawn from existing stocks of the Department of Defense;

''(2) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer; and

''(3) the President determines that the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States.

''(c) NOTIFICATION TO CONGRESS.—

''(1) ADVANCE NOTICE.—The President may not transfer excess defense articles under this section until thirty days after the President has provided notice of the proposed transfer to the committees specified in paragraph (2). This notification shall include—

''(A) a certification of the need for the transfer;

''(B) an assessment of the impact of the transfer on the military readiness of the United States; and

''(C) the value of the excess defense articles to be transferred.

''(2) COMMITTEES TO BE NOTIFIED.—Notice shall be provided pursuant to paragraph (1) to the Committee on Foreign Affairs [now Committee on International Relations], and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

''(d) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 632(d) of the Foreign Assistance Act of 1961 [22 U.S.C. 2392(d)] does not apply with respect to transfers of excess defense articles under this section.

''(e) MAINTENANCE OF MILITARY BALANCE IN EASTERN MEDITERRANEAN.—

''(1) UNITED STATES POLICY.—The Congress intends that excess defense articles be made available under this section consistent with the United States policy, established by section 841 of the International Cooperation Act of 1989 [probably means section 841 of H.R. 2655, 101st Congress, which was not enacted], of maintaining the military balance in the Eastern Mediterranean.

''(2) MAINTENANCE OF BALANCE.—Accordingly, the President shall ensure that, over the four-year period beginning on October 1, 1992, the ratio of—

''(A) the value of excess defense articles made available for Turkey under this section, to

''(B) the value of excess defense articles made available for Greece under this section, closely approximates the ratio of—

''(i) the amount of foreign military financing provided for Turkey, to

''(ii) the amount of foreign military financing provided for Greece.

''(3) EXCEPTION TO REQUIREMENT.—This subsection shall not apply if either Greece or Turkey ceases to be eligible to receive excess defense articles under subsection (a).

''(f) MAJOR ILLICIT DRUG PRODUCING COUNTRIES IN LATIN AMERICA AND THE CARIBBEAN.—

''(1) PURPOSE.—Excess defense articles shall be transferred under subsection (a)(2) for the purpose of encouraging the military forces of an eligible country in Latin America and the Caribbean to participate with local law enforcement agencies in a comprehensive national antinarcotics program, conceived and developed by the government of that country, by conducting activities within that country and on the high seas to prevent the production, processing, trafficking, transportation, and consumption of illicit narcotic or psychotrophic [sic] drugs or other controlled substances.

''(2) USES OF EXCESS DEFENSE ARTICLES.—Excess defense articles may be furnished to a country under subsection (a)(2) only if that country ensures that those excess defense articles will be used only in support of antinarcotics activities.

''(3) ROLE OF THE SECRETARY OF STATE.—The Secretary of State shall determine the eligibility of

countries to receive excess defense articles under subsection (a)(2) and insure that any transfer is coordinated with other antinarcotics enforcement programs assisted by the United States Government.

''(4) LIMITATION.—The aggregate value of excess defense articles transferred to a country under subsection (a)(2) in any fiscal year may not exceed $10,000,000.

''(g) DEFINITIONS.—As used in this section—

''(1) the term 'excess defense article' has the meaning given that term by section 644(g) [probably means section 644(g) of Pub. L. 87–195, which is classified to section 2403(g) of this title];

''(2) the term 'made available' means that a good faith offer is made by the United States to furnish the excess defense articles to a country;

''(3) the term 'major non-NATO ally' includes Australia, Egypt, Israel, Japan, and New Zealand;

''(4) the term 'NATO' means the North Atlantic Treaty Organization; and

''(5) the term 'NATO southern flank countries' means Greece, Italy, Portugal, Spain, and Turkey.''

[Functions of President under section 573 of Pub. L. 101–167, set out above, delegated to Secretary of Defense, see section 1–301(g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.]

Provisions similar to those appearing in section 573(e) of Pub. L. 101–167, set out above, were contained in the following prior appropriation acts:

Pub. L. 100–461, title V, § 569, Oct. 1, 1988, 102 Stat. 2268–43.

Pub. L. 100–202, § 101(e) [title V, § 582], Dec. 22, 1987, 101 Stat. 1329–131, 1329–182.

§ 2321k. Designation of major non-NATO allies

(a) Notice to Congress

The President shall notify the Congress in writing at least 30 days before—

(1) designating a country as a major non-NATO ally for purposes of this chapter and the Arms Export Control Act (22 U.S.C. 2751 et seq.); or

(2) terminating such a designation.

(b) Initial designations

Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand shall be deemed to have been so designated by the President as of the effective date of this section, and the President is not required to notify the Congress of such designation of those countries.

(Pub. L. 87–195, pt. II, § 517, as added Pub. L. 104–164, title I, § 147(a)(1), July 21, 1996, 110 Stat. 1434.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), 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)(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.

The effective date of this section, referred to in subsec. (b), is July 21, 1996, the date of enactment of Pub. L. 104–164, which enacted this section.

PRIOR PROVISIONS

A prior section 2321k, Pub. L. 87–195, pt. II, § 517, as added Pub. L. 101–231, § 5, Dec. 13, 1989, 103 Stat. 1957; amended Pub. L. 101–623, § 15, Nov. 21, 1990, 104 Stat. 3357; Pub. L. 102–583, § 9(a), Nov. 2, 1992, 106 Stat. 4934; Pub. L. 103–236, title VII, § 731(b), Apr. 30, 1994, 108 Stat. 502, related to modernization of counternarcotics capabilities of certain Latin America and Caribbean countries, prior to repeal by Pub. L. 104–164, title I, § 104(b)(2)(B), July 21, 1996, 110 Stat. 1427.

DESIGNATION OF JORDAN AS MAJOR NON-NATO ALLY

Determination of President of the United States, No. 97–4, Nov. 12, 1996, 61 F.R. 59809, provided:

I hereby designate the Hashemite Kingdom of Jordan a major non-NATO ally of the United States pursuant to section 517 of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2321k], for the purposes of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2151 et seq.], and the Arms Export Control Act [22 U.S.C. 2751 et seq.].

You are authorized and directed to publish this determination in the Federal Register.

WILLIAM J. CLINTON.

DESIGNATION OF ARGENTINA AS A MAJOR NON-NATO ALLY

Determination of President of the United States, No. 98–9, Jan. 6, 1998, 63 F.R. 3635, provided:

I hereby designate the Republic of Argentina a major non-NATO ally of the United States pursuant to section 517 of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2321k], for the purposes of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2151 et seq.], and the Arms Export Control Act [22 U.S.C. 2751 et seq.].

You are authorized and directed to publish this determination in the Federal Register.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2403 of this title.

§§ 2321*l* to 2321n. Repealed. Pub. L. 104–164, title I, § 104(b)(2)(B), July 21, 1996, 110 Stat. 1427

Section 2321*l*, Pub. L. 87–195, pt. II, § 518, as added Pub. L. 101–513, title V, § 533(f), Nov. 5, 1990, 104 Stat. 2015, authorized President to transfer nonlethal excess defense articles and small arms to friendly countries and to international organizations and private and voluntary organizations for preservation of endangered animal and plant species.

Section 2321m, Pub. L. 87–195, pt. II, § 519, as added Pub. L. 101–513, title V, § 596(b), Nov. 5, 1990, 104 Stat. 2061; amended Pub. L. 103–236, title VII, § 731(c), Apr. 30, 1994, 108 Stat. 502, authorized President to transfer to countries for whom foreign military financing program was justified such nonlethal excess defense articles as President determined necessary to help modernize defense capabilities of such countries.

Section 2321n, Pub. L. 87–195, pt. II, § 520, as added Pub. L. 103–236, title IV, § 408, Apr. 30, 1994, 108 Stat. 452, authorized President to transfer to international and regional organizations of which United States is a member such excess defense articles as President determined necessary to support and maintain international peacekeeping operations and security.

§ 2322. Transferred

CODIFICATION

Section, Pub. L. 87–195, pt. II, § 521, formerly § 514, as added Pub. L. 89–583, pt. II, § 201(f), Sept. 19, 1966, 80 Stat. 803; renumbered § 521, Pub. L. 90–137, pt. II, § 201(*o*)(1), Nov. 14, 1967, 81 Stat. 457, which related to administration of sales programs, was transferred to section 2341 of this title and subsequently repealed by Pub. L. 90–629, § 45(a), Oct. 22, 1968, 82 Stat. 1327.

PART III—FOREIGN MILITARY SALES

§§ 2341 to 2343. Repealed. Pub. L. 90–629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327

Section 2341, Pub. L. 87–195, pt. II, § 521, formerly § 514, as added Pub. L. 89–583, pt. II, § 201(f), Sept. 19, 1966, 80 Stat. 803; renumbered § 521 and amended Pub. L. 90–137, pt. II, § 201(*o*)(1), (3)–(7), Nov. 14, 1967, 81 Stat. 457, provided for administration of sales programs involving defense articles and services. Subsec. (a) related to encouragement of regional arms control and disarmament agreements and discouragement of arms races; reimbursable basis of acquisitions; domestic procurement; and considerations. Subsec. (b) related to limitation on military assistance and sales for American Republics; and inclusion of assistance to inter-American military force under control of Organization of American States. Subsec. (c) related to furnishing of defense articles and services; conditions; and report to Congress. For subject matter of subsecs. (a) to (c), see sections 2751 and 2791, 2773, and 2753 of this title, respectively.

Section 2342, Pub. L. 87–195, pt. II, § 522, formerly § 507 (a), Sept. 4, 1961, 75 Stat. 437; amended Pub. L. 87–565, pt. II, § 201(b), Aug. 1, 1962, 76 Stat. 259; Pub. L. 89–171, pt. II, § 201(d)(1), Sept. 6, 1965, 79 Stat. 657; renumbered § 522 and amended Pub. L. 90–137, pt. II, § 201(f), Nov. 14, 1967, 81 Stat. 456, provided for sales of defense articles from stock and services, manner of payment, price of non-excess defense articles, and value of excess defense articles. See section 2761 of this title.

Section 2343, Pub. L. 87–195, pt. II, § 523, formerly § 507(b), Sept. 4, 1961, 75 Stat. 437; amended Pub. L. 87–565, pt. II, § 201(c), Aug. 1, 1962, 76 Stat. 259; Pub. L. 88–633, pt. II, § 201(c), Oct. 7, 1964, 78 Stat. 1011; Pub. L. 89–171, pt. II, § 201(d)(2), Sept. 6, 1965, 79 Stat. 657; renumbered § 523 and amended Pub. L. 90–137, pt. II, § 201(g), Nov. 14, 1967, 81 Stat. 456, related to contracts for procurement for sales; undertakings; reimbursements; fixed-price sales agreements; prohibition against sales of articles available from commercial sources; and waiver of restrictions. See section 2762 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

SAVINGS PROVISION

Section 46 of Pub. L. 90–629 provided that: ''Except as may be expressly provided to the contrary in this Act [see Short Title note set out under section 2751 of this title], all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 45(a) [repealing sections 2341 to 2343, 2344(b)(3), 2345, 2394(g), and 2399a of this title] shall continue in full force and effect until modified by appropriate authority.''

§ 2344. Reimbursements

(a) Separate fund account; transfers to such account

Whenever funds made available for use under subchapter II of this chapter have been or are used to furnish military assistance on cash or credit terms, United States dollar repayments, including dollar proceeds derived from the sale of foreign currency repayments to any agency or program of the United States Government, receipts received from the disposition of evidences of indebtedness and charges (including fees and premiums) or interest collected shall be credited to a separate fund account, and shall be available until expended solely for the purpose of financing sales and guaranties, including the overhead costs thereof, and, notwithstanding any provision of law relating to receipts and credits accruing to the United States Government, repayments in foreign currency may be used to carry out subchapter II of this chapter. Such amounts of the appropriations made available under subchapter II of this chapter (including unliquidated balances of funds heretofore obligated for financing sales and guarantees) as may be determined by the President shall be transferred to, and merged with, the separate fund account.

(b) Termination of account; special account for discharge of Federal liabilities and obligations; general fund for excess moneys

(1) The special fund account established under subsection (a) of this section shall terminate as of the end of June 30, 1968, or on such earlier date as may be selected by the President.

(2) Upon the termination of such fund account pursuant to paragraph (1), all of the assets of such fund account (including loans and other payments receivable) shall be transferred to a special account in the Treasury, which special account shall be available solely for the purpose of discharging outstanding liabilities and obligations of the United States arising out of credit sales agreements entered into, and guaranties issued, under subchapter II of this chapter prior to June 30, 1968. Any moneys in such special account in excess of the aggregate United States dollar amount of such liabilities and obligations shall be transferred from time to time to the general fund of the Treasury.

(Pub. L. 87–195, pt. II, § 524, formerly § 508, Sept. 4, 1961, 75 Stat. 437; Pub. L. 89–171, pt. II, § 201(e), Sept. 6, 1965, 79 Stat. 657; Pub. L. 89–583, pt. II, § 201(c), Sept. 19, 1966, 80 Stat. 803; renumbered § 524 and amended Pub. L. 90–137, pt. II, § 201(h), Nov. 14, 1967, 81 Stat. 456; Pub. L. 90–629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327.)

REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE CERTAIN PARTS OF SUBCHAPTER II

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

CODIFICATION

Section was formerly classified to section 2316 of this title.

AMENDMENTS

1968—Subsec. (b)(3). Pub. L. 90–629 repealed provisions of par. (3) which related to appropriations for financing sales, dollar value payments, general fund for payments, and exempt transactions, and is now covered by section 2763 of this title.

1967—Pub. L. 90–137 designated existing provisions as subsec. (a) and added subsec. (b).

1966—Pub. L. 89–583 provided for transfer to and merger with the separate fund account of such amounts of available appropriations (including unliquidated balances of funds heretofore obligated for financing sales and guarantees) as is determined by the President.

1965—Pub. L. 89–171 inserted ''receipts received from the disposition of evidences of indebtedness and charges (including fees and premiums) or interest col-

lected'' and substituted ''have been or are used'' for ''are used'' and ''financing sales and guaranties, including the overhead costs thereof'' for ''furnishing further military assistance on cash or credit terms.''

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–629 effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

SAVINGS PROVISION

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of former subsec. (b)(3) of this section as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90–629, set out as a note under former section 2341 of this title.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Defense pursuant to section 1–301(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

INCREASES IN MILITARY ASSISTANCE PROGRAMS; REPORTS TO CONGRESS ON PRESIDENTIAL DETERMINATIONS

Pub. L. 91–194, title I, § 100, Feb. 9, 1970, 84 Stat. 7, in part, limited increases in the military assistance program for any country to twenty per cent of the amount justified to Congress unless the President determined that such an increase was essential to the national interest of the United States and reported such determination to the Congress within thirty days after each such determination.

Similar provisions were contained in Pub. L. 90–249, title I, § 100, Jan. 2, 1968, 81 Stat. 937; Pub. L. 90–581, title I, § 100, Oct. 17, 1968, 82 Stat. 1138.

EXPENDITURES BY UNDERDEVELOPED COUNTRIES FOR WEAPONS SYSTEMS; PRESIDENTIAL DETERMINATION; REPORT TO CONGRESS

Pub. L. 91–194, title I, § 119, Feb. 9, 1970, 84 Stat. 10, directed the President to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country for the purchase of sophisticated weapons systems from any country other than certain enumerated countries, unless the President determined that such a purchase was important to the national security of the United States and reported such determination to Congress within thirty days after each such determination.

Similar provisions were contained in Pub. L. 90–249, title I, § 119, Jan. 2, 1968, 81 Stat. 940; Pub. L. 90–581, title I, § 119, Oct. 17, 1968, 82 Stat. 1141.

ARMS RACES AND WEAPONS SYSTEMS RESTRAINTS; PROHIBITIONS AGAINST DIVERSION OF RESOURCES FOR ECONOMIC AND AGRICULTURAL DEVELOPMENT TO MILITARY PURPOSES

Pub. L. 91–194, title I, § 120, Feb. 9, 1970, 84 Stat. 10, provided that:

''(a) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans, or supporting assistance to any country under this Act [Pub. L. 91–194], and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended [section 1691 et seq. of Title 7, Agriculture]:

''(1) the percentage of the recipient or purchasing country's budget which is devoted to military purposes,

''(2) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment; and

''(3) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

''(b) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision.''

§ 2345. Repealed. Pub. L. 90–629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327

Section, Pub. L. 87–195, pt. II, § 525, formerly §§ 503(e), 509(b), as added Pub. L. 88–633, pt. II, § 201(a), (d), Oct. 7, 1964, 78 Stat. 1011; amended Pub. L. 89–171, pt. II, § 201(f), Sept. 6, 1965, 79 Stat. 657; renumbered § 525 and amended Pub. L. 90–137, pt. II, § 201(b)(3), (i)(2), Nov. 14, 1967, 81 Stat. 455, 457, provided for guaranties until June 30, 1968. See section 2764 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

SAVINGS PROVISION

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued undertaken, or entered into under authority of any provision of former section 2345 of this title as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90–629, set out as a note under former section 2341 of this title.

PART IV—ECONOMIC SUPPORT FUND

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 290f, 2077, 2151n, 2151u, 2151x, 2151x–1, 2151x–2, 2184, 2185, 2186, 2275, 2291, 2295b, 2304, 2348a, 2354, 2355, 2357, 2358, 2361, 2362, 2368, 2369, 2371, 2385, 2395, 2397, 2399c, 2399d, 2421, 2421d, 2427, 2430c, 2431d, 2799aa, 2799aa–1, 3403, 5412, 5442, 5451, 5452, 5453, 5854, 6062, 6591 of this title; title 12 section 635r; title 20 section 226.

§ 2346. Authority

(a) Policy requirements for assistance

The Congress recognizes that, under special economic, political, or security conditions, the national interests of the United States may require economic support for countries or in amounts which could not be justified solely under part I of subchapter I of this chapter or, in the case of countries in sub-Saharan Africa, part X of subchapter I of this chapter. In such cases, the President is authorized to furnish assistance to countries and organizations, on such terms and conditions as he may determine, in order to promote economic or political stability. To the maximum extent feasible, the President shall provide assistance under this part consistent with the policy directions, purposes, and programs of subchapter I of this chapter.

(b) Responsibility for policy decisions and justifications

The Secretary of State shall be responsible for policy decisions and justifications for economic support programs under this part, including determinations of whether there will be an economic support program for a country and the amount of the program for each country. The Secretary shall exercise this responsibility in cooperation with the Administrator of the agency primarily responsible for administering subchapter I of this chapter.

(c) Detailed justification for uses and purposes of funds

As part of the annual presentation materials for foreign assistance submitted to the Congress, the agency primarily responsible for administering subchapter II of this chapter shall provide a detailed justification for the uses and the purposes of the funds provided under this part. Such material shall include, but not be limited to, information concerning the amounts and kinds of cash grant transfers, the amounts and kinds of budgetary and balance-of-payments support provided, and the amounts and kinds of project assistance provided with funds made available under this part.

(d) Repealed. Pub. L. 105–277, div. A, § 101(d) [title V, § 533(a)(5)], Oct. 21, 1998, 112 Stat. 2681–150, 2681–180

(e) Availability of funds

Amounts appropriated to carry out this part shall be available for economic programs only and may not be used for military or paramilitary purposes.

(Pub. L. 87–195, pt. II, § 531, as added Pub. L. 99–83, title II, § 201(a), Aug. 8, 1985, 99 Stat. 210; amended Pub. L. 101–513, title V, § 562(d)(8), Nov. 5, 1990, 104 Stat. 2031; Pub. L. 105–277, div. A, § 101(d) [title V, § 533(a)(5)], Oct. 21, 1998, 112 Stat. 2681–150, 2681–180.)

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE THIS AND CERTAIN OTHER PARTS OF SUBCHAPTER II, AND REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE SUCH PARTS

Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, provided that: ''Chapter 4 of part I of the Foreign Assistance Act of 1961 [part IV of subchapter I of this chapter (sections 2241 to 2243 of this title)] is hereby repealed. References to such chapter [4 of part I of the Foreign Assistance Act of 1961 (former sections 2241 to 2243 of this title)] or any sections thereof shall hereafter [on and after Feb. 7, 1972] be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section [this part], or to appropriate sections thereof. All references to part I of the Foreign Assistance Act of 1961 [subchapter I of this chapter] shall hereafter be deemed to be references also to chapter 4 of part II [this part], and all references to part II of such Act [subchapter II of this chapter] shall be deemed not to include chapter 4 of such part II [this part]''.

References to subchapter I of this chapter are deemed to include parts VI (§ 2348 et seq.) and VIII (§ 2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See sections 2348c and 2349aa–5 of this title.

REFERENCE TO PART I DEEMED TO INCLUDE SECTION 2293

Reference to part I of subchapter I of this chapter deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

PRIOR PROVISIONS

A prior section 2346, Pub. L. 87–195, pt. II, § 531, as added Pub. L. 92–226, pt. II, § 202(a), Feb. 7, 1972, 86 Stat. 26; amended Pub. L. 95–92, § 8(a), Aug. 4, 1977, 91 Stat. 617; Pub. L. 95–384, § 10(a), Sept. 26, 1978, 92 Stat. 733; 1979 Reorg. Plan No. 2, § 6(b)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379; Pub. L. 96–92, § 8(a), Oct. 29, 1979, 93 Stat. 703; Pub. L. 96–533, title II, § 201, Dec. 16, 1980, 94 Stat. 3142; Pub. L. 97–113, title II, § 201, Dec. 29, 1981, 95 Stat. 1528, authorized President to furnish assistance to countries and organizations to promote economic or political stability, prior to repeal by Pub. L. 99–83, title II, § 201(a), Aug. 8, 1985, 99 Stat. 210.

AMENDMENTS

1998—Subsec. (d). Pub. L. 105–277 struck out subsec. (d) which read as follows: ''To the maximum extent feasible, funds made available pursuant to this part for commodity import programs or other program assistance shall be used to generate local currencies, not less than 50 percent of which shall be available to support activities consistent with the objectives of sections 2151a through 2151d of this title, and administered by the agency primarily responsible for administering subchapter I of this chapter.''

1990—Subsec. (a). Pub. L. 101–513 inserted ''or, in the case of countries in sub-Saharan Africa, part X of subchapter I of this chapter'' after ''part I of subchapter I of this chapter''.

EFFECTIVE DATE

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

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of President under this part, insofar as they relate to policy decisions and justifications for economic support programs under this part, delegated to Secretary of State to be exercised in cooperation with Director of United States International Development Cooperation Agency by section 1–201(a)(7) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, as amended, set out as a note under section 2381 of this title. United States International Development Cooperation Agency (other than Agency for International Development and Overseas Private Investment Corporation) abolished and functions and authorities transferred, see sections 6561 and 6562 of this title.

REPORTS ON ECONOMIC CONDITIONS PREVAILING IN EGYPT, ISRAEL, TURKEY, AND PORTUGAL

Section 1205 of Pub. L. 99–83 provided that:

''(a) EXTERNAL DEBT BURDEN OF CERTAIN COUNTRIES RECEIVING UNITED STATES ASSISTANCE.—The Congress finds that the Governments of Egypt, Israel, Turkey, and Portugal each have an enormous external debt burden which may be made more difficult by virtue of financing provided for those governments under various United States assistance programs.

''(b) ANNUAL REPORTS ON ECONOMIC CONDITIONS.—In order to assist the Congress in examining United States assistance for these countries, the President shall report to Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate, not later than January 15 of each year, regarding economic conditions prevailing in Egypt, Israel, Turkey, and Portugal which may affect their respective ability to meet their international debt obligations and to stabilize their economies.''

[Functions of the President under section 1205(b) of Pub. L. 99–83, set out above, delegated to the Director of the International Development Cooperation Agency, with certain exceptions, see section 1–102(a)(5), (e) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.]

REFERENCES TO SECURITY SUPPORTING ASSISTANCE AS REFERENCES TO ASSISTANCE UNDER PART IV OF SUBCHAPTER II OF THIS CHAPTER

Section 10(b)(6) of Pub. L. 95–384 provided that: ''After September 30, 1978, any reference in any law to security supporting assistance shall be deemed to be a reference to assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 [this part].''

SECURITY SUPPORTING ASSISTANCE PROGRAM FOR EGYPT

Section 9 of Pub. L. 95–92, as amended by Pub. L. 95–384, § 29(c)(2)(A), Sept. 26, 1978, 92 Stat. 747, provided

that: ''It is the sense of the Congress that the security supporting assistance program for Egypt plays an important role in the Middle East peace effort and that the Executive branch should concentrate its efforts in order to make the program a success.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5854 of this title; title 12 section 635r.

§ 2346a. Authorizations of appropriations

(a) Recipients and purposes of funds

There are authorized to be appropriated to the President to carry out the purposes of this part—

(1) $2,015,000,000 for the fiscal year 1986 and $2,015,000,000 for the fiscal year 1987 for the following countries signing the Camp David agreement: Israel and Egypt; and

(2) $1,785,000,000 for the fiscal year 1986 and $1,785,000,000 for the fiscal year 1987 for assistance under this part for recipients or purposes other than the countries referred to in paragraph (1).

(b) Availability of amounts

Amounts appropriated to carry out this part are authorized to remain available until expended.

(Pub. L. 87–195, pt. II, § 532, as added Pub. L. 99–83, title II, § 201(a), Aug. 8, 1985, 99 Stat. 211.)

PRIOR PROVISIONS

A prior section 2346a, Pub. L. 87–195, pt. II, 532, as added Pub. L. 97–113, title II, § 202, Dec. 29, 1981, 95 Stat. 1529; amended Pub. L. 98–151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 970, earmarked specific funds for Israel and Egypt, prior to repeal by Pub. L. 99–83, title II, § 201(a), Aug. 8, 1985, 99 Stat. 210.

Another prior section 2346a, Pub. L. 87–195, pt. II, § 532, as added Pub. L. 96–533, title II, § 202, Dec. 16, 1980, 94 Stat. 3142, related to Middle East programs and use of fiscal year funds, prior to repeal by Pub. L. 97–113, title II, § 202, Dec. 29, 1981, 95 Stat. 1529.

Another prior section 2346a, Pub. L. 87–195, pt. II, § 532, as added Pub. L. 92–226, pt. II, § 202(a), Feb. 7, 1972, 86 Stat. 26; amended Pub. L. 93–189, § 13(1), Dec. 17, 1973, 87 Stat. 722; Pub. L. 93–559, § 18, Dec. 30, 1974, 88 Stat. 1800; Pub. L. 94–329, title V, § 501(a), June 30, 1976, 90 Stat. 762; Pub. L. 95–92, § 8(b), Aug. 4, 1977, 91 Stat. 617; Pub. L. 95–384, § 10(a), Sept. 26, 1978, 92 Stat. 733; Pub. L. 96–92, § 8(b), Oct. 29, 1979, 93 Stat. 703, related to Middle East program, providing policy requirements, availability of funds, amount of grants, and cash transfers, regional programs, comprehensive peace settlement and process of peace, and assistance to Syria, prior to repeal by Pub. L. 96–533, title II, § 202, Dec. 16, 1980, 94 Stat. 3142.

EFFECTIVE DATE

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

TERMINATION OF ASSISTANCE PROGRAMS TO SYRIA

Pub. L. 98–164, title X, § 1004, Nov. 22, 1983, 97 Stat. 1057, provided that:

''(a) After the enactment of this section [Nov. 22, 1983], funds available to the Agency for International Development may not be used for any payment or reimbursement of any kind to the Government of Syria or for the delivery of any goods or services of any kind to the Government of Syria.

''(b) The Administrator of the Agency for International Development shall deobligate all funds which have been obligated for Syria under the Foreign Assistance Act of 1961 [this chapter] prior to the enactment of this section [Nov. 22, 1983], except that—

''(1) such funds may continue to be used to finance the training or studies outside of Syria of students whose course of study began before the enactment of this section;

''(2) the Administrator may adopt as a contract of the United States Government any contract with a United States or third-country contractor which would otherwise be terminated pursuant to this subsection, and may assume in whole or in part any liabilities arising under such contract, except that the authority provided by this paragraph may be exercised only to the extent that budget authority is available to meet the obligations of the United States under such contracts; and

''(3) amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955 [31 U.S.C. 1108(c), 1501, 1502(a)], as having been obligated for Syria under chapter 4 of part II of the Foreign Assistance Act of 1961 [this part] shall continue to be available until expended to meet necessary expenses arising from the termination of assistance programs for Syria pursuant to this subsection.''

Section 101(b)(1) of Pub. L. 98–151 provided that: ''None of the funds heretofore appropriated or otherwise made available for Syria for the purposes of carrying out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 [this part] shall be expended after the date of enactment of this joint resolution [Nov. 14, 1983]. The Administrator of the Agency for International Development is directed to terminate the economic assistance program to Syria and to deobligate all funds heretofore obligated for assistance to Syria, except that such funds may continue to be available to finance the training or studies outside of Syria of students whose course of study or training program began before enactment of this joint resolution. The Administrator of the Agency for International Development is authorized to adopt as a contract of the United States Government, and assume any liabilities arising thereunder (in whole or in part), any contract with a United States contractor which had been funded by the Agency for International Development prior to the date of enactment of this joint resolution. Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955 [31 U.S.C. 1108(c), 1501, 1502(a)], as having been obligated against appropriations heretofore made pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (and predecessor legislation) for Syria are hereby continued available until expended to meet necessary expenses arising from the termination under this subsection of assistance programs for Syria authorized by such chapter: *Provided*, That this shall not be construed as permitting payments or reimbursements of any kind to the Government of Syria.''

NEGOTIATIONS BETWEEN ISRAEL AND EGYPT; PROMOTION, ETC.

Section 28 of Pub. L. 95–384 provided that:

''(a) The Congress finds that—

''(1) a lasting settlement of the Arab-Israel conflict is vital to United States national interests as well as to the interests of the countries of the region;

''(2) support for a strong and secure Israel and the maintenance for this purpose of Israel's effective defense capabilities as essential to peace remains a fundamental tenet of United States foreign policy;

''(3) direct, face-to-face negotiations between Israel and Egypt without preconditions is an historic opening for peace, and the support of such negotiations by other moderate Arab countries, can best promote a peace settlement based on mutual concessions and accommodations;

''(4) the establishment of secure, recognized, and defensible borders between Israel and its neighbors will discourage hostilities; and

''(5) full, normalized relations between Israel and its Arab neighbors, including trade, travel, tourism,

communications, and diplomatic relations are vital for peace.

''(b) It is the sense of the Congress that the Government of the United States should continue to promote direct negotiations between Israel and Egypt and to encourage other Arab countries to enter into negotiations leading to peace treaties with Israel.

''(c) It is further the sense of the Congress that the United States should be responsive to Israel's economic needs and defense requirements, including the provision of additional advanced aircraft, in order to maintain Israel's defense capability which is essential to peace.''

§ 2346b. Emergency assistance

(a) Of the funds appropriated to carry out this part, up to $75,000,000 for the fiscal year 1986 and up to $75,000,000 for the fiscal year 1987 may be made available for emergency use under this part when the national interests of the United States urgently require economic support to promote economic or political stability.

(b) Notwithstanding any provision of this part or of an appropriations Act (including a joint resolution making continuing appropriations) which earmarks funds available to carry out this part for a specific country or purpose, up to 5 percent of each amount so earmarked may be used to carry out this section.

(Pub. L. 87–195, pt. II, § 533, formerly § 535, as added Pub. L. 97–113, title II, § 202, Dec. 29, 1981, 95 Stat. 1530; renumbered § 533 and amended Pub. L. 99–83, title II, § 201(b), Aug. 8, 1985, 99 Stat. 211.)

CODIFICATION

Section was classified to section 2346d of this title prior to renumbering by Pub. L. 99–83.

PRIOR PROVISIONS

A prior section 2346b, Pub. L. 87–195, pt. II, § 533, as added Pub. L. 97–113, title II, § 202, Dec. 29, 1981, 95 Stat. 1530, related to grants for eastern Mediterranean programs, prior to repeal by Pub. L. 99–83, title II, § 201(a), Aug. 8, 1985, 99 Stat. 210.

Another prior section 2346b, Pub. L. 87–195, pt. II, § 533, as added Pub. L. 96–533, title II, § 202, Dec. 16, 1980, 94 Stat. 3143, related to Central American economic support, prior to repeal by Pub. L. 97–113, § 202, Dec. 29, 1981, 95 Stat. 1529.

Another prior section 2346b, Pub. L. 87–195, pt. II, § 533, as added Pub. L. 95–92, § 8(c), Aug. 4, 1977, 91 Stat. 618; amended Pub. L. 95–384, § 10(a), Sept. 26, 1978, 92 Stat. 735; Pub. L. 96–92, § 8(c), Oct. 29, 1979, 93 Stat. 704, provided for a Southern Africa economic support program, including availability of funds and assistance requirements and limitations, prior to repeal by Pub. L. 96–533, title II, § 202, Dec. 16, 1980, 94 Stat. 3142.

Another prior section 2346b, Pub. L. 87–195, pt. II, § 533, as added Pub. L. 92–226, pt. II, § 202(a), Feb. 7, 1972, 86 Stat. 27, provided for a Vietnam special dollar account for coverage of United States refund claims, amount in account, and maintenance of dollar level, prior to repeal by Pub. L. 93–189, § 13(2), Dec. 17, 1973, 87 Stat. 722.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99–83, § 202(b)(1), substituted ''1986'' and ''1987'' for ''1982'' and ''1983'', respectively.

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.

§ 2346c. Administration of justice

(a) Authorization of assistance; purposes

The President may furnish assistance under this part to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in countries in Latin America and the Caribbean.

(b) Scope of assistance

Assistance under this section may only include—

(1) support for specialized professional training, scholarships, and exchanges for continuing legal education;

(2) programs to enhance prosecutorial and judicial capabilities and protection for participants in judicial cases;

(3) notwithstanding section 2420 of this title—

(A) programs to enhance professional capabilities to carry out investigative and forensic functions conducted under judicial or prosecutorial control;

(B) programs to assist in the development of academic instruction and curricula for training law enforcement personnel;

(C) programs to improve the administrative and management capabilities of law enforcement agencies, especially their capabilities relating to career development, personnel evaluation, and internal discipline procedures; and

(D) programs, conducted through multilateral or regional institutions, to improve penal institutions and the rehabilitation of offenders;

(4) strengthening professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform;

(5) increasing the availability of legal materials and publications;

(6) seminars, conferences, and training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and internationally recognized human rights; and

(7) revision and modernization of legal codes and procedures.

(c) Availability of funds

Not more than $20,000,000 of the funds made available to carry out this part for any fiscal year shall be available to carry out this section, in addition to amounts otherwise available for such purposes.

(d) Obligation of funds

Funds may not be obligated for assistance under this section unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified of the amount and nature of the proposed assistance at least 15 days in advance in accordance with the procedures applicable to reprogrammings pursuant to section 2394–1 of this title.

(e) Participation of Defense personnel in training prohibited; availability of funds; expiration of authority

Personnel of the Department of Defense and members of the United States Armed Forces may not participate in the provision of training under this section. Of the funds made available to carry out this section, not more than $10,000,000 may be made available in fiscal year 1991 to carry out the provisions of subsection (b)(3) of this section. The authority of this section shall expire on September 30, 1991.

(Pub. L. 87–195, pt. II, § 534, as added Pub. L. 99–83, title VII, § 712, Aug. 8, 1985, 99 Stat. 244; amended Pub. L. 100–202, § 101(e) [title V, § 579], Dec. 22, 1987, 101 Stat. 1329–131, 1329–181; Pub. L. 101–167, title II, Nov. 21, 1989, 103 Stat. 1206; Pub. L. 101–513, title II, Nov. 5, 1990, 104 Stat. 1990; Pub. L. 101–623, § 2(b)(6), Nov. 21, 1990, 104 Stat. 3351.)

PRIOR PROVISIONS

A prior section 2346c, Pub. L. 87–195, pt. II, § 534, as added Pub. L. 97–113, title II, § 202, Dec. 29, 1981, 95 Stat. 1530, prohibited the use of funds for nuclear facilities in foreign countries except under certain circumstances, prior to repeal by Pub. L. 99–83, title II, § 201(a), Aug. 8, 1985, 99 Stat. 210.

Another prior section 2346c, Pub. L. 87–195, pt. II, § 534, as added Pub. L. 95–384, § 10(a), Sept. 26, 1978, 92 Stat. 735; amended Pub. L. 96–92, § 8(d), Oct. 29, 1979, 93 Stat. 704, provided economic support for Turkey and Cyprus in amounts of $98,000,000 and $15,000,000 for fiscal year 1980, prior to repeal by Pub. L. 96–533, title II, § 202, Dec. 16, 1980, 94 Stat. 3142.

AMENDMENTS

1990—Subsec. (e). Pub. L. 101–623, § 2(b)(6)(A), which directed the substitution of "$10,000,000 may be made available in fiscal year 1991" for "$7,000,000 may be made available in fiscal year 1990", was executed by making the substitution for "$7,000,000 may be made available in fiscal year 1991" to reflect the probable intent of Congress and the intervening substitution of "fiscal year 1991" for "fiscal year 1990" by Pub. L. 101–513. See below.

Pub. L. 101–623, § 2(b)(6)(B), and Pub. L. 101–513, amended subsec. (e) identically, substituting "September 30, 1991" for "September 30, 1990".

Pub. L. 101–513 substituted "fiscal year 1991" for "fiscal year 1990".

1989—Subsec. (e). Pub. L. 101–167 substituted "fiscal year 1990" for "each of fiscal years 1988 and 1989" and "September 30, 1990" for "September 30, 1989".

1987—Subsec. (b)(3). Pub. L. 100–202, § 101(e) [title V, § 579(a)], amended par. (3) generally. Prior to amendment, par. (3) read as follows: "notwithstanding section 2420 of this title, programs to enhance investigative capabilities, conducted under judicial or prosecutorial control;".

Subsec. (e). Pub. L. 100–202, § 101(e) [title V, § 579(b)], amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: "The authority of this section shall expire on September 30, 1987."

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

EFFECTIVE DATE

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

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State to be exercised in cooperation with Director of United States International Development Cooperation Agency by section 1–201(a)(7) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, as amended, set out as a note under section 2381 of this title. United States International Development Cooperation Agency (other than Agency for International Development and Overseas Private Investment Corporation) abolished and functions and authorities transferred, see sections 6561 and 6562 of this title.

ANTI-NARCOTICS UPDATE

Pub. L. 102–145, § 124, as added by Pub. L. 102–266, § 102, Apr. 1, 1992, 106 Stat. 97, provided that: "The program authorized by section 534 of the Foreign Assistance Act of 1961 [22 U.S.C. 2346c] may continue from funds appropriated by this joint resolution for foreign operations, export financing, and related programs, notwithstanding the last sentence of section 534(e) of that Act: *Provided*, That such programs may include the protection of participants in judicial cases, notwithstanding section 660 of that Act [22 U.S.C. 2420]: *Provided further*, That, notwithstanding sections 534(c) and 660 of that Act, (1) up to $10,000,000 to provide support for a professional civilian police force for Panama, except that such assistance shall not include more than $5,000,000 for the procurement of equipment for law enforcement purposes, and shall not include lethal equipment, and (2) up to $16,000,000 for Bolivia, Colombia, and Peru."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2295b, 5402 of this title.

§ 2346d. Repealed. Pub. L. 103–149, § 4(a)(3)(B), Nov. 23, 1993, 107 Stat. 1505

Section, Pub. L. 87–195, pt. II, § 535, as added Pub. L. 99–440, title V, § 511(a), Oct. 2, 1986, 100 Stat. 1111; amended Pub. L. 99–631, § 1(b)(3), Nov. 7, 1986, 100 Stat. 3519, related to economic support for disadvantaged South Africans.

§§ 2346e to 2346i. Repealed. Pub. L. 99–83, title II, § 201(a), Aug. 8, 1985, 99 Stat. 210

Section 2346e, Pub. L. 87–195, pt. II, § 536, as added Pub. L. 97–113, title II, § 202, Dec. 29, 1981, 95 Stat. 1531, related to special requirements fund.

A prior section 2346e, Pub. L. 87–195, pt. II, § 536, as added Pub. L. 96–257, § 2, May 31, 1980, 94 Stat. 422, provided for Central American economic support for fiscal year 1980, in amount of $80,000,000, prior to repeal by Pub. L. 96–533, title II, § 202, Dec. 16, 1980, 94 Stat. 3142.

Section 2346f, Pub. L. 87–195, pt. II, § 537, as added Pub. L. 97–113, title II, § 202, Dec. 29, 1981, 95 Stat. 1531, related to programs for Tunisia.

Section 2346g, Pub. L. 87–195, pt. II, § 538, as added Pub. L. 97–113, title II, § 202, Dec. 29, 1981, 95 Stat. 1531, related to programs for Costa Rica.

Section 2346h, Pub. L. 87–195, pt. II, § 539, as added Pub. L. 97–113, title II, § 202, Dec. 29, 1981, 95 Stat. 1531, related to programs for Nicaragua.

Section 2346i, Pub. L. 87–195, pt. II, § 540, as added Pub. L. 97–113, title VII, § 708(c), Dec. 29, 1981, 95 Stat. 1546, related to programs for Poland.

EFFECTIVE DATE OF REPEAL

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

PART V—INTERNATIONAL MILITARY EDUCATION AND TRAINING

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2304, 2314, 2321i, 2321j, 2375, 2394–1, 2403, 2415, 2761, 2776 of this title; title 10 sections 168, 9415.

§ 2347. General authority

The President is authorized to furnish, on such terms and conditions consistent with this chapter as the President may determine (but whenever feasible on a reimbursable basis), military education and training to military and related civilian personnel of foreign countries. Such civilian personnel shall include foreign governmental personnel of ministries other than ministries of defense, and may also include legislators and individuals who are not members of the government, if the military education and training would (i) contribute to responsible defense resource management, (ii) foster greater respect for and understanding of the principle of civilian control of the military, (iii) contribute to cooperation between military and law enforcement personnel with respect to counternarcotics law enforcement efforts, or (iv) improve military justice systems and procedures in accordance with internationally recognized human rights. Such training and education may be provided through—

(1) attendance at military educational and training facilities in the United States (other than Service academies) and abroad;

(2) attendance in special courses of instruction at schools and institutions of learning or research in the United States and abroad; and

(3) observation and orientation visits to military facilities and related activities in the United States and abroad.

(Pub. L. 87–195, pt. II, § 541, as added Pub. L. 94–329, title I, § 106(a), June 30, 1976, 90 Stat. 732; amended Pub. L. 101–513, title III, Nov. 5, 1990, 104 Stat. 1997; Pub. L. 102–583, § 10, Nov. 2, 1992, 106 Stat. 4934; Pub. L. 104–164, title I, § 112(a), July 21, 1996, 110 Stat. 1427.)

REFERENCES IN TEXT

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

AMENDMENTS

1996—Pub. L. 104–164 inserted ''and individuals who are not members of the government'' after ''legislators'' in second sentence of introductory provisions.

1992—Pub. L. 102–583, in introductory provisions, inserted '', and may also include legislators,'' after ''ministries of defense'' and substituted ''(iii) contribute to cooperation between military and law enforcement personnel with respect to counternarcotics law enforcement efforts, or (iv)'' for ''or (iii)''.

1990—Pub. L. 101–513 inserted after first sentence ''Such civilian personnel shall include foreign governmental personnel of ministries other than ministries of defense if the military education and training would (i) contribute to responsible defense resource management, (ii) foster greater respect for and understanding of the principle of civilian control of the military, or (iii) improve military justice systems and procedures in accordance with internationally recognized human rights.''

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of President under this section delegated to Secretary of Defense and funds available to President for carrying out this subchapter, with specified exceptions, allocated to Secretary by sections 1–301(a) and 1–801(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

FUNDS MADE AVAILABLE PURSUANT TO OTHER PROVISIONS OF LAW

Section 106(d) of Pub. L. 94–329 provided that: ''Funds made available pursuant to other provisions of law for foreign military educational and training activities shall remain available for obligation and expenditure for their original purposes in accordance with the provisions of law originally applicable to those purposes or in accordance with the provisions of law currently applicable to those purposes.''

§ 2347a. Authorization of appropriations

There are authorized to be appropriated to the President to carry out the purposes of this part $56,221,000 for fiscal year 1986 and $56,221,000 for fiscal year 1987.

(Pub. L. 87–195, pt. II, § 542, as added Pub. L. 94–329, title I, § 106(a), June 30, 1976, 90 Stat. 732; amended Pub. L. 95–92, § 10, Aug. 4, 1977, 91 Stat. 619; Pub. L. 95–384, § 11(a), Sept. 26, 1978, 92 Stat. 736; Pub. L. 96–92, § 9, Oct. 29, 1979, 93 Stat. 705; Pub. L. 96–533, title I, § 115(a), Dec. 16, 1980, 94 Stat. 3140; Pub. L. 97–113, title I, § 113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1528, 1560; Pub. L. 99–83, title I, § 104, Aug. 8, 1985, 99 Stat. 195.)

AMENDMENTS

1985—Pub. L. 99–83 amended section generally, substituting provisions authorizing appropriations of $56,221,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of $42,000,000 for fiscal years 1982 and 1983.

1981—Pub. L. 97–113, §§ 113, 734(a)(1), substituted appropriations authorization of $42,000,000 for fiscal years 1982 and 1983 for appropriation of $34,000,000 for fiscal year 1981 and deleted prohibition against any training after June 30, 1976, outside the United States without a prior Presidential report to the Speaker of the House and the Senate Foreign Relations Committee and justification for the training.

1980—Pub. L. 96–533 substituted appropriations authorization of $34,000,000 for fiscal year 1981 for authorization of $31,800,000 for fiscal year 1980, including prohibition against availability of any amount for Inter-American regional programs unless the foreign country participants collectively contribute an equivalent amount to carry out the programs.

1979—Pub. L. 96–92 substituted appropriations authorization of $31,800,000 for fiscal year 1980, for identical authorization for fiscal year 1979, and required collective contribution of an equivalent amount by the foreign countries participating in Inter-American regional programs before such amount became available from the appropriation for such programs.

1978—Pub. L. 95–384 substituted ''$31,800,000 for the fiscal year 1979'' for ''$31,000,000 for the fiscal year 1978''.

1977—Pub. L. 95–92 substituted ''$31,000,000 for the fiscal year 1978'' for ''$27,000,000 for the fiscal year 1976 and $30,200,000 for the fiscal year 1977''.

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; ALLOCATION OF FUNDS

Functions of President under this section delegated to Secretary of Defense and funds available to President for carrying out this subchapter, with specified exceptions, allocated to Secretary by sections 1–301(a) and 1–801(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R.

56675, 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2347b. Congressional declaration of purpose

Education and training activities conducted under this part shall be designed—

(1) to encourage effective and mutually beneficial relations and increased understanding between the United States and foreign countries in furtherance of the goals of international peace and security;

(2) to improve the ability of participating foreign countries to utilize their resources, including defense articles and defense services obtained by them from the United States, with maximum effectiveness, thereby contributing to greater self-reliance by such countries; and

(3) to increase the awareness of nationals of foreign countries participating in such activities of basic issues involving internationally recognized human rights.

(Pub. L. 87–195, pt. II, § 543, as added Pub. L. 94–329, title I, § 106(a), June 30, 1976, 90 Stat. 733; amended Pub. L. 95–384, § 11(b), Sept. 26, 1978, 92 Stat. 736.)

AMENDMENTS

1978—Pub. L. 95–384 added par. (3).

§ 2347c. Exchange training; reciprocity agreement

(a) In carrying out this part, the President is authorized to provide for attendance of foreign military personnel at professional military education institutions in the United States (other than service academies) without charge, and without charge to funds available to carry out this part (notwithstanding section 2392(d) of this title), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one, reciprocal basis each fiscal year between those United States professional military education institutions and comparable institutions of foreign countries and international organizations.

(b) The President may provide for the attendance of foreign military and civilian defense personnel at flight training schools and programs (including test pilot schools) in the United States without charge, and without charge to funds available to carry out this part (notwithstanding section 2392(d) of this title), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one basis each fiscal year between those United States flight training schools and programs (including test pilot schools) and comparable flight training schools and programs of foreign countries.

(Pub. L. 87–195, pt. II, § 544, as added Pub. L. 99–83, title I, § 126, Aug. 8, 1985, 99 Stat. 205; amended Pub. L. 104–164, title I, § 112(b), July 21, 1996, 110 Stat. 1427.)

AMENDMENTS

1996—Pub. L. 104–164 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE

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

AUTHORITY FOR EXCHANGE TRAINING THROUGH SPECIFIED PROFESSIONAL MILITARY EDUCATION INSTITUTION OUTSIDE UNITED STATES

Pub. L. 101–189, div. A, title IX, § 935, Nov. 29, 1989, 103 Stat. 1538, provided that:

"(a) AUTHORITY.—The United States Army Russian Institute in Garmisch-Partenkirchen, Federal Republic of Germany, shall be treated for purposes of section 544 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c) as if it were located in the United States.

"(b) EXPIRATION OF AUTHORITY.—Subsection (a) shall cease to be in effect upon the enactment in foreign assistance authorizing legislation of an amendment to section 544 of the Foreign Assistance Act of 1961 that provides the same authority as is provided by subsection (a)."

§ 2347d. Training in maritime skills

The President is encouraged to allocate a portion of the funds made available each fiscal year to carry out this part for use in providing education and training in maritime search and rescue, operation and maintenance of aids to navigation, port security, at-sea law enforcement, international maritime law, and general maritime skills.

(Pub. L. 87–195, pt. II, § 545, as added Pub. L. 99–83, title I, § 127(a), Aug. 8, 1985, 99 Stat. 205.)

EFFECTIVE DATE

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

§ 2347e. Prohibition on grant assistance for certain high income foreign countries

(a) In general

None of the funds made available for a fiscal year for assistance under this part may be made available for assistance on a grant basis for any of the high-income foreign countries described in subsection (b) of this section for military education and training of military and related civilian personnel of such country.

(b) High-income foreign countries described

The high-income foreign countries described in this subsection are Austria, Finland, the Republic of Korea, Singapore, and Spain.

(Pub. L. 87–195, pt. II, § 546, as added Pub. L. 104–164, title I, § 112(c)(1), July 21, 1996, 110 Stat. 1427.)

PART VI—PEACEKEEPING OPERATIONS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2304, 2371, 2375, 2776, 2799aa, 2799aa–1, 3423 of this title.

§ 2348. General authorization

The President is authorized to furnish assistance to friendly countries and international organizations, on such terms and conditions as he may determine, for peacekeeping operations and other programs carried out in furtherance of the national security interests of the United States. Such assistance may include reimbursement to

the Department of Defense for expenses incurred pursuant to section 287d–1 of this title, except that such reimbursements may not exceed $5,000,000 in any fiscal year unless a greater amount is specifically authorized by this section.

(Pub. L. 87–195, pt. II, § 551, as added Pub. L. 95–384, § 12(a), Sept. 26, 1978, 92 Stat. 736; amended Pub. L. 96–92, § 10(b), Oct. 29, 1979, 93 Stat. 705.)

AMENDMENTS

1979—Pub. L. 96–92 authorized reimbursement of Department of Defense for expenses incurred in furnishing assistance to the United States limited to $5,000,000 per fiscal year unless specifically authorized.

DELEGATION OF FUNCTIONS

Functions of President under this part delegated to Secretary of State by section 1–201(a)(8) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, as amended, set out as a note under section 2381 of this title.

UNITED STATES PROPOSAL FOR THE EARLY WARNING SYSTEM IN SINAI

Pub. L. 94–110, Oct. 13, 1975, 89 Stat. 572, provided that:

''Whereas an agreement signed on September 4, 1975, by the Government of the Arab Republic of Egypt and the Government of Israel may, when it enters into force, constitute a significant step toward peace in the Middle East;

''Whereas the President of the United States on September 1, 1975, transmitted to the Government of the Arab Republic of Egypt and to the Government of Israel identical proposals for United States participation in an early-warning system, the text of which has been submitted to the Congress, providing for the assignment of no more than two hundred United States civilian personnel to carry out certain specified noncombat functions and setting forth the terms and conditions thereof;

''Whereas that proposal would permit the Government of the United States to withdraw such personnel if it concludes that their safety is jeopardized or that continuation of their role is no longer necessary; and

''Whereas the implementation of the United States proposals for the early-warning system in Sinai may enhance the prospect of compliance in good faith with the terms of the Egyptian-Israeli agreements and thereby promote the cause of peace: Now, therefore, be it

''*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is authorized to implement the 'United States Proposal for the Early Warning System in Sinai': *Provided, however*, That United States civilian personnel assigned to Sinai under such proposal shall be removed immediately in the event of an outbreak of hostilities between Egypt and Israel or if the Congress by concurrent resolution determines that the safety of such personnel is jeopardized or that continuation of their role is no longer necessary. Nothing contained in this resolution shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

''SEC. 2. Any concurrent resolution of the type described in the first section of this resolution which is introduced in either House of Congress shall be privileged in the same manner and to the same extent as a concurrent resolution of the type described in section 5(c) of Public Law 93–148 [section 1544(c) of Title 50, War and National Defense] is privileged under section 7 of such law [section 1546 of title 50, War and National Defense].

''SEC. 3. The United States civilian personnel participating in the early warning system in Sinai shall include only individuals who have volunteered to participate in such system.

''SEC. 4. Whenever United States civilian personnel, pursuant to this resolution, participate in an early warning system, the President shall, so long as the participation of such personnel continues, submit written reports to the Congress periodically, but no less frequently than once every six months, on (1) the status, scope, and anticipated duration of their participation, and (2) the feasibility of ending or reducing as soon as possible their participation by substituting nationals of other countries or by making technological changes. The appropriate committees of the Congress shall promptly hold hearings on each report of the President and report to the Congress any findings, conclusions, and recommendations.

''SEC. 5. The authority contained in this joint resolution to implement the 'United States Proposal for the Early Warning System in Sinai' does not signify approval of the Congress of any other agreement, understanding, or commitment made by the executive branch.''

EXECUTIVE ORDER NO. 11896

Ex. Ord. No. 11896, Jan. 13, 1976, 41 F.R. 2067, as amended by Ex. Ord. No. 12150, July 23, 1979, 44 F.R. 43455; Ex. Ord. No. 12227, July 22, 1980, 45 F.R. 49237; Ex. Ord. No. 12357, Apr. 6, 1982, 47 F.R. 15093, which established the United States Sinai Support Mission, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

§ 2348a. Authorization of appropriations

(a) Fiscal years 1986 and 1987

There are authorized to be appropriated to the President to carry out the purposes of this part, in addition to amounts otherwise available for such purposes, $37,000,000 for fiscal year 1986 and $37,000,000 for fiscal year 1987.

(b) Availability of funds

Amounts appropriated under this section are authorized to remain available until expended.

(c) Emergency transfer of funds

If the President determines that, as the result of an unforeseen emergency, the provision of assistance under this part in amounts in excess of funds otherwise available for such assistance is important to the national interests of the United States, the President may (1) exercise the authority of section 2360(a) of this title to transfer funds available to carry out part IV of this subchapter for use under this part without regard to the 20-percent increase limitation contained in such section, except that the total amount so transferred in any fiscal year may not exceed $15,000,000; and (2) in the event the President also determines that such unforeseen emergency requires the immediate provision of assistance under this part, direct the drawdown of commodities and services from the inventory and resources of any agency of the United States Government of an aggregate value not to exceed $25,000,000 in any fiscal year.

(d) Reimbursement of applicable appropriation, fund, or account

There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for commodities and services provided under subsection (c)(2) of this section.

(Pub. L. 87–195, pt. II, § 552, as added Pub. L. 95–384, § 12(a), Sept. 26, 1978, 92 Stat. 736; amended Pub. L. 96–92, § 10(a), (c), Oct. 29, 1979, 93 Stat. 705; Pub. L. 96–533, title I, § 116(a), Dec. 16, 1980, 94 Stat. 3140; Pub. L. 97–113, title I, § 114, Dec. 29, 1981, 95 Stat. 1528; Pub. L. 99–83, title I, § 105(a), (b)(1), Aug. 8, 1985, 99 Stat. 195.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99–83, § 105(a), amended subsec. (a) generally, substituting provisions authorizing appropriations of $37,000,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of $19,000,000 for fiscal years 1982 and 1983.

Subsec. (c). Pub. L. 99–83, § 105(b)(1)(A), (B), designated existing provisions as cl. (1) and added cl. (2).

Subsec. (d). Pub. L. 99–83, § 105(b)(1)(C), added subsec. (d).

1981—Subsec. (a). Pub. L. 97–113, § 114(a), substituted ''$19,000,000 for the fiscal year 1982 and $19,000,000 for the fiscal year 1983'' for ''$25,000,000 for the fiscal year 1981''.

Subsec. (b). Pub. L. 97–113, § 114(b), increased to $15,000,000 from $10,000,000 amount of funds authorized to be transferred in any fiscal year and deleted restriction on transfer of earmarked funds.

1980—Subsec. (a). Pub. L. 96–533 substituted ''$25,000,000 for the fiscal year 1981'' for ''$21,100,000 for the fiscal year 1980''.

1979—Subsec. (a). Pub. L. 96–92, § 10(a), substituted ''$21,100,000 for the fiscal year 1980'' for ''$30,900,000 for the fiscal year 1979''.

Subsec. (c). Pub. L. 96–92, § 10(c), added subsec. (c).

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; ALLOCATION OF FUNDS

Functions of President under this part, except those with respect to determinations, certifications, directives, or transfers of funds under subsecs. (c) and (e) of this section, delegated to Secretary of State and funds available to President for carrying out this part allocated to Secretary by sections 1–201(a)(8), 1–701(d), and 1–801(c) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, 56678, as amended, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2411 of this title.

§ 2348b. Repealed. Pub. L. 96–533, title I, § 116(b), Dec. 16, 1980, 94 Stat. 3140

Section, Pub. L. 87–195, pt. II, § 553, as added Pub. L. 95–384, § 12(a), Sept. 26, 1978, 92 Stat. 736, provided for Middle East special requirements fund and funding limitations and requirements, including use of $3,500,000 for fiscal year 1979 for international peacekeeping in the Middle East.

§ 2348c. Administrative authorities

Except where expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include reference to this part and any reference in any law to subchapter II of this chapter shall be deemed to exclude reference to this part.

(Pub. L. 87–195, pt. II, § 553, formerly § 554, as added Pub. L. 95–384, § 12(a), Sept. 26, 1978, 92 Stat. 737; renumbered § 553, Pub. L. 96–533, title I, § 116(b), Dec. 16, 1980, 94 Stat. 3140.)

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II, AND REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE SUCH PARTS

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

PART VII—AIR BASE CONSTRUCTION IN ISRAEL

§ 2349. General authority

The President is authorized—

(1) to construct such air bases in Israel for the Government of Israel as may be agreed upon between the Government of Israel and the Government of the United States to replace the Israeli air bases located at Etzion and Etam on the Sinai peninsula that are to be evacuated by the Government of Israel; and

(2) for purposes of such construction, to furnish as a grant to the Government of Israel, on such terms and conditions as the President may determine, defense articles and defense services, which he may acquire from any source, of a value not to exceed the amount appropriated pursuant to section 2349a(a) of this title.

(Pub. L. 87–195, pt. II, § 561, as added Pub. L. 96–35, § 3, July 20, 1979, 93 Stat. 89.)

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Defense by section 1–301(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2349a. Authorization and utilization of funds

(a) Authorization of appropriation

There is authorized to be appropriated to the President to carry out this part not to exceed $800,000,000, which may be made available until expended.

(b) Presidential authority to incur obligations and enter into contracts

Upon agreement by the Government of Israel to provide to the Government of the United States funds equal to the difference between the amount required to complete the agreed construction work and the amount appropriated pursuant to subsection (a) of this section, and to make those funds available, in advance of the time when payments are due, in such amounts and at such times as may be required by the Government of the United States to meet those additional costs of construction, the President may incur obligations and enter into contracts to the extent necessary to complete the agreed construction work, except that this authority shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(c) Crediting of funds to proper appropriation account

Funds made available by the Government of Israel pursuant to subsection (b) of this section

may be credited to the appropriation account established to carry out the purposes of this section for the payment of obligations incurred and for refund to the Government of Israel if they are unnecessary for that purpose, as determined by the President. Credits and the proceeds of guaranteed loans made available to the Government of Israel pursuant to the Arms Export Control Act [22 U.S.C. 2751 et seq.], as well as any other source of financing available to it, may be used by Israel to carry out its undertaking to provide such additional funds.

(Pub. L. 87–195, pt. II, § 562, as added Pub. L. 96–35, § 3, July 20, 1979, 93 Stat. 90.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (c), 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.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of President under this section delegated to Secretary of Defense and funds available to President for carrying out this subchapter, with specified exceptions, allocated to Secretary by sections 1–301(a) and 1–801(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2349 of this title.

§ 2349b. Waiver authorities

(a) Efficient and timely completion of authorized construction

It is the sense of the Congress that the President should take all necessary measures consistent with law to insure the efficient and timely completion of the construction authorized by this part, including the exercise of authority vested in him by section 2393(a) of this title.

(b) Use of funds to pay for personal services abroad

The provisions of paragraph (3) of section 2396(a) of this title shall be applicable to the use of funds available to carry out this part, except that no more than sixty persons may be engaged at any one time under that paragraph for purposes of this part.

(Pub. L. 87–195, pt. II, § 563, as added Pub. L. 96–35, § 3, July 20, 1979, 93 Stat. 90.)

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Defense by section 1–301(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

PART VIII—ANTITERRORISM ASSISTANCE

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2304, 2371, 2375, 2403, 2776, 4802, 4858 of this title; title 46 App. section 1803.

§ 2349aa. General authority

Notwithstanding any other provision of law that restricts assistance to foreign countries (other than sections 2304 and 2371 of this title), the President is authorized to furnish, on such terms and conditions as the President may determine, assistance to foreign countries in order to enhance the ability of their law enforcement personnel to deter terrorists and terrorist groups from engaging in international terrorist acts such as bombing, kidnapping, assassination, hostage taking, and hijacking. Such assistance may include training services and the provision of equipment and other commodities related to bomb detection and disposal, management of hostage situations, physical security, and other matters relating to the detection, deterrence, and prevention of acts of terrorism, the resolution of terrorist incidents, and the apprehension of those involved in such acts.

(Pub. L. 87–195, pt. II, § 571, as added Pub. L. 98–151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972; amended Pub. L. 104–164, title I, § 121(a), July 21, 1996, 110 Stat. 1428.)

CODIFICATION

Section 571 of Pub. L. 87–195 is based on section 201 of title II of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98–151.

AMENDMENTS

1996—Pub. L. 104–164 substituted ''Notwithstanding any other provision of law that restricts assistance to foreign countries (other than sections 2304 and 2371 of this title)'' for ''Subject to the provisions of this part''.

EFFECTIVE DATE

Section 203 of title II of H.R. 2992, as enacted into permanent law by section 101(b)(2) of Pub. L. 98–151, provided that: ''This title [enacting this part and amending sections 2304 and 2403 of this title] shall take effect on the date of enactment of this Act [Nov. 14, 1983].''

DELEGATION OF FUNCTIONS

Functions of President under this part, except sections 2349aa–8 and 2349aa–9, delegated to Secretary of State by sections 1–201(a)(24), 1–701(g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, as amended, set out as a note under section 2381 of this title.

§ 2349aa–1. Purposes

Activities conducted under this part shall be designed—

(1) to enhance the antiterrorism skills of friendly countries by providing training and equipment to deter and counter terrorism;

(2) to strengthen the bilateral ties of the United States with friendly governments by offering concrete assistance in this area of great mutual concern; and

(3) to increase respect for human rights by sharing with foreign civil authorities modern, humane, and effective antiterrorism techniques.

(Pub. L. 87–195, pt. II, § 572, as added Pub. L. 98–151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972.)

CODIFICATION

Section 572 of Pub. L. 87–195 is based on section 201 of title II of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98–151.

§ 2349aa–2. Limitations

(a) Services and commodities furnished by agency of United States Government; advance payment

Whenever the President determines it to be consistent with and in furtherance of the purposes of this part, and on such terms and conditions consistent with this chapter as he may determine, any agency of the United States Government is authorized to furnish services and commodities, without charge to funds available to carry out this part, to an eligible foreign country, subject to payment in advance of the value thereof (within the meaning of section 2403(m) of this title) in United States dollars by the foreign country. Credits and the proceeds of guaranteed loans made available to such countries pursuant to the Arms Export Control Act [22 U.S.C. 2751 et seq.] shall not be used for such payments. Collections under this part shall be credited to the currently applicable appropriation, account, or fund of the agency providing such services and commodities and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used.

(b) Consultation in development and implementation of assistance

The Assistant Secretary of State for Democracy, Human Rights, and Labor shall be consulted in the determinations of the foreign countries that will be furnished assistance under this part and determinations of the nature of assistance to be furnished to each such country.

(c) Arms and ammunition; value of equipment and commodities

(1) Arms and ammunition may be provided under this part only if they are directly related to antiterrorism assistance.

(2) The value (in terms of original acquisition cost) of all equipment and commodities provided under this part in any fiscal year shall not exceed 30 percent of the funds made available to carry out this part for that fiscal year.

(d) Information exchange activities

This part does not apply to information exchange activities conducted by agencies of the United States Government under other authority for such purposes.

(Pub. L. 87–195, pt. II, § 573, as added Pub. L. 98–151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972; amended Pub. L. 99–83, title V, § 501(b), (c), Aug. 8, 1985, 99 Stat. 220; Pub. L. 99–399, title V, § 507, Aug. 27, 1986, 100 Stat. 873; Pub. L. 101–604, title II, § 213(b), Nov. 16, 1990, 104 Stat. 3086; Pub. L. 103–236, title I, § 162(e)(3), Apr. 30, 1994, 108 Stat. 405; Pub. L. 104–132, title III, § 328(a), Apr. 24, 1996, 110 Stat. 1257; Pub. L. 104–164, title I, § 121(b), July 21, 1996, 110 Stat. 1428.)

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.

CODIFICATION

Section 573 of Pub. L. 87–195 is based on section 201 of title II of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98–151.

AMENDMENTS

1996—Pub. L. 104–164, § 121(b)(1), substituted ''Limitations'' for ''Specific authorities and limitations'' as section catchline.

Subsecs. (a), (b). Pub. L. 104–164, § 121(b)(2), (3), redesignated subsecs. (b) and (c) as (a) and (b), respectively, and struck out former subsec. (a) which read as follows: ''Notwithstanding section 2420 of this title, services and commodities may be granted for the purposes of this part to eligible foreign countries, subject to reimbursement of the value thereof (within the meaning of section 2403(m) of this title) pursuant to section 2392 of this title from funds available to carry out this part.''

Subsec. (c). Pub. L. 104–164, § 121(b)(4), which directed the amendment of subsec. (c) by striking out pars. (1) and (2), redesignating pars. (3) to (5) as (1) to (3), respectively, and amending par. (2) generally, could not be executed because subsec. (c) [formerly (d)] did not contain pars. (3) to (5) subsequent to amendment by Pub. L. 104–132, § 328(a)(2), see below.

Pub. L. 104–164, § 121(b)(3), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Pub. L. 104–132, § 328(a)(1), struck out ''development and implementation of the antiterrorism assistance program under this part, including'' after ''shall be consulted in the''.

Subsec. (d). Pub. L. 104–164, § 121(b)(3), redesignated subsecs. (e) as (d). Former subsec. (d) redesignated (c).

Pub. L. 104–132, § 328(a)(2), amended subsec. (d) generally, substituting pars. (1) and (2) for former pars. (1) to (5) which related to location for training and advice, law enforcement personnel training, availability of items on United States Munitions List, and services, equipment, personnel, and facilities involved in collection of intelligence.

Subsec. (e). Pub. L. 104–164, § 121(b)(3), which directed redesignation of subsec. (f) as (e), could not be executed because of prior amendment by Pub. L. 104–132, § 328(a)(3), see below. Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 104–132, § 328(a)(3), struck out subsec. (f) which read as follows: ''Funds made available to carry out this part may not be used for personnel compensation or benefits.''

1994—Subsec. (c). Pub. L. 103–236 substituted ''Democracy, Human Rights, and Labor'' for ''Human Rights and Humanitarian Affairs''.

1990—Subsec. (d)(1) to (3). Pub. L. 101–604 added pars. (1) to (3) and struck out former pars. (1) to (3) which read as follows:

''(1) Training services provided pursuant to this part shall not be conducted outside the United States.

''(2) Personnel of the United States Government authorized to advise eligible foreign countries on antiterrorism matters shall carry out their responsibilities, to the maximum extent possible, within the United States. Such personnel may provide advice outside the United States on antiterrorism matters to eligible foreign countries for periods not to exceed thirty consecutive calendar days.

''(3) Employees of the Department of State shall not engage in the training of law enforcement personnel or provision of services under this part, except that employees of the Office of Security of the Department of State may provide training and services to law enforcement personnel for the physical protection of internationally protected persons and related facilities.''

1986—Subsec. (d)(4). Pub. L. 99–399, in amending par. (4) generally, included articles in category X and arti-

cles in par. (b), (c), or (d) of category XIII as articles on the United States Munitions List which could be made available, struck out availability of articles only for fiscal years 1986 and 1987, substituted provision that the value in any fiscal year not exceed 25 percent of the funds available to carry out this part for that fiscal year for provision that the value not exceed $325,000 in fiscal year 1986 or 1987, and provided that no shock batons or similar devices be provided under this part.

1985—Subsec. (d)(4). Pub. L. 99–83, § 501(b), in amending par. (4) generally, designated existing provisions as subpar. (A), inserted provisions excepting subpar. (B), and added subpars. (B) and (C).

Subsec. (f). Pub. L. 99–83, § 501(c), added subsec. (f).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of this title.

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.

AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103–236, set out as a note under section 2651a of this title.

DELEGATION OF FUNCTIONS

Functions of President under this part delegated to Secretary of State by section 1–201(a)(23) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, as amended, set out as a note under section 2381 of this title.

§ 2349aa–3. Repealed. Pub. L. 104–164, title I, § 121(c), July 21, 1996, 110 Stat. 1428

Section, Pub. L. 87–195, pt. II, § 574, as added Pub. L. 98–151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972, directed President to transmit to Congress, not less than 30 days before providing assistance to foreign country under this part, a report which specified terms and objectives of such assistance, and required annual presentation to Congress of information on all countries that received assistance under this part for each fiscal year.

§ 2349aa–4. Authorization of appropriations

(a) There are authorized to be appropriated to the President to carry out this part $9,840,000 for fiscal year 1986 and $14,680,000 for fiscal year 1987.

(b) Amounts appropriated under this section are authorized to remain available until expended.

(Pub. L. 87–195, pt. II, § 574, formerly § 575, as added Pub. L. 98–151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972; amended Pub. L. 99–83, title V, § 501(a), Aug. 8, 1985, 99 Stat. 219; Pub. L. 99–399, title IV, § 401(a)(2), Aug. 27, 1986, 100 Stat. 862; renumbered § 574, Pub. L. 104–164, title I, § 121(d), July 21, 1996, 110 Stat. 1428.)

PRIOR PROVISIONS

A prior section 574 of Pub. L. 87–195 was classified to section 2349aa–3 of this title prior to repeal by Pub. L. 104–164.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99–399 substituted ''$14,680,000 for the fiscal year 1987'' for ''$9,840,000 for the fiscal year 1987''.

1985—Pub. L. 99–83, in amending section generally, designated existing provisions as subsecs. (a) and (b), and in subsec. (a) as so designated, substituted provisions appropriating $9,840,000 for fiscal years 1986 and 1987 for provisions appropriating $5,000,000 for fiscal year 1984.

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.

ALLOCATION OF FUNDS

Funds available to President for carrying out this part allocated to Secretary of State by section 1–801(c) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, 56678, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2349aa–10 of this title.

§ 2349aa–5. Administrative authorities

Except where expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include reference to this part and any reference in any law to subchapter II of this chapter shall be deemed to exclude reference to this part.

(Pub. L. 87–195, pt. II, § 575, formerly § 576, as added Pub. L. 98–151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972; renumbered § 575, Pub. L. 104–164, title I, § 121(d), July 21, 1996, 110 Stat. 1428.)

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II, AND REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE SUCH PARTS

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

CODIFICATION

Section 575, formerly 576, of Pub. L. 87–195 is based on section 201 of title II of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98–151.

PRIOR PROVISIONS

A prior section 575 of Pub. L. 87–195 was renumbered section 574 and is classified to section 2349aa–4 of this title.

§ 2349aa–6. Repealed. Pub. L. 99–83, title V, § 501(d), Aug. 8, 1985, 99 Stat. 220

Section, Pub. L. 87–195, pt. II, § 577, as added Pub. L. 98–151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972, provided for expiration of authorities of this part on Sept. 30, 1985.

EFFECTIVE DATE OF REPEAL

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

§ 2349aa–7. Coordination of all United States terrorism-related assistance to foreign countries

(a) Responsibility

The Secretary of State shall be responsible for coordinating all assistance related to inter-

national terrorism which is provided by the United States Government to foreign countries.

(b) Reports

Not later than February 1 each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the assistance related to international terrorism which was provided by the United States Government during the preceding fiscal year. Such reports may be provided on a classified basis to the extent necessary, and shall specify the amount and nature of the assistance provided.

(c) Rule of construction

Nothing contained in this section 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.

(Pub. L. 99–83, title V, § 502, Aug. 8, 1985, 99 Stat. 220; Pub. L. 99–399, title V, § 503, Aug. 27, 1986, 100 Stat. 871.)

REFERENCES IN TEXT

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

CODIFICATION

Section was enacted as part of the International Security and Development Cooperation Act of 1985, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

1986—Pub. L. 99–399, § 503(1), substituted ''terrorism-related'' for ''anti-terrorism'' in section catchline.

Subsec. (a). Pub. L. 99–399, § 503(2), substituted ''assistance related to international terrorism which is provided by the United States Government to foreign countries'' for ''anti-terrorism assistance to foreign countries provided by the United States Government''.

Subsec. (b). Pub. L. 99–399, § 503(3), substituted ''assistance related to international terrorism which was'' for ''anti-terrorism assistance''.

Subsec. (c). Pub. L. 99–399, § 503(4), added subsec. (c).

EFFECTIVE DATE

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

§ 2349aa–8. Prohibition on imports from and exports to Libya

(a) Prohibition on imports

Notwithstanding any other provision of law, the President may prohibit any article grown, produced, extracted, or manufactured in Libya from being imported into the United States.

(b) Prohibition on exports

Notwithstanding any other provision of law, the President may prohibit any goods or technology, including technical data or other information, subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States, from being exported to Libya.

(c) "United States" defined

For purposes of this section, the term ''United States'', when used in a geographical sense, includes territories and possessions of the United States.

(Pub. L. 99–83, title V, § 504, Aug. 8, 1985, 99 Stat. 221.)

CODIFICATION

Section was enacted as part of the International Security and Development Cooperation Act of 1985, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

EFFECTIVE DATE

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

§ 2349aa–9. Ban on importing goods and services from countries supporting terrorism

(a) Authority

The President may ban the importation into the United States of any good or service from any country which supports terrorism or terrorist organizations or harbors terrorists or terrorist organizations.

(b) Consultation

The President, in every possible instance, shall consult with the Congress before exercising the authority granted by this section and shall consult regularly with the Congress so long as that authority is being exercised.

(c) Reports

Whenever the President exercises the authority granted by this section, he shall immediately transmit to the Congress a report specifying—

(1) the country with respect to which the authority is to be exercised and the imports to be prohibited;

(2) the circumstances which necessitate the exercise of such authority;

(3) why the President believes those circumstances justify the exercise of such authority; and

(4) why the President believes the prohibitions are necessary to deal with those circumstances.

At least once during each succeeding 6-month period after transmitting a report pursuant to this subsection, the President shall report to the Congress with respect to the actions taken, since the last such report, pursuant to this section and with respect to any changes which have occurred concerning any information previously furnished pursuant to this subsection.

(d) "United States" defined

For purposes of this section, the term ''United States'' includes territories and possessions of the United States.

(Pub. L. 99–83, title V, § 505, Aug. 8, 1985, 99 Stat. 221.)

CODIFICATION

Section was enacted as part of the International Security and Development Cooperation Act of 1985, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

EFFECTIVE DATE

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

§ 2349aa–10. Antiterrorism assistance

(a) Omitted

(b) Assistance to foreign countries to procure explosives detection devices and other counterterrorism technology

(1) Subject to section 2349aa–4(b) of this title, up to $3,000,000 in any fiscal year may be made available—

(A) to procure explosives detection devices and other counterterrorism technology; and

(B) for joint counterterrorism research and development projects on such technology conducted with NATO and major non-NATO allies under the auspices of the Technical Support Working Group of the Department of State.

(2) As used in this subsection, the term ''major non-NATO allies'' means those countries designated as major non-NATO allies for purposes of section 2350a(i)(3) of title 10.

(c) Assistance to foreign countries

Notwithstanding any other provision of law (except section 2371 of this title) up to $1,000,000 in assistance may be provided to a foreign country for counterterrorism efforts in any fiscal year if—

(1) such assistance is provided for the purpose of protecting the property of the United States Government or the life and property of any United States citizen, or furthering the apprehension of any individual involved in any act of terrorism against such property or persons; and

(2) the appropriate committees of Congress are notified not later than 15 days prior to the provision of such assistance.

(Pub. L. 104–132, title III, § 328, Apr. 24, 1996, 110 Stat. 1257.)

REFERENCES IN TEXT

Section 2349aa–4 of this title, referred to in subsec. (b)(1), was in the original ''section 575'', which was translated as meaning section 575 of the Foreign Assistance Act of 1961. Section 575 of the Act was renumbered section 574 by section 121(d) of Pub. L. 104–164 without corresponding amendment to this section.

CODIFICATION

Section is comprised of section 328 of Pub. L. 104–132. Subsec. (a) of section 328 of Pub. L. 104–132 amended section 2349aa–2 of this title.

Section was enacted as part of the Antiterrorism and Effective Death Penalty Act of 1996, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

''ASSISTANCE'' DEFINED

Section 329 of title III of Pub. L. 104–132 provided that: ''For purposes of this title [enacting this section and sections 262p–4q, 2377, 2378, and 2781 of this title, section 1189 of Title 8, Aliens and Nationality, and sections 2332d and 2339B of Title 18, Crimes and Criminal Procedure, amending section 2349aa–2 of this title, section 2339A of Title 18, and section 44906 of Title 49, Transportation, and enacting provisions set out as notes under section 2377 of this title and sections 2332d and 2339B of Title 18]—

''(1) the term 'assistance' means assistance to or for the benefit of a government of any country that is provided by grant, concessional sale, guaranty, insurance, or by any other means on terms more favorable than generally available in the applicable market, whether in the form of a loan, lease, credit, debt relief, or otherwise, including subsidies for exports to such country and favorable tariff treatment of articles that are the growth, product, or manufacture of such country; and

''(2) the term 'assistance' does not include assistance of the type authorized under chapter 9 of part 1 of the Foreign Assistance Act of 1961 [22 U.S.C. 2292 et seq.] (relating to international disaster assistance).''

SUBCHAPTER III—GENERAL AND ADMINISTRATIVE PROVISIONS

PART I—GENERAL PROVISIONS

§ 2351. Encouragement of free enterprise and private participation

(a) Policy of United States

The Congress of the United States recognizes the vital role of free enterprise in achieving rising levels of production and standards of living essential to economic progress and development. Accordingly, it is declared to be the policy of the United States to encourage the efforts of other countries to increase the flow of international trade, to foster private initiative and competition, to encourage the development and use of cooperatives, credit unions, and savings and loan associations, to discourage monopolistic practices, to improve the technical efficiency of their industry, agriculture, and commerce, and to strengthen free labor unions; and to encourage the contribution of United States enterprise toward economic strength of less developed friendly countries, through private trade and investment abroad, private participation in programs carried out under this chapter (including the use of private trade channels to the maximum extent practicable in carrying out such programs), and exchange of ideas and technical information on the matters covered by this subsection.

(b) Action by President to facilitate participation to maximum extent

In order to encourage and facilitate participation by private enterprise to the maximum extent practicable in achieving any of the purposes of this chapter, the President shall—

(1) make arrangements to find, and draw the attention of private enterprise to, opportunities for investment and development in less-developed friendly countries and areas;

(2) establish an effective system for obtaining adequate information with respect to the activities of, and opportunities for, nongovernmental participation in the development process, and for utilizing such information in the planning, direction, and execution of programs carried out under this chapter, and in the coordination of such programs with the ever-increasing developmental activities of nongovernmental United States institutions;

(3) accelerate a program of negotiating treaties for commerce and trade, including tax treaties, which shall include provisions to encourage and facilitate the flow of private investment to, and its equitable treatment in, friendly countries and areas participating in programs under this chapter;

(4) seek, consistent with the national interest, compliance by other countries or areas

with all treaties for commerce and trade and taxes, and take all reasonable measures under this chapter or other authority to secure compliance therewith and to assist United States citizens in obtaining just compensation for losses sustained by them or payments exacted from them as a result of measures taken or imposed by any country or area thereof in violation of any such treaty;

(5) to the maximum extent practicable carry out programs of assistance through private channels and to the extent practicable in conjunction with local private or governmental participation, including loans under the authority of section 2151t of this title to any individual, corporation, or other body of persons;

(6) take appropriate steps to discourage nationalization, expropriation, confiscation, seizure of ownership or control, of private investment and discriminatory or other actions having the effect thereof, undertaken by countries receiving assistance under this chapter, which divert available resources essential to create new wealth, employment, and productivity in those countries and otherwise impair the climate for new private investment essential to the stable economic growth and development of those countries;

(7) utilize wherever practicable the services of United States private enterprise (including, but not limited to, the services of experts and consultants in technical fields such as engineering); and

(8) utilize wherever practicable the services of United States private enterprise on a cost-plus incentive fee contract basis to provide the necessary skills to develop and operate a specific project or program of assistance in a less developed friendly country or area in any case in which direct private investment is not readily encouraged, and provide where appropriate for the transfer of equity ownership in such project or program to private investors at the earliest feasible time.

(c) International Private Investment Advisory Council on Foreign Aid; establishment; composition; selection of members by Administrator; duration of service; Chairman; duties of Council; compensation; travel and other expenses; funds for payment of expenses of Council

(1) There is hereby established an International Private Investment Advisory Council on Foreign Aid to be composed of such number of leading American business specialists as may be selected, from time to time, by the Administrator of the Agency for International Development for the purpose of carrying out the provisions of this subsection. The members of the Council shall serve at the pleasure of the Administrator, who shall designate one member to serve as Chairman.

(2) It shall be the duty of the Council, at the request of the Administrator, to make recommendations to the Administrator with respect to particular aspects of programs and activities under this chapter where private enterprise can play a contributing role and to act as liaison for the Administrator to involve specific private enterprises in such programs and activities.

(3) The members of the Advisory Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 for travel and other expenses incurred by them in the performance of their functions under this subsection.

(4) The expenses of the Advisory Council shall be paid by the Administrator from funds otherwise available under this chapter.

(d) Engineering and professional services of United States firms

It is the sense of Congress that the Agency for International Development should continue to encourage, to the maximum extent consistent with the national interest, the utilization of engineering and professional services of United States firms (including, but not limited to, any corporation, company, partnership, or other association) or by an affiliate of such United States firms in connection with capital projects financed by funds authorized under this chapter.

(e) Contracts on basis of competitive selection procedures

(1) The Congress finds that significantly greater effort must be made in carrying out programs under subchapter I of this chapter to award contracts on the basis of competitive selection procedures. All such contracts should be let on the basis of competitive selection procedures except in those limited cases in which the procurement regulations governing the agency primarily responsible for administering subchapter I of this chapter allow noncompetitive procedures to be used.

(2) Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560.

(Pub. L. 87–195, pt. III, § 601, Sept. 4, 1961, 75 Stat. 438; Pub. L. 88–205, pt. III, § 301(a), (b), Dec. 16, 1963, 77 Stat. 385; Pub. L. 88–633, pt. III, § 301(a), (b), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 89–583, pt. III, § 301(a), Sept. 19, 1966, 80 Stat. 803; Pub. L. 90–137, pt. III, § 301(a), Nov. 14, 1967, 81 Stat. 458; Pub. L. 95–424, title I, § 102(g)(2)(B), title V, § 501, Oct. 6, 1978, 92 Stat. 942, 956; Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (d), 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.

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

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

AMENDMENTS

1981—Subsec. (e)(2). Pub. L. 97–113 struck out par. (2) which required reports to Congress on Agency for International Development contracts over $100,000 entered into without competitive selection. See section 2394(a)(2)(F) of this title.

1978—Subsec. (b)(5). Pub. L. 95–424 substituted "section 2151t" for "section 2161".

Subsec. (e). Pub. L. 95–424 added subsec. (e).

1967—Subsec. (c)(3). Pub. L. 90–137 substituted reference to section 5703 for former section 73b–2 of title 5.

1966—Subsec. (b)(2) to (8). Pub. L. 89–583, § 301(a)(1)–(3), added par. (2), redesignated former pars. (2) to (6) as (3) to (7), respectively, and added par. (8).

Subsec. (c). Pub. L. 89–583, § 301(a)(4), substituted provisions relating to International Private Investment Advisory Council on Foreign Aid for former provisions relating to Advisory Committee on Private Enterprise in Foreign Aid.

1964—Subsec. (c)(4). Pub. L. 88–633, § 301(a), substituted ''June 30, 1965'' for ''December 31, 1964''.

Subsec. (d). Pub. L. 88–633, § 301(b), added subsec. (d).

1963—Subsec. (b). Pub. L. 88–205, § 301(a), substituted ''to the maximum extent practicable'' for ''wherever appropriate'' in par. (4), and added pars. (5) and (6).

Subsec. (c). Pub. L. 88–205, § 301(b), added subsec. (c).

EFFECTIVE DATE OF 1978 AMENDMENT

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

DELEGATION OF FUNCTIONS

Functions of President under subsec. (b)(1) of this section, as they relate to drawing attention of private enterprise to opportunities for investment and development in less developed friendly countries and areas, delegated to Secretary of Commerce pursuant to section 1–502 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

Functions of President under subsec. (b)(3), (4), and (6) delegated to Secretary of State pursuant to section 1–201(a)(9) of Ex. Ord. No. 12163.

TERMINATION OF ADVISORY COUNCIL

Advisory council in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2352. Small business

(a) Assistance for participation in furnishing of commodities, defense articles, and services

Insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of this chapter, the President shall assist American small business to participate equitably in the furnishing of commodities, defense articles, and services (including defense services) financed with funds made available under this chapter—

(1) by causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with such funds;

(2) by causing to be made available to prospective purchasers in the countries and areas receiving assistance under this chapter information as to such commodities, articles, and services produced by small independent enterprises in the United States; and

(3) by providing for additional services to give small business better opportunities to participate in the furnishing of such commodities, articles, and services financed with such funds.

(b) Office of Small Business

There shall be an Office of Small Business, headed by a Special Assistant for Small Business, in such agency of the United States Government as the President may direct, to assist in carrying out the provisions of subsection (a) of this section.

(c) Information with respect to certain purchases by Department of Defense

The Secretary of Defense shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchases made by the Department of Defense pursuant to subchapter II of this chapter, such information to be furnished as far in advance as possible.

(Pub. L. 87–195, pt. III, § 602, Sept. 4, 1961, 75 Stat. 439.)

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.

REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE CERTAIN PARTS OF SUBCHAPTER II

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

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a), to extent they relate to other functions under this chapter administered by Department of Defense, delegated to Secretary of Defense by section 1–301(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

OFFICE IN AGENCY FOR INTERNATIONAL DEVELOPMENT

For location of the Office of Small Business, provided for in subsec. (b), in the Agency for International Development, see section 1–104 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

PROCUREMENTS FROM SMALL BUSINESSES

Pub. L. 94–329, title VI, § 602, June 30, 1976, 90 Stat. 766, provided that: ''In order to encourage procurements from small business concerns under chapter 4 of the Foreign Assistance Act of 1961 [part IV of subchapter II of this chapter], the Administrator of the Agency for International Development shall report to the Congress every six months on the extent to which small businesses have participated in procurements under such chapter [part] and on what efforts the Agency has made to foster such procurements from small business concerns. The Small Business Administration shall lend all available assistance to the Agency for the purposes of carrying out this section.''

§ 2353. Shipping on United States vessels

The ocean transportation between foreign countries of commodities and defense articles

purchased with foreign currencies made available or derived from funds made available under this chapter or the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], and transfers of fresh fruit and products thereof under this chapter, shall not be governed by the provisions of section 1241(b) of title 46, Appendix, or any other law relating to the ocean transportation of commodities on United States flag vessels.

(Pub. L. 87–195, pt. III, § 603, Sept. 4, 1961, 75 Stat. 439.)

REFERENCES IN TEXT

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

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in text, is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, 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.

§ 2354. Procurement

(a) Limitations on procurement outside United States

(1) Funds made available for assistance under this chapter may be used by the President for procurement—

(A) only in the United States, the recipient country, or developing countries; or

(B) in any other country but only if—

(i) the provision of such assistance requires commodities or services of a type that are not produced in and available for purchase in any country specified in subparagraph (A); or

(ii) the President determines, on a case-by-case basis, that procurement in such other country is necessary—

(I) to meet unforeseen circumstances, such as emergency situations, where it is important to permit procurement in a country not specified in subparagraph (A); or

(II) to promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives.

(2) For purposes of this subsection, the term ''developing countries'' shall not include advanced developing countries.

(b) Purchases in bulk

No funds made available under this chapter shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(c) Agricultural commodities or products thereof available for disposition under Agricultural Trade Development and Assistance Act of 1954

In providing for the procurement of any agricultural commodity or product thereof available for disposition under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], for transfer by grant under this chapter to any recipient country in accordance with its requirements, the President shall, insofar as practicable and when in furtherance of the purposes of this chapter, authorize the procurement of such agricultural commodity only within the United States except to the extent that such agricultural commodity is not available in the United States in sufficient quantities to supply emergency requirements of recipients under this chapter.

(d) Marine insurance

In providing assistance in the procurement of commodities in the United States, United States dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II: *Provided*, That in the event a participating country, by statute, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States, then commodities purchased with funds provided hereunder and destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

(e) Parity for domestic commodities prior to use of funds outside United States

No funds made available under this chapter shall be used for the procurement of any agricultural commodity or product thereof outside the United States when the domestic price of such commodity is less than parity, unless the commodity to be financed could not reasonably be procured in the United States in fulfillment of the objectives of a particular assistance program under which such commodity procurement is to be financed.

(f) Commodity eligibility

No funds authorized to be made available to carry out subchapter I of this chapter shall be used under any commodity import program to make any payment to a supplier unless the supplier has certified to the agency primarily responsible for administering such subchapter I, such information as such agency shall by regulation prescribe, including but not limited to, a description of the commodity supplied by him and its condition, and, on the basis of such information such agency shall have approved such commodity as eligible and suitable for financing under this chapter.

(g) Construction or engineering services; applicability to advanced developing country

(1) None of the funds authorized to be appropriated or made available for obligation or expenditure under this chapter may be made available for the procurement of construction or engineering services from advanced developing countries, eligible under the Geographic Code 941, which have attained a competitive capability in international markets for construction services or engineering services.

(2) Paragraph (1) does not apply with respect to an advanced developing country which—

(A) is receiving direct economic assistance under part I of subchapter I of this chapter or part IV of subchapter II of this chapter, and

(B) if the country has its own foreign assistance programs which finance the procurement of construction or engineering services, permits United States firms to compete for those services.

(Pub. L. 87–195, pt. III, § 604, Sept. 4, 1961, 75 Stat. 439; Pub. L. 89–583, pt. III, § 301(b), Sept. 19, 1966, 80 Stat. 804; Pub. L. 90–554, pt. III, § 301(a), Oct. 8, 1968, 82 Stat. 963; Pub. L. 96–533, title VII, § 705, Dec. 16, 1980, 94 Stat. 3157; Pub. L. 99–83, title XII, § 1207, Aug. 8, 1985, 99 Stat. 278; Pub. L. 102–391, title V, § 597, Oct. 6, 1992, 106 Stat. 1694.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) to (c) and (e) to (g)(1), 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 Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsec. (c), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, 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.

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

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

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–391 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''Funds made available under this chapter may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States, and only if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.''

1985—Subsec. (g). Pub. L. 99–83 designated existing provisions as par. (1) and added par. (2).

1980—Subsec. (e). Pub. L. 96–533, § 705(a), authorized use of funds for procurement of a commodity outside the United States when the commodity to be financed could not reasonably be procured in the United States in fulfillment of objectives of a particular assistance program under which such commodity procurement is to be financed.

Subsec. (g). Pub. L. 96–533, § 705(b), added subsec. (g).

1968—Subsec. (f). Pub. L. 90–554 added subsec. (f).

1966—Subsec. (c). Pub. L. 89–583, § 301(b)(1), struck out ''surplus'' before ''agricultural commodity'' in three places and inserted ''or products thereof available for disposition under the Agricultural Trade Development and Assistance Act of 1954, as amended,'' after ''commodity'' where first appearing.

Subsec. (e). Pub. L. 89–583, § 301(b)(2), added subsec. (e).

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

Functions of President under subsec. (a), insofar as they related to procurement under part I of subchapter I and part IV of subchapter II of this chapter, delegated to Secretary of State by section 1–201(a)(10) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

Functions of President under subsec. (a), except insofar as they related to procurement under part I of subchapter I and part IV of subchapter II of this chapter, excluded from foregoing delegations of functions by section 1–701(d) of Ex. Ord. No. 12163.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151f, 2293 of this title.

§ 2355. Retention and use of certain items and funds

(a) Commodities and defense articles; disposal to prevent spoilage or wastage or to conserve usefulness; funds realized from disposal or transfer

Any commodities and defense articles procured to carry out this chapter shall be retained by, or upon reimbursement, transferred to, and for the use of, such agency of the United States Government as the President may determine in lieu of being disposed of to a foreign country or international organization, whenever in the judgment of the President the best interests of the United States will be served thereby, or whenever such retention is called for by concurrent resolution. Any commodities or defense articles so retained may be disposed of without regard to provisions of law relating to the disposal of property owned by the United States Government, when necessary to prevent spoilage or wastage of such commodities or defense articles or to conserve the usefulness thereof. Funds realized from any disposal or transfer shall revert to the respective appropriation, fund, or account used to procure such commodities or defense articles or to the appropriation, fund, or account currently available for the same general purpose.

(b) Commodities transferred as repayment of assistance

Whenever commodities are transferred to the United States Government as repayment of assistance under this chapter, such commodities may be used in furtherance of the purposes and within the limitations of this chapter.

(c) Funds realized as result of illegal transactions

Funds realized as a result of any failure of a transaction financed under authority of sub-

chapter I of this chapter to conform to the requirements of this chapter, or to applicable rules and regulations of the United States Government, or to the terms of any agreement or contract entered into under authority of subchapter I of this chapter, shall revert to the respective appropriation, fund, or account used to finance such transaction or to the appropriation, fund, or account currently available for the same general purpose.

(d) Funds realized from sale, transfer, or disposal of returned defense articles

Funds realized by the United States Government from the sale, transfer, or disposal of defense articles returned to the United States Government by a recipient country or international organization as no longer needed for the purpose for which furnished shall be credited to the respective appropriation, fund, or account used to procure such defense articles or to the appropriation, fund, or account currently available for the same general purpose.

(Pub. L. 87–195, pt. III, § 605, Sept. 4, 1961, 75 Stat. 440; Pub. L. 89–171, pt. III, § 301(a), Sept. 6, 1965, 79 Stat. 658.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) to (c), 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.

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

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

AMENDMENTS

1965—Subsecs. (c), (d). Pub. L. 89–171 added subsecs. (c) and (d).

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a), to the extent they relate to other functions under this chapter administered by Department of Defense, delegated to Secretary of Defense by section 1–301(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

§ 2356. Patents and technical information

(a) Practice of invention or disclosure of information; suits against United States for reasonable compensation; jurisdiction; limitation of action; defenses

Whenever, in connection with the furnishing of assistance under this chapter—

(1) an invention or discovery covered by a patent issued by the United States Government is practiced within the United States without the authorization of the owner, or

(2) information, which is (A) protected by law, and (B) held by the United States Government subject to restrictions imposed by the owner, is disclosed by the United States Government or any of its officers, employees, or agents in violation of such restrictions,

the exclusive remedy of the owner, except as provided in subsection (b) of this section, is to sue the United States Government for reasonable and entire compensation for such practice or disclosure in the district court of the United States for the district in which such owner is a resident, or in the United States Court of Federal Claims, within six years after the cause of action arises. Any period during which the United States Government is in possession of a written claim under subsection (b) of this section before mailing a notice of denial of that claim does not count in computing the six years. In any such suit, the United States Government may plead any defense that may be pleaded by a private person in such an action. The last paragraph of section 1498(a) of title 28 shall apply to inventions and information covered by this section.

(b) Settlement of claims

Before suit against the United States Government has been instituted, the head of the agency of the United States Government concerned may settle and pay any claim arising under the circumstances described in subsection (a) of this section. No claim may be paid under this subsection unless the amount tendered is accepted by the claimant in full satisfaction.

(c) Drug products manufactured outside the United States

Funds appropriated pursuant to this chapter shall not be expended by the United States Government for the acquisition of any drug product or pharmaceutical product manufactured outside the United States if the manufacture of such drug product or pharmaceutical product in the United States would involve the use of, or be covered by, an unexpired patent of the United States which has not previously been held invalid by an unappealed or unappealable judgment or decree of a court of competent jurisdiction, unless such manufacture is expressly authorized by the owner of such patent.

(Pub. L. 87–195, pt. III, § 606, Sept. 4, 1961, 75 Stat. 440; Pub. L. 97–164, title I, § 160(a)(6), Apr. 2, 1982, 96 Stat. 48; Pub. L. 102–572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

REFERENCES IN TEXT

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

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court''.

1982—Subsec. (a). Pub. L. 97–164 substituted ''United States Claims Court'' for ''Court of Claims''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–164 effective Oct. 1, 1982, see section 402 of Pub. L. 97–164, set out as a note under

section 171 of Title 28, Judiciary and Judicial Procedure.

§ 2357. Furnishing of services and commodities

(a) Advance-of-funds or reimbursement basis

Whenever the President determines it to be consistent with and in furtherance of the purposes of subchapter I of this chapter and within the limitations of this chapter, any agency of the United States Government is authorized to furnish services and commodities on an advance-of-funds or reimbursement basis to friendly countries, international organizations, the American Red Cross, and voluntary nonprofit relief agencies registered with and approved by the Agency for International Development (including foreign voluntary nonprofit relief agencies so registered and approved when no United States voluntary nonprofit relief agency is available). Such advances or reimbursements may be credited to the currently applicable appropriation, account, or fund of the agency concerned and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used, under the following circumstances:

(1) Advances or reimbursements which are received under this section within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered.

(2) Advances or reimbursements received pursuant to agreements executed under this section in which reimbursement will not be completed within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered: *Provided*, That such agreements require the payment of interest at the current rate established pursuant to section 635(b)(1)(B) of title 12, and repayment of such principal and interest does not exceed a period of three years from the date of signing of the agreement to provide the service: *Provided further*, That funds available for this paragraph in any fiscal year shall not exceed $1,000,000 of the total funds authorized for use in such fiscal year by part I of subchapter I of this chapter, and shall be available only to the extent provided in appropriation Acts. Interest shall accrue as of the date of disbursement to the agency or organization providing such services.

(b) Agency contracts with individuals to perform services

When any agency of the United States Government provides services on an advance-of-funds or reimbursable basis under this section, such agency may contract with individuals for personal service abroad or in the United States to perform such services or to replace officers or employees of the United States Government who are assigned by the agency to provide such services. Such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Director of the Office of Personnel Management.

(c) Excess property

(1) Except as provided in subsection (d) of this section, no Government-owned excess property shall be made available under this section, section 2358 of this title, or otherwise in furtherance of the purposes of subchapter I of this chapter, unless, before the shipment of such property for use in a specified country (or transfer, if the property is already in such country), the agency administering such subchapter I has approved such shipment (or transfer) and made a written determination—

(A) that there is a need for such property in the quantity requested and that such property is suitable for the purpose requested;

(B) as to the status and responsibility of the designated end-user and his ability effectively to use and maintain such property; and

(C) that the residual value, serviceability, and appearance of such property would not reflect unfavorably on the image of the United States and would justify the costs of packing, crating, handling, transportation, and other accessorial costs, and that the residual value at least equals the total of these costs.

(2) For purposes of transferring property described in this subsection in furtherance of the provisions of part VIII of subchapter I of this chapter, the phrase ''the agency administering such subchapter I'' shall be considered to refer to the Department of State.

(d) Transfer of Government-owned excess property to enhance environmental protection in foreign countries

The Secretary of State, acting through the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, is authorized to transfer to any friendly country, international organization, the American Red Cross, or other voluntary nonprofit relief agency described in subsection (a) of this section, Government-owned excess property made available under this section or section 2358 of this title in order to support activities carried out under subchapter I of this chapter which are designed to enhance environmental protection in foreign countries if the Secretary of State makes a written determination—

(1) that there is a need for such property in the quantity requested and that such property is suitable for the purpose requested;

(2) as to the status and responsibility of the designated end-user and his ability effectively to use and maintain such property; and

(3) that the residual value, serviceability, and appearance of such property would not reflect unfavorably on the image of the United States and would justify the costs of packing, crating, handling, transportation, and other accessorial costs, and that the residual value at least equals the total of these costs.

(Pub. L. 87–195, pt. III, § 607, Sept. 4, 1961, 75 Stat. 441; Pub. L. 90–554, pt. III, § 301(b), Oct. 8, 1968, 82 Stat. 963; Pub. L. 94–161, title III, § 315, Dec. 20, 1975, 89 Stat. 867; Pub. L. 95–88, title I, § 122(a), Aug. 3, 1977, 91 Stat. 541; Pub. L. 95–424, title V, § 503, Oct. 6, 1978, 92 Stat. 959; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 96–53, title I, § 121, Aug. 14, 1979, 93 Stat. 366; Pub. L. 99–93, title I, § 129, Aug. 16, 1985, 99 Stat. 419.)

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.

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

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

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

AMENDMENTS

1985—Subsec. (c)(1). Pub. L. 99–93, § 129(1)(A), (B), designated existing provisions of subsec. (c) as par. (1), redesignated existing pars. (1), (2), and (3) as subpars. (A), (B), and (C), respectively, and in introductory provisions of par. (1) as so designated substituted ''Except as provided in subsection (d) of this section, no'' for ''No''.

Subsec. (c)(2). Pub. L. 99–93, § 129(1)(C), added par. (2).

Subsec. (d). Pub. L. 99–93, § 129(2), added subsec. (d).

1979—Subsec. (a). Pub. L. 96–53 substituted ''Agency for International Development'' for ''Advisory Committee on Voluntary Foreign Aid''.

1978—Subsecs. (b), (c). Pub. L. 95–424 added subsec. (b) and redesignated former subsec. (b) as (c).

1977—Subsec. (a). Pub. L. 95–88 inserted ''(including foreign voluntary nonprofit relief agencies so registered and approved when no United States voluntary nonprofit relief agency is available)'' after ''and voluntary nonprofit relief agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid'' in provisions preceding par. (1).

1975—Subsec. (a). Pub. L. 94–161 substituted ''currently'' for ''current'', incorporated text following ''Such advances or reimbursements'' in provisions designated cl. (1) and added cl. (2).

1968—Pub. L. 90–554 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

REGULATIONS

Section 122(b) of Pub. L. 95–88 provided that: ''For purposes of implementing the amendment made by subsection (a) [amending this section], the President shall issue regulations governing registration with and approval by the Advisory Committee on Voluntary Foreign Aid of foreign voluntary nonprofit agencies.''

TRANSFER OF FUNCTIONS

''Director of the Office of Personnel Management'' substituted for ''Civil Service Commission'' in subsec. (b) pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in the United States Civil Service Commission to the Director of the Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103–236, set out as a note under section 2651a of this title.

DELEGATION OF AUTHORITY

Memorandum of President of the United States, Feb. 16, 1995, 60 F.R. 10793, provided:

Memorandum for the Secretary of State [and] the Administrator of the Agency for International Development

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate as follows certain authorities vested in the President:

(A) the functions under section 607 of the Foreign Assistance Act of 1961, as amended (FAA) [22 U.S.C. 2357], to the Secretary of State and to the Administrator of the Agency for International Development, respectively, for matters within their respective areas of responsibility; and

(B) the functions in the first proviso under the heading ''Population, Development Assistance,'' contained in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306) [108 Stat. 1611], and in comparable provisions in successor legislation, to the Secretary of State relating to those organizations and programs for which the Secretary of State has funding responsibility.

The delegations of authority described in subparagraph (A) are in addition to other delegations of such authority to the International Development Cooperation Agency.

The delegation of authority described above in subparagraph (B) shall be exercised in lieu of the delegation of the comparable authority to the Administrator of the Agency for International Development by section 1–102(a)(7) of Executive Order No. 12163, as amended [22 U.S.C. 2381 note].

Any reference in this memorandum to any Act, order, determination, or delegation of authority shall be deemed to be a reference to such Act, order, determination, or delegation of authority as amended from time to time.

The functions delegated by this memorandum may be redelegated within the Department of State or the Agency for International Development, as appropriate.

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

WILLIAM J. CLINTON.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2358 of this title; title 40 section 512.

§ 2358. Foreign and domestic excess property

(a) Advance acquisition of property; special account for payment of costs; limitation; use of property

It is the sense of the Congress that in furnishing assistance under subchapter I of this chapter excess personal property, or (if a substantial savings would occur) other property already owned by an agency of the United States Government, shall be utilized wherever practicable in lieu of or supplementary to the procurement of new items for United States-assisted projects and programs. The President is authorized to maintain in a separate account, which shall, notwithstanding section 1535(d) of title 31, be free from fiscal year limitation, $5,000,000 of funds made available under part I of subchapter I of this chapter, which may be used to pay costs (including personnel costs) of acquisition, storage, renovation and rehabilitation, packing, crating, handling, transportation, and related costs of property classified as domestic or foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), any property available from an agency of the United States Government, or other property, in advance of known requirements therefor for use in furtherance of the purposes of subchapter I of this chapter: *Provided*, That the amount of property classified as domestic excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended, held at any one time pursuant to this section shall not exceed $15,000,000 in total original acquisition cost. Property acquired pursuant to the preceding sentence may be furnished (1) pursuant to any provision of subchapter I of this chapter for which funds are authorized for the furnishing of assistance, in which case the separate account established pursuant to this section shall be repaid from funds made available for such provision for all costs incurred, or (2) pursuant to section 2357 of this title, in which case such separate account shall be repaid in accordance with the provisions of that section for all costs incurred.

(b) Transfer of domestic excess property

Property classified as domestic excess property under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], shall not be transferred to the agency primarily responsible for administering subchapter I of this chapter for use pursuant to the provisions of subchapter I of this chapter or section 2357 of this title unless (1) such property is transferred for use exclusively by an agency of the United States Government, or (2) it has been determined in the same manner as provided for surplus property in section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 484(j)], that such property is not needed for donation pursuant to that subsection. The foregoing restrictions shall not apply to the transfer in any fiscal year for use pursuant to the provisions of subchapter I of this chapter of amounts of such property with a total original acquisition cost to the United States Government not exceeding $45,000,000.

(Pub. L. 87–195, pt. III, § 608, Sept. 4, 1961, 75 Stat. 441; Pub. L. 89–583, pt. III, § 301(c), Sept. 19, 1966, 80 Stat. 804; Pub. L. 90–137, pt. III, § 301(b), Nov. 14, 1967, 81 Stat. 458; Pub. L. 95–424, title I, § 102(g)(2)(C), Oct. 6, 1978, 92 Stat. 942; Pub. L. 97–113, title VII, § 701, Dec. 29, 1981, 95 Stat. 1543.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. The excess property provisions of that Act are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

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

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

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

CODIFICATION

In subsec. (a), ''section 1535(d) of title 31'' substituted for ''section 1210 of the General Appropriation Act, 1951 (64 Stat. 765) [31 U.S.C. 686–1]'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1981—Subsec. (a). Pub. L. 97–113 authorized for subchapter I assistance use of property already owned by an agency of the United States (if a substantial savings would occur) as supplementary to procurement of new items for United States-assisted projects and programs and use of separate account funds for payment of costs of any property available from an agency of the United States.

1978—Subsec. (a). Pub. L. 95–424 substituted ''part 1 of subchapter 1 of this chapter'' for ''section 2172 of this title''.

1967—Subsec. (a). Pub. L. 90–137 required, in furnishing assistance under subchapter I of this chapter, utilization of excess personal property wherever practicable in lieu of new items for United States-assisted projects and programs.

1966—Subsec. (a). Pub. L. 89–583 permitted personnel costs attributable to the excess property program to be charged to the separate account for the advance acquisition of property.

EFFECTIVE DATE OF 1978 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2291a, 2357 of this title; title 40 section 483.

§ 2359. Repealed. Pub. L. 105–277, div. A, § 101(d) [title V, § 533(a)(5)], Oct. 21, 1998, 112 Stat. 2681–150, 2681–180

Section, Pub. L. 87–195, pt. III, § 609, Sept. 4, 1961, 75 Stat. 442, related to special accounts for proceeds from sales of commodities furnished on a grant basis.

§ 2360. Transfer of funds between accounts

(a) Necessity of transfer; limitations

Whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 10 per centum of the funds made available for any provision of this chapter (except funds made available pursuant to subpart IV of part II of subchapter I of this chapter or for section 2763 of this title) may be transferred to, and consolidated with, the funds made available for any provision of this chapter (except funds made available under part II of subchapter II of this chapter), and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 20 per centum of the amount of funds made available for such provision.

(b) Augmentation of other appropriations

The authority contained in this section and in sections 2261, 2318 and 2364 of this title, shall not be used to augment appropriations made available pursuant to sections 2396(g)(1) and 2397 of this title or used otherwise to finance activities which normally would be financed from appropriations for administrative expenses.

(c) Military and development assistance purposes

Any funds which the President has notified Congress pursuant to section 2413 of this title that he intends to provide in military assistance to any country may be transferred to, and consolidated with, any other funds he has notified Congress pursuant to such section that he intends to provide to that country for development assistance purposes.

(Pub. L. 87–195, pt. III, § 610, Sept. 4, 1961, 75 Stat. 442; Pub. L. 87–565, pt. III, § 301(a), Aug. 1, 1962, 76 Stat. 260; Pub. L. 89–371, § 3, Mar. 18, 1966, 80 Stat. 74; Pub. L. 89–583, pt. III, § 301(d), Sept. 19, 1966, 80 Stat. 804; Pub. L. 90–137, pt. III, § 301(c), Nov. 14, 1967, 81 Stat. 458; Pub. L. 91–175, pt. III, § 301, Dec. 30, 1969, 83 Stat. 820; Pub. L. 93–559, § 19(a), Dec. 30, 1974, 88 Stat. 1800; Pub. L. 95–384, § 10(b)(2), Sept. 26, 1978, 92 Stat. 735; Pub. L. 101–623, § 10(a), Nov. 21, 1990, 104 Stat. 3356.)

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.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–623 inserted ''or for section 2763 of this title'' after ''subchapter I of this chapter'' and struck out ''other'' after second reference to ''funds made available for any''.

1978—Subsec. (b). Pub. L. 95–384 struck out provisions authorizing transfer and consolidation of not to exceed $9,000,000 of the funds appropriated under section 2242 of this title with the funds appropriated under section 2397(a) of this title to be available solely for additional administrative expenses incurred in connection with programs in Vietnam.

1974—Subsec. (a). Pub. L. 93–559, § 19(a)(1), inserted provisions excepting funds made available under part II of subchapter II of this chapter from the designation of funds subject to consolidation.

Subsec. (c). Pub. L. 93–559, § 19(a)(2), added subsec. (c).

1969—Subsec. (a). Pub. L. 91–175 inserted provision excepting funds made available pursuant to subpart IV of part II of subchapter I of this chapter form the designation of funds subject to consolidation.

1967—Subsec. (b). Pub. L. 90–137 increased limitation on funds available for transfer from $5,000,000 to $9,000,000.

1966—Subsec. (b). Pub. L. 89–583 substituted provisions authorizing transfer of $5,000,000 for administrative expenses for any fiscal year incurred in connection with programs in Vietnam for provisions authorizing transfer of $1,400,000 for administrative expenses for fiscal year 1966 incurred in connection with programs in the Republic of Vietnam.

Pub. L. 89–371 authorized transfer of $1,400,000 for administrative expenses for fiscal year 1966 incurred in connection with programs in the Republic of Vietnam.

1962—Pub. L. 87–565 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1990 AMENDMENT

Section 10(b) of Pub. L. 101–623 provided that: ''The amendments made by subsection (a) [amending this section] apply with respect to funds made available for fiscal year 1991 or any fiscal year thereafter.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151g, 2161, 2222, 2291e, 2292n, 2293, 2348a, 2364, 2394, 2411 of this title.

§ 2361. Completion of plans and cost estimates

(a) Restriction on agreements or grants

No agreement or grant which constitutes an obligation of the United States Government in excess of $500,000 under section 1501 of title 31 shall be made for any assistance authorized under part I of subchapter I of this chapter, subpart II of part II of subchapter I of this chapter, or part IV of subchapter II of this chapter—

(1) if such agreement or grant requires substantive technical or financial planning, until engineering, financial, and other plans necessary to carry out such assistance, and a reasonably firm estimate of the cost to the United States Government of providing such assistance, have been completed; and

(2) if such agreement or grant requires legislative action within the recipient country, unless such legislative action may reasonably be anticipated to be completed in time to permit the orderly accomplishment of the purposes of such agreement or grant.

(b) Plans for water or related land resource construction projects; computation of benefits and costs

Plans required under subsection (a) of this section for any water or related land resource construction project or program shall include a computation of benefits and costs made insofar as practicable in accordance with the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or acts amendatory or supplementary thereto.

(c) Contracts for construction outside United States; competitive basis

To the maximum extent practicable, all contracts for construction outside the United States made in connection with any agreement

or grant subject to subsection (a) of this section shall be made on a competitive basis.

(d) Engineering, financial, and other plans

Subsection (a) of this section shall not apply to any assistance furnished for the sole purpose of preparation of engineering, financial, and other plans.

(e) Certification of country capability to maintain and utilize projects as prerequisite to assistance for capital projects exceeding cost limitations

In addition to any other requirements of this section, no assistance authorized under part I of subchapter I of this chapter, subpart II of part II of subchapter I of this chapter, or part IV of subchapter II of this chapter shall be furnished with respect to any capital assistance project estimated to cost in excess of $1,000,000 until the head of the agency primarily responsible for administering subchapter I of this chapter has received and taken into consideration a certification from the principal officer of such agency in the country in which the project is located as to the capability of the country (both financial and human resources) to effectively maintain and utilize the project taking into account among other things the maintenance and utilization of projects in such country previously financed or assisted by the United States.

(Pub. L. 87–195, pt. III, § 611, Sept. 4, 1961, 75 Stat. 442; Pub. L. 87–565, pt. III, § 301(b), Aug. 1, 1962, 76 Stat. 260; Pub. L. 88–205, pt. III, § 301(c), Dec. 16, 1963, 77 Stat. 385; Pub. L. 90–137, pt. II, § 301(d), Nov. 14, 1967, 81 Stat. 458; Pub. L. 95–424, title I, § 102(g)(2)(D), (E), Oct. 6, 1978, 92 Stat. 943; Pub. L. 96–53, title I, § 117, Aug. 14, 1979, 93 Stat. 365; Pub. L. 99–83, title XII, §§ 1208, 1211(b)(2), Aug. 8, 1985, 99 Stat. 278, 279.)

REFERENCES IN TEXT

The Water Resources Planning Act, referred to in subsec. (b), is Pub. L. 89–80, July 22, 1965, 79 Stat. 244, as amended, which is classified generally to chapter 19B (§ 1962 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1962 of Title 42 and Tables.

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

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

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99–83, § 1208(1), substituted "$500,000" for "$100,000".

Pub. L. 99–83, § 1211(b)(2), substituted reference to section 1501 of title 31, for reference to section 1311 of the Supplemental Appropriation Act, 1955.

Subsec. (b). Pub. L. 99–83, § 1208(2), substituted "the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or acts amendatory or supplementary thereto" for "the procedures set forth in the Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973, with respect to such computations".

1979—Subsec. (b). Pub. L. 96–53 substituted "Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973" for "Memorandum of the President dated May 15, 1962".

1978—Subsec. (a). Pub. L. 95–424, § 102(g)(2)(D), substituted "part I of subchapter I of this chapter, subpart II of part II of subchapter I of this chapter, or part IV of subchapter II of this chapter" for "subparts I, II, and VI of part II and part IV of subchapter I of this chapter".

Subsec. (e). Pub. L. 95–424, § 102(g)(2)(E), substituted "part I of subchapter I of this chapter, subpart II of part II of subchapter I of this chapter, or part IV of subchapter II of this chapter" for "subparts I, II, or VI of part II or part IV of subchapter I of this chapter".

1967—Subsec. (e). Pub. L. 90–137 added subsec. (e).

1963—Subsec. (b). Pub. L. 88–205 substituted "the Memorandum of the President dated May 15, 1962," for "circular A–47 of the Bureau of the Budget."

1962—Subsec. (a). Pub. L. 87–565 included subpart VI of part II of subchapter I of this chapter within the restriction.

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.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

§ 2362. Use of foreign currencies

(a) Currencies received in payment for nonmilitary assistance; foreign obligations

Except as otherwise provided in this chapter or other Acts, foreign currencies received either (1) as a result of the furnishing of nonmilitary assistance under the Mutual Security Act of 1954, as amended, or any Act repealed thereby, and unobligated on September 3, 1961, or (2) on or after September 4, 1961, as a result of the furnishing of nonmilitary assistance under the Mutual Security Act of 1954, as amended, or any Act repealed thereby, or (3) as a result of the furnishing of assistance under subchapter I of this chapter, which are in excess of amounts reserved under authority of section 2455(d) of this title or any other Act relating to educational and cultural exchanges, may be sold by the Secretary of the Treasury to agencies of the United States Government for payment of their obligations outside the United States, and the United States dollars received as reimbursement shall be deposited into miscellaneous receipts of the Treasury. Foreign currencies so received which are in excess of the amounts so reserved and of the requirements of the United States Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President, shall be available for the authorized purposes of

subchapter I of this chapter in such amounts as may be specified from time to time in appropriation Acts.

(b) United States operations abroad; excess foreign currencies

Any Act of the Congress making appropriations to carry out programs under this chapter or any other Act for United States operations abroad is hereby authorized to provide for the utilization of United States-owned excess foreign currencies to carry out any such operations authorized by law.

As used in this subsection, the term ''excess foreign currencies'' means foreign currencies or credits owned by or owed to the United States which are, under applicable agreements with the foreign country concerned, available for the use of the United States Government and are determined by the President to be excess to the normal requirements of departments and agencies of the United States for such currencies or credits and are not prohibited from use under this subsection by an agreement entered into with the foreign country concerned.

The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars. Dollar funds made available pursuant to this chapter shall not be expended for goods and services when United States-owned foreign currencies are available for such purposes unless the administrative official approving the voucher certifies as to the reason for the use of dollars in each case.

(c) Voluntary family planning programs; limitation

In addition to funds otherwise available, excess foreign currencies, as defined in subsection (b) of this section, may be made available to friendly foreign governments and to private, nonprofit United States organizations to carry out voluntary family planning programs in countries which request such assistance. No such program shall be assisted unless the President has received assurances that in the administration of such program the recipient will take reasonable precautions to insure that no person receives any family planning assistance or supplies unless he desires such services. The excess foreign currencies made available under this subsection shall not, in any one year, exceed 5 per centum of the aggregate of all excess foreign currencies. As used in this subsection, the term ''voluntary family planning program'' includes, but is not limited to, demographic studies, medical and psychological research, personnel training, the construction and staffing of clinics and rural health centers, specialized training of doctors and paramedical personnel, the manufacture of medical supplies, and the dissemination of family planning information, medical assistance, and supplies to individuals who desire such assistance.

(d) Reciprocal release of dollar value equivalents

In furnishing assistance under this chapter to the government of any country in which the United States owns excess foreign currencies as defined in subsection (b) of this section, except those currencies generated under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], the President shall endeavor to obtain from the recipient country an agreement for the release, on such terms and conditions as the President shall determine, of an amount of such currencies up to the equivalent of the dollar value of assistance furnished by the United States for programs as may be mutually agreed upon by the recipient country and the United States to carry out the purposes for which new funds authorized by this chapter would themselves be available.

(Pub. L. 87–195, pt. III, § 612, Sept. 4, 1961, 75 Stat. 443; Pub. L. 88–205, pt. III, § 301(d), Dec. 16, 1963, 77 Stat. 385; Pub. L. 88–633, pt. III, § 301(c), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 88–638, § 2(1), Oct. 8, 1964, 78 Stat. 1037; Pub. L. 89–171, pt. III, § 301(b), Sept. 6, 1965, 79 Stat. 659; Pub. L. 89–583, pt. III, § 301(e), Sept. 19, 1966, 80 Stat. 805; Pub. L. 91–175, pt. III, § 302, Dec. 30, 1969, 83 Stat. 820.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b), and (d), 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 Mutual Security Act of 1954, referred to in subsec. (a), is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85–141, 71 Stat. 355; June 30, 1958, Pub. L. 85–477, ch. 1, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86–108, § 2, ch. 1, § 101, ch. II, §§ 201 to 205(a) to (i), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86–472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85–141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86–108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86–472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87–195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94–329, title II, § 212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104–127, title II, § 228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsec. (d), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, 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.

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

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

AMENDMENTS

1969—Subsec. (d). Pub. L. 91–175 added subsec. (d).

1966—Subsec. (c). Pub. L. 89–583 added subsec. (c).

1965—Subsecs. (b), (c). Pub. L. 89–171 redesignated subsec. (c) as (b) and prohibited dollar funds made available pursuant to this chapter from being expended for goods and services when United States-owned for-

eign currencies are available for such purposes unless the administrative official approving the voucher certifies as to the reason for the use of dollars in each case.

1964—Subsec. (b). Pub. L. 88–638 redesignated subsec. (b), as added by Pub. L. 88–205, as subsec. (t) of section 1704 of Title 7, Agriculture.

Subsec. (c). Pub. L. 88–633 added subsec. (c).

1963—Pub. L. 88–205 designated existing provisions as subsec. (a) and added subsec. (b).

DELEGATION OF FUNCTIONS

Functions of President under the second sentence of subsec. (a) of this section in relation to determination of excess foreign currencies delegated to Secretary of the Treasury, pursuant to section 1–501(a)(2) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

SEPARATE ACCOUNTS FOR LOCAL CURRENCIES AND CASH TRANSFERS

Pub. L. 105–277, div. A, § 101(d) [title V, § 533], Oct. 21, 1998, 112 Stat. 2681–150, 2681–179, provided that:

''(a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I [22 U.S.C. 2151 et seq., 2293 et seq.] or chapter 4 of part II [22 U.S.C. 2346 et seq.] of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

''(A) require that local currencies be deposited in a separate account established by that government;

''(B) enter into an agreement with that government which sets forth—

''(i) the amount of the local currencies to be generated, and

''(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

''(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

''(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

''(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

''(i) project and sector assistance activities, or

''(ii) debt and deficit financing, or

''(B) for the administrative requirements of the United States Government.

''(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

''(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

''(5) CONFORMING AMENDMENTS.—The tenth and eleventh provisos contained under the heading 'Sub-Saharan Africa, Development Assistance' as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 [Pub. L. 100–461, Oct. 1, 1988, 102 Stat. 2268–7] and sections 531(d) and 609 of the Foreign Assistance Act of 1961 [22 U.S.C. 2346(d), 2359] are repealed.

''(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

''(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I [22 U.S.C. 2151 et seq., 2293 et seq.] or chapter 4 of part II [22 U.S.C. 2346 et seq.] of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

''(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

''(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

''(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 105–118, title V, § 532, Nov. 26, 1997, 111 Stat. 2414.

Pub. L. 104–208, div. A, title I, § 101(c) [title V, § 531], Sept. 30, 1996, 110 Stat. 3009–121, 3009–150.

Pub. L. 104–107, title V, § 532, Feb. 12, 1996, 108 Stat. 732.

Pub. L. 103–306, title V, § 536, Aug. 23, 1994, 108 Stat. 1637.

Pub. L. 103–87, title V, § 537, Sept. 30, 1993, 107 Stat. 955.

Pub. L. 102–391, title V, § 571, Oct. 6, 1992, 106 Stat. 1681.

Pub. L. 101–513, title V, § 575, Nov. 5, 1990, 104 Stat. 2042.

Pub. L. 101–167, title II, title V, § 592, Nov. 21, 1989, 103 Stat. 1207, 1253.

Pub. L. 100–461, title II, Oct. 1, 1988, 102 Stat. 2268–12.

Pub. L. 100–202, § 101(e) [title II], Dec. 22, 1987, 101 Stat. 1329–131, 1329–143.

Pub. L. 99–500, § 101(f) [title II], Oct. 18, 1986, 100 Stat. 1783–213, 1783–221, and Pub. L. 99–591, § 101(f) [title II], Oct. 30, 1986, 100 Stat. 3341–214, 3341–221.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1754 of this title.

§ 2363. Accounting, valuation, reporting, and administration of foreign currencies

(a) Responsibility of Secretary of the Treasury; regulations

Under the direction of the President, the Secretary of the Treasury shall have responsibility for valuation and central accounting with respect to foreign credits (including currencies) owed to or owned by the United States. In order

to carry out such responsibility the Secretary shall issue regulations binding upon all agencies of the Government.

(b) Establishment of exchange rates

The Secretary of the Treasury shall have sole authority to establish for all foreign currencies or credits the exchange rates at which such currencies are to be reported by all agencies of the Government.

(c) Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(d) Interest income on foreign currency proceeds; regulations; waiver; report to Congress

In cases where assistance is to be furnished to any recipient country in furtherance of the purposes of this chapter or any other Act on a basis which will result in the accrual of foreign currency proceeds to the United States, the Secretary of the Treasury shall issue regulations requiring that agreements, in respect of such assistance, include provisions for the receipt of interest income on the foreign currency proceeds deposited in authorized depositaries: *Provided*, That whenever the Secretary of State determines it not to be in the national interest to conclude arrangements for the receipt of interest income he may waive the requirement thereof: *Provided further*, That the Secretary of State, or his delegate, shall promptly make a complete report to the Congress on each such determination and the reasons therefor.

(Pub. L. 87–195, pt. III, § 613, Sept. 4, 1961, 75 Stat. 443; Pub. L. 89–171, pt. III, § 301(c), Sept. 6, 1965, 79 Stat. 659; Pub. L. 94–273, § 46, Apr. 21, 1976, 90 Stat. 382; Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560.)

REFERENCES IN TEXT

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

AMENDMENTS

1981—Subsec. (c). Pub. L. 97–113 struck out subsec. (c) which provided for semi-annual reports on foreign currencies acquired without payment of dollars by the United States. See section 2394(a)(8) of this title.

1976—Subsec. (c). Pub. L. 94–273 inserted provision relating to reports after Dec. 31, 1975.

1965—Subsec. (d). Pub. L. 89–171 added subsec. (d).

§ 2364. Special authorities

(a) Furnishing of assistance and arms export sales, credits, and guaranties upon determination and notification of Congress of importance and vitality of such action to security interests and national security interests of United States; policy justification; fiscal year limitations; transfers between accounts

(1) The President may authorize the furnishing of assistance under this chapter without regard to any provision of this chapter, the Arms Export Control Act [22 U.S.C. 2751 et seq.], any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this chapter, in furtherance of any of the purposes of this chapter, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the security interests of the United States.

(2) The President may make sales, extend credit, and issue guaranties under the Arms Export Control Act [22 U.S.C. 2751 et seq.], without regard to any provision of this chapter, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the Arms Export Control Act, in furtherance of any of the purposes of such Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is vital to the national security interests of the United States.

(3) Before exercising the authority granted in this subsection, the President shall consult with, and shall provide a written policy justification to, 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.

(4)(A) The authority of this subsection may not be used in any fiscal year to authorize—

(i) more than $750,000,000 in sales to be made under the Arms Export Control Act [22 U.S.C. 2751 et seq.];

(ii) the use of more than $250,000,000 of funds made available for use under this chapter or the Arms Export Control Act; and

(iii) the use of more than $100,000,000 of foreign currencies accruing under this chapter or any other law.

(B) If the authority of this subsection is used both to authorize a sale under the Arms Export Control Act and to authorize funds to be used under the Arms Export Control Act or under this chapter with respect to the financing of that sale, then the use of the funds shall be counted against the limitation in subparagraph (A)(ii) and the portion, if any, of the sale which is not so financed shall be counted against the limitation in subparagraph (A)(i).

(C) Not more than $50,000,000 of the $250,000,000 limitation provided in subparagraph (A)(ii) may be allocated to any one country in any fiscal year unless that country is a victim of active aggression, and not more than $500,000,000 of the aggregate limitation of $1,000,000,000 provided in subparagraphs (A)(i) and (A)(ii) may be allocated to any one country in any fiscal year.

(5) The authority of this section may not be used to waive the limitations on transfers contained in section 2360(a) of this title.

(b) United States obligations in West Germany

Whenever the President determines it to be important to the national interest, he may use funds available for the purposes of part IV of subchapter I of this chapter in order to meet the responsibilities or objectives of the United States in Germany, including West Berlin, and

without regard to such provisions of law as he determines should be disregarded to achieve this purpose.

(c) Certification by President of inadvisability to specify nature of use of funds; reports to Congress

The President is authorized to use amounts not to exceed $50,000,000 of the funds made available under this chapter pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient voucher for such amounts. The President shall fully inform the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority member of the Committee on Foreign Relations of the Senate of each use of funds under this subsection prior to the use of such funds.

(Pub. L. 87–195, pt. III, § 614, Sept. 4, 1961, 75 Stat. 444; Pub. L. 89–583, pt. III, § 301(f), (g), Sept. 19, 1966, 80 Stat. 805; Pub. L. 90–137, pt. III, § 301(e), Nov. 14, 1967, 81 Stat. 459; Pub. L. 93–559, § 19(b), Dec. 30, 1974, 88 Stat. 1800; Pub. L. 96–533, title I, § 117(a), Dec. 16, 1980, 94 Stat. 3140; Pub. L. 99–83, title I, § 128, Aug. 8, 1985, 99 Stat. 206; Pub. L. 101–222, § 8, Dec. 12, 1989, 103 Stat. 1899; Pub. L. 103–199, title VII, § 705(2), Dec. 17, 1993, 107 Stat. 2328.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), 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)(1), (2), (4)(A), (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.

REFERENCES TO PART IV OF SUBCHAPTER I DEEMED REFERENCES TO PART IV OF SUBCHAPTER II

Part IV of subchapter I (§ 2241 et seq.) of this chapter has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§ 2346 et seq.) of this chapter, or to appropriate sections thereof. See section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

AMENDMENTS

1993—Subsec. (a)(4)(C). Pub. L. 103–199 struck out ''Communist or Communist-supported'' after ''victim of active''.

1989—Subsec. (c). Pub. L. 101–222 amended second sentence generally. Prior to amendment, second sentence read as follows: ''The President shall promptly and fully inform the Speaker of the House of Representatives and the chairman and ranking minority member of the Committee on Foreign Relations of the Senate of each use of funds under this subsection.''

1985—Subsec. (a)(4). Pub. L. 99–83 designated existing provisions as subpar. (A), added cl. (i) and designations ''(ii)'' and ''(iii)'', struck out fiscal year limitation for any one country, and added subpars. (B) and (C).

1980—Subsec. (a). Pub. L. 96–533, in revising subsec. (a), incorporated part of existing first sentence in provisions designated par. (1), inserted reference to Arms Export Control Act, struck out reference to Mutual Defense Assistance Control Act of 1951, required notification of the Speaker of the House and chairman of the Senate Committee on Foreign Relations, and substituted ''security interests'' for ''security''; inserted pars. (2) and (3); incorporated part of existing first sentence, second sentence, and substance of third sentence in provisions designated par. (4) and inserted reference to the Arms Export Control Act; and designated fourth sentence as par. (5) and substituted therein ''may not'' for ''shall not''.

1974—Subsec. (a). Pub. L. 93–559 provided that the authority of the section shall not be used to waive the limitations on transfers contained in section 2360(a) of this title.

1967—Subsec. (a). Pub. L. 90–137 substituted ''506'' for ''510'', classified to the Code as section 2318 of this title.

1966—Subsec. (a). Pub. L. 89–583, § 301(f), provided that the $50,000,000 limitation on allocation of funds to any country in any one fiscal year shall not apply to any country which is a victim of active Communist or Communist-supported aggression.

Subsec. (c). Pub. L. 89–583, § 301(g), inserted provision for reports to Congress of use of funds under this subsec.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

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

Functions of President under subsec. (b), except the function of determining which provisions of law should be disregarded, delegated to Secretary of State by sections 1–201(a)(11) and 1–701(e)(3) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, as amended, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151g, 2161, 2222, 2314, 2360, 2394, 2413, 2780, 3281 of this title.

§ 2365. Contract authority

Provisions of this chapter authorizing the appropriation of funds shall be construed to authorize the granting in any appropriation Act of authority to enter into contracts, within the amounts so authorized to be appropriated, creating obligations in advance of appropriations.

(Pub. L. 87–195, pt. III, § 615, Sept. 4, 1961, 75 Stat. 444.)

REFERENCES IN TEXT

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

§ 2366. Availability of funds

Except as otherwise provided in this chapter, funds shall be available to carry out the provisions of this chapter as authorized and appropriated to the President each fiscal year.

(Pub. L. 87–195, pt. III, § 616, Sept. 4, 1961, 75 Stat. 444.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 87–195, Sept. 4, 1961, 75

Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

ADMINISTRATION OF FUNDS

Pub. L. 87–329, title I, § 112, Sept. 30, 1961, 75 Stat. 719, provided that funds appropriated under Pub. L. 87–329, popularly known as the Foreign Assistance and Related Agencies Appropriation Act, 1962, should be administered with a favorable view toward those recipient nations which share the view of the United States on the world crisis.

§ 2367. Termination of assistance; availability of funds for winding up programs; participant training

Assistance under any provision of this chapter may, unless sooner terminated by the President, be terminated by concurrent resolution. Funds made available under this chapter shall remain available for a period not to exceed eight months from the date of termination of assistance under this chapter for the necessary expenses of winding up programs related thereto. In order to ensure the effectiveness of assistance under this chapter, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

(Pub. L. 87–195, pt. III, § 617, Sept. 4, 1961, 75 Stat. 444; Pub. L. 93–189, § 14, Dec. 17, 1973, 87 Stat. 722; Pub. L. 96–533, title III, § 310, Dec. 16, 1980, 94 Stat. 3148.)

REFERENCES IN TEXT

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

AMENDMENTS

1980—Pub. L. 96–533 authorized expenses for termination of programs to include completion of training or studies for students commenced outside their countries of origin prior to such termination.

1973—Pub. L. 93–189 substituted ''eight months'' for ''twelve months''.

DELEGATION OF FUNCTIONS

Functions of President under this section, insofar as they relate to part VIII of subchapter I of this chapter (§ 2291 et seq. of this title) and subchapter II of this chapter (§ 2301 et seq. of this title) delegated to Secretary of State pursuant to section 1–201(a)(17) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2151n of this title.

§§ 2368, 2369. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section 2368, Pub. L. 87–195, pt. III, § 618, as added Pub. L. 87–565, pt. III, § 301(c), Aug. 1, 1962, 76 Stat. 260, related to payment to the United States regarding the Settlement of Postwar Economic Assistance to Japan.

A prior section 618 of Pub. L. 87–195, pt. III, Sept. 4, 1961, 75 Stat. 444, relating to economic assistance to Latin America, was repealed by Pub. L. 87–565, pt. III, § 301(c), Aug. 1, 1962, 76 Stat. 260.

Section 2369, Pub. L. 87–195, pt. III, § 619, Sept. 4, 1961, 75 Stat. 444, related to assistance to newly independent countries.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2370. Prohibitions against furnishing assistance

(a) Cuba; embargo on all trade

(1) No assistance shall be furnished under this chapter to the present government of Cuba. As an additional means of implementing and carrying into effect the policy of the preceding sentence, the President is authorized to establish and maintain a total embargo upon all trade between the United States and Cuba.

(2) Except as may be deemed necessary by the President in the interest of the United States, no assistance shall be furnished under this chapter to any government of Cuba, nor shall Cuba be entitled to receive any quota authorizing the importation of Cuban sugar into the United States or to receive any other benefit under any law of the United States, until the President determines that such government has taken appropriate steps according to international law standards to return to United States citizens, and to entities not less than 50 per centum beneficially owned by United States citizens, or to provide equitable compensation to such citizens and entities for property taken from such citizens and entities on or after January 1, 1959, by the Government of Cuba.

(b) Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(c) Indebtedness of foreign country to United States citizen or person

No assistance shall be provided under this chapter to the government of any country which is indebted to any United States citizen or person for goods or services furnished or ordered where (i) such citizen or person has exhausted available legal remedies, which shall include arbitration, or (ii) the debt is not denied or contested by such government, or (iii) such indebtedness arises under an unconditional guaranty of payment given by such government, or any predecessor government, directly or indirectly, through any controlled entity: *Provided*, That the President does not find such action contrary to the national security.

(d) Productive enterprises competing with United States enterprise; conditions on assistance; import controls; waiver of restriction by President

No assistance shall be furnished on a loan basis under part I of subchapter I of this chapter for construction or operation of any productive enterprise in any country where such enterprise will compete with United States enterprise unless such country has agreed that it will establish appropriate procedures to prevent the exportation for use or consumption in the United States of more than twenty per centum of the annual production of such facility during the

life of the loan. In case of failure to implement such agreement by the other contracting party, the President is authorized to establish necessary import controls to effectuate the agreement. The restrictions imposed by or pursuant to this subsection may be waived by the President where he determines that such waiver is in the national security interest.

(e) Nationalization, expropriation or seizure of property of United States citizens, or taxation or other exaction having same effect; failure to compensate or to provide relief from taxes, exactions, or conditions; report on full value of property by Foreign Claims Settlement Commission; act of state doctrine

(1) The President shall suspend assistance to the government of any country to which assistance is provided under this chapter or any other Act when the government of such country or any government agency or subdivision within such country on or after January 1, 1962—

(A) has nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(B) has taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(C) has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned,

and such country, government agency, or government subdivision fails within a reasonable time (not more than six months after such action, or, in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received) to take appropriate steps, which may include arbitration, to discharge its obligations under international law toward such citizen or entity, including speedy compensation for such property in convertible foreign exchange, equivalent to the full value thereof, as required by international law, or fails to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be; and such suspension shall continue until the President is satisfied that appropriate steps are being taken, and provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interests of the United States. Such certification shall be reported immediately to Congress.

Upon request of the President (within seventy days after such action referred to in subparagraphs (A), (B), or (C) of this paragraph, the Foreign Claims Settlement Commission of the United States (established pursuant to Reorganization Plan No. 1 of 1954, 68 Stat. 1279) is hereby authorized to evaluate expropriated property, determining the full value of any property nationalized, expropriated, or seized, or subjected to discriminatory or other actions as aforesaid, for purposes of this subsection and to render an advisory report to the President within ninety days after such request. Unless authorized by the President, the Commission shall not publish its advisory report except to the citizen or entity owning such property. There is hereby authorized to be appropriated such amount, to remain available until expended, as may be necessary from time to time to enable the Commission to carry out expeditiously its functions under this subsection.

(2) Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which a claim of title or other rights to property is asserted by any party including a foreign state (or a party claiming through such state) based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in this subsection: *Provided*, That this subparagraph shall not be applicable (1) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right to property acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking, or (2) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court.

(f) Prohibition against assistance to Communist countries; conditions for waiver of restriction by President; enumeration of Communist countries; removal from application of provisions; preconditions

(1) No assistance shall be furnished under this chapter, (except section 2174(b) of this title) to any Communist country. This restriction may not be waived pursuant to any authority contained in this chapter unless the President finds and promptly reports to Congress that: (A) such assistance is vital to the security of the United States; (B) the recipient country is not controlled by the international Communist conspiracy; and (C) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase ''Communist country'' includes specifically, but is not limited to, the following countries:

Democratic People's Republic of Korea,
People's Republic of China,
Republic of Cuba,
Socialist Republic of Vietnam,
Tibet,[1]

(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President may

[1] So in original. The comma probably should be a period.

remove a country, for such period as the President determines, from the application of this subsection, and other provisions which reference this subsection, if the President determines and reports to the Congress that such action is important to the national interest of the United States. It is the sense of the Congress that when consideration is given to authorizing assistance to a country removed from the application of this subsection, one of the factors to be weighed, among others, is whether the country in question is giving evidence of fostering the establishment of a genuinely democratic system, with respect for internationally recognized human rights.

(g) Use of assistance funds to compensate owners for expropriated or nationalized property; waiver for land reform programs

Notwithstanding any other provision of law, no monetary assistance shall be made available under this chapter to any government or political subdivision or agency of such government which will be used to compensate owners for expropriated or nationalized property and, upon finding by the President that such assistance has been used by any government for such purpose, no further assistance under this chapter shall be furnished to such government until appropriate reimbursement is made to the United States for sums so diverted. This prohibition shall not apply to monetary assistance made available for use by a government (or a political subdivision or agency of a government) to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.

(h) Regulations and procedures to insure aid is not used contrary to the best interests of the United States

The President shall adopt regulations and establish procedures to insure that United States foreign aid is not used in a manner which, contrary to the best interests of the United States, promotes or assists the foreign aid projects or activities of any country that is a Communist country for purposes of subsection (f) of this section.

(i) Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(j) Damage or destruction by mob action of United States property; termination of assistance

The President shall consider terminating assistance under this chapter or any other Act to any country which permits, or fails to take adequate measures to prevent, the damage or destruction by mob action of United States property within such country, and fails to take appropriate measures to prevent a recurrence thereof and to provide adequate compensation for such damage or destruction.

(k) Maximum amount of assistance, including military assistance to individual countries without approval of or presentation to Congress

Without the express approval of Congress, no assistance shall be furnished under this chapter to any country for construction of any productive enterprise with respect to which the aggregate value of assistance to be furnished by the United States will exceed $100,000,000, except that this sentence does not apply with respect to assistance for construction of any productive enterprise in Egypt which is described in the presentation materials to Congress. Except as otherwise provided in section 2318 of this title, no military assistance shall be furnished to any country under this chapter for carrying out any program, with respect to which the aggregate value of assistance to be furnished beginning July 1, 1966, by the United States will exceed $100,000,000 unless such program has been included in the presentation to the Congress during its consideration of authorizations for appropriations under this chapter or of appropriations pursuant to authorizations contained in this chapter. No provision of this chapter or any other Act shall be construed to authorize the President to waive the provisions of this subsection.

(*l*) Institution of investment guaranty program

The President shall consider denying assistance under this chapter to the government of any less developed country which, after December 31, 1966, has failed to enter into an agreement with the President to institute the investment guaranty program under section 2194(a)(1) of this title, providing protection against the specific risks of inconvertibility under subparagraph (A), and expropriation or confiscation under subparagraph (B), of such section 2194(a)(1).

(m) Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(n) Repealed. Pub. L. 95–88, title I, § 123(b), Aug. 3, 1977, 91 Stat. 541

(*o*) Exclusion from assistance of countries seizing or imposing penalties or sanctions against United States fishing vessels

In determining whether or not to furnish assistance under this chapter, consideration shall be given to excluding from such assistance any country which hereafter seizes, or imposes any penalty or sanction against, any United States fishing vessel on account of its fishing activities in international waters. The provisions of this subsection shall not be applicable in any case governed by international agreement to which the United States is a party.

(p) Repealed. Pub. L. 93–559, § 44, Dec. 30, 1974, 88 Stat. 1813

(q) Defaults in principal or interest payments on loans; meeting obligations under loans; notice to Congressional committees

No assistance shall be furnished under this chapter to any country which is in default, during a period in excess of six calendar months, in payment to the United States of principal or interest on any loan made to such country under this chapter, unless such country meets its obligations under the loan or unless the President determines that assistance to such country is in the national interest and notifies the Speaker of the House of Representatives and the Commit-

tee on Foreign Relations of the Senate of such determination.

(r) Liability for repayment of principal or interest on loans outstanding after September 19, 1966

No recipient of a loan made under the authority of this chapter, any part of which is outstanding on or after September 19, 1966, shall be relieved of liability for the repayment of any part of the principal of or interest on such loan.

(s) Restraint of arms races and proliferation of sophisticated weapons

(1) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans or supporting assistance to any country under this chapter, and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.]:

(A) the percentage of the recipient or purchasing country's budget which is devoted to military purposes; and

(B) the degree to which the recipient or purchasing country is using its foreign exchange or other resources to acquire military equipment.

(2) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision.

(t) Diplomatic relations; severance, resumption, and negotiation of agreements

No assistance shall be furnished under this chapter or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.], in or to any country which has severed or hereafter severs diplomatic relations with the United States or with which the United States has severed or hereafter severs diplomatic relations, unless (1) diplomatic relations have been resumed with such country and (2) agreements for the furnishing of such assistance or the making of such sales, as the case may be, have been negotiated and entered into after the resumption of diplomatic relations with such country.

(u) Status of country with respect to obligations to the United Nations; report to Congress

In any decision to provide or continue to provide any program of assistance to any country under this chapter, there shall be taken into account the status of the country with respect to its dues, assessments, and other obligations to the United Nations; and where such country is delinquent with respect to any such obligations for the purposes of the first sentence of Article 19 of the United Nations Charter, the President shall furnish the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report setting forth the assurance given by the government of the country concerned of paying all of its arrearages and of placing its payments of such obligations on a current basis, or a full explanation of the unusual or exceptional circumstances which render it economically incapable of giving such assurance.

(v) Repealed. Pub. L. 93–559, § 24, Dec. 30, 1974, 88 Stat. 1802

(w) Repealed. Pub. L. 95–424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959

(x) Omitted

(y) Limitation on assistance to countries aiding Cuba nuclear development

(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this chapter or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelelco, and Cuba is in compliance with the requirements of either such Treaty;

(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any entity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits.

(Pub. L. 87–195, pt. III, § 620, Sept. 4, 1961, 75 Stat. 444; Pub. L. 87–565, pt. III, § 301(d), Aug. 1, 1962, 76 Stat. 260; Pub. L. 88–205, pt. III, § 301(e), Dec. 16, 1963, 77 Stat. 386; Pub. L. 88–633, pt. III, § 301(d)–(g), Oct. 7, 1964, 78 Stat. 1013; Pub. L. 89–171, pt. III, § 301(d), Sept. 6, 1965, 79 Stat. 659; Pub. L. 89–583, pt. III, § 301(h), Sept. 19, 1966, 80 Stat. 805, 806; Pub. L. 90–137, pt. III, § 301(f), Nov. 14, 1967, 81 Stat. 459; Pub. L. 90–554, pt. III, § 301(c), Oct. 8, 1968, 82 Stat. 963; Pub. L. 91–175, pt. III, § 303, Dec. 30, 1969, 83 Stat. 820; Pub. L. 92–226, pt. III, § 301, Feb. 7, 1972, 86 Stat. 27; Pub. L. 93–189, § 15, Dec. 17, 1973, 87 Stat. 722; Pub. L. 93–559, §§ 22–24, 44, Dec. 30, 1974, 88 Stat. 1801, 1802, 1813; Pub. L. 94–104, § 2(c)(1), (2), Oct. 6, 1975, 89 Stat. 509; Pub. L. 94–329, title IV, § 403, title VI, § 606, June 30, 1976, 90 Stat. 757, 768; Pub. L. 95–88, title I, § 123(a), (b), Aug. 3, 1977, 91 Stat. 541; Pub. L. 95–92, § 22(d), Aug. 4, 1977, 91 Stat. 624; Pub. L. 95–384, § 13(a), Sept. 26, 1978, 92 Stat. 737; Pub. L. 95–424, title I, §§ 102(g)(2)(F), 115(k), title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 943, 952, 959; Pub. L. 96–533, title II, § 203, Dec. 16, 1980, 94 Stat. 3145; Pub. L. 97–113, title VII, §§ 702, 707, 734(a)(1), (13), (b), Dec. 29, 1981, 95 Stat. 1544, 1546, 1560; Pub. L. 99–83, title XII, §§ 1202, 1203, Aug. 8, 1985, 99 Stat.

276, 277; Pub. L. 102–511, title IX, § 901, Oct. 24, 1992, 106 Stat. 3355; Pub. L. 103–199, title VII, § 705(3), Dec. 17, 1993, 107 Stat. 2328; Pub. L. 103–306, title V, § 573, Aug. 23, 1994, 108 Stat. 1653; Pub. L. 105–277, div. G, subdiv. B, title XXVIII, § 2810(a), Oct. 21, 1998, 112 Stat. 2681–850.)

AMENDMENT OF SECTION

Pub. L. 104–114, title II, § 204(d)(1), (2), Mar. 12, 1996, 110 Stat. 810, provided that on date on which President submits determination under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, this section is amended by repealing subsec. (a) and by striking out ''Republic of Cuba'' in subsec. (f).

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (c), (e), (f)(1), (g), (j) to (*l*), (*o*), (q) to (t), (u), and (y), was in the original ''this Act'', except in subsec. (u), where it was ''the Foreign Assistance Act of 1961'', meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Reorganization Plan No. 1 of 1954, 68 Stat. 1279, referred to in subsec. (e)(1), is set out in the Appendix to Title 5, Government Organization and Employees.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsecs. (s)(1) and (t), 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.

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

CODIFICATION

Subsec. (x) was omitted pursuant to Pub. L. 95–384, § 13(a), Sept. 26, 1978, 92 Stat. 737, which provided that subsec. (x) be of no further force and effect upon the President's determination and certification of certain conditions precedent which was made by Presidential Memorandum dated Sept. 26, 1978. See notes set out below.

AMENDMENTS

1998—Subsec. (y). Pub. L. 105–277 added subsec. (y).

1994—Subsec. (f)(1). Pub. L. 103–306, which directed the amendment of par. (1) by striking out from the list of countries ''Mongolian People's Republic.'', was executed by striking out ''Mongolian People's Republic,'' to reflect the probable intent of Congress.

1993—Subsec. (h). Pub. L. 103–199 substituted ''any country that is a Communist country for purposes of subsection (f) of this section'' for ''the Communist-bloc countries''.

1992—Subsec. (f)(1). Pub. L. 102–511, which directed the amendment of par. (1) by striking out from the list of countries ''Czechoslovak Socialist Republic.'', ''Estonia.'', ''German Democratic Republic.'', ''Hungarian People's Republic.'', ''Latvia.'', ''Lithuania.'', ''People's Republic of Albania.'', ''People's Republic of Bulgaria.'', ''Polish People's Republic.'', ''Socialist Federal Republic of Yugoslavia.'', ''Socialist Republic of Romania.'', and ''Union of Soviet Socialist Republics (including its captive constituent republics).'', was executed by striking out those countries and the comma which followed each country in the original and not a period as shown in the directory language.

1985—Subsec. (f). Pub. L. 99–83, § 1202, designated existing provisions as par. (1) and redesignated cls. (1), (2), and (3) as (A), (B), and (C), respectively, and added par. (2).

Subsec. (g). Pub. L. 99–83, § 1203, inserted provisions relating to waiver of prohibitions in cases of land reform programs.

1981—Subsec. (b). Pub. L. 97–113, § 734(a)(1), struck out subsec. (b) which prohibited aid to countries unless the President determined that they were not dominated by the international Communist movement. See subsec. (f) of this section.

Subsec. (f). Pub. L. 97–113, § 707, substituted ''includes specifically, but is not limited to'' for ''shall include specifically, but not be limited to'', repeated in a different sequence the list of countries included within the phrase ''Communist country'', and substituted ''Democratic People's Republic of Korea'' for ''North Korean Peoples Republic'', ''German Democratic Republic'' for ''German Democratic Republic (East Germany)'', ''Mongolian People's Republic'' for ''Outer Mongolia-Mongolian Peoples Republic'', ''Republic of Cuba'' for ''Cuba'', ''Socialist Federal Republic of Yugoslavia'' for ''Federal Peoples Republic of Yugoslavia'', ''Socialist Republic of Romania'' for ''Rumanian Peoples Republic'', and ''Socialist Republic of Vietnam'' for ''North Vietnam''.

Subsec. (i). Pub. L. 97–113, § 734(a)(1), struck out subsec. (i) which prohibited aid to countries determined by the President to be engaging in or prepared for aggressive military efforts, insurrection, or subversion against the United States or any country receiving United States aid.

Subsec. (k). Pub. L. 97–113, § 702, struck out ''for fiscal year 1977, fiscal year 1980, or fiscal year 1981'' after ''presentation materials to Congress''.

Subsec. (m). Pub. L. 97–113, § 734(a)(1), struck out subsec. (m) which prohibited grant assistance, except for International Military Education and Training, to any economically developed nation capable of sustaining its own defense burden and economic growth.

Subsec. (s)(1). Pub. L. 97–113, § 734(b), substituted in subpar. (B) ''foreign exchange or other resources'' for ''foreign exchange resources'' and struck out subpar. (C), which directed the President to take into account the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

1980—Subsec. (k). Pub. L. 96–533 exempted from express Congressional approval productive enterprises in Egypt described in the presentation to Congress for fiscal years 1980 and 1981.

1978—Subsec. (d). Pub. L. 95–424, § 102(g)(2)(F), substituted ''on a loan basis under part I of subchapter I of this chapter'' for ''under section 2161 of this title''.

Subsec. (*l*). Pub. L. 95–424, § 115(k), substituted ''2194(a)(1)'' for ''2181(b)(1)'' in two places.

Subsec. (w). Pub. L. 95–424, § 502(d)(1), struck out subsec. (w) relating to suspension and future resumption of military, economic, etc., assistance to the Government of Pakistan.

1977—Subsec. (a)(1). Pub. L. 95–88, § 123(a)(1), struck out provision that no assistance be furnished to any country which furnished assistance to the government of Cuba unless the President determined that assistance to the supplying country was in the national interest of the United States.

Subsec. (a)(3). Pub. L. 95–88, § 123(a)(2), struck out par. (3) which had directed that no funds be used to furnish assistance to countries which had not taken steps to prevent ships or aircraft of their registry from transporting equipment, materials, or commodities to Cuba.

Subsec. (n). Pub. L. 95–88, § 123(b), struck out subsec. (n) which had prohibited the giving of aid to countries that sold or furnished to North Vietnam, or permitted their ships or aircraft to carry to or from North Vietnam, equipment, materials, or commodities, unless the President determined that the giving of aid was in the national interest.

Subsec. (x)(1). Pub. L. 95–92 substituted ''1978'' for ''1976, the period beginning July 1, 1976, and ending Sep-

tember 30, 1976, and the fiscal year 1977,'' and provisions authorizing $175,000,000 during the fiscal year 1978 for Turkey as the total value of defense articles and services sold to such country, for provisions authorizing $125,000,000 during the fiscal year 1976, and the period beginning July 1, 1976, and ending Sept. 30, 1976, and $125,000,000 during the fiscal year 1977 for Turkey as the total value of defense articles and services sold to such country.

1976—Subsec. (k). Pub. L. 94–329, § 606, inserted provision exempting from the condition of express approval of Congress any productive enterprise in Egypt which is described in the presentation to Congress for fiscal year 1977.

Subsec. (x)(1). Pub. L. 94–329, § 403, further modified existing restrictions on assistance to Turkey by allowing the procurement under specified conditions of $125 million in defense articles and defense services by Turkey, provided that the President determines that such articles and services are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization.

1975—Subsec. (x). Pub. L. 94–104 redesignated existing provisions as par. (1), substituted provisions authorizing the President to suspend the provisions of this section and of section 2753(c) of this title with respect to sales, credits, and guaranties under the Foreign Military Sales Act, for the procurement of defense articles and services certified by the President to be necessary to enable Turkey to fulfill her defense responsibilities as a member of NATO and that such suspension shall be effective only while Turkey observes the cease-fire and neither increases its forces on Cyprus nor transfers to Cyprus any United States supplied arms, ammunition, and implements of war for provisions authorizing the President to suspend the provisions of this section and certain other Acts if he determined that such suspension would further negotiations for a peaceful solution of the Cyprus conflict and that such suspension shall be effective only until Feb. 5, 1975, and if, during that time, Turkey observed cease-fire and neither increased its forces on Cyprus nor transferred to Cyprus any United States supplied implements of war, and added par. (2).

1974—Subsec. (n). Pub. L. 93–559, § 23, authorized assistance when determined by the President to be in the national interest of the United States.

Subsec. (p). Pub. L. 93–559, § 44, repealed subsec. (p) relating to assistance to United Arab Republic if essential to national interest of United States, and without any aid to aggressive actions by the United Arab Republic, and reports to Congressional committees.

Subsec. (v). Pub. L. 93–559, § 24, repealed subsec. (v) relating to prohibition against assistance to Greece, waiver of the restriction by the President, report to Congress, and fiscal year limitation of assistance made available to Greece.

Subsec. (x). Pub. L. 93–559, § 22, added subsec. (x).

1973—Subsec. (e)(1). Pub. L. 93–189 substituted ''the provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interest of the United States. Such certification shall be reported immediately to Congress'', for ''no other provision of this chapter shall be so construed to authorize the President to waive the provisions of this subsection''.

1972—Subsecs. (v), (w). Pub. L. 92–226 added subsecs. (v) and (w).

1969—Subsec. (s). Pub. L. 91–175, § 303(a), struck out provision empowering President to terminate assistance when he finds it is being diverted to military expenditures, continued provision requiring President to take military expenditures into account when furnishing assistance under this chapter and under the Agricultural Trade Development and Assistance Act of 1954, as amended, inserted provision requiring President to take into account amount spent by recipient on sophisticated weapons systems, and inserted provision requiring President to report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this section.

Subsec. (v). Pub. L. 91–175, § 303(b), repealed subsec. (v) covering the withholding of assistance to countries with expenditures for weapons systems. See subsec. (s) of this section.

1968—Subsec. (v). Pub. L. 90–554, added subsec. (v).

1967—Subsec. (j). Pub. L. 90–137, § 301(f)(1), substituted provisions for termination of assistance to countries because of damage or destruction by mob action of United States property (incorporated from former penultimate paragraph of section 2151 of this title) for former provisions for assistance to Indonesia if essential to national interests of United States and reports thereof to Congress.

Subsec. (k). Pub. L. 90–137, § 301(f)(2), substituted ''506'' for ''510'', classified to the Code as section 2318 of this title.

Subsec. (n). Pub. L. 90–137, § 301(f)(3), restated the prohibition against assistance to define the kind of assistance meant, that is, loans, credits, guarantees, or grants or other assistance, to extend the prohibition to assistance under any other Act and to sales under the Agricultural Trade Development and Assistance Act of 1954, and to eliminate specific reference to such items of transportation as items of economic assistance, and war materials, such as arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items of primary strategic significance used in production of arms, ammunition, and implements of war.

Subsecs. (s) to (u). Pub. L. 90–137, § 301(f)(4), added subsecs. (s) to (u).

1966—Subsec. (i). Pub. L. 89–583, § 301(h)(1), provided for denial of assistance to any country which hereafter is officially represented at any international conference when that representation includes planning of activities involving insurrection or subversion, which military efforts, insurrection, or subversion are directed as described in the subsec., for Executive determination that such representation has ceased and for report to Congress that such representation will not be renewed or repeated.

Subsec. (k). Pub. L. 89–583, § 301(h)(2), made permanent the temporary (calendar year 1965) prohibition against the initiation of projects exceeding $100,000,000 without the express approval of Congress and included military assistance amounting in the aggregate to more than $100,000,000.

Subsec. (*l*). Pub. L. 89–583, § 301(h)(3), substituted ''The President shall consider denying assistance under this chapter to the government of any less developed country which, after December 31, 1966,'' for ''No assistance shall be provided under this chapter after December 31, 1966, to the government of any less developed country which''.

Subsec. (n). Pub. L. 89–583, § 301(h)(4), substituted ''no assistance shall be furnished'' and ''September 19, 1966'' for ''the President shall consider denying assistance'' and ''September 6, 1965'', respectively.

Subsecs. (p) to (r). Pub. L. 89–583, § 301(h)(5), added subsecs. (p) to (r).

1965—Subsec. (e)(2). Pub. L. 89–171, § 301(d)(2), substituted ''other right to property'' for ''other right'' in two places and deleted cl. (3) which made this subparagraph inapplicable in any case in which the proceedings are commenced after Jan. 1, 1966.

Subsec. (*l*). Pub. L. 89–171, § 301(d)(3), substituted ''December 31, 1966'' for ''December 31, 1965''.

Subsecs. (n), (*o*). Pub. L. 89–171, § 301(d)(4), added subsecs. (n) and (*o*).

1964—Subsec. (e). Pub. L. 88–633, § 301(d), designated existing provisions as par. (1), redesignated subpars. (1) to (3) thereof as subpars. (A) to (C), substituted therein ''subparagraphs (A), (B), or (C) of this paragraph'' for ''paragraphs (1), (2), or (3) of this subsection'', and added par. (2).

Subsec. (f). Pub. L. 88–633, § 301(e), inserted ''(including its captive constituent republics)'' after ''Union of Soviet Socialist Republics''.

Subsec. (k). Pub. L. 88–633, § 301(f), substituted ''1965'' for ''1964'' in two places.

Subsec. (m). Pub. L. 88–633, § 301(g), substituted ''during each fiscal year'' for ''during fiscal year 1964'' and ''$500,000'' for ''$1,000,000''.

1963—Subsec. (a). Pub. L. 88–205, § 301(e)(1), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (e). Pub. L. 88–205, § 301(e)(2), empowered the President to suspend assistance provided under any other act as well as under this chapter, inserted references to the repudiation or nullification of existing contracts or agreements with U.S. citizens or corporations, partnerships or associations not less than 50 percent beneficially owned by U.S. citizens, substituted ''in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received'' for ''after August 1, 1962, whichever is later'', required compensation for property to be ''equivalent to the full value thereof'', and authorized the Foreign Claims Settlement Commission to determine the full value of property nationalized, expropriated, or seized upon the President's request, and to render an advisory report to him thereon.

Subsecs. (i) to (m). Pub. L. 88–205, § 301(e)(3), added subsecs. (i) to (m).

1962—Subsec. (a). Pub. L. 87–565, § 301(d)(1), prohibited assistance to any country which furnishes assistance to the present government of Cuba unless the President determines that such assistance is in the national interest of the United States.

Subsec. (c). Pub. L. 87–565, § 301(d)(2), extended the prohibition against providing assistance to cases where the goods or services have been ordered, and where the indebtedness arises under an unconditional guaranty of payment, provided the President does not find such action contrary to the national security, and inserted ''which shall include arbitration'' after ''exhausted available legal remedies''.

Subsecs. (e) to (h). Pub. L. 87–565, § 301(d)(3), added subsecs. (e) to (h).

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–277, div. G, subdiv. B, title XXVIII, § 2810(b), Oct. 21, 1998, 112 Stat. 2681–851, provided that: ''Section 620(y) of the Foreign Assistance Act of 1961 [22 U.S.C. 2370(y)], as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act [Oct. 21, 1998].''

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.

EFFECTIVE DATE OF 1978 AMENDMENT

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

EFFECTIVE DATE OF 1975 AMENDMENT

Section 2(c)(5) of Pub. L. 94–104 provided that: ''This subsection [amending this section] shall become effective only upon enactment of foreign assistance legislation authorizing sales, credits, and guaranties under the Foreign Military Sales Act [section 2751 et seq. of this title] for fiscal year 1976.''

REPEALS

Pub. L. 95–92, § 22(d), Aug. 4, 1977, 91 Stat. 624, cited as a credit to this section, was repealed by Pub. L. 97–113, title VII, § 734(a)(13), Dec. 29, 1981, 95 Stat. 1560.

DELEGATION OF FUNCTIONS

For delegation of certain functions of President under this section to Secretary of State, see sections 1–201(a)(12), (b), and 1–701(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

ASSISTANCE AND SALES TO ARGENTINA

Pub. L. 97–113, title VII, § 725(b), (c), Dec. 29, 1981, 95 Stat. 1553, related to the provision of assistance and credits, loan guarantees, defense articles and services, export licenses, etc., by United States to Argentina, prior to repeal by Pub. L. 101–162, title V, Nov. 21, 1989, 103 Stat. 1030.

LIMITATIONS ON ASSISTANCE, SALES, CREDITS, AND EXPORT LICENSES TO CHILE

Section 726(b), (c) of Pub. L. 97–113, as amended by Pub. L. 99–83, title VII, § 715, Aug. 8, 1985, 99 Stat. 247; Pub. L. 101–513, title V, § 544(b), Nov. 5, 1990, 104 Stat. 2019, provided that:

''(b) Notwithstanding any other provision of law—

''(1) no assistance may be furnished under chapter 2, 4, 5, or 6 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2311 et seq., 2346 et seq., 2347 et seq., 2348 et seq.] to Chile;

''(2) no sale of defense articles or services may be made under the Arms Export Control Act [22 U.S.C. 2751 et seq.] to Chile;

''(3) no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act [22 U.S.C. 2751 et seq.] with respect to Chile; and

''(4) no export licenses may be issued under section 38 of the Arms Export Control Act [22 U.S.C. 2778] to or for the Government of Chile;

unless and until the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a detailed report certifying—

''(A) that the Government of Chile has made significant progress in complying with internationally recognized principles of human rights;

''(B) that the provision of such assistance, articles or services is in the national interest of the United States; and

''(C) that the Government of Chile is not aiding or abetting international terrorism and has taken appropriate steps to cooperate to bring to justice by all legal means available in the United States or Chile those indicted by a United States grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt.

''(c) The prohibition contained in subsection (b) does not prohibit the sale, or the licensing for export, of cartridge actuated devices, propellant actuated devices, components, parts, tools, technical manuals, time compliance to technical orders (TCTOs), or TCTO retrofits for aircraft of the F–5E/F, A/T–37, or C–130E/H type owned by the Chilean Air Force, so long as the items are provided only for purposes of enhancing the safety of the aircraft crew.''

[Functions of President under section 726(b) of Pub. L. 97–113, set out above, delegated to Secretary of State, see section 1–201(a)(23) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.]

Section 406 of Pub. L. 94–329, as amended by Pub. L. 95–384, §§ 10(b)(5), 12(c)(5), Sept. 26, 1978, 92 Stat. 735, 737, set forth limitations with respect to assistance, sales and credit for Chile, prior to repeal by Pub. L. 97–113, title VII, § 726(a), Dec. 29, 1981, 95 Stat. 1554.

Section 25 of Pub. L. 93–559 provided that notwithstanding any other provision of law, the total amount of assistance that was to be made available for Chile under this chapter, and the Foreign Military Sales Act, section 2751 et seq. of this title, during fiscal year 1975, was not to exceed $25,000,000, none of which was to be made available for the purpose of providing military assistance (including security supporting assistance, sales, credit sales, or guaranties or the furnishing by any means of excess defense articles or items from

stockpiles of the Department of Defense), prior to repeal by Pub. L. 97–113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

ASSISTANCE FOR EL SALVADOR

Pub. L. 101–513, title V, § 531, Nov. 5, 1990, 104 Stat. 2009, as amended by Pub. L. 103–236, title I, § 139(22), Apr. 30, 1994, 108 Stat. 399, provided that:

''(a) STATEMENT OF POLICY.—United States military assistance to the Government of El Salvador shall seek three principal foreign policy objectives, as follows: (1) to promote a permanent settlement and cease-fire to the conflict in El Salvador, with the Secretary General of the United Nations serving as an active mediator between the opposing parties; (2) to foster greater respect for basic human rights, and the rule of law; and (3) to advance political accommodation and national reconciliation.

''(b) MAXIMUM LEVEL OF MILITARY ASSISTANCE.—Of the funds available for United States military assistance for fiscal year 1991, not more than $85,000,000 shall be made available for El Salvador.

''(c) PROHIBITION OF MILITARY ASSISTANCE.—(1) PROHIBITION.—Subject to paragraph (2), no United States military assistance may be furnished to the Government of El Salvador if the President determines and reports in writing to the Congress that—

''(A) after he has consulted with the Secretary General of the United Nations, the Government of El Salvador has declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict of El Salvador;

''(B) the Government of El Salvador has rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

''(C) the Government of El Salvador has rejected a plan for the settlement of the conflict which—

''(i) has been put forward by the Secretary General of the United Nations in accordance with the terms and procedures in the April 4, 1990 Geneva Communique and the May 21, 1990 Caracas Accord between the Government of El Salvador and the FMLN;

''(ii) includes a proposal for an internationally monitored cease-fire; and

''(iii) has been accepted, within 15 days from its announcement, by the FMLN and is being complied with by the FMLN;

''(D) the Government of El Salvador has failed to conduct a thorough and professional investigation into, and prosecution of those responsible for the eight murders at the University of Central America on November 16, 1989; or

''(E) the military and security forces of El Salvador are assassinating or abducting civilian noncombatants, are engaging in other acts of violence directed at civilian targets, or are failing to control such activities by elements subject to the control of those forces; or

''(F) the Government of El Salvador has failed to actively seek and encourage a law enforcement service from outside El Salvador, such as Scotland Yard or INTERPOL, to accompany and monitor investigators of the Government of El Salvador in their investigation into the eight murders at the University of Central America on November 16, 1989.

''(2) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under paragraph (1) may only be resumed pursuant to a law subsequently enacted by the Congress.

''(d) WITHHOLDING OF MILITARY ASSISTANCE.—(1) IN GENERAL.—Fifty per centum of the total United States military assistance allocated for El Salvador for fiscal year 1991 shall be withheld from obligation or expenditure (as the case may be) except as provided in paragraphs (2) and (3).

''(2) RELEASE OF ASSISTANCE.—The United States military assistance withheld pursuant to paragraph (1) may be obligated and expended only if the President determines and reports in writing to the Congress that—

''(A) after he has consulted with the Secretary General of the United Nations, the representatives of the FMLN—

''(i) have declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict in El Salvador, or

''(ii) have rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

''(B) the FMLN has rejected a plan for the settlement of the conflict which—

''(i) has been put forward by the Secretary General of the United Nations in accordance with the terms and procedures in the April 4, 1990 Geneva Communique and the May 21, 1990 Caracas Accord between the Government of El Salvador and the FMLN;

''(ii) includes a proposal for an internationally monitored cease-fire; and

''(iii) has been accepted, within 15 days from its announcement, by the Government of El Salvador and is being complied with by the Government of El Salvador;

''(C) the survival of the constitutional Government of El Salvador is being jeopardized by substantial and sustained offensive military actions or operations by the FMLN;

''(D) proof exists that the FMLN is continuing to acquire or receive significant shipments of lethal military assistance from outside El Salvador, and this proof has been shared with the Congress; or

''(E) the FMLN is assassinating or abducting civilian noncombatants, is engaging in other acts of violence directed at civilian targets, or is failing to control such activities by elements subject to FMLN control.

''(3) EXCEPTION.—Notwithstanding any other provision of law, funds withheld pursuant to paragraph (1) of this subsection may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds under this subsection.

''(e) CONDITION FOR TERMINATION OF ALL UNITED STATES ASSISTANCE.—(1) PROHIBITION.—Subject to paragraph (2), no United States assistance may be furnished to El Salvador if the duly-elected head of Government of El Salvador is deposed by military coup or decree.

''(2) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under paragraph (1) may only be resumed pursuant to a law subsequently enacted by the Congress.

''(f) ESTABLISHMENT OF A FUND FOR CEASE-FIRE MONITORING, DEMOBILIZATION, AND TRANSITION TO PEACE.—(1) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a fund to assist with the costs of monitoring a permanent settlement of the conflict, including a cease-fire, and the demobilization of combatants in the conflict in El Salvador, and their transition to peaceful pursuits, which shall be known as the 'Demobilization and Transition Fund' (hereafter in this section referred to as the 'Fund'). Amounts in this Fund shall be available for obligation and expenditure only upon notification by the President to the Congress that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a cease-fire.

''(2) TRANSFER OF CERTAIN MILITARY ASSISTANCE FUNDS.—Upon notification of the Congress of a permanent settlement of the conflict, including an agreement on a cease-fire, or on September 30, 1991, if no such notification has occurred prior to that date, the President shall transfer to the Fund any United States military assistance funds withheld pursuant to subsection (d) of this section.

''(3) USE OF THE FUND.—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and reemployment in ci-

vilian pursuits of former combatants in the conflict in El Salvador, and of the monitoring of the permanent settlement and cease-fire.

''(4) DURATION OF AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts transferred to the Fund shall remain available until expended.

''(g) STRENGTHENING CIVILIAN CONTROL OVER THE MILITARY.—In order to strengthen the control of the democratically-elected civilian Government of El Salvador over the armed forces of that country, United States military assistance for any fiscal year may be delivered to the armed forces of El Salvador only with the prior approval of the duly elected President of El Salvador.

''(h) SUPPORT FOR DEMOCRACY.—(1) ESTABLISHING A PROGRAM.—The Secretary of State, through agreement with the National Endowment for Democracy or other qualified organizations, shall establish and carry out a program of education, training, and dialogue for the purpose of strengthening democratic political and legal institutions in El Salvador.

''(2) ELECTION MONITORING.—Of the amounts made available to carry out this subsection, up to $2,000,000 may be used for support for monitoring the 1991 municipal and National Assembly elections in El Salvador, and for monitoring the registration and campaign processes leading up to those elections, by appropriate organizations such as the United Nations, the Organization of American States, the Carter Center, the National Democratic Institute for International Affairs, the National Republican Institute for International Affairs, and the Center for Electoral Assistance and Promotion (CAPEL) of San Jose, Costa Rica.

''(3) ASSISTANCE.—Up to $10,000,000 of funds appropriated under the heading 'Economic Support Fund' for fiscal year 1991 may be used to carry out this subsection.

''(i) [Repealed. Pub. L. 103–236, title I, § 139(22), Apr. 30, 1994, 108 Stat. 399.]

''(j) DEFINITIONS.—For purposes of this section—

''(1) the term 'United States assistance' has the same meaning as is given to such term by section 481(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(4)) and includes United States military assistance as defined in paragraph (2); and

''(2) the term 'United States military assistance' means—

''(A) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2311 et seq., 2347 et seq.]; and

''(B) assistance to carry out section 23 of the Arms Export Control Act [22 U.S.C. 2763].''

[For Presidential determination required by section 531(d) of Pub. L. 101–513, set out above, and for delegation of functions of President under section 531(i) of Pub. L. 101–513, see Determination of President, No. 91–15, Jan. 15, 1991, 56 F.R. 4713.]

Section 728 of Pub. L. 97–113, as amended by Pub. L. 97–233, Aug. 10, 1982, 96 Stat. 260; Pub. L. 98–53, July 15, 1983, 97 Stat. 287, set forth findings of Congress concerning recent civil strife in El Salvador and need for substantial assistance to El Salvador and for fiscal years 1982 and 1983, restricted funds that could be obligated for assistance for El Salvador under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq., 2347 et seq.), letters of offer that could be issued and credits and guarantees that could be extended for El Salvador under the Arms Export Control Act (22 U.S.C. 2751 et seq.), and members of the Armed Forces that could be assigned or detailed to El Salvador to carry out functions under the Foreign Assistance Act of 1961 (this chapter) or the Arms Export Control Act, only if not later than thirty days after Dec. 29, 1981, and every one hundred and eighty days thereafter, the President makes a specific certification.

CARIBBEAN DEVELOPMENT BANK; ASSUMPTION OF MEMBER LOANS

Section 315 of Pub. L. 96–533 provided: ''Notwithstanding section 620(r) of the Foreign Assistance Act of 1961 [subsec. (r) of this section], the President may, after consultation with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs [now Committee on International Relations] of the House of Representatives, make arrangements at his discretion for the assumption by the recipient members of the Caribbean Development Bank of any loans made to the Bank under the authority of that Act [this chapter].''

SOVIET MILITARY PERSONNEL AND ACTIVITIES IN CUBA; REPORTS TO CONGRESS

Section 714 of Pub. L. 96–533, required reports respecting Soviet military activity in Cuba, prior to repeal by Pub. L. 97–113, title VII, § 734(a)(2), Dec. 29, 1981, 95 Stat. 1560.

CUBAN PRESENCE IN AFRICA

Pub. L. 95–426, title VI, § 613, Oct. 7, 1978, 92 Stat. 990, as amended by Pub. L. 97–241, title V, § 505(a)(2), (b)(1), Aug. 24, 1982, 96 Stat. 299, provided that: ''The Congress finds that—

''(1) the President authorized the exchange of notes of May 30, 1977, between the Governments of the United States and Cuba which established an Interests Section for the United States in the Embassy of Switzerland in Havana and an Interests Section for Cuba in the Embassy of Czechoslovakia in Washington;

''(2) the President has the authority under the Export Administration Act of 1969 [section 2401 et seq. of the Appendix to Title 50, War and National Defense] to limit trade with Cuba being conducted by subsidiaries of American firms operating in third countries;

''(3) the President has the power to sever all diplomatic and economic relations with Cuba; and

''(4) there has been a sharp increase in the number of Cuban military personnel serving in Africa in the past year.''

RESUMPTION OF MILITARY ASSISTANCE TO TURKEY; DETERMINATION AND CERTIFICATION TO CONGRESS BY PRESIDENT OF MILITARY COOPERATION AS IN BEST INTERESTS OF UNITED STATES AND NATO

Pub. L. 95–384, § 13(a), Sept. 26, 1978, 92 Stat. 737, provided that: ''Section 620(x) of the Foreign Assistance Act of 1961 [subsec. (x) of this section] shall be of no further force and effect upon the President's determination and certification to the Congress that the resumption of full military cooperation with Turkey is in the national interest of the United States and in the interest of the North Atlantic Treaty Organization and that the Government of Turkey is acting in good faith to achieve a just and peaceful settlement of the Cyprus problem, the early peaceable return of refugees to their homes and properties, and continued removal of Turkish military troops from Cyprus in the context of a solution to the Cyprus problem, and the early serious resumption of inter-communal talks aimed at a just, negotiated settlement.''

DETERMINATION AND CERTIFICATION REGARDING RESUMPTION OF FULL MILITARY COOPERATION WITH TURKEY

Memorandum of the President of the United States, dated Sept. 26, 1978, provided:

Pursuant to the authority vested in me by Section 13(a) of the International Security Assistance Act of 1978, I hereby determine and certify:

(1) that the resumption of full military cooperation with Turkey is in the national interest of the United States and in the interest of the North Atlantic Treaty Organization; and

(2) that the Government of Turkey is acting in good faith to achieve a just and peaceful settlement of the Cyprus problem, the early peaceable return of refugees to their homes and properties, and continued removal of Turkish military troops from Cyprus in the context of a solution to the Cyprus problem, and the early serious resumption of inter-communal talks aimed at a just, negotiated settlement.

You are requested on my behalf to report this determination and certification to the Congress.

This determination and certification shall be published in the FEDERAL REGISTER.

JIMMY CARTER.

RESTRICTIONS ON ASSISTANCE DURING FISCAL YEAR 1978 INVOLVING MILITARY OR PARAMILITARY OPERATIONS IN ZAIRE

Section 25 of Pub. L. 95–92 required a Presidential determination that furnishing aid to Zaire during fiscal year 1978 was in the national interest and submission to the Congress of a Presidential certification for such aid, prior to repeal by Pub. L. 97–113, title VII, § 734(a)(13), Dec. 29, 1981, 95 Stat. 1560.

RESTRICTIONS ON ASSISTANCE TO INDIA

Section 27 of Pub. L. 93–559 provided that the total amount of assistance provided under this chapter and of credit sales made or guaranteed under the Foreign Military Sales Act, section 2751 et seq. of this title, for India was not to exceed $50,000,000 in fiscal year 1975, prior to repeal by Pub. L. 97–113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

RESTRICTIONS ON MILITARY ASSISTANCE AND EXCESS DEFENSE ARTICLES TO KOREA

Section 26 of Pub. L. 93–559 provided that the aggregated amount of funds obligated or reserved for military assistance, including supply operations, under part II of subchapter II of this chapter, the acquisition cost of excess defense articles, if any, ordered under subchapter II of this chapter and not charged against appropriations for military assistance, credits including participations in credits, extended pursuant to section 2763 of this title, and the principal amount of loans guaranteed pursuant to section 2764(a) of this title, with respect to South Korea was not to exceed $145,000,000 for fiscal year 1975 until the President submitted a report to the Congress after Dec. 30, 1974, stating that the government of South Korea was making substantial progress in the observance of internationally recognized standards of human rights, after which the aggregate amount described above, with respect to South Korea, was not to exceed $165,000,000 for fiscal year 1975, with provisions of sections 2318 and 2364 of this title, or of any other law, not to be used to exceed these limitations, prior to repeal by Pub. L. 97–113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

REPAYMENT OF LOANS IN DEFAULT

Section 56 of Pub. L. 93–559 provided that: ''It is the sense of the Congress that any country receiving assistance under the Foreign Assistance Act of 1961 [this chapter] which is in default, at least 90 days prior to the date of enactment of this Act [Dec. 30, 1974], of any payment of principal or interest due on any loan or credit received from the United States shall promptly pay all such principal and interest. It is further the sense of the Congress that the President shall promptly enter into negotiations with each such country to help effectuate the payment of such principal and interest, or to effectuate the transfer by such country to the United States of goods, services, concessions, or actions beneficial to the United States, in lieu of the payment of such principal and interest.''

RESTRICTIONS ON ASSISTANCE TO NATIONS WHOSE GOVERNMENT IS BASED UPON COMMUNISM

Pub. L. 91–194, title I, § 109, Feb. 9, 1970, 84 Stat. 8, provided that:

''(a) No assistance shall be furnished to any nation, whose government is based upon that theory of government known as communism under the Foreign Assistance Act of 1961, as amended [this chapter], for any arms, ammunition, implements of war, atomic energy materials, or any articles, materials, or supplies, such as petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war, contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended [section 1611 et seq. of this title].

''(b) No economic assistance shall be furnished to any nation whose government is based upon that theory of government known as communism under the Foreign Assistance Act of 1961, as amended [this chapter] except section 214(b) [section 2174(b) of this title], unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the House of Representatives and the Senate. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the committees and shall contain a statement by the President of the reasons for such determination.''

Similar provisions were contained in the following prior acts:

Pub. L. 90–581, title I, § 109, Oct. 17, 1968, 82 Stat. 1140.
Pub. L. 90–249, title I, § 109, Jan. 2, 1968, 81 Stat. 939.
Pub. L. 89–691, title I, § 109, Oct. 15, 1966, 80 Stat. 1020.
Pub. L. 89–273, title I, § 109, Oct. 20, 1965, 79 Stat. 1004.
Pub. L. 88–634, title I, § 109, Oct. 7, 1964, 78 Stat. 1018.
Pub. L. 88–272, title I, § 109, Jan. 6, 1964, 77 Stat. 859.
Pub. L. 87–872, title I, § 109, Oct. 23, 1962, 76 Stat. 1165.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES SELLING, FURNISHING, OR PERMITTING SHIPS TO CARRY CERTAIN ITEMS TO CUBA OR TO NORTH VIETNAM

Pub. L. 91–194, title I, § 107, Feb. 9, 1970, 84 Stat. 8, provided that:

''(a) No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended [this chapter], to any country which sells, furnishes, or permits any ships under its registry to carry to Cuba, so long as it is governed by the Castro regime, in addition to those items contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended [section 1611 et seq. of this title], any arms, ammunition, implements of war, atomic energy materials, or any other articles, materials, or supplies of primary strategic significance used in the production of arms, ammunition, and implements of war or of strategic significance to the conduct of war, including petroleum products.

''(b) No economic assistance shall be furnished under the Foreign Assistance Act of 1961, as amended [this chapter], to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam.''

Similar provisions were contained in the following prior acts:

Pub. L. 90–581, title I, § 107, Oct. 17, 1968, 82 Stat. 1139.
Pub. L. 90–249, title I, § 107, Jan. 2, 1968, 81 Stat. 938.
Pub. L. 89–691, title I, § 107, Oct. 15, 1966, 80 Stat. 1020.
Pub. L. 89–273, title I, § 107, Oct. 20, 1965, 79 Stat. 1004.
Pub. L. 88–634, title I, § 107, Oct. 7, 1964, 78 Stat. 1018.
Pub. L. 88–258, title I, § 107, Jan. 6, 1964, 77 Stat. 859.
Pub. L. 87–872, title I, § 107, Oct. 23, 1962, 76 Stat. 1165.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES SELLING, FURNISHING OR PERMITTING SHIPS TO CARRY CERTAIN ITEMS TO NORTH VIETNAM

Pub. L. 91–194, title I, § 116, Feb. 9, 1970, 84 Stat. 10, forbid assistance under the Foreign Assistance Act of 1961, as amended, to any country that sold, furnished or permitted any ships under its registry to carry to North Vietnam certain enumerated items unless the

President determined that the withholding of such assistance was contrary to the national interest of the United States and reported such determination to Congress.

Similar provisions were contained in the following prior acts:

Pub. L. 90–581, title I, § 116, Oct. 17, 1968, 82 Stat. 1141.
Pub. L. 90–249, title I, § 116, Jan. 2, 1968, 81 Stat. 940.
Pub. L. 89–691, title I, § 116, Oct. 15, 1966, 80 Stat. 1022.
Pub. L. 89–273, title I, § 116, Oct. 20, 1965, 79 Stat. 1005.

INTERDICTION OF THE DELIVERY OF OFFENSIVE WEAPONS TO CUBA

For Presidential proclamation prohibiting the delivery of offensive weapons to Cuba, see Proc. No. 3504, Oct. 23, 1962, 27 F.R. 10401, set out as a note preceding section 1 of the Appendix to Title 50, War and National Defense.

PROC. NO. 3447. EMBARGO ON TRADE WITH CUBA

Proc. No. 3447, Feb. 3, 1962, 27 F.R. 1085, provided:

WHEREAS the Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance, in its Final Act resolved that the present Government of Cuba is incompatible with the principles and objectives of the Inter-American system; and, in light of the subversive offensive of Sino-Soviet Communism with which the Government of Cuba is publicly aligned, urged the member states to take those steps that they may consider appropriate for their individual and collective self-defense;

WHEREAS the Congress of the United States, in section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended [subsection (a) of this section], has authorized the President to establish and maintain an embargo upon all trade between the United States and Cuba; and

WHEREAS the United States, in accordance with its international obligations, is prepared to take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alignment with the communist powers:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended [subsection (a) of this section], do

1. Hereby proclaim an embargo upon trade between the United States and Cuba in accordance with paragraphs 2 and 3 of this proclamation.

2. Hereby prohibit, effective 12:01 A.M., Eastern Standard Time, February 7, 1962, the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba; and I hereby authorize and direct the Secretary of the Treasury to carry out such prohibition, to make such exceptions thereto, by license or otherwise, as he determines to be consistent with the effective operation of the embargo hereby proclaimed, and to promulgate such rules and regulations as may be necessary to perform such functions.

3. AND FURTHER, I do hereby direct the Secretary of Commerce, under the provisions of the Export Control Act of 1949, as amended (50 U.S.C. App. 2021–2032), to continue to carry out the prohibition of all exports from the United States to Cuba, and I hereby authorize him, under that Act, to continue, make, modify or revoke exceptions from such prohibition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this third day of February, in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY.

CROSS REFERENCES

Inter-American Development Bank increase in resources, loan disapproval by United States during suspension of assistance under subsec. (e)(1)(A) to (C) of this section, see section 283*l* of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 283*l*, 2151f, 2151v, 2227, 2312, 2373, 2398, 2430c, 2431d, 4305, 6004, 6008, 6023, 6064 of this title; title 50 App. section 2304.

§ 2370a. Expropriation of United States property

(a) Prohibition

None of the funds made available to carry out this Act, the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], or the Arms Export Control Act [22 U.S.C. 2751 et seq.] may be provided to a government or any agency or instrumentality thereof, if the government of such country (other than a country described if[1] subsection (d) of this section)—

(1) has on or after January 1, 1956—

(A) nationalized or expropriated the property of any United States person,

(B) repudiated or nullified any contract with any United States person, or

(C) taken any other action (such as the imposition of discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(2) has not, within the period specified in subsection (c) of this section, either—

(A) returned the property,

(B) provided adequate and effective compensation for such property in convertible foreign exchange or other mutually acceptable compensation equivalent to the full value thereof, as required by international law,

(C) offered a domestic procedure providing prompt, adequate and effective compensation in accordance with international law, or

(D) submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes or other mutually agreeable binding international arbitration procedure.

(b) Other actions

The President shall instruct the United States Executive Directors of each multilateral development bank and international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of any country to which assistance is prohibited under subsection (a) of this section, unless such assistance is directed specifically to programs which serve the basic human needs of the citizens of that country.

(c) Period for settlement of claims

The period of time described in subsection (a)(2) of this section is the latest of the following—

(1) 3 years after the date on which a claim was filed,

(2) in the case of a country that has a totalitarian or authoritarian government at the

[1] So in original. Probably should be "in".

time of the action described in subsection (a)(1) of this section, 3 years after the date of installation of a democratically elected government, or

(3) 90 days after April 30, 1994.

(d) Excepted countries and territories

This section shall not apply to any country established by international mandate through the United Nations or to any territory recognized by the United States Government to be in dispute.

(e) Resumption of assistance

A prohibition or termination of assistance under subsection (a) of this section and an instruction to vote against loans under subsection (b) of this section shall cease to be effective when the President certifies in writing to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate that such government has taken one of the steps described in subsection (a)(2) of this section.

(f) Reporting requirement

Not later than 90 days after April 30, 1994, and at the beginning of each fiscal year thereafter, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, a report containing the following:

(1) A list of every country in which the United States Government is aware that a United States person has an outstanding expropriation claim.

(2) The total number of such outstanding expropriation claims made by United States persons against each such country.

(3) The period of time in which each such claim has been outstanding.

(4) The status of each case and efforts made by the United States Government and the government of the country in which such claim has been made, to take one or more of the steps described in subsection (a)(2) of this section.

(5) Each project a United States Executive Director voted against as a result of the action described in subsection (b) of this section.

(g) Waiver

The President may waive the prohibitions in subsections (a) and (b) of this section for a country, on an annual basis, if the President determines and so notifies Congress that it is in the national interest to do so.

(h) "United States person" defined

For the purpose of this section, the term ''United States person'' means a United States citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

(Pub. L. 103–236, title V, § 527, Apr. 30, 1994, 108 Stat. 475.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 103–236, Apr. 30, 1994, 108 Stat. 382, known as the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 2651 of this title and Tables.

The Foreign Assistance Act of 1961, as amended, referred to in subsec. (a), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to this chapter (§ 2151 et seq.). 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.

CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

DELEGATION OF RESPONSIBILITIES UNDER FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

Memorandum of President of the United States, July 26, 1994, 59 F.R. 40205, provided:

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of State the functions vested in the President by the following provisions of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) (the ''Act''): sections 102(g) [22 U.S.C. 287e note], 161(c) [22 U.S.C. 2651a note], 401(b) [108 Stat. 446], 407(a) [22 U.S.C. 287b note], 409 [22 U.S.C. 287e note], 431(b) [108 Stat. 459], 514(b) [22 U.S.C. 1928 note], 523 [108 Stat. 473], 527(e) and (g) [22 U.S.C. 2370a(e), (g)], 528 [108 Stat. 477], 532(a) [108 Stat. 480], 574 [22 U.S.C. 2656 note], 583(b)(1) and (b)(6) [108 Stat. 489, 490], 733 [22 U.S.C. 2779a] and 735(d) [22 U.S.C. 2797b–1].

The functions under section 407(a) of the Act [22 U.S.C. 287b note] shall be exercised in coordination with the Secretary of Defense.

The functions under section 527(e) and (g) of the Act [22 U.S.C. 2370a(e), (g)] shall be exercised in consultation with the Secretary of the Treasury and the heads of other departments and agencies, as appropriate.

Any reference in this memorandum to any act, order, determination, or delegation of authority shall be deemed to be a reference to such act, order, determination, or delegation of authority as amended from time to time.

The functions delegated by this memorandum may be redelegated within the Department of State.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

Memorandum of President of the United States, Jan. 4, 1995, 60 F.R. 3335, provided:

Memorandum for the Secretary of the Treasury

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of the Treasury the functions under section 527(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) [22 U.S.C. 2370a(b)].

Any reference in this memorandum to any Act, order, determination, or delegation of authority shall be deemed to be a reference to such Act, order, determination, or delegation of authority as amended.

The functions delegated by this memorandum may be redelegated within the Department of the Treasury.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

§ 2371. Prohibition on assistance to governments supporting international terrorism

(a) Prohibition

The United States shall not provide any assistance under this chapter, the Agricultural

Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.], the Peace Corps Act [22 U.S.C. 2501 et seq.], or the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.] to any country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism.

(b) Publication of determinations

Each determination of the Secretary of State under subsection (a) of this section, including each determination in effect on December 12, 1989, shall be published in the Federal Register.

(c) Rescission

A determination made by the Secretary of State under subsection (a) of this section may not be rescinded unless the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate—

(1) before the proposed rescission would take effect, a report certifying that—

(A) there has been a fundamental change in the leadership and policies of the government of the country concerned;

(B) that government is not supporting acts of international terrorism; and

(C) that government has provided assurances that it will not support acts of international terrorism in the future; or

(2) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

(A) the government concerned has not provided any support for international terrorism during the preceding 6-month period; and

(B) the government concerned has provided assurances that it will not support acts of international terrorism in the future.

(d) Waiver

Assistance prohibited by subsection (a) of this section may be provided to a country described in that subsection if—

(1) the President determines that national security interests or humanitarian reasons justify a waiver of subsection (a) of this section, except that humanitarian reasons may not be used to justify assistance under subchapter II of this chapter (including part IV, part VI, and part VIII), or the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.]; and

(2) at least 15 days before the waiver takes effect, the President consults with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the proposed waiver and submits a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate containing—

(A) the name of the recipient country;

(B) a description of the national security interests or humanitarian reasons which require the waiver;

(C) the type and amount of and the justification for the assistance to be provided pursuant to the waiver; and

(D) the period of time during which such waiver will be effective.

The waiver authority granted in this subsection may not be used to provide any assistance under this chapter which is also prohibited by section 2780 of this title.

(Pub. L. 87–195, pt. III, § 620A, as added Pub. L. 94–329, title III, § 303, June 30, 1976, 90 Stat. 753; amended Pub. L. 99–83, title V, § 503(a), Aug. 8, 1985, 99 Stat. 220; Pub. L. 99–190, § 101(i) [title V, § 521], Dec. 19, 1985, 99 Stat. 1291, 1305; Pub. L. 101–222, § 5, Dec. 12, 1989, 103 Stat. 1897.)

REFERENCES IN TEXT

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

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsec. (a), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, 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 Peace Corps Act, referred to in subsec. (a), is Pub. L. 87–293, Sept. 22, 1961, 75 Stat. 612, as amended, which is classified principally to chapter 34 (§ 2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

The Export-Import Bank Act of 1945, referred to in subsecs. (a) and (d)(1), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to chapter 6A (§ 635 et seq.) 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.

AMENDMENTS

1989—Pub. L. 101–222 amended section generally, in subsec. (a) substituting provisions prohibiting assistance if Secretary of State determines country has repeatedly supported terrorism, for provisions prohibiting assistance if President determines country grants sanctuary to terrorists or otherwise supports terrorism; redesignating subsec. (b) as (d) and inserting provisions prohibiting justification of waiver of assistance under specified Acts and provisions describing contents of report on proposed waiver; adding subsecs. (b) and (c); and striking out subsec. (c) which related to imposition of sanction by other countries.

1985—Subsec. (a). Pub. L. 99–190 inserted reference to the Export-Import Bank Act of 1945.

Pub. L. 99–83 amended subsec. (a) generally, substituting provisions relating to covered programs and Presidential determinations respecting termination of assistance, for provisions relating to termination of assistance to countries granting sanctuary to international terrorists and period of ineligibility.

Subsec. (b). Pub. L. 99–83 amended subsec. (b) generally, substituting provisions relating to waiver of application of subsec. (a), for provisions relating to reports respecting continuation of assistance to any country falling within provisions of former subsec. (a) of this section.

Subsec. (c). Pub. L. 99–83, in amending section generally, added subsec. (c).

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

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.

SELF-DEFENSE IN ACCORDANCE WITH INTERNATIONAL LAW

Section 10 of Pub. L. 101–222 provided that: ''The use by any government of armed force in the exercise of individual or collective self-defense in accordance with applicable international agreements and customary international law shall not be considered an act of international terrorism for purposes of the amendments made by this Act [see Short Title of 1989 Amendment note, set out under section 2151 of this title].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 262p–4q, 2349aa, 2349aa–10, 2377, 2378, 2398, 2753 of this title; title 28 section 1605.

§ 2372. Repealed. Pub. L. 97–113, title VII, § 725(a), Dec. 29, 1981, 95 Stat. 1553

Section, Pub. L. 87–195, pt. III, § 620B, as added Pub. L. 95–92, § 11, Aug. 4, 1977, 91 Stat. 619; amended Pub. L. 95–384, § 12(c)(1), Sept. 26, 1978, 92 Stat. 737, prohibited assistance and sales to Argentina.

§ 2372a. Renewal, reissuance, etc., of export licenses to or for Argentina

Any export license referred to in section 2372[1] of this title which is issued initially on or before September 30, 1978 may from time to time thereafter be renewed, reissued or modified (or in the event of lapse of such license, replacement licenses may be issued), provided that any such renewal, reissuance or modification (or any such replacement license) does not change significantly any such license as initially issued.

(Pub. L. 95–240, title II, § 210, Mar. 7, 1978, 92 Stat. 118.)

REFERENCES IN TEXT

Section 2372 of this title, referred to in text, was in the original ''Section 11 of Public Law 95–92'', meaning section 11 of Pub. L. 95–92, Aug. 4, 1977, 91 Stat. 619, which added section 620B of Pub. L. 87–195. Section 620B of Pub. L. 87–195 was classified to section 2372 of this title and was repealed by Pub. L. 97–113, title VII, § 725(a), Dec. 29, 1981, 95 Stat. 1553.

CODIFICATION

Section was enacted as part of the Supplemental Appropriations Act, 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2373. Eastern Mediterranean policy requirements

(a) Congressional declaration and statement of findings

The Congress declares that the achievement of a just and lasting Cyprus settlement is and will remain a central objective of United States foreign policy. The Congress further declares that any action of the United States with respect to section 2370(x)[1] of this title shall not signify a lessening of the United States commitment to a just solution to the conflict on Cyprus but is authorized in the expectation that this action will be conducive to achievement of a Cyprus solution and a general improvement in relations among Greece, Turkey, and Cyprus and between those countries and the United States. The Congress finds that—

(1) a just settlement on Cyprus must involve the establishment of a free and independent government on Cyprus and must guarantee that the human rights of all of the people of Cyprus are fully protected;

(2) a just settlement on Cyprus must include the withdrawal of Turkish military forces from Cyprus;

(3) the guidelines for inter-communal talks agreed to in Nicosia in February 1977 and the United Nations resolutions regarding Cyprus provide a sound basis for negotiation of a just settlement on Cyprus;

(4) serious negotiations, under United Nations auspices, will be necessary to achieve agreement on, and implementation of, constitutional and territorial terms within such guidelines; and

(5) the recent proposals by both Cypriot communities regarding the return of the refugees to the city of New Famagusta (Varosha) constitute a positive step and the United States should actively support the efforts of the Secretary General of the United Nations with respect to this issue.

(b) Governing principles

United States policy regarding Cyprus, Greece, and Turkey shall be directed toward the restoration of a stable and peaceful atmosphere in the Eastern Mediterranean region and shall therefore be governed by the following principles:

(1) The United States shall actively support the resolution of differences through negotiations and internationally established peaceful procedures, shall encourage all parties to avoid provocative actions, and shall strongly oppose any attempt to resolve disputes through force or threat of force.

(2) The United States will accord full support and high priority to efforts, particularly those of the United Nations, to bring about a prompt, peaceful settlement on Cyprus.

(3) All defense articles furnished by the United States to countries in the Eastern Mediterranean region will be used only in accordance with the requirements of this chapter, the Arms Export Control Act [22 U.S.C. 2751 et seq.], and the agreements under which those defense articles were furnished.

(4) The United States will furnish security assistance for Greece and Turkey only when furnishing that assistance is intended solely for defensive purposes, including when necessary to enable the recipient country to fulfill its responsibilities as a member of the North Atlantic Treaty Organization, and shall be designed to ensure that the present balance of military strength among countries of the region, including between Greece and Turkey, is preserved. Nothing in this paragraph shall be construed to prohibit the transfer of defense articles to Greece or Turkey for legitimate self defense or to enable Greece or Turkey to fulfill their North Atlantic Treaty Organization obligations.

(5) The United States shall use its influence to ensure the continuation of the ceasefire on Cyprus until an equitable negotiated settlement is reached.

(6) The United States shall use its influence to achieve the withdrawal of Turkish military

[1] See References in Text note below.

[1] See References in Text note below.

forces from Cyprus in the context of a solution to the Cyprus problem.

(c) Review of policy; report to Congress

Because progress toward a Cyprus settlement is a high priority of United States policy in the Eastern Mediterranean, the President and the Congress shall continually review that progress and shall determine United States policy in the region accordingly. To facilitate such a review the President shall, within 60 days after the date of enactment of this section and at the end of each succeeding 60-day period, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on progress made toward the conclusion of a negotiated solution of the Cyprus problem. Such transmissions shall include any relevant reports prepared by the Secretary General of the United Nations for the Security Council.

(d) Certification by President to Congress of assistance to Greece and Turkey

In order to ensure that United States assistance is furnished consistent with the policies established in this section, the President shall, whenever requesting any funds for security assistance under this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] for Greece and Turkey, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate his certification, with a full explanation thereof, that the furnishing of such assistance will be consistent with the principles set forth in subsection (b). The President shall also submit such a certification with any notification to the Congress, pursuant to section 36(b) of the Arms Export Control Act [22 U.S.C. 2776(b)], of a proposed sale of defense articles or services to Greece or Turkey.

(e) Arms sales agreements to prohibit transfer to Cyprus

(1) Any agreement for the sale or provision of any article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act [22 U.S.C. 2778]) entered into by the United States after December 22, 1987, shall expressly state that the article is being provided by the United States only with the understanding that it will not be transferred to Cyprus or otherwise used to further the severance or division of Cyprus.

(2) The President shall report to Congress any substantial evidence that equipment provided under any such agreement has been used in a manner inconsistent with the purposes of this subsection.

(Pub. L. 87–195, pt. III, § 620C, as added Pub. L. 95–384, § 13(b), Sept. 26, 1978, 92 Stat. 737; amended Pub. L. 100–202, § 101(e) [title V, § 562], Dec. 22, 1987, 101 Stat. 1329–131, 1329–171.)

REFERENCES IN TEXT

Section 2370(x) of this title, referred to in subsec. (a), was omitted. See Codification note set out under section 2370 of this title.

This chapter, referred to in subsecs. (b)(3) and (d), 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 subsecs. (b)(3) and (d), 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.

PRIOR PROVISIONS

Provisions similar to those in subsec. (e) of this section were contained in the following appropriation acts:

Pub. L. 102–391, title V, § 557, Oct. 6, 1992, 106 Stat. 1676.

Pub. L. 101–513, title V, § 560, Nov. 5, 1990, 104 Stat. 2026.

Pub. L. 101–167, title V, § 570, Nov. 21, 1989, 103 Stat. 1245.

Pub. L. 100–461, title V, § 579, Oct. 1, 1988, 102 Stat. 2268–48.

AMENDMENTS

1987—Subsec. (e). Pub. L. 100–202 added subsec. (e).

DELEGATION OF FUNCTIONS

Functions of President under subsecs. (d) and (e) delegated to Secretary of State by section 1–201(a)(13) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

SPECIAL AMBASSADORIAL COMMISSION FOR CYPRUS AND THE AEGEAN

Section 101(e) [title V, § 586] of Pub. L. 100–202 provided that:

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

''(1) the inability to achieve a just and lasting Cyprus settlement will continue to affect relations among the United States and its close NATO allies, Greece and Turkey, to the detriment of larger, mutually shared, security interests in the Eastern Mediterranean region;

''(2) it is of paramount importance that Cyprus, Greece, and Turkey resolve their differences through negotiations and otherwise peaceful procedures, and that the United States should support the resolution of these differences through all the diplomatic means at its disposal;

''(3) it is in the national interest of the United States that the President make a significant new diplomatic demarche towards bringing this dispute to a resolution; and

''(4) it is also in the national interest of the United States to undertake a diplomatic initiative to promote the peaceful and equitable resolution of differences between Greece and Turkey in the Aegean by fostering a renewed and sustained bilateral dialogue between those countries on such issues as: the delineation of the continental shelf, the definition of the territorial seas, air traffic control over the Aegean, NATO command and control arrangements in the Aegean, and the status of Lemnos and NATO exercises in the Aegean.

''(b) APPOINTMENT OF SPECIAL AMBASSADOR.—The President is authorized to appoint a special ambassadorial level envoy who shall be responsible for representing the United States in direct negotiations with the parties to the Cyprus dispute, for representing the United States in negotiations through international intermediaries and, generally, lending the good offices of the United States to the parties in this dispute in order to facilitate a peaceful settlement on Cyprus. As agreed to by Greece and Turkey, the special envoy shall also represent the United States in promoting mutual discussions between those countries concerning their differences on Aegean issues. The special ambassador appointed under this section shall have available

the services of two deputies (one to specialize on the Cyprus question, the other on general Aegean issues) and such senior level Department of State personnel as may be required by the special ambassador in order to carry out his responsibilities.

''(c) REPORT.—Not later than June 1, 1988, the President shall submit a report to the Congress describing in detail the activities being undertaken by the special ambassador, the progress being made toward achievement of a peaceful resolution of the Cyprus dispute, an assessment of the obstacles to achievement of such a resolution and of the future role of the United States in acheiving [sic] a settlement on Cyprus, and an assessment of the progress being made toward resolution of issues affecting the Aegean region.

''(d) FUNDING.—Up to $500,000 of the funds appropriated under any heading of this Act [Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as enacted by section 101(e) of Pub. L. 101–202] which are allocated for Greece and up to $500,000 of the funds appropriated under any heading of this Act which are allocated for Turkey, may be used by the Department of State for any administrative costs associated with the activities of the special ambassador and supporting personnel, including transportation, salaries and per diem.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321j, 2799b of this title.

§ 2374. Prohibition on assistance to Afghanistan

(a) Prohibition; conditions for resumption of assistance

None of the funds authorized to be appropriated under this chapter may be used to furnish assistance to Afghanistan nor may funds authorized to be appropriated under this chapter before October 1, 1979, be expended for assistance to Afghanistan until the President certifies to the Congress that—

(1) the Government of Afghanistan has apologized officially and assumes responsibility for the death of Ambassador Adolph Dubs; and

(2) the Government of Afghanistan agrees to provide adequate protection for all personnel of the United States Government in Afghanistan.

(b) Substantially changed circumstances

The provisions of subsection (a) of this section shall not apply if the President determines that such assistance is in the national interest of the United States because of substantially changed circumstances in Afghanistan.

(Pub. L. 87–195, pt. III, § 620D, as added Pub. L. 96–53, title V, § 505, Aug. 14, 1979, 93 Stat. 378.)

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.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

HUMANITARIAN ASSISTANCE

Pub. L. 99–83, title IX, § 904, Aug. 8, 1985, 99 Stat. 268, provided that:

''(a) AUTHORIZATION.—The President may make available funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 [part IV of subchapter II of this chapter] (relating to the economic support fund) for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

''(b) EARMARKING OF FUNDS.—Each fiscal year, not less than $15,000,000 of the aggregate amount of funds available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 shall be available only for humanitarian assistance to the Afghan people pursuant to subsection (a) of this section.

''(c) EFFECTIVE DATES.—This section shall take effect on the date of enactment of this Act [Aug. 8, 1985], except that subsection (b) shall not apply to fiscal year 1985.''

ASSISTANCE TO AND TRADE WITH AFGHANISTAN

Determination of President of the United States, No. 93–3, Oct. 7, 1992, 57 F.R. 47557, provided:

Memorandum for the Secretary of State

By virtue of the authority vested in me by section 620D(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2374(b)), I hereby determine that furnishing assistance to Afghanistan with funds authorized to be appropriated under that Act is in the national interest of the United States because of substantially changed circumstances in Afghanistan.

By virtue of the authority vested in me by section 2(b)(2)(C) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635(b)(2)(C)), I hereby determine that Afghanistan has ceased to be a Marxist-Leninist country within the definition of such term in subparagraph (B)(i) of section 2(b)(2) of that Act (12 U.S.C. 635(b)(2)(B)(i)).

In accordance with section 118(c)(1) of Public Law 99–190 (99 Stat. 1319), I hereby provide notice of my intention to restore nondiscriminatory trade treatment to the products of Afghanistan no sooner than 30 days following receipt by the Congress of this memorandum.

Attached to this determination is a Statement of Justification for these actions, setting forth, among other things, a description of U.S. national interests in resuming assistance and normal trade ties with Afghanistan. [Text of Statement of Justification appears at 57 F.R. 47557.]

You are authorized and directed to report these actions to the Congress and to publish this memorandum in the Federal Register.

GEORGE BUSH.

§ 2375. Assistance to Pakistan

(a) Congressional policy, findings, and goals

The Congress recognizes that Soviet forces occupying Afghanistan pose a security threat to Pakistan. The Congress also recognizes that an independent and democratic Pakistan with continued friendly ties with the United States is in the interest of both nations. The Congress finds that United States assistance will help Pakistan maintain its independence. Assistance to Pakistan is intended to benefit the people of Pakistan by helping them meet the burdens imposed by the presence of Soviet forces in Afghanistan and by promoting economic development. In authorizing assistance to Pakistan, it is the intent of Congress to promote the expeditious restoration of full civil liberties and representative government in Pakistan. The Congress further recognizes that it is in the mutual interest of Pakistan and the United States to avoid the profoundly destabilizing effects of the proliferation of nuclear explosive devices or the capacity to manufacture or otherwise acquire nuclear devices.

(b) Reaffirmation of 1959 bilateral agreement

The United States reaffirms the commitment made in its 1959 bilateral agreement with Pakistan relating to aggression from a Communist or Communist-dominated state.

(c) Availability; defensive aspects of assistance

Security assistance for Pakistan shall be made available in order to assist Pakistan in dealing with the threat to its security posed by the Soviet presence in Afghanistan. The United States will take appropriate steps to ensure that defense articles provided by the United States to Pakistan are used for defensive purposes.

(d) Waiver of limitations respecting nuclear transfers

The President may waive the prohibitions of section 2799aa of this title with respect to any grounds for the prohibition of assistance under that section arising before the effective date of part B of the Nuclear Proliferation Prevention Act of 1994 to provide assistance to Pakistan if he determines that to do so is in the national interest of the United States.

(e) Nuclear non-proliferation conditions on military assistance; exception

(1) No military assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, pursuant to the authorities contained in this chapter or any other Act, unless the President shall have certified in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which military assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States military assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.

(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:

(A) International narcotics control (including part VIII of subchapter I of this chapter) or any provision of law available for providing assistance for counternarcotics purposes.

(B) Facilitating military-to-military contact, training (including part V of subchapter II of this chapter) and humanitarian and civic assistance projects.

(C) Peacekeeping and other multilateral operations (including part VI of subchapter II of this chapter relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment provided under this subparagraph shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided.

(D) Antiterrorism assistance (including part VIII of subchapter II of this chapter relating to antiterrorism assistance) or any provision of law available for antiterrorism assistance purposes.

(3) The restrictions of this subsection shall continue to apply to contracts for the delivery of F–16 aircraft to Pakistan.

(4) Notwithstanding the restrictions contained in this subsection, military equipment, technology, or defense services, other than F–16 aircraft, may be transferred to Pakistan pursuant to contracts or cases entered into before October 1, 1990.

(f) Storage costs

The President may release the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) of this section and may reimburse the Government of Pakistan for any such amount paid, on such terms and conditions as the President may prescribe: *Provided*, That such payments have no budgetary impact.

(g) Inapplicability of restrictions to previously owned items

Subsection (e) of this section does not apply to broken, worn or unupgraded items or their equivalent which Pakistan paid for and took possession of prior to October 1, 1990 and which the Government of Pakistan sent to the United States for repair or upgrade. Such equipment or its equivalent may be returned to the Government of Pakistan: *Provided*, That the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States and that its total value does not exceed $25,000,000.

(h) Ballistic missile sanctions not affected

Nothing contained herein shall affect sanctions for transfers of missile equipment or technology required under section 2410b of title 50, Appendix, or section 2797b of this title.

(Pub. L. 87–195, pt. III, § 620E, as added Pub. L. 97–113, title VII, § 736, Dec. 29, 1981, 95 Stat. 1561; amended Pub. L. 99–83, title IX, § 902, Aug. 8, 1985, 99 Stat. 267; Pub. L. 100–202, § 101(e) [title V, § 557], Dec. 22, 1987, 101 Stat. 1329–131, 1329–170; Pub. L. 101–167, title V, § 591, Nov. 21, 1989, 103 Stat. 1253; Pub. L. 101–513, title V, § 574(a), Nov. 5, 1990, 104 Stat. 2042; Pub. L. 102–145, § 118, as added Pub. L. 102–266, § 102, Apr. 1, 1992, 106 Stat. 93; Pub. L. 102–391, title V, § 570(a), Oct. 6, 1992, 106 Stat. 1681; Pub. L. 103–87, title V, § 536(a), Sept. 30, 1993, 107 Stat. 955; Pub. L. 103–236, title VIII, § 822(b)(2), Apr. 30, 1994, 108 Stat. 512; Pub. L. 104–107, title V, § 559(a), Feb. 12, 1996, 110 Stat. 743.)

REFERENCES IN TEXT

For effective date of part B of the Nuclear Proliferation Prevention Act of 1994, referred to in subsec. (d), as the date 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

This chapter, referred to in subsec. (e), 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.

CODIFICATION

Amendment by Pub. L. 102–145 is based on section 572(a) of H.R. 2621, One Hundred Second Congress, 1st

Session, as passed by the House of Representatives on June 19, 1991, which was enacted into law by Pub. L. 102–145, § 118, as added by Pub. L. 102–266, § 102, Apr. 1, 1992, 106 Stat. 93. Section 118 of Pub. L. 102–145 provided that the authority and conditions provided in such section 572 shall be applicable to funds appropriated by Pub. L. 102–145 (and are hereby enacted) in lieu of the authority and conditions provided in section 574 of Pub. L. 101–513. See 1990, 1991, and 1992 Amendment notes below.

AMENDMENTS

1996—Subsec. (e). Pub. L. 104–107, § 559(a)(1), designated existing provisions as par. (1), substituted ''military assistance'' for ''assistance'' wherever appearing, and added par. (2).

Subsecs. (f) to (h). Pub. L. 104–107, § 559(a)(2), added subsecs. (f) to (h).

1994—Subsec. (d). Pub. L. 103–236 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''The President may waive the prohibitions of section 2429 of this title at any time during the period beginning on December 29, 1981, and ending on September 30, 1994, to provide assistance to Pakistan during that period if he determines that to do so is in the national interest of the United States.''

1993—Subsec. (d). Pub. L. 103–87, which directed the substitution of ''September 30, 1994'' for the date specified in subsec. (d), was executed by substituting ''September 30, 1994'' for ''September 30, 1993''. See 1992 Amendment note below.

1992—Subsec. (d). Pub. L. 102–391, which directed the substitution of ''September 30, 1993'' for the date specified in subsec. (d), was executed by substituting ''September 30, 1993'' for ''April 1, 1993''. See 1991 Amendment note below.

Pub. L. 102–266 added Pub. L. 102–145, § 118. See 1991 Amendment note below.

1991—Subsec. (d). Pub. L. 102–145, § 118, as added by Pub. L. 102–266, which directed the amendment of subsec. (d) by substituting ''April 1, 1993'' for ''April 1, 1991'' in lieu of amendment by Pub. L. 101–513, § 574(a), was executed by substituting ''April 1, 1993'' for ''April 1, 1992'' to reflect the probable intent of Congress. See Codification note above and 1990 Amendment note below.

1990—Subsec. (d). Pub. L. 101–513 substituted ''April 1, 1992'' for ''April 1, 1991''.

1989—Subsec. (d). Pub. L. 101–167 substituted ''April 1, 1991'' for ''April 1, 1990''.

1987—Subsec. (d). Pub. L. 100–202 substituted ''April 1, 1990'' for ''September 30, 1987''.

1985—Subsec. (e). Pub. L. 99–83 added subsec. (e).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

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.

NUCLEAR NON-PROLIFERATION CONDITIONS ON ASSISTANCE FOR PAKISTAN

Determination of the President of the United States, No. 90–15, Mar. 28, 1990, 55 F.R. 17417, provided:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 620E(d) of the Foreign Assistance Act of 1961, as amended (''the Act'') (22 U.S.C. 2375(d)), I hereby determine, pursuant to section 620E(d) of the Act, that provision of assistance to Pakistan under the Act [22 U.S.C. 2151 et seq.] through April 1, 1991, is in the national interest of the United States, and therefore waive the prohibitions of section 669 of the Act (22 U.S.C. 2429) with respect to that period.

You are authorized and directed to transmit this determination, together with the statement setting forth specific reasons therefor, to the Congress immediately.

This determination shall be published in the Federal Register.

GEORGE BUSH.

Prior determinations and certifications were contained in the following:

Determination of the President of the United States, No. 90–1, Oct. 5, 1989, 54 F.R. 43797.

Determination of the President of the United States, No. 89–7, Nov. 18, 1988, 53 F.R. 49111.

Determination of the President of the United States, No. 88–5, Jan. 15, 1988, 53 F.R. 3325.

Determination of the President of the United States, No. 88–4, Dec. 17, 1987, 53 F.R. 773.

Determination of the President of the United States, No. 87–3, Oct. 27, 1986, 51 F.R. 40301.

Determination of the President of the United States, No. 86–03, Nov. 25, 1985, 50 F.R. 50273.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3281 of this title.

§ 2376. Nuclear non-proliferation policy in South Asia

(a) Findings

The Congress finds that—

(1) the proliferation of weapons of mass destruction remains one of the most serious threats to international peace and stability;

(2) South Asia, in particular, is an area where the threat of a regional nuclear exchange remains high due to continued Indo-Pakistani tensions over issues such as Kashmir;

(3) to date, United States efforts to halt proliferation in South Asia have failed;

(4) although global disarmament is a desirable goal which should be vigorously pursued, both regional and sub-regional security arrangements can serve to decrease tensions and promote non-proliferation in certain areas;

(5) thus far, there has been some success on a regional basis, such as the South Pacific Nuclear Weapons Free Zone and the Treaty of Tlatelolco in Latin America;

(6) in particular, in Latin America, the Treaty of Tlatelolco has been signed by all the nuclear powers;

(7) a critical part of this treaty is Protocol II which prohibits nuclear attacks by nuclear weapons states on signatories to the treaty;

(8) in 1991, a proposal was made for a regional conference on non-proliferation in South Asia which would include Pakistan, India, the People's Republic of China, the Soviet Union, and the United States; and

(9) thus far, Pakistan, China, Russia, and the United States have expressed interest in attending such a conference, whereas India has refused to attend.

(b) Policy

It is the sense of the Congress that the President should pursue a policy which seeks a regional negotiated solution to the issue of nuclear non-proliferation in South Asia at the earliest possible time, including a protocol to be signed by all nuclear weapons states, prohibiting nuclear attacks by nuclear weapons states on countries in the region. Such a policy should

have as its ultimate goal concurrent accession by Pakistan and India to the Nuclear Non-Proliferation Treaty, and should also include as needed a phased approach to that goal through a series of agreements among the parties on nuclear issues, such as the agreement reached by Pakistan and India not to attack one another's nuclear facilities.

(c) Report on progress toward regional non-proliferation

Not later than April 1 of each year, the President shall submit a report to the Committees on Appropriations, the Speaker of the House of Representatives, and the chairman of the Committee on Foreign Relations of the Senate, on nuclear proliferation in South Asia, including efforts taken by the United States to achieve a regional agreement on nuclear non-proliferation, and including a comprehensive list of the obstacles to concluding such a regional agreement.

(Pub. L. 87–195, pt. III, § 620F, as added Pub. L. 102–391, title V, § 585(a), Oct. 6, 1992, 106 Stat. 1688; amended Pub. L. 105–277, div. G, subdiv. B, title XXII, § 2219(b), Oct. 21, 1998, 112 Stat. 2681–817.)

AMENDMENTS

1998—Subsec. (c). Pub. L. 105–277, which directed the substitution of ''Not later than April 1 of each year,'' for ''Not later than April 1, 1993 and every six months thereafter,'' was executed by making the substitution for text which contained a comma after ''1993'' to reflect the probable intent of Congress.

DELEGATION OF AUTHORITY WITH RESPECT TO REPORTS TO CONGRESS CONCERNING PROGRESS TOWARD NON-PROLIFERATION IN SOUTH ASIA

Memorandum of President of the United States, Mar. 30, 1994, 59 F.R. 17229, provided:

Memorandum for the Secretary of State

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of State the functions vested in the President by section 620F(c) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2376(c)).

Any report prepared pursuant to this delegation of authority shall be coordinated with other agencies, as appropriate, and the Assistant to the President for National Security Affairs, before submission to the Congress.

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

WILLIAM J. CLINTON.

§ 2377. Prohibition on assistance to countries that aid terrorist states

(a) Withholding of assistance

The President shall withhold assistance under this chapter to the government of any country that provides assistance to the government of any other country for which the Secretary of State has made a determination under section 2371 of this title.

(b) Waiver

Assistance prohibited by this section may be furnished to a foreign government described in subsection (a) of this section if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

(1) a statement of the determination;

(2) a detailed explanation of the assistance to be provided;

(3) the estimated dollar amount of the assistance; and

(4) an explanation of how the assistance furthers United States national interests.

(Pub. L. 87–195, pt. III, § 620G, as added Pub. L. 104–132, title III, § 325, Apr. 24, 1996, 110 Stat. 1256.)

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.

CODIFICATION

Another section 620G of Pub. L. 87–195 is classified to section 2378a of this title.

CONGRESSIONAL FINDINGS

Section 324 of Pub. L. 104–132 provided that: ''The Congress finds that—

''(1) international terrorism is among the most serious transnational threats faced by the United States and its allies, far eclipsing the dangers posed by population growth or pollution;

''(2) the President should continue to make efforts to counter international terrorism a national security priority;

''(3) because the United Nations has been an inadequate forum for the discussion of cooperative, multilateral responses to the threat of international terrorism, the President should undertake immediate efforts to develop effective multilateral responses to international terrorism as a complement to national counter terrorist efforts;

''(4) the President should use all necessary means, including covert action and military force, to disrupt, dismantle, and destroy international infrastructure used by international terrorists, including overseas terrorist training facilities and safe havens;

''(5) the Congress deplores decisions to ease, evade, or end international sanctions on state sponsors of terrorism, including the recent decision by the United Nations Sanctions Committee to allow airline flights to and from Libya despite Libya's noncompliance with United Nations resolutions; and

''(6) the President should continue to undertake efforts to increase the international isolation of state sponsors of international terrorism, including efforts to strengthen international sanctions, and should oppose any future initiatives to ease sanctions on Libya or other state sponsors of terrorism.''

DELEGATION OF FUNCTIONS

Functions of President under subsec. (b) delegated to Secretary of State by section 1–201(a)(13) of Ex. Ord. No. 12163, as amended, set out as a note under section 2381 of this title.

''ASSISTANCE'' DEFINED

Assistance defined for purposes of title III of Pub. L. 104–132, see section 329 of Pub. L. 104–132, set out as a note under section 2349aa–10 of this title.

§ 2378. Prohibition on assistance to countries that provide military equipment to terrorist states

(a) Prohibition

(1) In general

The President shall withhold assistance under this chapter to the government of any country that provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 2405(j) of title 50, Appendix, or 2371 of this title.

(2) Applicability

The prohibition under this section with respect to a foreign government shall terminate 1 year after that government ceases to provide lethal military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after April 24, 1996.

(b) Waiver

Notwithstanding any other provision of law, assistance may be furnished to a foreign government described in subsection (a) of this section if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

(1) a statement of the determination;

(2) a detailed explanation of the assistance to be provided;

(3) the estimated dollar amount of the assistance; and

(4) an explanation of how the assistance furthers United States national interests.

(Pub. L. 87–195, pt. III, § 620H, as added Pub. L. 104–132, title III, § 326, Apr. 24, 1996, 110 Stat. 1256.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), 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.

CODIFICATION

April 24, 1966, referred to in subsec. (a)(2), was in the original ''the date of enactment of this Act'', which was translated as meaning the date of enactment of Pub. L. 104–132, which enacted this section, to reflect the probable intent of Congress.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (b) delegated to Secretary of State by section 1–201(a)(13) of Ex. Ord. No. 12163, as amended, set out as a note under section 2381 of this title.

''ASSISTANCE'' DEFINED

Assistance defined for purposes of title III of Pub. L. 104–132, see section 329 of Pub. L. 104–132, set out as a note under section 2349aa–10 of this title.

§ 2378–1. Prohibition on assistance to countries that restrict United States humanitarian assistance

(a) In general

No assistance shall be furnished under this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] to any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

(b) Exception

Assistance may be furnished without regard to the restriction in subsection (a) of this section if the President determines that to do so is in the national security interest of the United States.

(c) Notice

Prior to making any determination under subsection (b) of this section, the President shall notify the Committee on International Relations, the Committee on Foreign Relations, and the Committees on Appropriations of the Senate and House of Representatives of his intention to make such a determination, the effective date of the determination, and the reasons for making the determination.

(Pub. L. 87–195, pt. III, § 620I, as added Pub. L. 104–208, div. A, title I, § 101(c) [title V, § 559], Sept. 30, 1996, 110 Stat. 3009–121, 3009–161.)

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.

§ 2378a. Depleted uranium ammunition

(a) Prohibition

Except as provided in subsection (b) of this section, none of the funds made available to carry out this chapter or any other Act may be made available to facilitate in any way the sale of M–833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than—

(1) a country that is a member of the North Atlantic Treaty Organization;

(2) a country that has been designated as a major non-NATO ally (as defined in section 2403(q) of this title); or

(3) Taiwan.

(b) Exception

The prohibition contained in subsection (a) of this section shall not apply with respect to the use of funds to facilitate the sale of antitank shells to a country if the President determines that to do so is in the national security interest of the United States.

(Pub. L. 87–195, pt. III, § 620G, as added Pub. L. 104–164, title I, § 149, July 21, 1996, 110 Stat. 1436.)

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.

CODIFICATION

Another section 620G of Pub. L. 87–195 is classified to section 2377 of this title.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State, with Secretary of State required to consult with Secretary of Defense, by section 1–201(a)(13) of Ex. Ord. No. 12163, as amended, set out as a note under section 2381 of this title.

PART II—ADMINISTRATIVE PROVISIONS

§ 2381. Exercise of functions

(a) Delegation by President; rules and regulations; utilization of goods and services from private enterprise, and facilities and resources of Federal agencies when not competitive with private enterprise

The President may exercise any functions conferred upon him by this chapter through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions, and may delegate authority to perform any such functions, including, if he shall so specify, the authority successively to redelegate any of such functions to any of his subordinates. In providing technical assistance under this chapter, the head of any such agency or such officer shall utilize, to the fullest extent practicable, goods and professional and other services from private enterprise on a contract basis. In such fields as education, health, housing, or agriculture, the facilities and resources of other Federal agencies shall be utilized when such facilities are particularly or uniquely suitable for technical assistance, are not competitive with private enterprise, and can be made available without interfering unduly with domestic programs.

(b) Eligibility of suppliers; debarment period; causes for debarment; conditions for reinstatement; periodic review

The President shall issue and enforce regulations determining the eligibility of any person to receive funds made available under this chapter. A person may be suspended under such regulations for a temporary period pending the completion of an investigation and any resulting judicial or debarment proceedings, upon cause for belief that such person or an affiliate thereof probably has undertaken conduct which constitutes a cause for debarment; and, after an opportunity has been afforded to such person for a hearing, he may be debarred for an additional period, not to exceed three years. Among the causes for debarment shall be (1) offering or accepting a bribe or other illegal payment or credit in connection with any transaction financed with funds made available under this chapter; or (2) committing a fraud in the procurement or performance of any contract financed with funds made available under this chapter; or (3) acting in any other manner which shows a lack of integrity or honesty in connection with any transaction financed with funds made available under this chapter. Reinstatement of eligibility in each particular case shall be subject to such conditions as the President shall direct. Each person whose eligibility is denied or suspended under this subsection shall, upon request, be entitled to a review of his eligibility not less often than once every two years.

(Pub. L. 87–195, pt. III, § 621, Sept. 4, 1961, 75 Stat. 445; Pub. L. 87–565, pt. III, § 302(a), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88–205, pt. III, § 302(a), Dec. 16, 1963, 77 Stat. 388; Pub. L. 90–554, pt. III, § 302(a), Oct. 8, 1968, 82 Stat. 964.)

REFERENCES IN TEXT

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

AMENDMENTS

1968—Pub. L. 90–554 designated existing provisions as subsec. (a) and added subsec. (b).

1963—Pub. L. 88–205 provided that goods and professional and other services from private enterprise should be utilized on a contract basis, and that Federal agencies be utilized only when not competitive with private enterprise and available without interfering unduly with domestic programs.

1962—Pub. L. 87–565 struck out designation ''(a)'' from provisions of subsec. (a), and repealed subsecs. (b) to (e) which related to the abolition of the Development Loan Fund, International Cooperation Administration, and the Office of Inspector General and Comptroller, the transfer of their functions, and the transfer of the function of the Export-Import Bank under section 1704(e) of title 7.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title, which delegated functions of President under subsec. (b) of this section to Overseas Private Investment Corporation, was revoked by section 1–903(a)(2) of Ex. Ord. No. 12163, Sept. 27, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out below.

AID OFFICE OF SECURITY

Pub. L. 105–277, div. A, § 101(d) [title V, § 587], Oct. 21, 1998, 112 Stat. 2681–150, 2681–204, provided that:

''(a) ESTABLISHMENT OF OFFICE.—There shall be established within the Office of the Administrator of the Agency for International Development, an Office of Security. Such Office of Security shall, notwithstanding any other provision of law except section 207 of the Foreign Service Act of 1980 [22 U.S.C. 3927] and section 103 of Public Law 199–339 [Pub. L. 99–339, 22 U.S.C. 4802], have the responsibility for the supervision, direction, and control of all security activities relating to the programs and operations of that Agency.

''(b) TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.—There are transferred to the Office of Security all security functions exercised by the Office of Inspector General of the Agency for International Development exercised before the date of enactment of this Act [Oct. 21, 1998]. The Administrator shall transfer from the Office of the Inspector General of such Agency to the Office of Security established by subsection (a), the personnel (including the Senior Executive Service position designated for the Assistant In-

spector General for Security), assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, and other funds held, used, available to, or to be made available in connection with such functions. Unexpended balances of appropriations, and other funds made available or to be made available in connection with such functions, shall be transferred to and merged with funds appropriated by this Act under the heading 'Operating Expenses of the Agency for International Development' [112 Stat. 2681–157].

''(c) TRANSFER OF EMPLOYEES.—Any employee in the career service who is transferred pursuant to this section shall be placed in a position in the Office of Security established by subsection (a) which is comparable to the position the employee held in the Office of the Inspector General of the Agency for International Development.''

AGENCY FOR INTERNATIONAL DEVELOPMENT BUDGET SUBMISSION

Pub. L. 102–391, title V, §599E, Oct. 6, 1992, 106 Stat. 1698, provided that: ''The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Agency for International Development.''

REORGANIZATION PLAN NO. 2 OF 1979

Reorganization Plan No. 2 of 1979, 44 F.R. 41165, 93 Stat. 1378, which established the United States International Development Cooperation Agency, was repealed by Pub. L. 105–277, div. G, subdiv. A, title XIV, §§1401, 1422(a)(1), Oct. 21, 1998, 112 Stat. 2681–790, 2681–792, effective on the earlier of Apr. 1, 1999, or the date of abolition of the United States International Development Cooperation Agency pursuant to reorganization plan described in section 6601 of this title.

EXECUTIVE ORDER NO. 10973

Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, as amended, which related to the administration of foreign assistance and related functions, was revoked by Ex. Ord. No. 12163, §1–903(a)(1), Sept. 29, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out below.

Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, as amended, was superseded insofar as any provision therein was in conflict with any provision of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

EX. ORD. NO. 12163. ADMINISTRATION OF FOREIGN ASSISTANCE AND RELATED FUNCTIONS

Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended by Ex. Ord. No. 12226, July 22, 1980, 45 F.R. 49235; Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13968; Ex. Ord. No. 12321, Sept. 14, 1981, 46 F.R. 46109; Ex. Ord. No. 12365, May 24, 1982, 47 F.R. 22933; Ex. Ord. No. 12423, May 26, 1983, 48 F.R. 24025; Ex. Ord. No. 12458, Jan. 14, 1984, 49 F.R. 1977; Ex. Ord. No. 12500, Jan. 24, 1985, 50 F.R. 3733; Ex. Ord. No. 12560, May 24, 1986, 51 F.R. 19159; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617; Ex. Ord. No. 12620, Dec. 24, 1987, 52 F.R. 49135; Ex. Ord. No. 12639, May 6, 1988, 53 F.R. 16691; Ex. Ord. No. 12680, July 5, 1989, 54 F.R. 28995; Ex. Ord. No. 12695, Nov. 1, 1989, 54 F.R. 46589; Ex. Ord. No. 12738, §§1–6, Dec. 14, 1990, 55 F.R. 52033; Ex. Ord. No. 13030, §1, Dec. 12, 1996, 61 F.R. 66187; Ex. Ord. No. 13091, §2, June 29, 1998, 63 F.R. 36153; Pub. L. 105–277, div. G, subdiv. A, title XIV, §1422(a)(2), Oct. 21, 1998, 112 Stat. 2681–792, provided:

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 [this chapter], Reorganization Plan No. 2 of 1979 [set out above], the International Development Cooperation Act of 1979 [see Short Title of 1979 Amendment note set out under section 2151 of this title], and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

1–1. UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

[1–101 to 1–103. Repealed. Pub. L. 105–277, div. G, subdiv. A, title XIV, §1422(a)(2), Oct. 21, 1998, 112 Stat. 2681–792.]

1–104. *Office of Small Business*. The Office of Small Business provided for in section 602(b) of the Act [22 U.S.C. 2352(b)] shall be in the Agency for International Development.

1–2. DEPARTMENT OF STATE

1–201. *Delegation of Functions*. (a) Subject to the provisions of this order, there are hereby delegated to the Secretary of State (hereafter in this Part referred to as the ''Secretary'') all functions conferred upon the President by:

(1) sections 239(g), 301(a), 301(c), 301(e)(1), 302(a)(1) as it relates to the Presidential certification concerning the United Nations Relief and Works Agency, 305, section 305 [sic] of the Act [22 U.S.C. 2199(g), 2221(a), (c), (e)(1), 2222(a)(1), and 2225];

(2) section 451 of the Act [22 U.S.C. 2261];

(3) section 495F of the Act [22 U.S.C. 2292*l*], insofar as they relate to policy decisions pertaining to refugee programs under such section;

(4) section 505(a) [22 U.S.C. 2314(a)] relating to other provisions which may be required by the President, and sections 505(d), (e), (f) and (g) of the Act [22 U.S.C. 2314(d), (e), (f), (g)].

(5) sections 505(a)(1) and (4) of the Act [22 U.S.C. 2314(a)(1), (4)] relating to consent;

(6) section 505(b) of the Act [22 U.S.C. 2314(b)] to the extent that it pertains to countries that agree to the conditions set forth therein;

(7) chapter 4 of Part II of the Act [22 U.S.C. 2346 et seq.], insofar as they relate to policy decisions and justifications for economic support programs under such chapter, including determinations of whether there will be an economic support program for a country and the amount of the program for each country, and all functions conferred by Section 534 of the Act [22 U.S.C. 2346c]. Such functions shall be exercised in cooperation with the Director;

(8) chapter 6 of part II of the Act [22 U.S.C. 2348 et seq.];

(9) section 601(b)(3), (4), and (6) of the Act [22 U.S.C. 2351(b)(3), (4), and (6)];

(10) section 604(a) of the Act [22 U.S.C. 2354(a)], insofar as they related to procurement under chapter 1 of part I and chapter 4 of part II of the Act [22 U.S.C. 2151 et seq., 2346 et seq.];

(11) section 614(b) of the Act [22 U.S.C. 2364(b)], except that the function of determining which provisions of law should be disregarded to achieve the purpose of the provision is reserved to the President;

(12) section 620(c), (e), (f), (g), (j), (q), and (s) of the Act [22 U.S.C. 2370(c), (e), (f), (g), (j), (q), and (s)];

(13) section 620C(d) and (e),, [sic] section 620G [22 U.S.C. 2378a] as added by Public Law 104–164 and sections 620G(b) and 620H(b) as added by the Antiterrorism and Effective Death Penalty Act of 1996, (Public Law 104–132) of the Act [22 U.S.C. 2373(d), (e), 2377(b), 2378(b)], as well as section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103–87) [107 Stat. 972], section 563 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306) [108 Stat. 1649], section 552 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107) [110 Stat. 741], and similar provisions of law, except that the functions under section 620G as added by Public Law 104–164 shall be exercised in consultation with the Secretary of Defense;

(14) section 625(d) of the Act [22 U.S.C. 2385(d)], insofar as it relates to personnel in the Department of State;

(15) [Revoked by Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13968.]

(16) section 634B of the Act [22 U.S.C. 2394–1a], insofar as it relates to functions delegated to the Secretary under this order;

(17) section 617 and 653 of the Act [22 U.S.C. 2367, 2413], insofar as they relate to chapter 8 of part 1 [22 U.S.C. 2291 et seq.] and part II of the Act [22 U.S.C. 2301 et seq.];

(18) section 655 of the Act [22 U.S.C. 2415], insofar as they relate to defense articles and defense services licensed for export under section 38 of the Arms Export Control Act [22 U.S.C. 2778]:

(19) other provisions of the Act [this chapter] that relate directly and necessarily to the conduct of programs and activities vested in or delegated to the Secretary;

(20) section 8(d) of the Act of January 12, 1971 (22 U.S.C. 2321b (d)); and

(21) section 607 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2394a).

(22) Section 725 of the International Security and Development Cooperation Act of 1981 [probably means section 725(b), (c) of Pub. L. 97–113, formerly set out as a note under 22 U.S.C. 2370];

(23) Section 726 of the International Security and Development Cooperation Act of 1981 [probably means section 726(b) of Pub. L. 97–113, set out as a note under 22 U.S.C. 2370];

(24) Chapter 8 of Part II of the Act [22 U.S.C. 2349aa et seq.];

(25) Section 402(b)(2) of Title 10 of the United States Code, which shall be exercised in consultation with the Secretary of Defense;

(26) sections 207, 552(b) [former 49 U.S.C. 1515a(b), now 49 U.S.C. 44908], 611, 612(a), 617(c), 702(c), 703(a), 705(b) and (c), 706, 722(j), 813(b) and 1008 of the ISDCA of 1985 [Pub. L. 99–83, Aug. 8, 1985, 99 Stat. 213, 226, 230, 231, 233, 238, 239, 241, 242, 255, 266, and 271];

(27) chapter 8 of part I of the Act [22 U.S.C. 2291 et seq.], except for section 481(h) [22 U.S.C. 2291(h)], which is reserved to the President;

(28) section 502B of the Act [22 U.S.C. 2304];

(29) sections 513, 538, 554, 559, 560, 561 [22 U.S.C. 2151 note], 562 [7 U.S.C. 3602 note], 564(a), 599C, and 599G(a)(3) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) [Nov. 21, 1989, 103 Stat. 1219, 1232, 1237–1239, 1241, 1242, 1261, 1265];

(30) the second and third provisos under the subheading ''Contribution to the International Development Association'' under the heading ''Annual Contributions to International Financial Institutions'' contained in title I of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) [Nov. 21, 1989, 103 Stat. 1197], and section 548 of such Act [Nov. 21, 1989, 103 Stat. 1235], each of which shall be exercised in consultation with the Secretary of the Treasury;

(31) the proviso relating to certain expropriation claims of U.S. citizens in El Salvador under the heading ''Economic Support Fund'' contained in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) [Nov. 21, 1989, 103 Stat. 1207];

(32) the proviso relating to tied aid credits under the heading ''Economic Support Fund'' contained in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) [Nov. 21, 1989, 103 Stat. 1207], which shall be exercised in consultation with the Administrator of the Agency for International Development within IDCA;

(33) subsection (c)(2) under the heading ''Foreign Military Sales Debt Reforms'' contained in title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Public Law 100–202) [22 U.S.C. 2764 note], which shall be exercised in consultation with the Secretary of Defense;

(34) sections 4101(b) [former 22 U.S.C. 2291 note], 4205(d), 4307(a), and 4309 of the Anti-Drug Abuse Act of 1988 (Public Law 100–690) [Nov. 18, 1988, 102 Stat. 4264, 4269, 4274, 4275]. The Secretary of State in implementing the functions delegated to him under section 4205(d) shall consult with the Secretary of Defense;

(35) section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) [Nov. 21, 1989, 103 Stat. 1219], which shall be exercised in consultation with the President of the Export-Import Bank of the United States;

(36) section 581(a) and 581(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) [Nov. 21, 1989, 103 Stat. 1250], which shall be exercised in consultation with the Secretary of Defense; and

(37) section 12 of the International Narcotics Control Act of 1989 (Public Law 101–231) [Dec. 13, 1989, 103 Stat. 1962].

(b) The functions under sections 239(g), 620(e), 620(g), 620(j), 620(q), and 620(s) of the Act [22 U.S.C. 2199(g), 2370(e), (g), (j), (q), and (s)] delegated to the Secretary shall be exercised in consultation with the Director.

(c) The functions under section 653 of the Act [22 U.S.C. 2413] delegated to the Secretary shall be exercised in consultation with the Secretary of Defense, insofar as they relate to functions under the Act [this chapter] administered by the Department of Defense, and the Director of the Office of Management and Budget.

(d) The Secretary may redelegate to the Director or to any other officer or agency of the Executive branch functions delegated to the Secretary by this order.

1–3. Department of Defense

1–301. *Delegation of Functions.* Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(a) The functions conferred upon the President by Part II [22 U.S.C. 2301 et seq.] (except chapters 4, 6 and 8 thereof) of the Act [22 U.S.C. 2346 et seq., 2348 et seq., 2349aa et seq.] not otherwise delegated or reserved to the President.

(b) To the extent that they relate to other functions under the Act [this chapter] administered by the Department of Defense, the functions conferred upon the President by sections 602(a), 605(a), 625(a), 625(d)(1), 625(h), 627, 628, 630(3), 631(a), 634(B), 635(b) (except with respect to negotiation, conclusion, and termination of international agreements), 635(d), 635(g), and 636(i) of the Act [22 U.S.C. 2352(a), 2355(a), 2385(a), (d)(1), (h), 2387, 2388, 2390(3), 2391(a), 2394–1a, 2395(b), (d), (g), and 2396(i)].

(c) Those functions under section 634A of the Act [22 U.S.C. 2394–1], to the extent they relate to notifications to the Congress concerning changes in programs under part II of the Act [22 U.S.C. 2301 et seq.] (except chapters 4, 6, and 8 thereof [22 U.S.C. 2346 et seq., 2348 et seq., 2349aa et seq.]) and under the Arms Export Control Act, as amended [22 U.S.C. 2751 et seq.], subject to prior consultation with the Secretary of State.

(d) The functions under sections 627, 628, and 630(3) of the Act [22 U.S.C. 2387, 2388, and 2390(3)] delegated to the Secretary of Defense shall be exercised in consultation with the Secretary of State.

(e) the functions under section 655 of the Act [22 U.S.C. 2415] insofar as they relate to defense articles, defense services, and international military education and training furnished by grant or sale by the Secretary of Defense, except to the extent otherwise delegated.

(f) Those functions conferred upon the President under section 616 of the ISDCA of 1985 [Pub. L. 99–83, Aug. 8, 1985, 99 Stat. 232].

(g) The functions conferred upon the President under section 573 [22 U.S.C. 2321j note] and section 581(b)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) [Nov. 21, 1989, 103 Stat. 1246, 1250].

(h) The functions conferred upon the President under section 3 of the International Narcotics Control Act of

1989 (Public Law 101–231) [Dec. 13, 1989, 103 Stat. 1955], which shall be exercised in consultation with the Secretary of State.

1–302. *Reports and Information*. In carrying out the functions under section 514 of the Act [22 U.S.C. 2321h] delegated to him by section 301 of this order, the Secretary of Defense shall consult with the Secretary of State.

1–4. Institute for Scientific and Technological Cooperation

[1–401 to 1–403. Repealed. Pub. L. 105–277, div. G, subdiv. A, title XIV, § 1422(a)(2), Oct. 21, 1998, 112 Stat. 2681–792.]

1–5. Other Agencies

1–501. *Department of the Treasury*. (a) There are delegated to the Secretary of the Treasury the functions conferred upon the President by:

(1) section 305 [22 U.S.C. 2225], insofar as it relates to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the African Development Fund, and the International Monetary Fund;

(2) the second sentence of section 612(a) of the Act [22 U.S.C. 2362(a)];

(3) section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1754); and

(4) section 655(c) of the Act [22 U.S.C. 2415(c)].

(b) The Secretary of the Treasury shall continue to administer any open special foreign country accounts established pursuant to former section 514 of the Act as enacted by section 201(f) of Public Law 92–226 (86 Stat. 25) and repealed by Section 12(b)(5) of Public Law 93–189 (87 Stat. 722) [22 U.S.C. 2321g].

(c) The functions under section 305 of the Act [22 U.S.C. 2225] delegated to the Secretary of the Treasury shall be exercised in consultation with the Director, as provided in Executive Order No. 11269 of February 14, 1966, as amended [set out as a note under section 286b of this title].

1–502. *Department of Commerce*. There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 601(b)(1) of the Act [22 U.S.C. 2351(b)(1)] as consists of drawing the attention of private enterprise to opportunities for investment and development in less developed friendly countries and areas.

1–503. *Office of Personnel Management*. There is hereby delegated to the Director of the Office of Personnel Management the function of prescribing regulations conferred upon the President by the proviso contained in section 625(b) of the Act [22 U.S.C. 2385(b)].

1–504. *International Communication Agency [now United States Information Agency]*. The International Communication Agency [now United States Information Agency] shall perform all public information functions abroad with respect to the foreign assistance, aid, and development programs of the United States Government.

1–505. *Development Loan Committee*. There is hereby established a Development Loan Committee in accordance with section 122(e) of the Act [22 U.S.C. 2151t(e)] which shall consist of the Director of IDCA, who shall be Chair, the Administrator of the Agency for International Development, the Chairman of the Board of Directors of the Export-Import Bank of the United States, the Assistant Secretary of State for Economic Affairs, the Assistant Secretary of the Treasury dealing with international finance, the Assistant Secretary of Commerce for Industry and Trade, and the officer of the Agency for International Development dealing with development financing.

1–506. *Development Coordination Committee*. (a) In accordance with section 640B of the Act [22 U.S.C. 2399c], there is hereby established a Development Coordination Committee (hereinafter referred to as the Committee). The Committee shall consist of the Director of IDCA, who shall be Chair; the Administrator of the Agency for International Development, the Director of the Institute for Scientific and Technological Cooperation; the Under Secretary of State for Economic Affairs; the Under Secretary of the Treasury for Monetary Affairs; the Under Secretary of Commerce; the Under Secretary of Agriculture; the Under [Deputy] Secretary of Labor; the Under Secretary of Energy; a Deputy Special Representative for Trade Negotiations; an Associate Director of the Office of Management and Budget; a representative of the Assistant to the President for National Security Affairs; the President of the Export-Import Bank of the United States; the Director of the Peace Corps; and the President of the Overseas Private Investment Corporation.

(b) Whenever matters within the jurisdiction of the Committee may be of interest to Federal agencies not represented on the Committee under subsection (a) of this section, the Chair of the Committee may consult with such agencies and may invite them to designate representatives to participate in meetings and deliberations of the Committee.

(c) The Chair of the Committee may establish subcommittees of the Committee and designate the chairs thereof.

(d) Subject to the foreign policy guidance of the Secretary of State, the Committee shall advise the President with respect to coordination of United States policy and programs affecting the development of developing countries, including programs of bilateral and multilateral development assistance.

(e) All agencies and officers of the Government shall keep the Committee informed in necessary detail as to the policies, programs and activities referred to in subsection (d) of this section.

(f) Nothing herein shall be deemed to derogate from the responsibilities of the Secretary of State or the Secretary of the Treasury, or from responsibilities vested elsewhere by law or other Executive orders.

1–6. Additional Delegations and Limitations of Authority; Consultation

1–601. *General Delegation of Functions*. There are hereby delegated to the heads of agencies having responsibilities for carrying out the provisions of the Act [this chapter] all functions conferred upon the President by:

(a) section 654 [22 U.S.C. 2414] (except as reserved to the President); and

(b) those provisions of acts appropriating funds under the authority of the Act [this chapter] that relate to the Act, or other acts authorizing such funds, insofar as they relate to the functions delegated by this order.

1–602. *Personnel*. (a) In carrying out the functions conferred upon the President by the provisions of section 625(d) of the Act [22 U.S.C. 2385(d)], and by this order delegated to the Director of IDCA, the Director shall authorize such of the agencies that administer programs under the Act [this chapter] as he may deem appropriate to perform any of the functions under section 625(d) of the Act to the extent that the said functions relate to the programs administered by the respective agencies.

(b) Persons appointed, employed, or assigned after May 19, 1959, under section 527(c) of the Mutual Security Act of 1954 [former 22 U.S.C. 1787(c)] or section 625(d) of the Act [22 U.S.C. 2385(d)] for the purpose of performing functions under such Acts outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 310 of the Foreign Service Act of 1980 (22 U.S.C. 3950) in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1–603. *Special Missions and Staffs Abroad*. The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances author-

ized for a chief of mission as defined in section 102(a)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3902(a)(3)), all under section 631 of the Act [22 U.S.C. 2391], shall be subject to the approval of the Secretary of State.

1–604. *International Agreements*. The negotiation, conclusion, and termination of international agreements pursuant to the Act [this chapter], title IV of the IDC Act of 1979 [22 U.S.C. 3501 et seq.] or section 402 of the Mutual Security Act of 1954 [22 U.S.C. 1922] shall be subject to the requirements of 1 U.S.C. 112b and to applicable regulations and procedures.

1–605. *Interagency Consultation*. Each officer to whom functions are delegated by this order, shall, in carrying out such functions, consult with the heads of other departments and agencies, including the Director of the Office of Management and Budget, on matters pertaining to the responsibilities of departments and agencies other than his or her own.

1–7. Reserved Functions

1–701. *Reservation of Functions to the President*. There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(a) The functions conferred upon the President by sections 122(e), 298(a), 504(b), 613(a), 614(a), 620(a), 620(d), 620(x), 620A, 620C(c), 621(a), 622(b), 622(c), 633(a), 633(b), 640B, 662(a), and 663(b) of the Act [22 U.S.C. 2151t(e), 2220c(a), 2312(b), 2363(a), 2364(a), 2370(a), (d), (x), 2371, 2373(c), 2381(a), 2382(b), (c), 2393(a), (b), 2399c, 2422(a), and 2423(b)].

(b) The functions conferred upon the President by sections 402, 405(a), 406 and 407 of the IDC Act of 1979 [22 U.S.C. 3502, 3505(a), 3506, 3507].

(c) The functions conferred upon the President by the Act [this chapter] and section 408(b) of the Mutual Security Act of 1954 [22 U.S.C. 1928] with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate and with respect to the appointment of officers pursuant to sections 233(b) and 624(c) of the Act [22 U.S.C. 2193(b), 2384(c)].

(d) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 303, 465(b), 481(h), 505(d)(2)(A), 505(d)(3), 506(a), 552(c), 552(e), 610, 614(c), 620E, 632(b), 633A, 663(a), 669(b)(1), 670(a), 670(b)(2), and 670(b)(3) of the Act [22 U.S.C. 2223, 2275(b), 2291(h), 2314(d)(2)(A), (d)(3), 2318(a), 2348a(c), (e), 2360, 2364(c), 2375, 2392(b), 2393a, 2423(a), 2429(b)(1), and 2429a(a), (b)(2), and (b)(3)]; those under section 604(a) of the Act [22 U.S.C. 2354(a)] except insofar as they relate to procurement under chapter 1 of part I and chapter 4 of part II [22 U.S.C. 2151 et seq., 2346 et seq.].

(e) The following-described functions conferred upon the President:

(1) Those under section 503(a) [22 U.S.C. 2311(a)] that relate to findings: *Provided*, that the Secretary of State, in the implementation of the functions delegated to him under section 505(a)(1), (a)(4), and (e) of the Act [22 U.S.C. 2314(a)(1), (a)(4), and (e)], is authorized to find, in the case of a proposed transfer of a defense article or related training or a related defense service by a foreign country or international organization to a foreign country or international organization not otherwise eligible under section 503(a) of the Act, whether the proposed transfer will strengthen the security of the United States and promote world peace.

(2) Those under section 505(b) [22 U.S.C. 2314(b)] in respect of countries that do not agree to the conditions set forth therein.

(3) That under section 614(b) [22 U.S.C. 2364(b)] with respect to determining any provisions of law to be disregarded to achieve the purpose of that section.

(4) That under the second sentence of section 654(c) [22 U.S.C. 2414(c)] with respect to the publication in the Federal Register of any findings or determination reserved to the President: *Provided*, that any officer to whom there is delegated the function of making any finding or determination within the purview of section 654(a) [22 U.S.C. 2414(a)] is also authorized to reach the conclusion specified in performance of the function delegated to him.

(f) That under section 523(d) of the Mutual Security Act of 1954 (22 U.S.C. 1783(d)).

(g) Those under sections 130, 131 [Pub. L. 99–83, Aug. 8, 1985, 99 Stat. 207], 504 and 505 [22 U.S.C. 2349aa–8, 2349aa–9] of the ISDCA of 1985[.]

1–702. *Subsequent Amendments*. Functions conferred upon the President by subsequent amendments to the Act [this chapter] are delegated to the Director only insofar as they do not relate directly and necessarily to the conduct of programs and activities that either the President or an agency other than IDCA is authorized to administer pursuant to express reservation or delegation of authorities in a statute or in this or another Executive order.

1–8. Funds

1–801. *Allocation of Funds*. Funds appropriated or otherwise made available to the President for carrying out the Act [this chapter] shall be deemed to be allocated without any further action of the President, as follows:

[(a) Repealed. Pub. L. 105–277, div. G, subdiv. A, title XIV, § 1422(a)(2), Oct. 21, 1998, 112 Stat. 2681–792.]

(b) There are allocated to the Secretary of Defense funds made available for carrying out Part II of the Act [22 U.S.C. 2301 et seq.] (except chapters 4, 6 and 8 thereof) [22 U.S.C. 2346 et seq., 2348 et seq., 2349aa et seq.]).

(c) There are allocated to the Secretary of State funds made available for carrying out sections 481 and 637(b) [22 U.S.C. 2291, 2397(b)] and chapters 6 and 8 of Part II of the Act [22 U.S.C. 2348 et seq., 2349aa et seq.].

1–802. *Reallocation of Funds*. The Director of IDCA, the Secretary of Defense, and the Secretary of State may allocate or transfer as appropriate any funds received under subsections (a), (b), and (c), respectively of section 1–801 of this order, to any agency or part thereof for obligation or expenditure thereby consistent with applicable law.

1–9. General Provisions

1–901. *Definition*. As used in this order, the word ''function'' includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

1–902. *References to Orders and Acts*. Except as may for any reason be inappropriate:

(a) References in this order or in any other Executive order to (1) the Foreign Assistance Act of 1961 [this chapter] (including references herein to ''the Act''), (2) unrepealed provisions of the Mutual Security Act of 1954 [act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended], or (3) any other act that relates to the subject of this order shall be deemed to include references to any subsequent amendments thereto.

(b) References in any prior Executive order to the Mutual Security Act of 1954 [act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended] or any provisions thereof shall be deemed to be references to the Act [this chapter] or the corresponding provision, if any, thereof.

(c) References in this order to provisions of any Act, and references in any other Executive order or in any memorandum delegation to provisions of any Act related to the subject of this order shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provisions, respectively.

(d) References in this order or in any other Executive order to this order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(e) References in any prior Executive order not superseded by this order to any provisions of any Executive order so superseded shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

1–903. *Prior Executive Orders*. (a) The following are revoked:

(1) Executive Order No. 10973 [22 U.S.C. 2381 note] of November 3, 1961, as amended;

(2) section 2(a) of Executive Order No. 11579 [22 U.S.C. 2191 note], of January 19, 1971; and

(3) Executive Order No. 10893 [22 U.S.C. 2382 note] of November 8, 1960.

(b) The following are amended:

(1) section 3(a) of Executive Order No. 11846 of March 27, 1975, as amended [19 U.S.C. 2111 note], by adding the following new paragraph (12) after paragraph (11):

''(12) The Director of the United States International Development Cooperation Agency'';

(2) section 1–202 of Executive Order 12065 of June 28, 1978 [50 U.S.C. 435 note], by striking out ''The Administrator, Agency for International Development'' and inserting in lieu thereof ''The Director of the United States International Development Cooperation Agency'';

(3) section 2(a) of Executive Order No. 11958 of January 18, 1977 [22 U.S.C. 2751 note], by striking out ''the Administrator of the Agency for International Development'' and inserting in lieu thereof ''the Director of the United States International Development Cooperation Agency'';

(4) section 3 of Executive Order 10900 of January 5, 1961 [7 U.S.C. 1691 note], by adding thereto the following new subsection:

''(d) The Secretary of State may redelegate to the Director of the United States International Development Cooperation Agency, or to any other officer or agency of the Executive branch, functions delegated to such Secretary by this order.'';

(5) section 4 of Executive Order 11223 of May 12, 1965 [22 U.S.C. 2393 note], by inserting immediately following ''the Secretary of State'' the words ''or the Director of the United States International Development Cooperation Agency (with respect to functions vested in or delegated to the Director)''; and

(6) the President's memorandum of October 18, 1961, entitled ''Determination Under Section 604(a) of the Foreign Assistance Act of 1961'' (26 FR 10543) is amended by inserting after ''the Secretary of State'' each time it appears in such memorandum the words ''or the Director of the United States International Development Cooperation Agency (with respect to non-military programs administered by such Agency)''.

(c) Any reference in any other Executive order to the Agency for International Development or the Administrator thereof shall be deemed to refer also to the International Development Cooperation Agency or the Director thereof, respectively.

(d) As authorized by section 403(c) of the IDC Act of 1979 [22 U.S.C. 3503(c)], the reference in Executive Order No. 11223 of May 12, 1965 [22 U.S.C. 2393 note] to ''the performance of functions authorized by this Act'' shall be deemed to include the performance of functions authorized by section 403 of the IDC Act of 1979 [22 U.S.C. 3503].

1–904. *Saving Provisions*. Except to the extent inconsistent with this order, all delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1–905. *Effective Date*. The provisions of this order shall become effective as of October 1, 1979.

[Pub. L. 105–277, div. G, subdiv. A, title XIV, § 1422(a)(2), Oct. 21, 1998, 112 Stat. 2681–792, provided that sections 1–101 through 1–103, 1–401 through 1–403, and 1–801(a), and other provisions of Ex. Ord. No. 12163 that relate to the United States International Development Cooperation Agency or the Director thereof were repealed.]

[For abolition of United States International Development Cooperation Agency (other than Agency for International Development and Overseas Private Investment Corporation), transfer of functions, and treatment of references thereto, see sections 6561, 6562, and 6571 of this title.]

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]

[Ex. Ord. No. 12884, § 6(c), Dec. 1, 1993, 58 F.R. 64100, set out as a note under section 5812 of this title, excluded certain functions of President delegated under section 1–102(a) of Ex. Ord. No. 12163, set out above.]

[Memorandum of President of the United States, Feb. 16, 1995, 60 F.R. 10793, set out as a note under section 2357 of this title, delegated certain authority of President to Secretary of State in lieu of delegation of comparable authority by section 1–102(a)(7) of Ex. Ord. No. 12163, set out above.]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2384 of this title.

§ 2381a. Strengthened management practices

(a) Declaration of beliefs

The Congress believes that United States foreign aid funds could be utilized more effectively by the application of advanced management decisionmaking, information and analysis techniques such as systems analysis, automatic data processing, benefit-cost studies, and information retrieval.

(b) Management system; establishment; scope

To meet this need, the President shall establish a management system that includes: the definition of objectives and programs for United States foreign assistance; the development of quantitative indicators of progress toward these objectives; the orderly consideration of alternative means for accomplishing such objectives; and the adoption of methods for comparing actual results of programs and projects with those anticipated when they were undertaken. The system should provide information to the agency and to Congress that relates agency resources, expenditures, and budget projections to such objectives and results in order to assist in the evaluation of program performance, the review of budgetary requests, and the setting of program priorities.

(Pub. L. 87–195, pt. III, § 621A, as added Pub. L. 90–554, pt. III, § 302(b), Oct. 8, 1968, 82 Stat. 964; amended Pub. L. 95–424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95–424 struck out subsec. (c) relating to annual reports to Congress by the President evaluating the progress made toward implementation of this section.

EFFECTIVE DATE OF 1978 AMENDMENT

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

§ 2382. Coordination with foreign policy

(a) Powers or functions of Secretary of State

Nothing contained in this chapter shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) Coordination among representatives of United States

The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission. The Chief of the diplomatic mission shall make sure that recommendations of such representatives pertaining to military assistance (including civic action) and military education and training programs are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.

(c) Responsibility for supervision and general direction of assistance programs

Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance, and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

(Pub. L. 87–195, pt. III, § 622, Sept. 4, 1961, 75 Stat. 446; Pub. L. 89–171, pt. III, § 302(a), Sept. 6, 1965, 79 Stat. 660; Pub. L. 89–583, pt. III, § 302(a), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90–629, ch. 4, § 45(b)(1), (2), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 94–329, title I, § 106(b)(2), June 30, 1976, 90 Stat. 733.)

REFERENCES IN TEXT

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

AMENDMENTS

1976—Subsec. (b). Pub. L. 94–329, § 106(b)(2)(A), inserted ''and military education and training'' after ''(including civic action)''.

Subsec. (c). Pub. L. 94–329, § 106(b)(2)(B), inserted reference to military education and training programs in two places.

1968—Subsec. (b). Pub. L. 90–629, § 45(b)(1), struck out ''or sales'' before ''programs''.

Subsec. (c). Pub. L. 90–629, § 45(b)(2), struck out ''and sales'' and ''or sales'' before ''programs'' and ''program'', respectively.

1966—Subsec. (b). Pub. L. 89–583, § 302(a)(1), substituted ''(including civic action) or sales programs'' for ''(including any civic action and sales program)''.

Subsec. (c). Pub. L. 89–583, § 302(a)(2), substituted ''economic assistance and military assistance and sales programs'' and ''military assistance (including civic action) or sales program'' for ''the assistance programs authorized by this chapter'' and ''military assistance program (including civic action and sales program)'', respectively.

1965—Subsec. (b). Pub. L. 89–171, § 302(a)(1), inserted ''(including any civic action and sales program)''.

Subsec. (c). Pub. L. 89–171, § 302(a)(2), inserted ''including any civic action and sales program)''.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–629 effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

EX. ORD. NO. 10338. COORDINATION PROCEDURES

Ex. Ord. No. 10338, Apr. 4, 1952, 17 F.R. 3009, provided:

SECTION 1. *Functions of the Chief of the United States Diplomatic Mission*. (a) The Chief of the United States Diplomatic Mission in each country, as the representative of the President and acting on his behalf, shall coordinate the activities of the United States representatives (including the chiefs of economic missions, military assistance advisory groups, and other representatives of agencies of the United States Government) in such country engaged in carrying out programs under the Mutual Security Act of 1951 (hereinafter referred to as the Act) [section 1509 et seq. of this title], and he shall assume responsibility for assuring the unified development and execution of the said programs in such country. More particularly, the functions of each Chief of United States Diplomatic Mission shall include, with respect to the programs and country concerned:

(1) Exercising general direction and leadership of the entire effort.

(2) Assuring that recommendations and prospective plans and actions of the United States representatives are effectively coordinated and are consistent with and in furtherance of the established policy of the United States.

(3) Assuring that the interpretations and application of instructions received by the United States representatives from higher authority are in accordance with the established policy of the United States.

(4) Guiding the United States representatives in working out measures to prevent duplication in their efforts and to promote the most effective and efficient use of all United States officers and employees having mutual security responsibilities.

(5) Keeping the United States representatives fully informed as to current and prospective United States policies.

(6) Prescribing procedures governing the coordination of the activities of the United States representatives, and assuring that these representatives shall have access to all available information essential to the accomplishment of their prescribed duties.

(7) Preparing and submitting such reports on the operation and status of the programs under the Act as may be directed by the Director for Mutual Security.

(b) Each Chief of United States Diplomatic Mission shall perform his functions under this order in accordance with instructions from higher authority and subject to established policies and programs of the United States.

(c) No Chief of United States Diplomatic Mission shall delegate any function conferred upon him by the provisions of this order which directly involves the exercise of direction, coordination, or authority.

SEC. 2. *Referral of unresolved matters*. The Chief of the United States Diplomatic Mission in each country shall initiate steps to reconcile any divergent views arising in the country concerned with respect to programs under the Act. If agreement cannot be reached the Chief of the United States Diplomatic Mission shall recommend a course of action, and such course of action shall be followed unless a United States representative requests that the issue be referred to higher authority for decision. If such a request is made, the parties concerned shall promptly refer the issue to higher authority for resolution prior to taking action at the country level. The Director for Mutual Security shall assure expeditious decisions on matters so submitted.

SEC. 3. *Effect of order on United States representatives*. (a) All United States representatives in each country shall be subject to the responsibilities imposed upon the Chief of the United States Diplomatic Mission in such country by section 507 of the Mutual Security Act of 1951 [section 1658 of this title] and by this order.

(b) Subject to compliance with the provisions of this order and with the prescribed procedures of their respective agencies, all United States representatives affected by this order (1) shall have direct communication with their respective agencies and with such other parties and in such manner as may be authorized by their respective agencies, (2) shall keep the respective Chiefs of United States Diplomatic Missions and each other fully and currently informed on all matters, including prospective plans, recommendations, and actions, relating to programs under the Act, and (3) shall furnish to the respective Chiefs of United States Diplomatic Missions, upon their request, documents and information concerning the said programs.

SEC. 4. *Further coordination procedures.* The Director for Mutual Security shall be responsible for assuring the carrying out of the provisions of this order. He is authorized to prescribe, after consultation with the interested Government agencies, any additional procedures he may find necessary to carry out the provisions of this order.

SEC. 5. *Prior orders.* (a) To the extent that provisions of any prior order are inconsistent with the provisions of this order, the latter shall control, and any such prior provisions are amended accordingly. All orders, regulations, rulings, certificates, directives, and other actions relating to any function affected by this order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

(b) Nothing in this order shall affect Executive Orders Nos. 10062, 10063, and 10144 of June 6, 1949, June 13, 1949, and July 21, 1950, respectively.

(c) Executive Orders Nos. 9857, 9862, 9864, 9914, 9944, 9960, 10208, and 10259 of May 22, 1947, May 31, 1947, December 26, 1947, April 9, 1948, May 19, 1948, January 25, 1951, and June 27, 1951, respectively, are hereby revoked.

EXECUTIVE ORDER NO. 10893

Ex. Ord. No. 10893, Nov. 8, 1960, 25 F.R. 10731, as amended, which related to the administration of mutual security and related functions, was revoked by Ex. Ord. No. 12163, §1–903(a)(3), Sept. 29, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out as a note under section 2381 of this title. Ex. Ord. No. 10893 was also revoked, except section 201 thereof, by section 1–501(h) of Ex. Ord. No. 12220, June 27, 1980, 45 F.R. 44247, formerly set out as a note under section 1691 of Title 7, Agriculture.

EXECUTIVE ORDER NO. 12066

Ex. Ord. No. 12066, June 29, 1978, 43 F.R. 28965, which related to the inspection of foreign assistance programs, was revoked by section 10(k) of Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13968, set out as a note under section 3901 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6593 of this title.

§ 2383. Responsibilities of the Secretary of Defense; priorities in procurement, delivery, and allocation of military equipment

(a) In the case of assistance under subchapter II of this chapter, the Secretary of Defense shall have primary responsibility for—

(1) the determination of military end-item requirements;

(2) the procurement of military equipment in a manner which permits its integration with service programs;

(3) the supervision of end-item use by the recipient countries;

(4) the supervision of the training of foreign military and related civilian personnel;

(5) the movement and delivery of military end-items; and

(6) within the Department of Defense, the performance of any other functions with respect to the furnishing of military assistance, education and training.

(b) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall be determined by the Secretary of Defense.

(Pub. L. 87–195, pt. III, §623, Sept. 4, 1961, 75 Stat. 446; Pub. L. 94–329, title I, §106(b)(3), June 30, 1976, 90 Stat. 733.)

REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE CERTAIN PARTS OF SUBCHAPTER II

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

AMENDMENTS

1976—Subsec. (a)(4). Pub. L. 94–329, §106(b)(3)(A), inserted ''and related civilian'' after ''military''.

Subsec. (a)(6). Pub. L. 94–329, §106(b)(3)(B), inserted ''education and training'' after ''assistance''.

§ 2384. Statutory officers

(a) Appointment

The President may appoint, by and with the advice and consent of the Senate, twelve officers in the agency primarily responsible for administering subchapter I of this chapter, and in the selection of one of such persons due consideration shall be given to persons qualified as professional engineers.

(b) Rate of compensation; title of officers; order of succession

Within the limitations established by subsection (a) of this section, the President may fix the rate of compensation, and may designate the title of, any officer appointed pursuant to the authority contained in that subsection. The President may also fix the order of succession among the officers provided for in subsection (a) of this section in the event of the absence, death, resignation, or disability of one or more of said officers.

(c) Appointment of certain statutory officers to comparable positions

Any person who was appointed by and with the advice and consent of the Senate, to any statutory position authorized by any provision of law repealed by section 642(a) and who is serving in one of such positions at the time of transfer of functions pursuant to subsections (c) and (d) of section 2381 of this title, may be appointed by the President to a comparable position authorized by subsection (a) of this section on the date of the establishment of the agency primarily responsible for administering subchapter I of this chapter, without further action by the Senate.

(d) Repealed. Pub. L. 95–88, title I, §124(a)(1), Aug. 3, 1977, 91 Stat. 541

(e) Coordinator for security assistance

In addition to the officers otherwise provided for in this section, the President shall appoint,

by and with the advice and consent of the Senate, one officer for the purpose of coordinating security assistance programs.

(Pub. L. 87–195, pt. III, § 624, Sept. 4, 1961, 75 Stat. 447; Pub. L. 87–565, pt. III, § 302(b), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88–205, pt. III, § 302(b), Dec. 16, 1963, 77 Stat. 388; Pub. L. 88–426, title III, § 305(33), (42), Aug. 14, 1964, 78 Stat. 426, 428; Pub. L. 89–171, pt. III, § 302(b), Sept. 6, 1965, 79 Stat. 660; Pub. L. 89–583, pt. III, § 302(b), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90–137, pt. III, § 302(a), Nov. 14, 1967, 81 Stat. 460; Pub. L. 91–175, pt. III, § 304, Dec. 30, 1969, 83 Stat. 821; Pub. L. 92–226, pt. III, § 302, Feb. 7, 1972, 86 Stat. 28; Pub. L. 94–329, title III, § 301(b), June 30, 1976, 90 Stat. 750; Pub. L. 95–88, title I, § 124(a)(1), Aug. 3, 1977, 91 Stat. 541; Pub. L. 95–105, title I, § 109(a)(1), Aug. 17, 1977, 91 Stat. 846; Pub. L. 95–424, title V, § 504, Oct. 6, 1978, 92 Stat. 959; Pub. L. 96–533, title VII, § 706, Dec. 16, 1980, 94 Stat. 3158; Pub. L. 97–113, title VII, § 705(b)(1), Dec. 29, 1981, 95 Stat. 1545; Pub. L. 98–164, tile X, § 1002(b), Nov. 22, 1983, 97 Stat. 1052; Pub. L. 103–236, title I, § 162(e)(4), Apr. 30, 1994, 108 Stat. 405.)

REFERENCES IN TEXT

Section 642(a), referred to in subsec. (c), means section 642(a) of Pub. L. 87–195, which is set out as a note under section 2151 of this title.

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

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

AMENDMENTS

1994—Subsec. (f). Pub. L. 103–236 struck out subsec. (f) which provided for an Assistant Secretary of State for Human Rights and Humanitarian Affairs and prescribed the Assistant Secretary's duties.

1983—Subsec. (f)(2)(C). Pub. L. 98–164 inserted provisions relating to providing advice to the Administrator of the Agency for International Development on policy framework.

1981—Subsec. (g). Pub. L. 97–113 struck out subsec. (g) which related to the Inspector General and the duties, responsibilities, and compensation of such official. See sections 2, 8A, and 11 of the Inspector General Act of 1978, Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, set out in the Appendix to Title 5, Government Organization and Employees.

1980—Subsec. (g). Pub. L. 96–533 substituted in pars. (1) to (5) ''Inspector General'' for ''Auditor General'' wherever appearing; in par. (3), imposed upon the Inspector General requirement of supervising, directing, and controlling security activities, including audit, investigative, and security activities relating to programs and operations within the United States International Development Cooperation Agency; in par. (4) required submission of an annual report to the Director; and added pars. (6) to (9).

1978—Subsec. (g). Pub. L. 95–424 added subsec. (g).

1977—Subsec. (d). Pub. L. 95–88 struck out subsec. (d) which provided for an Inspector General, Foreign Assistance.

Subsec. (f)(1). Pub. L. 95–105, § 109(a)(1)(A), substituted references to the Assistant Secretary of State for Human Rights and Humanitarian Affairs for references to the Coordinator for Human Rights and Humanitarian Affairs.

Subsec. (f)(2). Pub. L. 95–105, § 109(a)(1)(B), substituted ''Assistant Secretary of State'' for ''Coordinator''.

1976—Subsec. (f). Pub. L. 94–329 added subsec. (f).

1972—Subsec. (e). Pub. L. 92–226 added subsec. (e).

1969—Subsec. (d)(2)(A). Pub. L. 91–175, § 304(1), inserted provision including the Overseas Private Investment Corporation in Inspector General's reviews and audits, and inserted provision authorizing the conduct of such reviews and audits for programs under section 290f of this title.

Subsec. (d)(5), (7). Pub. L. 91–175, § 304(2), (3), included section 290f of this title within provisions of this section.

1967—Subsec. (d)(2)(B). Pub. L. 90–137 struck out ''of assistance'' after ''programs'' in two places.

1966—Subsec. (d)(8). Pub. L. 89–583 added par. (8).

1965—Subsec. (b). Pub. L. 89–171, § 302(b)(1), struck out ''paragraph (3) of'' before ''subsection (a) of this section'' the second time it appears and substituted ''of one or more of said officers'' for ''of the officers provided for in paragraphs (1) and (2) of that subsection''.

Subsec. (d)(2)(A), (5), (7). Pub. L. 89–171, § 302(b)(2), substituted ''the Latin American Development Act, as amended'' for ''Public Law 86–735''.

1964—Subsec. (a). Pub. L. 88–426, § 305(42), repealed provisions which related to the appointment of an Under Secretary, Deputy Under Secretary and ten Assistant Secretaries and prescribed their rates of compensation.

Subsec. (d)(1). Pub. L. 88–426, § 305(33), repealed provisions which prescribed the compensation of the Inspector General, Deputy Inspector General and Assistant Inspector Generals. See section 5315 of Title 5, Government Organization and Employees.

1963—Subsecs. (a)(2), (3). Pub. L. 88–205, § 302(b)(1), (2), reduced the number of Deputy Under Secretaries from two to one in par. (2), and increased the number of Assistant Secretaries from 9 to 10 in par. (3).

Subsec. (b). Pub. L. 88–205, § 302(b)(3), made conforming changes in language to reflect that only one Deputy Under Secretary may now be appointed.

Subsec. (d)(1). Pub. L. 88–205, § 302(b)(4), inserted ''who shall be appointed by the President by and with the advice and consent of the Senate,'' and increased the salary of the Deputy Inspector General, Foreign Assistance, from $19,500 to $20,000.

1962—Subsecs. (d), (e). Pub. L. 87–565 redesignated subsec. (e) as (d), inserted '', and programs being conducted by United States Government Agencies under sections 1942 to 1945 of this title,'' in par. 2(A), and '', and sections 1942 to 1945 of this title,'' in pars. (5) and (7), and repealed former subsec. (d) which related to the temporary continuation of certain statutory positions.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

EFFECTIVE DATE OF 1977 AMENDMENT

Section 124(c) of Pub. L. 95–88 provided that: ''The amendments made by this section [amending this section and section 5315 of Title 5, Government Organization and Employees, and enacting provisions set out as a note under this section] shall take effect on July 1, 1978.''

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–426 effective on first day of first pay period which begins on or after July 1, 1964,

except to the extent provided in section 501(c) of Pub. L. 88–426, see section 501 of Pub. L. 88–426.

ASSUMPTION OF DUTIES BY COORDINATOR FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

Section 109(a)(6) of Pub. L. 95–105 provided that: ''The individual holding the position of Coordinator for Human Rights and Humanitarian Affairs on the date of enactment of this section [Aug. 17, 1977] shall assume the duties of the Assistant Secretary of State for Human Rights and Humanitarian Affairs and shall not be required to be reappointed by reason of the enactment of this section.''

REPORT TO SPEAKER OF THE HOUSE AND CONGRESSIONAL COMMITTEES ON OFFICE OF ASSISTANT SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

Section 109(a)(7) of Pub. L. 95–105, which required the Secretary of State, not later than Jan. 31, 1978, to transmit to the Speaker of the House of Representatives and the chairmen of the Senate Committee on Foreign Relations and the Senate Committee on the Judiciary a comprehensive report on the Office of the Assistant Secretary for Human Rights and Humanitarian Affairs, including its current mandate and operations, the mandate and operations of its predecessor offices, and proposals for the reorganization of the Department of State that would strengthen human rights and humanitarian considerations in the conduct of United States foreign policy and promote the ability of the United States to participate effectively in international humanitarian efforts, was repealed by Pub. L. 97–241, title V, § 505(a)(3), Aug. 24, 1982, 96 Stat. 299, and Pub. L. 98–164, title X, § 1011(a)(5), Nov. 22, 1983, 97 Stat. 1061.

ASSIGNMENT OF DUTIES AND RESPONSIBILITIES TO INSPECTOR GENERAL, FOREIGN SERVICE

Section 124(a)(2) of Pub. L. 95–88, which provided that the President (A) may assign to the Inspector General, Foreign Service, any of the duties and responsibilities vested by such section 624(d) [subsec. (d) of this section] in the Inspector General, Foreign Assistance, and (B) may authorize the Inspector General, Foreign Service, to exercise such of the authorities granted by such section 624(d) [subsec. (d) of this section] to the Inspector General, Foreign Assistance, as the President determines are necessary to carry out any duties or responsibilities so assigned, was repealed by Pub. L. 96–465, title II, § 2205(11), Oct. 17, 1980, 94 Stat. 2160. See section 3929 of this title.

CROSS REFERENCES

Compensation of officers, see chapter 53 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2389, 6592 of this title.s

§ 2385. Employment of personnel

(a) Authorization

Any agency or officer of the United States Government carrying out functions under this chapter is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this chapter.

(b) Appointments excepted from civil-service laws; supergrade positions; reinstatement

Of the personnel employed in the United States to carry out subchapter I of this chapter or coordinate subchapter I and subchapter II of this chapter, not to exceed one hundred and ten may be appointed, compensated, or removed without regard to the provisions of any law, of whom not to exceed fifty-one may be compensated at rates higher than those provided for grade 15 of the general schedule established by section 5332 of title 5, but not in excess of the highest rate of grade 18 of such general schedule: *Provided*, That, under such regulations as the President shall prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 5108 of title 5.

(c) Additional supergrade positions

Of the personnel employed in the United States to carry out subchapter II of this chapter, or any Act superseding subchapter II of this chapter in whole or in part, not to exceed eight may be compensated at rates higher than those provided for grade 15 of the general schedule established by section 5332 of title 5, but not in excess of the highest rate of grade 18 of such general schedule. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 5108 of title 5.

(d) Employment or assignment of officers and employees to perform functions outside United States

For the purpose of performing functions under this chapter outside the United States, the President may employ or assign individuals, or may authorize the employment or assignment of officers or employees by agencies of the United States Government which are not authorized to utilize the Foreign Service personnel system, who shall receive compensation at any of the rates provided for under section 402 or section 403 of the Foreign Service Act of 1980 [22 U.S.C. 3962, 3963], or under chapter 53 of title 5, or at any other rate authorized by law, together with allowances and benefits under the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.]. Individuals so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 310 of that Act [22 U.S.C. 3950] for individuals appointed to the Foreign Service.

(e) Repealed. Pub. L. 96–465, title II, § 2205(8), Oct. 17, 1980, 94 Stat. 2160

(f) Funds for personnel services

Funds provided for in agreements with foreign countries for the furnishing of services under this chapter with respect to specific projects shall be deemed to be obligated for the services of personnel employed by agencies of the United States Government (other than the agencies primarily responsible for administering subchapter I or II of this chapter) as well as personnel not employed by the United States Government.

(g) Repealed. Pub. L. 96–465, title II, § 2205(8), Oct. 17, 1980, 94 Stat. 2160

(h) Acceptance of compensation or other benefits from foreign countries; arrangements for reimbursement

Notwithstanding any other provision of law, officers and employees of the United States Government performing functions under this chapter shall not accept from any foreign country any compensation or other benefits. Arrangements may be made by the President with such countries for reimbursement to the United States Government or other sharing of the cost of performing such functions.

(i) Assignment based on competency

To the maximum extent practicable officers and employees performing functions under this chapter abroad shall be assigned to countries and positions for which they have special competence, such as appropriate language and practical experience.

(Pub. L. 87–195, pt. III, § 625, Sept. 4, 1961, 75 Stat. 449; Pub. L. 87–565, pt. III, § 302(c), Aug. 1, 1962, 76 Stat. 262; Pub. L. 87–793, § 1001(k), Oct. 11, 1962, 76 Stat. 865; Pub. L. 88–663, pt. III, § 302(a), Oct. 7, 1964, 78 Stat. 1014; Pub. L. 89–171, pt. III, § 302(c), Sept. 6, 1965, 79 Stat. 660; Pub. L. 90–137, pt. III, § 302(b)–(d), Nov. 14, 1967, 81 Stat. 460; Pub. L. 90–554, title III, § 302(c), Oct. 8, 1968, 82 Stat. 965; Pub. L. 93–189, § 16, Dec. 17, 1973, 87 Stat. 722; Pub. L. 95–88, title I, § 125, Aug. 3, 1977, 91 Stat. 542; Pub. L. 96–465, title II, §§ 2203(a), 2205(8), Oct. 17, 1980, 94 Stat. 2158, 2160; Pub. L. 97–113, title VII, § 703, Dec. 29, 1981, 95 Stat. 1544.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (d), (f), (h), and (i), 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 Foreign Service Act of 1980, referred to in subsec. (d), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, which is classified principally to chapter 52 (§ 3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II, AND REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE SUCH PARTS

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

AMENDMENTS

1981—Subsec. (d). Pub. L. 97–113 substituted ''or under chapter 53 of title 5, or at any other rate authorized by law, together with allowances and benefits under the Foreign Service Act of 1980'' for ''together with allowances and benefits under that Act''.

1980—Subsec. (d). Pub. L. 96–465, § 2203(a), substituted references to the Foreign Service Act of 1980, for references to the Foreign Service Act of 1946, and struck out provisions relating to the applicability of section 1005 of the Foreign Service Act of 1946 and relating to the utilization of Presidential authority under the Foreign Service Act of 1946 to carry out the functions of this chapter.

Subsec. (e). Pub. L. 96–465, § 2205(8), struck out subsec. (e) which set forth requirement of standards or other criteria for maintenance of adequate performance levels for personnel. See sections 4007 and 4008 of this title.

Subsec. (g). Pub. L. 96–465, § 2205(8), struck out subsec. (g) which related to competency in foreign languages. See section 4022 of this title.

Subsec. (j). Pub. L. 96–465, § 2205(8), struck out subsec. (j) which related to appointment and compensation of an Inter-American Committee representative.

Subsec. (k). Pub. L. 96–465, § 2205(8), struck out subsec. (k) which related to applicability, etc., of Foreign Service Retirement and Disability System. See sections 3922 and 4043 of this title.

1977—Subsec. (d)(2). Pub. L. 95–88 struck out a numerical limitation of fifty on the number of persons which the President may assign, at any one time, to duty within the United States for the purpose of preparation for assignments outside the United States.

1973—Subsec. (k). Pub. L. 93–189 added subsec. (k).

1968—Subsec. (c). Pub. L. 90–554 inserted ''or any Act superseding subchapter II of this chapter in whole or in part'' after ''to carry out subchapter II of this chapter''.

1967—Subsecs. (b), (c). Pub. L. 90–137, § 302(b), (c), substituted references to section 5332 of title 5 for former references to the Classification Act of 1949, as amended, and to section 5108 for former section 1105 of title 5.

Subsec. (d)(2). Pub. L. 90–137, § 302(d), authorized an increase in the assignment of foreign personnel from forty to fifty persons.

1965—Subsec. (d)(2). Pub. L. 89–171 substituted ''forty'' for ''twenty''.

1964—Subsec. (d)(2). Pub. L. 88–633, § 302(a)(1), substituted ''the assignment to such duty of more than twenty persons at any one time'' for ''more than thirty persons in the aggregate''.

Subsec. (j). Pub. L. 88–633, § 302(a)(2), added subsec. (j).

1962—Subsec. (b). Pub. L. 87–793, § 1001(k)(1), substituted ''but not in excess of the highest rate of grade 18 of such general schedule'' for ''and of these, not to exceed eight may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year''.

Pub. L. 87–565, § 302(c)(1), substituted ''one hundred and ten'' for ''seventy-six''.

Subsec. (c). Pub. L. 87–793, § 1001(k)(2), substituted ''but not in excess of the highest rate of grade 18 of such general schedule'' for ''and of these, not to exceed three may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year''.

Subsec. (d)(2). Pub. L. 87–565, § 302(c)(2), authorized the President to initially assign personnel, not exceeding 30 persons in the aggregate, for duty within the United States for a period not exceeding two years for preparation for duty outside the United States.

Subsec. (f). Pub. L. 87–565, § 302(c)(3), inserted ''with respect to specific projects'', and ''agencies of'', and excluded services of employees of agencies primarily responsible for administering subchapter I or II of this chapter from the purview of this subsection.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment of subsec. (d) and repeal of subsecs. (e), (g), and (j) by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

Repeal of subsec. (k) by Pub. L. 96–465 effective Oct. 17, 1980, see section 2403(d)(1) of Pub. L. 96–465.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–793 effective on first day of first pay period which begins on or after Oct. 11, 1962, see section 1008 of Pub. L. 87–793.

DELEGATION OF FUNCTIONS

Functions of President under subsecs. (a), (d)(1), and (h), to the extent they relate to other functions under

this chapter administered by Department of Defense, delegated to Secretary of Defense, by section 1–301(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

Function of prescribing regulations conferred upon President by proviso contained in subsec. (b) delegated to Director of Office of Personnel Management by section 1–503 of Ex. Ord. No. 12163.

Functions of President under subsec. (d), insofar as they relate to personnel in Department of State, delegated to Secretary of State by section 1–201(a)(14) of Ex. Ord. No. 12163.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

ENTITLEMENT TO BENEFITS FOR SERVICES PERFORMED OUTSIDE UNITED STATES; SERVICE EXCEEDING THIRTY MONTHS

Persons appointed, employed, or assigned after May 19, 1959, under former section 1787(c) of this title or subsec. (d) of this section for the purpose of performing functions under the Mutual Security Act of 1954 (see Short Title note set out under section 1754 of this title) and this chapter, outside the United States, shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided for by section 3950 of this title in cases in which their service under the appointment, employment, or assignment exceeds thirty months, see Ex. Ord. No. 12163, § 1–602(b), Sept. 29, 1979, 44 F.R. 56677, as amended, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2396 of this title; title 37 section 306a.

§ 2385a. Unified personnel system

(a) Establishment by regulations

Not later than May 1, 1979, the President shall submit to the Congress, and publish in the Federal Register, regulations establishing a unified personnel system for all employees of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.]. In preparing such regulations, the President shall keep the appropriate committees of the Congress fully and currently informed, and shall consult with them on a regular basis, concerning the nature of the unified personnel system to be established.

(b) Effective date of regulations

The regulations submitted to the Congress pursuant to subsection (a)—

(1) may not become effective until after the end of the 90-day period beginning on the date of such submission in order to provide the appropriate committees of the Congress an opportunity to review them; and

(2) shall not become effective then if, during such 90-day period, either House of Congress adopts a resolution stating in substance that it disapproves the personnel system proposed to be established by the regulations.

(c) Force and effect of regulations

Regulations which take effect pursuant to this section shall have the force and effect of law and shall apply with respect to the personnel of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], notwithstanding and[1] inconsistent provision of law unless that provision of law specifically states that it supersedes regulations issued under this section.

(Pub. L. 95–424, title IV, § 401, Oct. 6, 1978, 92 Stat. 956; Pub. L. 96–53, title V, § 503(a), Aug. 14, 1979, 93 Stat. 378.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsecs. (a) and (c), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Part I of the Foreign Assistance Act of 1961 is classified generally to subchapter I (§ 2151 et seq.) of this chapter. For provisions deeming references to subchapter I to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and VIII (§ 2349aa et seq.) of subchapter II of this chapter, see section 202(b) of Pub. L. 92–228, set out as a note under section 2346 of this title, and sections 2348c and 2349aa–5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section enacted as part of the International Development and Food Assistance Act of 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96–53 substituted ''May 1'' for ''March 15''.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 503(b) of Pub. L. 96–53 provided that: ''The amendment made by subsection (a) [amending this section] shall be effective as of March 15, 1979.''

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3503 of this title.

§ 2386. Experts, consultants, and retired officers

(a) Employment; compensation; renewal of contracts of employment

Experts and consultants or organizations thereof may as authorized by section 3109 of title 5 be employed for the performance of functions under this chapter, and individuals so employed may be compensated at rates not in excess of the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time. Contracts for such employment with such organizations, employment of personnel as experts and consultants, not to exceed ten in number, contracts for such employment of retired military personnel with specialized research and development experience, not to exceed ten in number, and contracts

[1] So in original. Probably should be ''any''.

for such employment of retired military personnel with specialized experience of a broad politico-military nature, not to exceed five in number, may be renewed annually.

(b) Exemption from certain Federal laws

Service of an individual as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) of title 5.

(c) Employment without compensation of persons of outstanding experience and ability

Persons of outstanding experience and ability may be employed without compensation by any agency of the United States Government for the performance of functions under this chapter in accordance with the provisions of section 2160(b) of Appendix to title 50, and regulations issued thereunder.

(Pub. L. 87–195, pt. III, § 626, Sept. 4, 1961, 75 Stat. 451; Pub. L. 88–205, pt. III, § 302(c), Dec. 16, 1963, 77 Stat. 389; Pub. L. 88–448, title IV, §§ 401(e), 402(a)(35), Aug. 19, 1964, 78 Stat. 490, 495; Pub. L. 88–633, pt. III, § 302(b), Oct. 7, 1964, 78 Stat. 1014; Pub. L. 89–171, pt. III, § 302(d), Sept. 6, 1965, 79 Stat. 660; Pub. L. 90–137, pt. III, § 302(e), Nov. 14, 1967, 81 Stat. 460; Pub. L. 94–329, title VI, § 603, June 30, 1976, 90 Stat. 766; Pub. L. 95–88, title I, § 126, Aug. 3, 1977, 91 Stat. 542.)

REFERENCES IN TEXT

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

AMENDMENTS

1977—Subsec. (b). Pub. L. 95–88 struck out provisions under which service of an individual as an expert or consultant under subsec. (a) would not be considered employment as would bring a person under section 8344 of title 5, section 1112 of this title, and any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities subject to section 5532 of title 5.

1976—Subsec. (a). Pub. L. 94–329 substituted ''the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5'' for ''$100 per diem''.

1967—Subsec. (a). Pub. L. 90–137, § 302(e)(1), substituted reference to section 3109 for former section 55a of title 5.

Subsec. (b). Pub. L. 90–137, § 302(e)(2), substituted references to sections 3323(a) and 8344 of title 5 for former section 2263 of title 5 and to section 5532 of title 5 for former section 3102 of title 5.

1965—Subsecs. (c), (d). Pub. L. 89–171 redesignated subsec. (d) as (c). Former subsec. (c) was repealed by Pub. L. 88–448, title IV, § 402(a)(35), Aug. 19, 1964, 78 Stat. 495.

1964—Subsec. (a). Pub. L. 88–633, § 302(b)(1), increased compensation limits from $75 to $100 per diem.

Subsec. (b). Pub. L. 88–448, § 401(e), struck out provisions which stated that service as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 59a of title 5, and inserted '', subject to section 3102 of title 5''.

Subsec. (c). Pub. L. 88–448, § 402(a)(35), repealed subsec. (c) which related to compensation of retired officers.

Pub. L. 88–633, § 302(b)(2), substituted ''section 101(3) of Title 37'' for ''Career Compensation Act of 1949, as amended,'' in subsec. (c) subsequent to the repeal of such subsection by Pub. L. 88–448.

1963—Subsec. (b). Pub. L. 88–205 substituted ''Service of an individual as an expert or consultant under subsection (a) of this section shall not'' for ''Nor shall such service'', and struck out provisions exempting individuals serving under subsec. (a) of this section from coverage of sections 281, 283, or 284 of title 18, section 99 of title 5, or any Federal law imposing restrictions, requirements, or penalties in connection with claims or matters involving the U.S. Government, except insofar as such provisions prohibited such individuals from receiving compensation in respect of any matter in which such individual was directly involved in the performance of such service.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–448 effective on first day of first month which begins later than ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88–448.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2396 of this title.

§ 2387. Detail of personnel to foreign governments

Whenever the President determines it to be in furtherance of the purposes of this chapter, the head of any agency of the United States Government is authorized to detail or assign any officer or employee of his agency to any office or position with any foreign government or foreign government agency, where acceptance of such office or position does not involve the taking of an oath of allegiance to another government or the acceptance of compensation or other benefits from any foreign country by such officer or employee.

(Pub. L. 87–195, pt. III, § 627, Sept. 4, 1961, 75 Stat. 452.)

REFERENCES IN TEXT

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

DELEGATION OF FUNCTIONS

Functions of President under this section, to extent they relate to other functions under this chapter administered by Department of Defense, delegated to Secretary of Defense, to be exercised in consultation with Secretary of State, by section 1–301(b) and (d) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2389 of this title.

§ 2388. Detail of personnel to international organizations

Whenever the President determines it to be consistent with and in furtherance of the pur-

poses of this chapter, the head of any agency of the United States Government is authorized to detail, assign, or otherwise make available to any international organization any officer or employee of his agency to serve with, or as a member of, the international staff of such organization, or to render any technical, scientific, or professional advice or service to, or in cooperation with, such organization.

(Pub. L. 87–195, pt. III, § 628, Sept. 4, 1961, 75 Stat. 452.)

REFERENCES IN TEXT

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

DELEGATION OF FUNCTIONS

Functions of President under this section, to extent they relate to other functions under this chapter administered by Department of Defense, delegated to Secretary of Defense, to be exercised in consultation with Secretary of State, by section 1–301(b) and (d) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1928, 2389 of this title.

§ 2389. Status and benefits of personnel assigned or detailed to foreign governments or international organizations

(a) Allowances, privileges, rights, seniority, and other benefits

Any officer or employee, while assigned or detailed under section 2387 or 2388 of this title shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and he shall continue to receive compensation, allowances, and benefits from funds appropriated to that agency or made available to that agency under this chapter.

(b) Representation allowances

Any officer or employee assigned, detailed, or appointed under section 2387, 2388, 2391, or 2384(d)[1] of this title is authorized to receive under such regulations as the President may prescribe, representation allowances similar to those allowed under section 4085 of this title. The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 5536 of title 5.

(Pub. L. 87–195, pt. III, § 629, Sept. 4, 1961, 75 Stat. 452; Pub. L. 87–565, pt. III, § 302(d), Aug. 1, 1962, 76 Stat. 262; Pub. L. 90–137, pt. III, § 302(f), Nov. 14, 1967, 81 Stat. 460; Pub. L. 96–465, title II, § 2203(b), Oct. 17, 1980, 94 Stat. 2159.)

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.

Section 2384(d) of this title, referred to in subsec. (b), was repealed by Pub. L. 95–88, title I, § 124(a)(1), Aug. 3, 1977, 91 Stat. 541.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96–465 substituted ''section 4085 of this title'' for ''section 1131 of this title''.

1967—Subsec. (b). Pub. L. 90–137 substituted reference to section 5536 of title 5 for former section 70 of title 5.

1962—Subsec. (b). Pub. L. 87–565 substituted ''2384(d)'' for ''2384(e)''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2390, 3422 of this title.

§ 2390. Terms of detail or assignment of personnel

Details or assignments may be made under section 2387 or 2388 of this title or section 1928 of this title—

(1) without reimbursement to the United States Government by the foreign government or international organization;

(2) upon agreement by the foreign government or international organization to reimburse the United States Government for compensation, travel expenses, benefits and allowances, or any part thereof, payable to the officer or employee concerned during the period of assignment or detail; and such reimbursements (including foreign currencies) shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, benefits or allowances, or to the appropriation, fund, or account currently available for such purposes;

(3) upon an advance of funds, property, or services by the foreign government or international organization to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this chapter; and funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this chapter, any unexpended balance of such account to be returned to the foreign government or international organization; or

(4) subject to the receipt by the United States Government of a credit to be applied against the payment by the United States Government of its share of the expenses of the international organization to which the officer or employee is detailed or assigned, such credit to be based upon the compensation, travel expenses, benefits and allowances, or any part thereof, payable to such officer or employee during the period of detail or assignment in accordance with section 2389 of this title.

[1] See References in Text note below.

(Pub. L. 87–195, pt. III, § 630, Sept. 4, 1961, 75 Stat. 452; Pub. L. 89–171, pt. III, § 302(e), Sept. 6, 1965, 79 Stat. 660.)

REFERENCES IN TEXT

This chapter, referred to in par. (3), was in the original ''this Act'', meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

AMENDMENTS

1965—Pub. L. 89–171 inserted ''benefits'' in pars. (2) and (4).

DELEGATION OF FUNCTIONS

Functions of President under par. (3), to extent they relate to other functions under this chapter administered by Department of Defense, delegated to Secretary of Defense, to be exercised in consultation with Secretary of State, by section 1–301(b) and (d) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

§ 2391. Missions and staffs abroad

(a) Authorization

The President may maintain special missions or staffs outside the United States in such countries and for such periods of time as may be necessary to carry out the purposes of this chapter. Each such special mission or staff shall be under the direction of a chief.

(b) Appointment of mission chief and deputy; compensation

The chief and his deputy of each special mission or staff carrying out the purposes of subchapter I of this chapter shall be appointed by the President, and may, notwithstanding any other law, be removed by the President at his discretion. Such chief shall be entitled to receive such compensation and allowances as are authorized by the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], not to exceed those authorized for a chief of mission (as defined in section 102(a)(3)[1] of that Act [22 U.S.C. 3902(a)(3)]), as the President shall determine to be appropriate.

(c) Appointment of Chairman of Development Assistance Committee; compensation

The President may appoint any United States citizen who is not an employee of the United States Government or may assign any United States citizen who is a United States Government employee to serve as Chairman of the Development Assistance Committee or any successor committee thereto of the Organization for Economic Cooperation and Development upon election thereto by members of said Committee, and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may receive such compensation and allowances as are authorized by the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], not to exceed those authorized for a chief of mission (as defined in section 102(a)(3)[1] of that Act [22 U.S.C. 3902(a)(3)]), as the President shall determine to be appropriate. Such person (if not a United States Government employee who is assigned to serve as Chairman) shall be deemed to be an employee of the United States Government for purposes of chapters 81, 83, 87, and 89 of title 5. Such person may also, in the President's discretion, receive any other benefits and perquisites available under this chapter to chiefs of special missions or staffs outside the United States established under this section.

(d) Administration of assistance

Wherever practicable, especially in the case of the smaller programs, assistance under subchapter I of this chapter shall be administered under the direction of the Chief of the United States Diplomatic Mission by the principal economic officer of the mission.

(Pub. L. 87–195, pt. III, § 631, Sept. 4, 1961, 75 Stat. 453; Pub. L. 88–205, pt. III, § 302(d), Dec. 16, 1963, 77 Stat. 389; Pub. L. 89–171, pt. III, § 302(f), Sept. 6, 1965, 79 Stat. 660; Pub. L. 95–92, § 7(c), Aug. 4, 1977, 91 Stat. 617; Pub. L. 96–465, title II, § 2203(c), (d), Oct. 17, 1980, 94 Stat. 2159.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), 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 Foreign Service Act of 1980, referred to in subsecs. (b) and (c), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§ 3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

Section 103(a)(3) of that Act, referred to in subsecs. (b) and (c), was redesignated section 103(3) pursuant to Pub. L. 98–164, which struck out designation ''(a)'' and struck out subsec. (b) of section 103.

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

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

AMENDMENTS

1980—Subsec. (b). Pub. L. 96–465, § 2203(c), among other changes, substituted references to the Foreign Service Act of 1980 for references to the Foreign Service Act of 1946 and section 2385(d) of this title.

Subsec. (c). Pub. L. 96–465, § 2203(d), among other changes, substituted references to the Foreign Service Act of 1980, for references to the Foreign Service Act of 1946, and inserted provisions relating to employee status for purposes of chapters 81, 83, 87 and 89 of title 5.

1977—Subsec. (d). Pub. L. 95–92 substituted reference to subchapter I of this chapter for reference to this chapter and struck out provisions requiring administration of assistance by the senior military officer of the mission for assistance under subchapter II of this chapter.

1965—Subsec. (d). Pub. L. 89–171 added subsec. (d).

1963—Subsec. (c). Pub. L. 88–205 added subsec. (c).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

[1] See References in Text note below.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) delegated to Secretary of Defense to extent they relate to other functions under this chapter administered by Department of Defense by section 1–301(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

FLAG AND GENERAL OFFICERS

Pub. L. 94–11, title I, § 100, Mar. 26, 1975, 89 Stat. 20, provided in part that: ''The total number of flag and general officers of the United States Armed Forces assigned or detailed to military assistance advisory groups, military missions, or similar organizations, or performing duties primarily with respect to the Military Assistance Program and the Foreign Military Sales Program shall not exceed twenty after May 1, 1975.''

APPROVAL OF SECRETARY OF STATE

The maintenance of special missions or staffs abroad, the fixing of ranks of chiefs thereof after the chiefs of United States diplomatic missions, and authorization of same compensation and allowances as chief of mission, as defined in section 3902(3) of this title, all under this section, shall be subject to approval of Secretary of State, see section 1–603 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56677, as amended, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2389, 2396 of this title.

§ 2392. Government agencies

(a) Allocation and transfer of funds

The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out the purposes of this chapter, including any advance to the United States Government by any country or international organization for the procurement of commodities, defense articles, military education and training, or services (including defense services). Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this chapter or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(b) Utilization of services and facilities of other agencies

Any officer of the United States Government carrying out functions under this chapter may utilize the services (including defense services) and facilities of, or procure commodities, defense articles, or military education and training from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(c) Reimbursement for commodities, services, and facilities

In the case of any commodity, service, or facility procured from any agency of the United States Government to carry out subchapter I of this chapter, reimbursement or payment shall be made to such agency from funds available to carry out such subchapter. Such reimbursement or payment shall be at replacement cost, or, if required by law, at actual cost, or, in the case of services procured from the Department of Defense to carry out part VIII of subchapter I of this chapter, the amount of the additional costs incurred by the Department of Defense in providing such services, or at any other price authorized by law and agreed to by the owning or disposing agency. The amount of any such reimbursement or payment shall be credited to current applicable appropriations, funds, or accounts, from which there may be procured replacements of similar commodities, services, or facilities, except that where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning or disposing agency determines that such replacement is not necessary, any funds received in payment therefor shall be deposited into the Treasury as miscellaneous receipts.

(d) Reimbursement for military assistance

Except as otherwise provided in section 2318 of this title, reimbursement shall be made to any United States Government agency, from funds available for use under subchapter II of this chapter, for any assistance furnished under subchapter II of this chapter, from, by, or through such agency. Such reimbursement shall be in an amount equal to the value (as defined in section 2403(m) of this title) of the defense articles or of the defense services (other than salaries of members of the Armed Forces of the United States), or other assistance furnished, plus expenses arising from or incident to operations under subchapter II of this chapter (other than salaries of the Armed Forces of the United States and unfunded estimated costs of civilian retirement and other benefits). The amount of such reimbursement shall be credited to the current applicable appropriations, funds, or accounts of such agency.

(e) Establishment of accounts

In furnishing assistance under this chapter, accounts may be established on the books of any agency of the United States Government or, on terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States, (1) against which letters of commitment may be issued which shall constitute recordable obligations of the United States Government, and moneys due or to become due under such letters of commitment shall be assignable under the Assignment of Claims Act of 1940, as amended (second and third paragraphs of 31 U.S.C. 203[1] and 41 U.S.C. 15), and (2) from which disbursements may be made to, or withdrawals may be made by, recipient countries or agencies, organizations, or persons upon presentation of contracts, invoices, or other appropriate documentation. Expenditure of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditure of funds of the United States Government: *Provided,* That such expenditures for commodities, defense articles, military education and training, services (including defense services), or

[1] See References in Text note below.

facilities procured outside the United States may be accounted for exclusively on such certification as may be prescribed in regulations approved by the Comptroller General of the United States.

(f) Credits made by Export-Import Bank of the United States

Credits made by the Export-Import Bank of the United States with funds allocated thereto under subsection (a) of this section or under section 1782(a)[1] of this title, shall not be considered in determining whether the Bank has outstanding at any one time loans and guaranties to the extent of the limitation imposed by section 635e of title 12.

(g) Charge of expenses to appropriation or account

Any appropriation or account available to carry out provisions of subchapter I of this chapter may initially be charged in any fiscal year, within the limit of available funds, to finance expenses for which funds are available in other appropriations or accounts under subchapter I of this chapter: *Provided*, That as of the end of such fiscal year such expenses shall be finally charged to applicable appropriations or accounts with proper credit to the appropriations or accounts initially utilized for financing purposes: *Provided further*, That such final charge to applicable appropriations or accounts shall not be required in the case of expenses (other than those provided for under section 2397(a) of this title) incurred in furnishing assistance by the agency primarily responsible for administering subchapter I of this chapter where it is determined that the accounting costs of identifying the applicable appropriation or account to which such expenses should be charged would be disproportionate to the advantage to be gained.

(Pub. L. 87–195, pt. III, § 632, Sept. 4, 1961, 75 Stat. 453; Pub. L. 90–137, pt. III, § 302(g), Nov. 14, 1967, 81 Stat. 460; Pub. L. 90–267, § 1(a), Mar. 13, 1968, 82 Stat. 47; Pub. L. 90–629, ch. 4, § 45(b)(3), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 94–329, title I, § 106(b)(4), June 30, 1976, 90 Stat. 733; Pub. L. 100–690, title IV, § 4506, Nov. 18, 1988, 102 Stat. 4286; Pub. L. 101–165, title IX, § 9104(b)(2), Nov. 21, 1989, 103 Stat. 1152.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b), and (e), 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 Assignment of Claims Act of 1940, as amended, referred to in subsec. (e), is act Oct. 9, 1940, ch. 779, 54 Stat. 1029, as amended, which added the second and third pars. to section 203 of former Title 31, Money and Finance, and the second and third pars. to section 15 of Title 41, Public Contracts. Section 203 of former Title 31 was repealed by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, and reenacted by the first section thereof as section 3727 of Title 31, Money and Finance. Such second and third pars. were restated in section 3727(b) (last sentence) and (c) of Title 31. The second and third pars. of section 15 of Title 41 were redesignated subsecs. (b) and (c), respectively, of that section by Pub. L. 103–355, title II, § 2451, Oct. 13, 1994, 108 Stat. 3324.

Section 1782(a) of this title, referred to in subsec. (f), was repealed by Pub. L. 87–195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460.

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II, AND REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE SUCH PARTS

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

AMENDMENTS

1989—Subsec. (d). Pub. L. 101–165 inserted at end of second sentence ''(other than salaries of the Armed Forces of the United States and unfunded estimated costs of civilian retirement and other benefits)''.

1988—Subsec. (c). Pub. L. 100–690 inserted ''or, in the case of services procured from the Department of Defense to carry out part VIII of subchapter I of this chapter, the amount of the additional costs incurred by the Department of Defense in providing such services,'' after ''at actual cost,''.

1976—Subsec. (a). Pub. L. 94–329, § 106(b)(4)(A), inserted ''military education and training'' after ''articles''.

Subsec. (b). Pub. L. 94–329, § 106(b)(4)(B), substituted ''defense articles, or military education and training'' for ''and defense articles''.

Subsec. (e). Pub. L. 94–329, § 106(b)(4)(A), inserted ''military education and training'' after ''articles''.

1968—Subsec. (d). Pub. L. 90–629 struck out references to sections 2342 and 2343 of this title in the exception provision.

1967—Subsec. (d). Pub. L. 90–137 substituted reference to sections 2318, 2342, and 2343 for former reference to sections 2315 and 2318 of this title.

CHANGE OF NAME

''Export-Import Bank of Washington'' changed to ''Export-Import Bank of the United States'' in text to conform to such change in name in the Export-Import Bank Act of 1945, section 635 et seq. of Title 12, Banks and Banking, provided for in section 1(a) of Pub. L. 90–267, Mar. 13, 1968, 82 Stat. 47.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–629 effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

ACCOUNTING ADJUSTMENTS BETWEEN APPROPRIATIONS

Charge of expenses to appropriation or account not affected by provisions for accounting adjustments between appropriations, see section 3 of Pub. L. 89–473, June 29, 1966, 80 Stat. 221, set out as a note under section 628a of Title 31, Money and Finance.

CROSS REFERENCES

Reimbursement for equipment, material, or services furnished members of the United Nations, see section 2211 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2194, 2321j, 2347c, 2403 of this title; title 10 section 2211.

§ 2393. Waiver of certain laws

(a) Contracts and expenditure of funds

Whenever the President determines it to be in furtherance of the purposes of this chapter, the functions authorized under this chapter may be performed without regard to such provisions of

law (other than the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1211 et seq.) regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

(b) Neutrality laws

The functions authorized under subchapter II of this chapter may be performed without regard to such provisions as the President may specify of subchapter II of chapter 9 of this title.

(c) Assignment of personnel

Notwithstanding the provisions of sections 3544(b) and 8544(b)[1] of title 10, personnel of the Department of Defense may be assigned or detailed to any civil office to carry out this chapter.

(Pub. L. 87–195, pt. III, § 633, Sept. 4, 1961, 75 Stat. 454.)

REFERENCES IN TEXT

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

The Renegotiation Act of 1951, as amended, referred to in subsec. (a), is act Mar. 23, 1951, ch. 15, 65 Stat. 7, as amended, which was classified principally to section 1211 et seq. of Title 50, Appendix, War and National Defense, prior to its omission from the Code. See note preceding section 1211 of Title 50, Appendix.

Sections 3544 and 8544 of title 10, referred to in subsec. (c), were repealed by Pub. L. 90–235, § 4(a)(6), Jan. 2, 1968, 81 Stat. 759.

REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE CERTAIN PARTS OF SUBCHAPTER II

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

EXECUTIVE ORDER NO. 10784

Ex. Ord. No. 10784, Oct. 1, 1958, 23 F.R. 7691, as amended by Ex. Ord. No. 10845, Oct. 12, 1959, 24 F.R. 8317, which specified laws from which functions authorized by this chapter shall be exempt, was superseded by Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, set out below.

EXECUTIVE ORDER NO. 10845

Ex. Ord. No. 10845 of Oct. 12, 1959, setting out laws from which authorized functions were exempt, was superseded by Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, set out below.

EX. ORD. NO. 11223. SPECIFICATION OF LAWS FROM WHICH FUNCTIONS AUTHORIZED BY THIS CHAPTER SHALL BE EXEMPT

Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, as amended by Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673; Ex. Ord. No. 12178, Dec. 10, 1979, 44 F.R. 71807, provided:

By virtue of the authority vested in me by Section 633 of the Foreign Assistance Act of 1961, as amended, 75 Stat. 454 (22 U.S.C. 2393), it is hereby determined that, to the extent hereinafter indicated, the performance of functions authorized by that Act, as amended, and any predecessor legislation, without regard to the laws specified in the numbered subdivisions of Sections 1 and 2 of this order and without regard to consideration as specified in Sections 3 and 4 of this order will further the purposes of the Foreign Assistance Act of 1961, as amended [this chapter]:

SECTION 1. With respect to functions authorized by the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et seq.*), and any predecessor legislation except those functions exercised by the Department of Defense under authority of Sections 621 and 623 of the Foreign Assistance Act of 1961 (22 U.S.C. 2381 and 2383):

(1) The Act of March 26, 1934, 48 Stat. 500, as amended (15 U.S.C. 616a).

(2) Section 3648 of the Revised Statutes, as amended, 60 Stat. 809 (31 U.S.C. 529) [31 U.S.C. 3324].

(3) Section 305 of the Federal Property and Administrative Services Act of 1949, 63 Stat. 396, as amended (41 U.S.C. 255).

(4) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5).

(5) Section 3710 of the Revised Statutes (41 U.S.C. 8).

(6) Section 2 of title III of the Act of March 3, 1933, 47 Stat. 1520 (41 U.S.C. 10a).

(7) Section 3735 of the Revised Statutes (41 U.S.C. 13).

(8) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)), but only with respect to contracts entered into with foreign governments or agencies thereof for the rendering of services to the United States or an agency thereof within the continental limits of the United States.

(9) Section 901(a) of the Merchant Marine Act, 1936, 49 Stat. 2015 as amended (46 U.S.C. 1241(a)).

SEC. 2. With respect to purchases authorized to be made outside the limits of the United States or the District of Columbia under the Foreign Assistance Act of 1961, as amended [this chapter], and any predecessor legislation:

(1) [Former] Section 2276(a) of title 10 of the United States Code.

(2) Section 2313(b) of title 10 of the United States Code.

(3) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)).

(4) Section 1301 of the Second War Powers Act, 1942, 56 Stat. 185 (50 U.S.C. App. 643), as extended by the provisions of the Act of June 30, 1953, 67 Stat. 120.

(5) Section 3(b) of the Act of August 28, 1958, 72 Stat. 972 (50 U.S.C. 1433(b)), but only with respect to contracts in which the inclusion of the clause required by Section 3(b), or the compliance with that clause, if included in a contract, is deemed by the executive or military department concerned to be impracticable.

SEC. 3. With respect to cost-type contracts heretofore or hereafter made with non-profit institutions under which no fee is charged or paid, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

SEC. 4. With respect to contracts heretofore or hereafter made, other than those described in Section 3 of this order, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof, if the Secretary of State or the Director of the United States International Development Cooperation Agency (with

[1] See References in Text note below.

respect to functions vested in or delegated to the Director) determines in each case that such action is necessary to protect the foreign policy interests of the United States.

SEC. 5. Executive Order No. 10784 of October 1, 1958, and Executive Order No. 10845 of October 12, 1959, are hereby superseded.

SEC. 6. I determine it to be in furtherance of the purposes of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2151 et seq.], and in the national security interest of the United States that the functions authorized by chapter 7 of Part II of that Act [22 U.S.C. 2349 et seq.], relating to air base construction in Israel, be performed without regard to the following additional specified provisions of law:

(1) Title IX of the Federal Property and Administration Services Act of 1949, as amended (40 U.S.C. 541–544);

(2) Section 612 of the Military Construction Authorization Act, 1967, as amended (31 U.S.C. 723a) [10 U.S.C. 2661a(b)];

(3) Section 719 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2168); and

(4) Section 111 of the Federal Property and Administrative Services Act of 1949, as amended ([former] 40 U.S.C. 759).

[For abolition of United States International Development Cooperation Agency (other than Agency for International Development and Overseas Private Investment Corporation), transfer of functions, and treatment of references thereto, see sections 6561, 6562, and 6571 of this title.]

DETERMINATION UNDER THIS SECTION WAIVING REQUIREMENTS WITH RESPECT TO CLOSE OUT OF PRIOR YEAR APPROPRIATIONS ACCOUNTS

Determination of President of the United States, No. 91–21, Feb. 27, 1991, 56 F.R. 10771, provided:

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 633(a) of the Foreign Assistance Act of 1961, as amended (the ''Act''), 22 U.S.C. 2393(a), I hereby determine it to be in furtherance of the purposes of the Act [22 U.S.C. 2151 et seq.] that the functions authorized by the Act be performed without regard to section 1405 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) [amending sections 1551 to 1557 of Title 31, Money and Finance, repealing section 2782 of Title 10, Armed Forces, and enacting provisions set out as a note under section 1551 of Title 31], and amendments contained therein.

This determination shall apply only to funds appropriated to carry out the provisions of the Act that were appropriated for fiscal year 1984 and for prior fiscal years, and shall suspend the application of the provisions of section 1405 of the National Defense Authorization Act for Fiscal Year 1991, and amendments contained therein, through September 30, 1992.

You are authorized and directed to publish this determination in the Federal Register.

GEORGE BUSH.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2349b of this title.

§ 2393a. Requests by General Accounting Office and Congressional committees for documents and materials

None of the funds made available pursuant to the provisions of this chapter shall be used to carry out any provision of this chapter in any country or with respect to any project or activity, after the expiration of the thirty-five-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations or expenditures under this chapter, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden the furnishing thereof pursuant to request and his reason for so doing.

(Pub. L. 87–195, pt. III, § 633A, as added Pub. L. 95–424, title V, § 502(a)(1), Oct. 6, 1978, 92 Stat. 957.)

REFERENCES IN TEXT

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

CODIFICATION

This section was formerly classified to subsec. (c) of section 2394 of this title prior to the complete revision of section 2394 of this title by Pub. L. 95–424, title V, § 502(a)(2), Oct. 6, 1978, 92 Stat. 957.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2394. Reports and information; definitions

(a) Annual report to Congress on programs having impact on developing countries; contents

In order that the Congress and the American people may be better and more currently informed regarding American foreign policy and the effectiveness of assistance provided by the United States Government to other countries and to international organizations, the Chairman of the Development Coordination Committee shall prepare and transmit to the Congress, no later than February 1 of each year, as a part of the annual presentation materials for foreign assistance, a report as described in this subsection. This report shall include—

(1)(A) a comprehensive and coordinated review of all United States policies and programs having a major impact on the development of developing countries, including but not limited to bilateral and multilateral assistance, trade, debt, employment, food, energy, technology, population, oceans, environment, human settlements, natural resources, and participation in international agencies concerned with development;

(B) an assessment of the impact of such policies and programs on the well-being of the poor majority in developing countries in accordance with the policy objectives of part I of subchapter I of this chapter, including increasing life expectancy and literacy, lowering infant mortality and birth rates, and increasing

food production and employment, such assessment to include an evaluation of the extent to which programs under part I of subchapter I of this chapter directly benefit the poor majority; and

(C) an assessment of the impact of such policies and programs on economic conditions in the United States, including but not limited to employment, wages, and working conditions;

(2) the dollar value of all foreign assistance and guaranties by category and by country provided or made by the United States Government by any means to all foreign countries and international organizations—

(A) from 1946 to the fiscal year immediately preceding the fiscal year for which the report is required;

(B) as presented to Congress for the immediate preceding fiscal year;

(C) as obligated during the immediately preceding fiscal year;

(D) as planned for the fiscal year in which the report is presented;

(E) as proposed for the fiscal year following the year in which the report is presented; and

(F) of any contract in excess of $100,000 administered by the Agency for International Development which was entered into in the preceding fiscal year without competitive selection procedures, and the reasons for doing so;

(3) a summary of repayments, by country, to the United States from previous foreign assistance loans;

(4) the status of each sale of agricultural commodities on credit terms theretofore made under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.] with respect to which there remains outstanding any unpaid obligation; and the status of each transaction with respect to which a loan, contract or guarantee of insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.] with respect to which there remains outstanding any unpaid obligation or potential liability; except that such report shall include individually only any loan, contract, sale, extension of credit, or other transactions listed in this paragraph which is in excess of $1,000,000;

(5)(A) the status of the debt servicing capacity of each country receiving assistance under this chapter;

(B) all forms of debt relief granted by the United States with respect to such countries, together with a detailed statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted; and

(C) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States;

(6) the dollar value of all official development assistance, security assistance, international disaster assistance, refugee assistance, and international narcotics control assistance provided by each government of a country which is a member of the Organization for Economic Cooperation and Development or of the Organization of Petroleum Exporting Countries;

(7) the percentage which each type of assistance described in paragraph (6) represents of (A) the gross national product of each country referred to in paragraph (6), and (B) the budget of the government of such country, as well as the per capita contribution for each country for each type of assistance described in paragraph (6);

(8) the amount of all foreign currencies acquired without payment of dollars on hand of each foreign country as of September 30 of the preceding fiscal year;

(9) the Development Coordination Committee's operations pursuant to section 2399c(f) of this title;

(10) the aggregate dollar value and quantity of grant military assistance, military education and training, and any other defense articles and services furnished under this chapter by the United States to each foreign country and international organization for the preceding fiscal year;

(11) information concerning the activities of the Minority Resource Center during the preceding fiscal year; and

(12) other information appropriate to the conduct of the foreign assistance program of the United States Government.

(b) "Foreign assistance" and "provided by the United States Government" defined

For purposes of this section—

(1) ''foreign assistance'' means any tangible or intangible item provided by the United States Government to a foreign country or international organization under this chapter or any other Act, including but not limited to any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies of any foreign country which are owned by the United States Government; and

(2) ''provided by the United States Government'' includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit, or guaranty.

(Pub. L. 87–195, pt. III, § 634, Sept. 4, 1961, 75 Stat. 455; Pub. L. 87–565, pt. III, § 302(e), (f), Aug. 1, 1962, 76 Stat. 262; Pub. L. 89–583, pt. III, § 302(c), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90–137, pt. III, § 302(h), Nov. 14, 1967, 81 Stat. 460; Pub. L. 90–629, ch. 4, § 45(a), (b)(4), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 91–175, pt. III, § 305, Dec. 30, 1969, 83 Stat. 821; Pub. L. 92–226, pt. III, § 304(a)(3), (c)(2), Feb. 7, 1972, 86 Stat. 28, 32; Pub. L. 93–189, § 17, Dec. 17, 1973, 87 Stat. 724; Pub. L. 93–559, § 14, Dec. 30, 1974, 88 Stat. 1799; Pub. L. 94–273, § 6(1), Apr. 21, 1976, 90 Stat. 377; Pub. L. 94–329, title II, § 209(b), June 30, 1976, 90 Stat. 739; Pub. L. 95–424, title V, § 502(a)(1), (2), Oct. 6, 1978, 92 Stat. 957; Pub. L. 96–533, title VII, § 707, Dec. 16, 1980, 94 Stat. 3159; Pub. L. 97–113, title VII, § 733, Dec. 29, 1981, 95 Stat. 1559; Pub. L. 99–83, title III, § 312(b), Aug. 8, 1985, 99 Stat. 216.)

REFERENCES IN TEXT

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsec. (a)(4), is act July 10,

1954, ch. 469, 68 Stat. 454, as amended, 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. (a)(4), 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.

This chapter, referred to in subsecs. (a)(5)(A), (10), (b)(1), 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.

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

CODIFICATION

Prior to the complete revision of this section by section 502(a)(2) of Pub. L. 95–424, section 501(a)(1) of Pub. L. 95–424 redesignated former subsec. (c), relating to requests by the General Accounting Office and Congressional committees for documents and other material, as section 2393a of this title.

AMENDMENTS

1985—Subsec. (a)(1)(B). Pub. L. 99–83 inserted provisions relating to evaluation of whether programs are benefiting the poor majority.

1981—Subsec. (a). Pub. L. 97–113, § 733(1), substituted provision requiring information regarding American foreign policy and effectiveness of assistance to other countries for provision requiring information regarding United States development policy and effectiveness of assistance to developing countries and provision directing the Chairman prepare and transmit to Congress as part of the annual presentation materials for foreign assistance a report as described in this subsection for provision directing the Chairman to transmit a report on foreign assistance for the fiscal year ending the previous Sept. 30.

Subsec. (a)(1)(B). Pub. L. 97–113, § 733(2), struck out ''the progress developing countries are making toward achieving those objectives which are indicative of improved well-being of the poor majority, which objectives shall include but not be limited to'' before ''increasing life expectancy and literacy''.

Subsec. (a)(2)(F). Pub. L. 97–113, § 733(3), added subpar. (F).

Subsec. (a)(4). Pub. L. 97–113, § 733(4), struck out requirement that the report include the status of each loan and each contract of guaranty or insurance theretofore made under this chapter, predecessor Acts, or any Act authorizing international security assistance, with respect to which there remained outstanding any unpaid obligation or potential liability, and the status of each extension of credit for the procurement of defense articles or defense services, and of each contract of guarantee in connection with any such procurement, theretofore made under the Arms Export Control Act with respect to which there remained outstanding any unpaid obligation or potential liability.

Subsec. (a)(7). Pub. L. 97–113, § 733(5), struck out ''and'' after the semicolon.

Subsec. (a)(8). Pub. L. 97–113, § 733(6), substituted provision that the report contain the amount of all foreign currencies acquired without payment of dollars on hand of each foreign country as of Sept. 30 of the preceding fiscal year for provision that the report contain such other matters relating to foreign assistance provided under subchapter I of this chapter as the Chairman of the Development Coordination Committee considers appropriate.

Subsec. (a)(9) to (12). Pub. L. 97–113, § 733(6), added pars. (9) to (12).

1980—Subsec. (a)(6) to (8). Pub. L. 96–533 added pars. (6) and (7) and redesignated former par. (6) as (8).

1978—Subsec. (a). Pub. L. 95–424, § 502(a)(2), added subsec. (a).

Subsec. (b). Pub. L. 95–424, § 502(a)(2), substituted definitions of ''foreign assistance'' and ''provided by the United States Government'' for provisions requiring public disclosure of all information concerning operations under this chapter except that which is deemed incompatible with the Security of the United States.

Subsec. (c). Pub. L. 95–424, § 502(a)(1), struck out ''(c)'' at beginning of subsection and transferred the remainder of subsection to section 2393a of this title.

Subsecs. (d) to (h). Pub. L. 95–424, § 502(a)(2), struck out subsecs. (d), relating to presentation of programs to Congressional committees; (e), relating to inclusion of a specific plan in the President's recommendations to Congress; (f), relating to a report by the President to Congress showing the status of each outstanding loan; (g), relating to a report by the President to Congress showing debt-servicing problems; and (h), relating to military assistance to South Vietnam, Thailand, and Laos.

1976—Subsec. (d). Pub. L. 94–329 struck out provisions under which sales pursuant to the Foreign Assistance Act of 1961 or any other Act were included in the enumeration of factors used in developing, for purpose of presentation material, a chart showing the full extent of United States assistance planned or expected for each such country for the next fiscal year.

Subsec. (f). Pub. L. 94–273 substituted ''September'' for ''June'' and ''March'' for ''December''.

1974—Subsec. (d). Pub. L. 93–559 substituted in item (1) respecting presentation material ''economic assistance, military grants (and including for any such grant of any excess defense article, the value of such article expressed in terms of its acquisition cost to the United States), and military sales'' for ''economic assistance and military grants and sales''.

1973—Subsec. (f). Pub. L. 93–189 inserted references to contracts of guarantee or insurance, the status of sales of defense articles or defense services on credit terms, the status of sales of agricultural commodities on credit terms, and the status of loans, contracts of guarantee or insurance, or extensions of credit (or participations therein) made under the Export-Import Bank Act of 1945, and inserted provisions limiting the reporting requirement of the subsection so as to include only loans, contracts, sales, extensions of credit, or other transactions in excess of $1,000,000.

Subsec. (g). Pub. L. 93–189 added subsec. (g).

1972—Subsec. (a). Pub. L. 92–226, § 304(c)(2), struck out provisions for annual report to Congress concerning operations under this chapter, including information on the progress of the freedom of navigation and nondiscrimination declaration. See annual foreign assistance report provisions of section 2417 of this title.

Subsec. (d). Pub. L. 92–226, § 304(a)(3), substituted in last sentence reference to section ''2360(b)'' for prior reference to sections ''2360, 2364(a)''.

1969—Subsec. (a). Pub. L. 91–175 excluded operations reported to Congress pursuant to section 2200a of this title from report required by this section, and struck out of last sentence reference to the operation of the investment guaranty program.

1968—Subsec. (d). Pub. L. 90–629, § 45(b)(4), required the presentation material to include in the chart foreign assistance data under any other Act.

Subsec. (g). Pub. L. 90–629, § 45(a), repealed provisions of subsec. (g) which related to exports of defense articles, contents of reports, and utilization of statistics and information of Government agencies, and is now covered by section 2776(a) of this title.

1967—Subsec. (d). Pub. L. 90–137, § 302(h)(1), inserted introductory provision for presentation of programs to Congressional Committees in connection with requests

for appropriations for fiscal year 1969, penultimate provision for inclusion of foreign assistance data (an assistance chart, contribution details, and a statement of projects), and provision for notification as to findings and reasons therefor under section 2311 or 2341(c) of this title.

Subsecs. (g), (h). Pub. L. 90–137, § 302(h)(2), added subsecs. (g) and (h).

1966—Subsec. (f). Pub. L. 89–583 added subsec. (f).

1962—Subsec. (a). Pub. L. 87–565, § 302(e), required reports to include information on progress under the freedom of navigation and nondiscriminatory declaration contained in section 2151 of this title.

Subsec. (d). Pub. L. 87–565, § 302(f), substituted ''At the end of each fiscal year'' and ''fiscal year'' for ''In January of each year'' and ''preceding twelve months'', respectively, and provided that the presentation material submitted to Congress during its consideration of amendments to this chapter, or of any Act appropriating funds pursuant to authorizations contained in this chapter, should include a comparison of the current fiscal year programs and activities with those presented to Congress in the previous year and an explanation of any substantial changes.

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.

EFFECTIVE DATE OF 1978 AMENDMENT

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

EFFECTIVE DATE OF 1972 AMENDMENT

Section 304(c)(3) of Pub. L. 92–226 provided that: ''The provisions of this subsection [amending this section and section 2403 of this title] and section 657 of such Act [section 2417 of this title], as added by subsection (b) of this Act [this section], shall apply with respect to each fiscal year commencing on or after July 1, 1971.''

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–629 effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

SAVINGS PROVISION

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of former subsec. (g) of this section as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90–629, set out as a note under former section 2341 of this title.

ANNUAL REPORT ON ECONOMIC AND SOCIAL GROWTH

Pub. L. 104–107, title V, § 574, Feb. 12, 1996, 110 Stat. 749, provided that:

''(a) REPORTING REQUIREMENT.—The President shall submit to the appropriate congressional committees an annual report providing a concise overview of the prospects for economic and social growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act [see Tables for classification]. For each country, the report shall discuss the laws, policies and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors and include criteria regarding wage and price controls, State ownership of production and distribution, State control of financial institutions, trade and foreign investment, capital and profit repatriation, tax and private property protections and a country's commitment to stimulate education, health and human development.

''(b) COUNTRIES.—The countries referred to in subsection (a) are countries—

''(1) for which in excess of $5,000,000 has been obligated during the previous fiscal year for assistance under sections 103 through 106 [22 U.S.C. 2151a to 2151d], chapters 10 [22 U.S.C. 2293 et seq.] and 11 [22 U.S.C. 2295 et seq.] of part I, and chapter 4 of part II [22 U.S.C. 2346 et seq.] of the Foreign Assistance of 1961, and under the Support for East European Democracy Act of 1989 [22 U.S.C. 5401 et seq.]; or

''(2) for which in excess of $1,000,000 has been obligated during the previous fiscal year by the Overseas Private Investment Corporation.

''(c) CONSULTATION.—The Secretary of State shall submit the report required by subsection (a) in consultation with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the President of the Overseas Private Investment Corporation. The report shall be submitted with the annual congressional presentation for appropriations.''

PROGRESS REPORT OF IMPLEMENTATION OF IMMUNIZATION AND ORAL REHYDRATION PROMOTION PROGRAMS

Annual report under this section to describe progress achieved during preceding fiscal year in carrying out section 2151b(c)(3) of this title, see section 305(b) of Pub. L. 99–83, set out as a note under section 2151b of this title.

NEGOTIATING EFFORTS CONCERNING ACCELERATED LOAN REPAYMENTS TO BE INCLUDED IN ANNUAL REPORTS FOR FOREIGN ASSISTANCE FOR 1980 AND 1981

Annual reports on foreign assistance submitted in 1980 and 1981 pursuant to this section to contain negotiating efforts respecting accelerated loan repayments under section 2151y of this title, see section 508(b) of Pub. L. 96–53, set out as a note under section 2151y of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151p–1, 2151q, 2291a, 2321j, 2765, 2785 of this title.

§ 2394–1. Notification of program changes

(a) Covered programs; content of notifications

None of the funds appropriated to carry out the purposes of this chapter (except for programs under subpart III or subpart IV of part II of subchapter I of this chapter, part V of subchapter I of this chapter, and programs of disaster relief and rehabilitation) or the Arms Export Control Act [22 U.S.C. 2751 et seq.] may be obligated for any activities, programs, projects, types of materiel assistance, countries, or other operations not justified, or in excess of the amount justified, to the Congress for obligation under this chapter or the Arms Export Control Act for any fiscal year unless the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of the Congress are notified fifteen days in advance of such obligation. Whenever a proposed reprograming exceeds $1,000,000 and the total amount proposed for obligation for a country under this chapter in a fiscal year exceeds by more than $5,000,000 the amount specified for that country in the report required by section 2413(a) of this title, notifications of such proposed reprogramings shall specify—

(1) the nature and purpose of such proposed obligation, and

(2) to the extent possible at the time of the proposed obligation, the country for which

such funds would otherwise have been obligated.

(b) Exceptions

The notification requirement of this section does not apply to the reprogramming—

(1) of funds to be used for an activity, program, or project under part I of subchapter I of this chapter if the amounts to be obligated for that activity, program, or project for that fiscal year do not exceed by more than 10 percent the amount justified to the Congress for that activity, program, or project for that fiscal year; or

(2) of less than $25,000 to be used under part VIII of subchapter I of this chapter, or under part V of subchapter II of this chapter, for a country for which a program under that part for that fiscal year was justified to the Congress.

(c) Funds in the International Affairs Budget Function; reprogramming

The President shall notify the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives concerning any reprogramming of funds in the International Affairs Budget Function, the authorizations of appropriations for which are in their respective jurisdictions, to the same degree and with the same conditions as the President notifies the Committees on Appropriations. The requirements of this subsection are in addition to, and not in lieu of, other notification requirements.

(Pub. L. 87–195, pt. III, § 634A, formerly § 671, as added Pub. L. 95–88, title I, § 130, Aug. 3, 1977, 91 Stat. 543; renumbered § 634A, Pub. L. 95–424, title V, § 502(b), Oct. 6, 1978, 92 Stat. 959; amended Pub. L. 97–113, title VII, § 704, Dec. 29, 1981, 95 Stat. 1544; Pub. L. 99–83, title XII, § 1209(a), Aug. 8, 1985, 99 Stat. 278; Pub. L. 103–437, § 9(a)(6), Nov. 2, 1994, 108 Stat. 4588.)

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.

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

CODIFICATION

Section was formerly classified to section 2429b of this title.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–437 substituted ''Foreign Affairs'' for ''International Relations'' in introductory provisions.

1985—Pub. L. 99–83 designated existing provisions as subsec. (a), inserted references to the Arms Export Control Act in two places, and added subsecs. (b) and (c).

1981—Pub. L. 97–113 inserted provision respecting notification of proposed reprograming of assistance.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

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

Functions of President under this section, to extent they relate to notifications to Congress concerning changes in programs under subchapter II of this chapter, except parts IV, VI, and VIII thereof, and under Arms Export Control Act (§ 2751 et seq.), delegated to Secretary of Defense, subject to prior consultation with Secretary of State, by section 1–301(c) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, as amended, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151f, 2194, 2274, 2291, 2291–5, 2291a, 2291c, 2291e, 2291g, 2291j, 2293, 2295b, 2295c, 2318, 2321h, 2321j, 2346c, 2394aa–2, 2420, 2763, 2799c, 5476, 5605, 6039, 6062, 6063 of this title.

§ 2394–1a. Classification of reports

All information contained in any report transmitted under this chapter shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplemental report shall be transmitted to the Congress at the time the report is transmitted.

(Pub. L. 87–195, pt. III, § 634B, as added Pub. L. 95–424, title V, § 502(c), Oct. 6, 1978, 92 Stat. 959.)

REFERENCES IN TEXT

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

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of President under this section, insofar as they relate to other functions delegated to Secretary of State by Ex. Ord. No. 12163, delegated to Secretary of State by section 1–201(a)(16) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

Functions of President, to extent they relate to other functions under this chapter administered by Department of Defense, delegated to Secretary of Defense by section 1–301(b) of Ex. Ord. No. 12163.

§ 2394a. Extortion and illegal payments to officials of foreign countries receiving international security assistance

Within 60 days after receiving information which substantiates that officials of a foreign country receiving international security assistance have (1) received illegal or otherwise improper payments from a United States corporation in return for a contract to purchase defense articles or services from such corporation, or (2) extorted, or attempted to extort, money or other things of value in return for actions by officials of that country that permit a United States citizen or corporation to conduct business in that country, the President shall submit to Congress a report outlining the circumstances of such payment or extortion. The report shall contain a recommendation from the President as to whether the United States should continue a security assistance program for that country.

(Pub. L. 94–329, title VI, § 607, June 30, 1976, 90 Stat. 768.)

CODIFICATION

Section was not enacted as part of Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961, which comprises this chapter.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State by section 1–201(a)(21) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, as amended, set out as a note under section 2381 of this title.

§ 2395. General authorities

(a) Manner of furnishing assistance; emphasis on loans

Except as otherwise specifically provided in this chapter, assistance under this chapter may be furnished on a grant basis or on such terms, including cash, credit, or other terms of repayment (including repayment in foreign currencies or by transfer to the United States Government of commodities) as may be determined to be best suited to the achievement of the purposes of this chapter, and shall emphasize loans rather than grants wherever possible.

(b) Authority of the President

The President may make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any individual, corporation, or other body of persons, friendly government or government agency, whether within or without the United States, and international organizations in furtherance of the purposes and within the limitations of this chapter.

(c) Utilization of services and facilities of voluntary, nonprofit organizations

It is the sense of Congress that the President, in furthering the purposes of this chapter, shall use to the maximum extent practicable the services and facilities of voluntary, nonprofit organizations registered with, and approved by, the Agency for International Development.

(d) Acceptance of gifts, devises, bequests, grants, etc.

The President may accept and use in furtherance of the purposes of this chapter, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purpose.

(e) Health and accident insurance for foreign participants and foreign employees

(1) Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign participants in any program of furnishing technical information and assistance administered by such agency while such participants are absent from their homes for the purpose of participation in such program.

(2) Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign employees of that agency while those employees are absent from their place of employment abroad for purposes of training or other official duties.

(f) Admission of alien participants

Alien participants in any program of furnishing technical information and assistance under this chapter may be admitted to the United States if otherwise qualified as nonimmigrants under section 1101(a)(15) of title 8, for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General.

(g) Powers and authorities of the President with respect to loans

In making loans under this chapter, the President—

(1) may issue letters of credit and letters of commitment;

(2) may collect or compromise any obligations assigned to, or held by, and any legal or equitable rights accruing to him, and, as he may determine, refer any such obligations or rights to the Attorney General for suit or collection;

(3) may acquire and dispose of, upon such terms and conditions as he may determine, any property, including any instrument evidencing indebtedness or ownership (provided that equity securities may not be directly purchased although such securities may be acquired by other means such as by exercise of conversion rights or through enforcement of liens or pledges or otherwise to satisfy a previously incurred indebtedness), and guarantee payment against any such instrument;

(4) may determine the character of, and necessity for, obligations and expenditures of funds used in making such loans and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to corporations of the United States Government; and

(5) shall cause to be maintained an integral set of accounts which shall be audited by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions as provided by chapter 91 of title 31.

(h) Term of contracts and agreements

A contract or agreement which entails commitments for the expenditure of funds made available under part I (except development

loans) and subpart II of part II of subchapter I and under subchapter II of this chapter, may, subject to any future action of the Congress, extend at any time for not more than five years.

(i) Settlement and arbitration of claims arising under investment guaranty operations

Claims arising as a result of investment guaranty operations may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the President may direct. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

(j) Financial transactions with foreign governments; exemption

The provisions of section 955 of title 18 shall not apply to prevent any person, including any individual, partnership, corporation, or association, from acting for, or participating in, any operation or transaction arising under this chapter, or from acquiring any obligation issued in connection with any operation or transaction arising under this chapter.

(k) Cost-type contracts with educational institutions; payment of reimbursable indirect costs

Any cost-type contract or agreement (including grants) entered into with a university, college, or other educational institution for the purpose of carrying out programs authorized by subchapter I of this chapter may provide for the payment of the reimbursable indirect costs of said university, college, or other educational institution on the basis of predetermined fixed-percentage rates applied to the total, or an element thereof, of the reimbursable direct costs incurred.

(Pub. L. 87–195, pt. III, § 635, Sept. 4, 1961, 75 Stat. 456; Pub. L. 87–565, pt. III, § 302(g), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88–205, pt. III, § 302(e), Dec. 16, 1963, 77 Stat. 389; Pub. L. 89–171, pt. III, § 302(g), Sept. 6, 1965, 79 Stat. 660; Pub. L. 89–583, pt. III, § 302(d), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90–137, pt. III, § 302(i), Nov. 14, 1967, 81 Stat. 461; Pub. L. 95–424, title I, § 102(g)(2)(G), Oct. 6, 1978, 92 Stat. 943; Pub. L. 96–53, title I, § 121, Aug. 14, 1979, 93 Stat. 366.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) to (d), (g), and (j), 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.

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II, AND REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE SUCH PARTS

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

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

CODIFICATION

In subsec. (g)(5), ''chapter 91 of title 31'' substituted for ''the Government Corporation Control Act, as amended (31 U.S.C. 841 et seq.)'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1979—Subsec. (c). Pub. L. 96–53 substituted ''Agency for International Development'' for ''Advisory Committee on Voluntary Foreign Aid''.

1978—Subsec. (h). Pub. L. 95–424 substituted ''part I (except development loans) and subpart II of part II of subchapter I'' for ''subparts II, V, and VI of part II of subchapter I (except development loans)''.

1967—Subsec. (e). Pub. L. 90–137, § 302(i)(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (g). Pub. L. 90–137, § 302(i)(2), struck out ''and sales'' after ''loans'' in introductory clause.

1966—Subsec. (h). Pub. L. 89–583 excluded development loans under the Alliance for Progress from the provision that contracts or agreements which entail commitments for the expenditure of funds may not extend for more than five years.

1965—Subsec. (g). Pub. L. 89–171 inserted ''and sales'' in introductory clause.

1963—Subsec. (k). Pub. L. 88–205 added subsec. (k).

1962—Subsec. (h). Pub. L. 87–565 included sections 2211 to 2213 of this title within the limitation on the duration of contracts and agreements.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

EFFECTIVE DATE OF 1967 AMENDMENT

Section 302(i)(2) of Pub. L. 90–137 provided in part that amendment of subsec. (g) by such section 302(i)(2) shall take effect on June 30, 1968.

DELEGATION OF FUNCTIONS

Functions of President, to extent they relate to other functions under this chapter administered by Department of Defense, under subsec. (b) (except with respect to negotiation, conclusion, and termination of international agreements) and under subsecs. (d) and (g) delegated to Secretary of Defense by section 1–301(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

INTERNATIONAL AGREEMENTS

The negotiation, conclusion, and termination of international agreements pursuant to this chapter shall be subject to requirements of section 112b of Title 1, General Provisions, and to applicable regulations and procedures, see section 1–604 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

INFORMATION TO CONGRESSIONAL COMMITTEES ON NEGOTIATIONS REGARDING DEBTS OWED UNITED STATES BY FOREIGN GOVERNMENTS; TRANSMITTAL TO CONGRESS OF DEBT MODIFICATION PROPOSALS

Pub. L. 93–333, § 4, July 8, 1974, 88 Stat. 290, relating to cancellation, renegotiation, etc., of any debt owed by a foreign government, was repealed by Pub. L. 95–424, title VI, § 603(b), Oct. 6, 1978, 92 Stat. 961.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year

period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2395a. International agreements concerning debt relief; transmittal to Congressional committees

(1) Repealed. Pub. L. 97–113, title VII, § 734(a)(5), Dec. 29, 1981, 95 Stat. 1560.

(2) The Secretary of State shall transmit to such committees a copy of the text of any agreement with any foreign government which would result in any such debt relief no less than thirty days prior to its entry into force, together with a detailed justification of the interest of the United States in the proposed debt relief. The requirements of this paragraph shall not apply with respect to an agreement if a statutory requirement exists that the amount of the debt relief provided by the agreement may not exceed the amount approved for such purposes in advance in an appropriation Act.

(Pub. L. 95–424, title VI, § 603(a), Oct. 6, 1978, 92 Stat. 960; H. Res. 89, Feb. 5, 1979; Pub. L. 97–113, title VII, § 734(a)(5), Dec. 29, 1981, 95 Stat. 1560.)

REFERENCES IN TEXT

''Such committees'' and ''such debt relief'', referred to in par. (2), mean the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the each House of Congress named as the ongoing recipients of any information respecting debt relief negotiations with foreign governments regarding any debts owing to the United States in par. (1) provisions prior to repeal thereof by section 734(a)(1) of Pub. L. 97–113.

CODIFICATION

Section enacted as part of the International Development and Food Assistance Act of 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

1981—Par. (1). Pub. L. 97–113 struck out par. (1) which required Secretary of State keep the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of Congress informed respecting any debt relief negotiations with foreign governments regarding any debts owing to the United States.

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution No. 89, 96th Congress.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

NOTIFICATION TO CONGRESS ON DEBT RELIEF AGREEMENTS

Pub. L. 102–391, title V, § 548, Oct. 6, 1992, 106 Stat. 1673, provided that: ''The Secretary of State shall transmit to the Appropriations Committees of the Congress and to such other Committees as appropriate, a copy of the text of any agreement with any foreign government which would result in any debt relief no less than thirty days prior to its entry into force, other than one entered into pursuant to this Act, together with a detailed justification of the interest of the United States in the proposed debt relief: *Provided*, That the term 'debt relief' shall include any and all debt prepayment, debt rescheduling, and debt restructuring proposals and agreements: *Provided further*, That the Secretary of State and the Secretary of the Treasury should in every feasible instance notify the Appropriations Committees of the Congress and such other Committees as appropriate not less than 15 days prior to any formal multilateral or bilateral negotiation for official debt restructuring, rescheduling, or relief: *Provided further*, That the Secretary of State or the Secretary of the Treasury, as appropriate, shall report not later than February 1 of each year a consolidated statement of the budgetary implications of all debt-related agreements entered into force during the preceding fiscal year.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 101–513, title V, § 550, Nov. 5, 1990, 104 Stat. 2020.

Pub. L. 101–167, title V, § 555, Nov. 21, 1989, 103 Stat. 1237.

Pub. L. 100–461, title V, § 557, Oct. 1, 1988, 102 Stat. 2268–38.

Pub. L. 100–202, § 101(e) [title V, § 563], Dec. 22, 1987, 101 Stat. 1329–131, 1329–172.

§ 2396. Availability of funds

(a) General expenditures

Appropriations for the purposes of or pursuant to this chapter (except for subchapter II of this chapter), allocations to any agency of the United States Government, from other appropriations, for functions directly related to the purposes of this chapter, and funds made available for other purposes to the agency primarily responsible for administrating subchapter I of this chapter, shall be available for:

(1) rent of buildings and space in buildings in the United States, and for repair, alteration, and improvement of such leased properties;

(2) expenses of attendance at meetings concerned with the purposes of such appropriations or of this chapter, including (notwithstanding the provisions of section 1346(a) and (c) of title 31) expenses in connection with meetings of persons whose employment is authorized by section 2386 of this title;

(3) contracting with individuals for personal services abroad: *Provided*, That such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Civil Service Commission;

(4) purchase, maintenance, operation, and hire of aircraft: *Provided*, That aircraft for administrative purposes may be purchased only as specifically provided for in an appropriation or other Act;

(5) purchase and hire of passenger motor vehicles: *Provided*, That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes outside the United States may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles,

and the cost, including exchange allowance, of each such replacement shall not exceed the current market price in the United States of a mid-sized sedan or station wagon meeting the requirements established by the General Services Administration for a Class III vehicle of United States manufacture (or, if the replacement vehicle is a right-hand drive vehicle, 120 percent of that price) in the case of an automobile for the chief of any special mission or staff outside the United States established under section 2391 of this title: *Provided further*, That passenger motor vehicles, other than one for the official use of the head of the agency primarily responsible for administering subchapter I of this chapter, may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;

(6) entertainment (not to exceed $25,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act);

(7) exchange of funds without regard to section 3651[1] of the Revised Statutes (31 U.S.C. 543) and loss by exchange;

(8) expenditures (not to exceed $50,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act) of a confidential character other than entertainment: *Provided*, That a certificate of the amount of each such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the head of the agency primarily responsible for administering subchapter I of this chapter or such person as he may designate, and every such certificate shall be deemed a sufficient voucher for the amount therein specified;

(9) insurance of official motor vehicles or aircraft acquired for use in foreign countries;

(10) rent or lease outside the United States for not to exceed ten years of offices, buildings, grounds, and quarters, including living quarters to house personnel, and payments therefor in advance; maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government outside the United States; and costs of fuel, water, and utilities for such properties;

(11) expenses of preparing and transporting to their former homes, or, with respect to foreign participants engaged in any program under subchapter I of this chapter, to their former homes or places of burial, and of care and disposition of, the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in activities carried out with funds covered by this subsection;

(12) purchase of uniforms;

(13) payment of per diem in lieu of subsistence to foreign participants engaged in any program under subchapter I of this chapter while such participants are away from their homes in countries other than the United States, at rates not in excess of those prescribed by the standardized Government travel regulations, notwithstanding any other provision of law;

(14) use in accordance with authorities of the Foreign Service Act of 1980, as amended (22 U.S.C. 3901 et seq.), not otherwise provided for;

(15) ice and drinking water for use outside the United States;

(16) services of commissioned officers of the Environmental Science Services Administration, and for the purposes of providing such services the Environmental Science Services Administration may appoint not to exceed twenty commissioned officers in addition to those otherwise authorized;

(17) expenses in connection with travel of personnel outside the United States, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel), and transportation of personal effects, household goods, and automobiles of such personnel when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting automobiles to and from a place of storage, and the cost of storing automobiles of such personnel when it is in the public interest or more economical to authorize storage.

(b) Compensation, allowances, and travel of personnel; printing and binding; expenditures outside United States

Funds made available for the purposes of this chapter may be used for compensation, allowances, and travel of personnel including Foreign Service personnel whose services are utilized primarily for the purposes of this chapter, for printing and binding without regard to the provisions of any other law, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of funds of the United States Government as may be necessary to accomplish the purposes of this chapter.

(c) Construction of living quarters, office space, and supporting facilities

Notwithstanding any other law, not to exceed $6,000,000 of the funds available for assistance under this chapter may be used in any fiscal year (in addition to funds available for such use under other authorities in this chapter) to construct or otherwise acquire outside the United States (1) essential living quarters, office space, and necessary supporting facilities for use of personnel carrying out activities authorized by this chapter, and (2) schools (including dormitories and boarding facilities) and hospitals for use of personnel carrying out activities authorized by this chapter, United States Government personnel, and their dependents. In addition, funds made available for assistance under this chapter may be used, notwithstanding any other law, to equip, staff, operate, and maintain such schools and hospitals.

[1] See References in Text note below.

(d) Education of dependents

Not to exceed $2,500,000 of the funds available for assistance under this chapter may be used in any fiscal year to provide assistance, on such terms and conditions as are deemed appropriate, to schools established, or to be established, outside the United States whenever it is determined that such action would be more economical or would best serve the interests of the United States in providing for the education of dependents of personnel carrying out activities authorized by this chapter and dependents of United States Government personnel, in lieu of acquisition or construction pursuant to subsection (c) of this section.

(e) Training costs

Funds available under this chapter may be used to pay costs of training United States citizen personnel employed or assigned pursuant to section 2385(d)(2)[2] of this title (through interchange or otherwise) at any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization, or commercial firm; and the provisions of sections 1881 to 1888[2] of title 7 may be used to carry out the foregoing authority notwithstanding that interchange of personnel may not be involved or that the training may not take place at the institutions specified in sections 1881 to 1888[2] of title 7. Such training shall not be considered employment or holding of office under section 5533 of title 5, and any payments or contributions in connection therewith may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency: *Provided*, *however*, That any such payments to any employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

(f) Assistance in carrying out functions under certain laws

Funds made available under part I of subchapter I of this chapter may be used for expenses (other than those provided for under section 2397(a) of this title) to assist in carrying out functions under part I of subchapter I of this chapter, under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], and under the Latin American Development Act, as amended, performed by the agency primarily responsible for administering subchapter I of this chapter or by the Corporation established under subpart IV of part II of subchapter I of this chapter with respect to loan activities which it carries out under the provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended.

(g) Administrative, extraordinary, and operating expenses; reimbursement of military officers; training of foreign military personnel

Funds made available for the purposes of subchapter II of this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] shall be available for—

(1) administrative, extraordinary (not to exceed $300,000 in any fiscal year), and operating expenses incurred in furnishing defense articles, military education and training and defense services on a grant or sales basis by the agency primarily responsible for administering subchapter II of this chapter;

(2) reimbursement of actual expenses of military officers detailed or assigned as tour directors in connection with orientation visits of foreign military and related civilian personnel, in accordance with provisions of section 5702 of title 5, applicable to civilian officers and employees; and

(3) maintenance, repair, alteration and furnishing of United States-owned facilities in the District of Columbia or elsewhere for the training of foreign military and related civilian personnel, without regard to the provisions of section 12 of title 41 or other provision of law requiring a specific authorization or specific appropriation for such public contracts.

(h) Recipient countries to contribute local currencies; utilization of foreign currencies owned by United States

In carrying out programs under this chapter, the President shall take all appropriate steps to assure that, to the maximum extent possible, (1) countries receiving assistance under this chapter contribute local currencies to meet the cost of contractual and other services rendered in conjunction with such programs, and (2) foreign currencies owned by the United States are utilized to meet the costs of such contractual and other services.

(i) Financing motor vehicle transactions; waiver of domestic manufacturing restriction

Notwithstanding section 2399a[3] of this title or any other provision of this chapter, none of the funds made available to carry out this chapter shall be used to finance the purchase, sale, long-term lease, exchange, or guaranty of a sale of motor vehicles unless such motor vehicles are manufactured in the United States: *Provided*, That where special circumstances exist the President is authorized to waive the provisions of this section in order to carry out the purposes of this chapter.

(Pub. L. 87–195, pt. III, § 636, Sept. 4, 1961, 75 Stat. 457; Pub. L. 88–205, pt. III, § 302(f), Dec. 16, 1963, 77 Stat. 389; Pub. L. 89–171, pt. III, § 302(h), Sept. 6, 1965, 79 Stat. 660; Pub. L. 90–137, pt. III, § 302(j)–(*o*), Nov. 14, 1967, 81 Stat. 461, 462; Pub. L. 90–554, pt. III, § 302(d), Oct. 8, 1968, 82 Stat. 965; Pub. L. 91–175, pt. III, § 306, Dec. 30, 1969, 83 Stat. 821; Pub. L. 94–329, title I, § 106(b)(5), June 30, 1976, 90 Stat. 733; Pub. L. 95–424, title I, § 102(g)(2)(H)–(J), title V, § 505, Oct. 6, 1978, 92 Stat. 943, 960; Pub. L. 99–83, title XII, § 1211(b)(1), Aug. 8, 1985, 99 Stat. 279; Pub. L. 99–234, title I, § 107(b), Jan. 2, 1986, 99 Stat. 1759; Pub. L. 99–550, § 2(b), Oct. 27, 1986, 100 Stat. 3070; Pub. L. 100–202, § 101(e) [title II, § 201], Dec. 22, 1987, 101 Stat. 1329–131, 1329–141; Pub. L. 101–167, title III, Nov. 21, 1989, 103 Stat. 1214.)

[2] See References in Text note below.

[3] See References in Text note below.

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) to (e), (h), and (i), 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.

Section 3651 of the Revised Statutes (31 U.S.C. 543), referred to in subsec. (a)(7), was repealed by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31, Money and Finance.

The Foreign Service Act of 1980, referred to in subsec. (a)(14), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§ 3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

Section 2385(d) of this title, referred to in subsec. (e), was amended by Pub. L. 96–465, title II, § 2203(a), Oct. 17, 1980, 94 Stat. 2158, and as so amended does not contain a par. (2).

Sections 1881 to 1888 of title 7, referred to in subsec. (e), which related to the interchange of Department of Agriculture and State employees, were repealed by Pub. L. 91–648, title IV, § 403, Jan. 5, 1971, 84 Stat. 1925. See section 3371 et seq. of Title 5, Government Organization and Employees.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsec. (f), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, 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 Latin American Development Act, as amended, referred to in subsec. (f), is Pub. L. 86–735, Sept. 8, 1960, 74 Stat. 869, as amended, which enacted sections 1942 to 1945 of this title and amended section 1753a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1942 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (g), 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.

Section 2399a of this title, referred to in subsec. (i), was repealed by Pub. L. 90–629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327. See section 2753(a)(1) of this title.

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II, AND REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE SUCH PARTS

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

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

CODIFICATION

In subsec. (a)(2), ''section 1346(a) and (c) of title 31'' substituted for ''section 9 of Public Law 60–328 (31 U.S.C. 673))'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1989—Subsec. (g). Pub. L. 101–167 inserted ''or the Arms Export Control Act'' after ''subchapter II of this chapter'' in introductory provisions.

1987—Subsec. (c). Pub. L. 100–202 substituted ''$6,000,000'' for ''$3,000,000''.

1986—Subsec. (a)(5). Pub. L. 99–550 struck out ''(without regard to the limitations contained in section 5 of Public Law 63–127, as amended (31 U.S.C. 638a(c)(2)), and section 201 of Public Law 85–468 (31 U.S.C. 638c))'' after ''official use''.

Subsec. (g)(2). Pub. L. 99–234 substituted ''5702'' for ''5702(c)''.

1985—Subsec. (a)(14). Pub. L. 99–83 substituted reference to Foreign Service Act of 1980 for reference to Foreign Service Act of 1946.

1978—Subsec. (a)(5). Pub. L. 95–424, § 505, substituted ''the current market price in the United States of a mid-sized sedan or station wagon meeting the requirements established by the General Services Administration for a Class III vehicle of United States manufacture (or, if the replacement vehicle is a right hand drive vehicle, 120 percent of that price)'' for ''$3,500''.

Subsec. (c). Pub. L. 95–424, § 102(g)(2)(H), struck out ''(other than subpart I of part II of subchapter I of this chapter)'' after ''under this chapter'' in two places.

Subsecs. (d), (e). Pub. L. 95–424, § 102(g)(2)(I), struck out ''(other than subpart I of part II of subchapter I of this chapter)'' after ''under this chapter''.

Subsec. (f). Pub. L. 95–424, § 102(g)(2)(J), substituted ''available under part I of subchapter I of this chapter'' for ''section 2172 of this title'', and ''functions under part I'' for ''functions under subpart I of part II''.

1976—Subsec. (g)(1). Pub. L. 94–329, § 106(b)(5)(A), inserted ''military education and training'' after ''articles''.

Subsec. (g)(2), (3). Pub. L. 94–329, § 106(b)(5)(B), substituted ''and related civilian personnel'' for ''personnel''.

1969—Subsec. (f). Pub. L. 91–175 added Corporation established under sections 2191 to 2200a of this title to the enumeration of agencies administering programs.

1968—Subsec. (g)(1). Pub. L. 90–554 required that when funds are made available for operating expenses, such expenses be incurred in furnishing defense articles and defense services on a grant or sales basis by the agency primarily responsible for administering subchapter II of this chapter.

1967—Subsec. (a)(5). Pub. L. 90–137, § 302(j), substituted ''section 638a(c)(2) and section 638c of title 31'' for ''section 78a(c)(2) and section 78a–1 of title 5''.

Subsec. (a)(16). Pub. L. 90–137, § 302(k), substituted ''Environmental Science Services Administration'' for ''Coast and Geodetic Survey'' in two places.

Subsec. (d). Pub. L. 90–137, § 302(*l*), increased limitation on funds available for education of dependents from $1,500,000 to $2,500,000.

Subsec. (e). Pub. L. 90–137, § 302(m), substituted reference to section 5533 of title 5 for section 301 of the Dual Compensation Act (5 U.S.C. 3105).

Subsec. (g)(2). Pub. L. 90–137, § 302(n), substituted reference to section 5702(c) of title 5 for former section 836 of title 5.

Subsec. (i). Pub. L. 90–137, § 302(*o*), added subsec. (i).

1965—Subsec. (e). Pub. L. 89–171, § 302(h)(1), substituted ''section 301 of the Dual Compensation Act (5 U.S.C. 3105)'' for ''section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62)''.

Subsec. (f). Pub. L. 89–171, § 302(h)(2), substituted ''Latin American Development Act, as amended'' for ''Act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes''.

1963—Subsec. (h). Pub. L. 88–205 added subsec. (h).

CHANGE OF NAME

Commissioned Officer Corps of the Environmental Science Services Administration changed to Commissioned Officer Corps of the National Oceanic and Atmospheric Administration, see 1970 Reorg Plan No. 4, § 4(d), eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–234 effective (1) on effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99–234, set out as a note under section 5701 of Title 5, Government Organization and Employees.

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.

EFFECTIVE DATE OF 1978 AMENDMENT

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

DELEGATION OF FUNCTIONS

Functions of President under subsec. (i), to extent they relate to other functions under this chapter administered by Department of Defense, delegated to Secretary of Defense by section 1–301(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2349b, 2360, 2396a, 2514, 4341 of this title; title 2 section 143a.

§ 2396a. Property Management Fund

(a) The proceeds of overseas property acquired by the Agency for International Development under the authority of section 2396(c) of this title may be deposited in a separate fund, which shall be known as the Property Management Fund. Such proceeds shall be available for use only for the purposes of section 2396(c) of this title, and shall remain available until expended. The Administrator of the Agency for International Development shall report all uses of funds deposited into the Property Management Fund as part of the annual Congressional Presentation materials submitted by the Agency for International Development.

(b) The provisions of subsection (a) of this section shall be applicable to property acquired prior to November 5, 1990, and at any time thereafter.

(Pub. L. 101–513, title V, § 585, Nov. 5, 1990, 104 Stat. 2047.)

CODIFICATION

Section was enacted as part of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2397. Administrative expenses

(a) Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961.

(b) There is authorized to be appropriated such amounts as may be necessary from time to time for administrative expenses which are incurred for functions of the Department of State under this chapter and unrepealed provisions of the Mutual Security Act of 1954, as amended, or for normal functions of the Department of State which relate to such functions.

(Pub. L. 87–195, pt. III, § 637, Sept. 4, 1961, 75 Stat. 460; Pub. L. 87–565, pt. III, § 302(h), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88–205, pt. III, § 302(g), Dec. 16, 1963, 77 Stat. 389; Pub. L. 88–633, pt. III, § 302(c), Oct. 7, 1964, 78 Stat. 1014; Pub. L. 89–171, pt. III, § 302(i), Sept. 6, 1965, 79 Stat. 661; Pub. L. 89–583, pt. III, § 302(e), Sept. 19, 1966, 80 Stat. 808; Pub. L. 90–137, pt. III, § 302(p), Nov. 14, 1967, 81 Stat. 462; Pub. L. 90–554, pt. III, § 302(e), Oct. 8, 1968, 82 Stat. 965; Pub. L. 91–175, pt. III. § 307, Dec. 30, 1969, 83 Stat. 821; Pub. L. 92–226, pt. III, § 303, Feb. 7, 1972, 86 Stat. 28; Pub. L. 93–189, § 18, Dec. 17, 1973, 87 Stat. 724; Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961.)

REFERENCES IN TEXT

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

The Mutual Security Act of 1954, referred to in subsec. (b), is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2–11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85–141, 71 Stat. 355; June 30, 1958, Pub. L. 85–477, ch. 1, §§ 101–103, ch. II, §§ 201–205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86–108, § 2, ch. 1, § 101, ch. II, §§ 201–205(a)–(i), (k)–(n), ch. III, § 301, ch. IV, § 401(a)–(k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86–472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85–141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86–108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86–472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87–195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94–329, title II, § 212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104–127, title II, § 228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–424 struck out subsec. (a) which authorized appropriations for necessary administrative expenses of the agency primarily responsible for administering subchapter I of this chapter.

1973—Subsec. (a). Pub. L. 93–189 substituted ''for each of the fiscal years 1974 and 1975, $45,000,000'', for ''for the fiscal year 1972, $50,000,000, and for the fiscal year 1973, $50,000,000''.

1972—Subsec. (a). Pub. L. 92–226 authorized appropriations of $50,000,000 for fiscal years 1972 and 1973, and struck out appropriation authorization of $51,125,000 for fiscal years 1970 and 1971.

1969—Subsec. (a). Pub. L. 91–175 substituted ''fiscal year 1970, $51,125,000, and for the fiscal year 1971, $51,125,000'' for ''fiscal year 1969, $53,000,000''.

1968—Subsec. (a). Pub. L. 90–554 substituted ''1969'' and ''$53,000,000'' for ''1968'' and ''$55,814,000'', respectively, and required a reduction in number of personnel, particularly administrative personnel, to keep within reduced funds for fiscal year 1969, excepting therefrom auditing or training activities.

1967—Subsec. (a). Pub. L. 90–137 substituted ''1968'' and ''$55,814,000'' for ''1967'' and ''$55,813,500'', respectively.

1966—Subsec. (a). Pub. L. 89–583 substituted ''1967'' and ''$55,813,500'' for ''1966'' and ''54,240,000,'' respectively.

1965—Subsec. (a). Pub. L. 89–171 substituted ''1966'' and ''$54,200,000'' for ''1965'' and ''$52,500,000'', respectively.

1964—Subsec. (a). Pub. L. 88–633 substituted ''1965'' and ''$52,500,000'' for ''1964'' and ''$54,000,000'', respectively.

1963—Subsec. (a). Pub. L. 88–205 substituted ''1964'' and ''$54,000,000'' for ''1963'' and ''$53,000,000'', respectively.

1962—Subsec. (a). Pub. L. 87–565, § 302(h)(1), substituted ''1963'' and ''$53,000,000'' for ''1962'' and ''$50,000,000'', respectively.

Subsec. (b). Pub. L. 87–565, § 302(h)(2), struck out ''to the Secretary of State'' after ''authorized to be appropriated.''

EFFECTIVE DATE OF 1978 AMENDMENT

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

ALLOCATION OF FUNDS

Funds available to President for carrying out subsec. (b) of this section allocated to Secretary of State by section 1–801(c) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2360, 2392, 2396, 2413 of this title.

§ 2398. Assistance to countries pursuant to other statutes

(a) No provision of this chapter shall be construed to prohibit assistance to any country pursuant to the Peace Corps Act, as amended [22 U.S.C. 2501 et seq.]; the Mutual Educational and Cultural Exchange Act of 1961, as amended [22 U.S.C. 2451 et seq.]; or the Export-Import Bank Act of 1945, as amended [12 U.S.C. 635 et seq.].

(b) No provision of this chapter or any other provision of law shall be construed to prohibit assistance for any training activity which is funded under this chapter for Brazil or Argentina as long as such country continues to have a democractically[1] elected government and the assistance is otherwise consistent with sections 2151n, 2304, 2370(f), 2371, and 2420 of this title.

(Pub. L. 87–195, pt. III, § 638, as added Pub. L. 88–205, pt. III, § 302(h), Dec. 16, 1963, 77 Stat. 389; amended Pub. L. 89–171, pt. III, § 302(j), Sept. 6, 1965, 79 Stat. 661; Pub. L. 93–189, § 19, Dec. 17, 1973, 87 Stat. 725; Pub. L. 100–202, § 101(e) [title V, § 588(a)], Dec. 22, 1987, 101 Stat. 1329–131, 1329–186.)

REFERENCES IN TEXT

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

The Peace Corps Act, as amended, referred to in subsec. (a), is Pub. L. 87–293, Sept. 22, 1961, 75 Stat. 612, as amended, which is classified principally to chapter 34 (§ 2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

The Mutual Educational and Cultural Exchange Act of 1961, as amended, referred to in subsec. (a), is Pub. L. 87–256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§ 2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

The Export-Import Bank Act of 1945, as amended, referred to in subsec. (a), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to chapter 6A (§ 635 et seq.) 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.

[1] So in original. Probably should be ''democratically''.

AMENDMENTS

1987—Pub. L. 100–202 designated existing provisions as subsec. (a) and added subsec. (b).

1973—Pub. L. 93–189 amended section catchline.

1965—Pub. L. 89–171 struck out provisions which prohibited any provision of this chapter from being construed to prohibit famine or disaster relief, including such relief through voluntary agencies, under sections 1721 to 1724 of title 7.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 101(e) [title V, § 588(b)] of Pub. L. 100–202 provided that: ''The amendment made by subsection (a)(2) [amending this section] does not apply with respect to funds appropriated prior to the date of enactment of this Act [Dec. 22, 1987].''

§ 2399. Repealed. Pub. L. 94–161, title I, § 101(6), Dec. 20, 1975, 89 Stat. 850

Section, Pub. L. 87–195, pt. III, § 639, as added Pub. L. 80–171, pt. III, § 302(k), Sept. 6, 1965, 79 Stat. 661; amended Pub. L. 93–559, § 28(a), Dec. 30, 1974, 88 Stat. 1803, provided for famine or disaster relief, authorized appropriation of $40,000,000 for fiscal year 1975, and required Presidential reports to Committees of the Senate and Speaker of the House. See sections 2292 and 2292a of this title.

§§ 2399–1a, 2399–1b. Transferred

CODIFICATION

Section 2399–1a, Pub. L. 87–195, pt. 1, § 494A, formerly pt. III, § 639A, as added Pub. L. 93–189, § 20, Dec. 17, 1973, 87 Stat. 725; amended Pub. L. 93–333, § 3, July 8, 1974, 88 Stat. 290 renumbered pt. 1, § 494A, Pub. L. 94–161, title I, § 101(5), Dec. 20, 1975, 89 Stat. 850, which related to famine and disaster relief to drought stricken African nations, was transferred to section 2292d of this title.

Section 2399–1b, Pub. L. 87–195, pt. I, § 494B, formerly pt. III, § 639B, as added Pub. L. 93–189, § 20, Dec. 13, 1973, 87 Stat. 725; renumbered pt. 1, § 494B, and amended Pub. L. 94–161, title I, § 101(5), (7), Dec. 20, 1975, 89 Stat. 850, which related to an African Development program, was transferred to section 2292e of this title.

§ 2399a. Repealed. Pub. L. 90–629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327

Section, Pub. L. 87–195, pt. III, § 640, as added Pub. L. 89–171, pt. III, § 302(k), Sept. 6, 1965, 79 Stat. 661; amended Pub. L. 90–137, pt. III, § 302(q), Nov. 14, 1967, 81 Stat. 462, related to military sales. See section 2753(a)(1) of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

SAVINGS PROVISION

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of former section 2399a of this title as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90–629, set out as a note under section 2341 of this title.

§ 2399b. False claims and ineligible commodities

(a) Penalties; costs

Any person who makes or causes to be made or presents or causes to be presented to any bank or other financial institution or to any officer, agent, or employee of any agency of the United States Government a claim for payment from funds made available under this chapter for the

purposes of furnishing assistance and who knows the claim to be false, fraudulent, or fictitious or to cover a commodity or commodity-related service determined by the President to be ineligible for payment from funds made available under this chapter, or who uses to support his claim any certification, statement, or entry on any contract, abstract, bill of lading, Government or commercial invoice, or Government form, which he knows, or in the exercise of prudent business management should know, to contain false, fraudulent, or fictitious information, or who uses or engages in any other fraudulent trick, scheme, or device for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any benefit or payment from funds so made available under this chapter in connection with the negotiation, procurement, award, or performance of a contract financed with funds so made available under this chapter, and any person who enters into an agreement, combination, or conspiracy so to do, (1) shall pay to the United States an amount equal to 25 per centum of any amount thereby sought to be wrongfully secured or obtained but not actually received, and (2) shall forfeit and refund any payment, compensation, loan, commission, or advance received as a result thereof, and (3) shall, in addition, pay to the United States for each such act (A) the sum of $2,000 and double the amount of any damage which the United States may have sustained by reason thereof, or (B) an amount equal to 50 per centum of any such payment, compensation, loan, commission, or advance so received, whichever is the greater, together with the costs of suit.

(b) Recovery of penalties; procedure; finality of withholding of funds; recovery of withheld funds; limitation period

In order to secure recovery under this section, the President may, as he deems appropriate, (1) institute suit in the United States district court for any judicial district in which the person alleged to have performed or participated in an act described by this section may reside or may be found, and (2) upon posting by registered mail to such person a notice of claim describing the basis therefor and identifying the funds to be withheld, withhold from funds owed by any agency of the United States Government to such person an amount equal to the refund, damages, liquidated damages, and exemplary damages claimed by the United States under this section. Any such withholding of funds from any person shall constitute a final determination of the rights and liabilities of such person under this section with respect to the amount so withheld, unless within one year of receiving the notice of claim such person brings suit for recovery, which is hereby authorized, against the United States in any United States district court.

(c) "Person" defined

For purposes of this section, the term ''person'' includes any individual, corporation, partnership, association, or other legal entity.

(Pub. L. 87–195, pt. III, § 640A, as added Pub. L. 90–554, pt. III, § 302(f), Oct. 8, 1968, 82 Stat. 965.)

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.

§ 2399c. Coordination of policies and programs

(a) Development Coordination Committee established

The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the head of the agency primarily responsible for administering subchapter I of this chapter, Chairman, and representatives of the Departments of State, Treasury, Commerce, Agriculture, Energy, and Labor, the Executive Office of the President, and other executive departments and agencies, as the President shall designate. The Committee shall advise the President concerning the degree to which bilateral and multilateral development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.

(b) Procedures to assure coordination

The President shall prescribe appropriate procedures to assure coordination among—

(1) the various departments and agencies of the United States Government having representatives in diplomatic missions abroad; and

(2) representatives of the United States Government in each country, under the direction of the Chief of the United States Diplomatic Mission.

The President shall keep the Congress advised of his actions under this subsection.

(c) Guidance of Secretary of State

Programs authorized by this chapter shall be undertaken with the foreign policy guidance of the Secretary of State.

(d) Repealed. Pub. L. 95–424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959

(e) Temporary assignment of employees

The head of any of the departments or agencies referred to in subsection (a) of this section may temporarily assign, upon the request of the Chairman, any employee from such department or agency to the staff of the Committee.

(f) Studies

To carry out the purposes of subsection (a) of this section, the Committee shall—

(1) prepare studies on various development problems;

(2) devise implementation strategies on developmental problems appropriate to each such department or agency;

(3) monitor and evaluate the results of the development activities of each such department or agency; and

(4) arrange for the exchange of information and studies between such agencies and departments.

(Pub. L. 87–195, pt. III, § 640B, as added Pub. L. 93–189, § 21, Dec. 17, 1973, 87 Stat. 725; amended Pub. L. 95–88, title I, § 127, Aug. 3, 1977, 91 Stat. 542; Pub. L. 95–424, title V, § 502(d), Oct. 6, 1978, 92 Stat. 959; Pub. L. 96–53, title I, § 118, Aug. 14, 1979, 93 Stat. 365; Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560.)

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

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

AMENDMENTS

1981—Subsec. (g). Pub. L. 97–113 struck our subsec. (g) which required annual reports to Congress by the Chairman of the Development Coordination Committee on the activities of the Committee respecting aid to low-income countries. See section 2394(a) of this title.

1979—Subsec. (a). Pub. L. 96–53 inserted reference to Department of Energy.

1978—Subsec. (d). Pub. L. 95–424, § 502(d)(1), struck out subsec. (d) relating to annual reports to Congress by the President on United States actions affecting the development of less developed countries.

Subsec. (g). Pub. L. 95–424, § 502(d)(2), substituted ''section 2394 of this title, the Chairman of the Committee'' for ''subsection (d) of this section, the President''.

1977—Subsec. (a). Pub. L. 95–88, § 127(a), provided that the Committee advise the President concerning the degree to which bilateral and multilateral development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.

Subsec. (d). Pub. L. 95–88, § 127(b), substituted ''less developed countries'' for ''low-income countries'' in the description of the subject matter of the Presidential reports to Congress, designated existing provisions setting out the subject matter of the reports as cl. (2)(A), and added cls. (1) and (2)(B).

Subsecs. (e) to (g). Pub. L. 95–88, § 127(c), added subsecs. (e) to (g).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

DEVELOPMENT COORDINATION COMMITTEE

For establishment, composition, and functions of the Development Coordination Committee required to be established by this section, see section 1–506 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56676, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2394 of this title.

§ 2399d. Shipping differential

For the purpose of facilitating implementation of section 1241(b) of title 46, Appendix, funds made available for the purposes of part I of subchapter I of this chapter or for purposes of part IV of subchapter II of this chapter may be used to make grants to recipients to pay all or any portion of such differential as is determined by the Secretary of Commerce to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible.

(Pub. L. 87–195, pt. III, § 640C, as added Pub. L. 93–189, § 21, Dec. 17, 1973, 87 Stat. 726; amended Pub. L. 96–533, title VII, § 708, Dec. 16, 1980, 94 Stat. 3159.)

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

AMENDMENTS

1980—Pub. L. 96–533 substituted ''part IV of subchapter II of this chapter'' for ''subchapter IV of this chapter''.

PART III—MISCELLANEOUS PROVISIONS

§ 2401. Effective date; identification of programs

This chapter shall take effect on September 4, 1961. Programs under this chapter shall be identified appropriately overseas as ''American Aid''.

(Pub. L. 87–195, pt. III, § 641, Sept. 4, 1961, 75 Stat. 460.)

REFERENCES IN TEXT

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

§ 2402. Saving provisions

(a) Determinations, authorizations, regulations, orders, contracts, agreements, etc., under prior law

Except as may be expressly provided to the contrary in this chapter, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 642(a) and the Foreign Assistance Act of 1969 shall con-

tinue in full force and effect until modified by appropriate authority.

(b) Compliance with similar provisions of prior law as compliance with this chapter

Wherever provisions of this chapter establish conditions which must be complied with before use may be made of authority contained in, or funds authorized by, this chapter, compliance with, or satisfaction of, substantially similar conditions under Acts listed in section 642(a) and the Foreign Assistance Act of 1969 or Acts repealed by those Acts shall be deemed to constitute compliance with the conditions established by this chapter.

(c) Continued availability of funds appropriated pursuant to prior law

Funds made available pursuant to provisions of law repealed by section 642(a)(2) and the Foreign Assistance Act of 1969 shall, unless otherwise authorized or provided by law, remain available for their original purposes in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

(Pub. L. 87–195, pt. III, § 643, Sept. 4, 1961, 75 Stat. 460; Pub. L. 87–565, pt. III, § 303(a), Aug. 1, 1962, 76 Stat. 263; Pub. L. 91–175, pt. III, § 308, Dec. 30, 1969, 83 Stat. 821.)

REFERENCES IN TEXT

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

Section 642(a), referred to in text, means section 642(a) of Pub. L. 87–195, which is set out as a note under section 2151 of this title.

The Foreign Assistance Act of 1969, referred to in subsecs. (a) to (c), is Pub. L. 91–175, Dec. 30, 1969, 83 Stat. 805, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

AMENDMENTS

1969—Subsec. (a). Pub. L. 91–175 inserted ''and Foreign Assistance Act of 1969'' after ''section 642(a),'' and ''section 642(a)(2)''.

1962—Subsec. (d). Pub. L. 87–565 repealed subsec. (d) which provided that nothing in the chapter was to affect the Peace Corps pending enactment of the Peace Corps Act or adjournment of the first session of the 87th Congress, whichever was earlier.

§ 2403. Definitions

As used in this chapter—

(a) ''Agency of the United States Government'' includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government.

(b) ''Armed Forces'' of the United States means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(c) ''Commodity'' includes any material, article, supply, goods, or equipment used for the purposes of furnishing nonmilitary assistance.

(d) ''Defense article'' includes—

(1) any weapon, weapons system, munition, aircraft, vessel, boat or other implement of war;

(2) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

(3) any machinery, facility, tool, material supply, or other item necessary for the manufacture, production, processing repair, servicing, storage, construction, transportation, operation, or use of any article listed in this subsection; or

(4) any component or part of any article listed in this subsection; but

shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity), by-product material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

(e) ''Defense information'' includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, or other recorded or oral information relating to any defense article or defense service, but shall not include Restricted Data as defined by the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq.], and data removed from the Restricted Data category under section 142d of that Act [42 U.S.C. 2162(d)].

(f) ''Defense service'' includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but does not include military educational and training activities under part V of subchapter II of this chapter.

(g) ''Excess defense articles'' means the quantity of defense articles (other than construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, and compressors) owned by the United States Government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess of the Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this chapter.

(h) ''Function'' includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(i) Repealed. Pub. L. 93–189, § 22(2), Dec. 17, 1973, 87 Stat. 726.

(j) ''Officer or employee'' means civilian personnel and members of the Armed Forces of the United States Government.

(k) ''Services'' include any service, repair, training of personnel, or technical or other assistance or information used for the purposes of furnishing nonmilitary assistance.

(*l*) ''Surplus agricultural commodity'' means any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States, either publicly or privately owned, which is in excess of domestic requirements, adequate carryover, and antici-

pated exports for United States dollars, as determined by the Secretary of Agriculture.

(m) ''Value'' means—

(1) with respect to an excess defense article, the actual value of the article plus the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying the article, except that for purposes of section 2392(d) of this title such actual value shall not be taken into account;

(2) with respect to a nonexcess defense article delivered from inventory to foreign countries or international organizations under this chapter, the acquisition cost to the United States Government, adjusted as appropriate for condition and market value;

(3) with respect to a nonexcess defense article delivered from new procurement to foreign countries or international organizations under this chapter, the contract or production costs of such article;

(4) with respect to a defense service, the cost to the United States Government of such service; and

(5) with respect to military education and training or services provided under part VIII of subchapter II of this chapter, the additional costs that are incurred by the United States Government in furnishing such assistance.

(n) ''Military education and training'' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.

(*o*) ''Agriculture'' includes aquaculture and fisheries.

(p) ''Farmers'' includes fishermen and other persons employed in cultivating and harvesting food resources from salt and fresh waters.

(q) ''Major non-NATO ally'' means a country which is designated in accordance with section 2321k of this title as a major non-NATO ally for purposes of this chapter and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(Pub. L. 87–195, pt. III, § 644, Sept. 4, 1961, 75 Stat. 461; Pub. L. 87–565, pt. III, § 303(b), Aug. 1, 1962, 76 Stat. 263; Pub. L. 88–205, pt. III, § 303, Dec. 16, 1963, 77 Stat. 389; Pub. L. 89–171, pt. III, § 303(b), Sept. 6, 1965, 79 Stat. 661; Pub. L. 90–137, pt. III, § 303(a), Nov. 14, 1967, 81 Stat. 462; Pub. L. 90–629, ch. 4, § 45(b)(5), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 92–226, pt. III, § 304(c)(1), Feb. 7, 1972, 86 Stat. 32; Pub. L. 93–189, § 22, Dec. 17, 1973, 87 Stat. 726; Pub. L. 94–329, title I, § 106(b)(6), June 30, 1976, 90 Stat. 733; Pub. L. 95–424, title I, § 103(b), Oct. 6, 1978, 92 Stat. 944; Pub. L. 96–92, § 22, Oct. 29, 1979, 93 Stat. 710; Pub. L. 96–533, title I, § 115(b)(1), Dec. 16, 1980, 94 Stat. 3140; Pub. L. 98–151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972; Pub. L. 102–583, § 9(b), Nov. 2, 1992, 106 Stat. 4934; Pub. L. 104–164, title I, § 147(a)(2), July 21, 1996, 110 Stat. 1435.)

REFERENCES IN TEXT

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

The Atomic Energy Act of 1954, as amended, referred to in subsecs. (d) and (e), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 921, and amended, which is classified principally to chapter 23 (§ 2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

The Arms Export Control Act, referred to in subsec. (q), 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.

CODIFICATION

The 1983 amendment by Pub. L. 98–151 is based on section 202(b) of H.R. 2992, Ninety-eighth Congress, 1st Session, as reported May 17, 1983, which was enacted into permanent law by Pub. L. 98–151.

AMENDMENTS

1996—Subsec. (q). Pub. L. 104–164 added subsec. (q).

1992—Subsec. (g). Pub. L. 102–583 inserted ''(other than construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, and compressors)'' after second reference to ''articles''.

1983—Subsec. (m)(5). Pub. L. 98–151 inserted ''or services provided under part VIII of subchapter II of this chapter''.

1980—Subsec. (m)(5). Pub. L. 96–533 added par. (5).

1979—Subsec. (d). Pub. L. 96–92 defined ''defense article'' to include uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity.

1978—Subsecs. (*o*), (p). Pub. L. 95–424 added subsecs. (*o*) and (p).

1976—Subsec. (f). Pub. L. 94–329, § 106(b)(6)(A), struck out ''training'' after ''inspection, repair'', inserted ''but does not include military educational and training activities under part V of subchapter II'', and struck out definition of ''Training''.

Subsec. (n). Pub. L. 94–329, § 106(b)(6)(B), added subsec. (n).

1973—Subsec. (g). Pub. L. 93–189, § 22(1), substituted ''Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components'' for ''mobilization reserve''.

Subsec. (i). Pub. L. 93–189, § 22(2), struck out subsec. (i) which defined ''mobilization reserve''.

Subsec. (m). Pub. L. 93–189, § 22(3), amended subsec. (m) generally. Prior to amendment, subsec. (m) read as follows: '' 'Value' means, other than in section 2417 of this title—

''(1) with respect to excess defense articles, the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying such articles;

''(2) with respect to nonexcess defense articles delivered from inventory to countries or international organizations under this chapter, the standard price in effect at the time such articles are dropped from inventory by the supplying agency. Such standard price shall be the same price (including authorized reduced prices) used for transfers or sales of such articles in or between the Armed Forces of the United States Government, or, where such articles are not transferred or sold in or between the Armed Forces of the United States, the gross cost to the United States Government adjusted as appropriate for condition and market value; and

''(3) with respect to nonexcess defense articles delivered from new procurement to countries or inter-

national organizations under this chapter, the contract or production costs of such articles.

Military assistance programs and orders shall be based upon the best estimates of stock status and prevailing prices; reimbursements to the supplying agency shall be made on the basis of the stock status and prices determined pursuant to this section. Notwithstanding the foregoing provisions of this section, the Secretary of Defense may prescribe regulations authorizing reimbursements to the supplying agency based on negotiated prices for aircraft, vessels, plant equipment, and such other major items as he may specify: *Provided*, That such articles are not excess at the time such prices are negotiated: *Provided further*, That such prices are negotiated at the time firm orders are placed with the supplying agency.''

1972—Subsec. (m). Pub. L. 92–226 substituted '''Value' means, other than in section 2417 of this title'' for '''Value' means''.

1968—Subsec. (m). Pub. L. 90–629 struck out ''and sales'' before ''programs'' in text following par. (3).

1967—Subsec. (d). Pub. L. 90–137, § 303(a)(1), excluded production facilities, utilization facilities, and articles involving Restricted Data from definition of ''defense articles''.

Subsec. (e). Pub. L. 90–137, § 303(a)(2), struck out ''and formerly Restricted Data'' before ''as defined'' and excluded data removed from the Restricted Data category under section 142d of the Atomic Energy Act of 1954 (classified to section 2162(d) of Title 42) from definition of ''defense information''.

Subsec. (f). Pub. L. 90–137, § 303(a)(3), excluded the transfer of limited quantities of defense articles for test, evaluation, or standardization purposes from definition of ''defense service'' and defined ''training'', incorporating existing references to orientation and training aid.

1965—Subsec. (g). Pub. L. 89–171, § 303(b)(1), inserted ''and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order'', and struck out ''as grant assistance'' after ''international organizations''.

Subsec. (m). Pub. L. 89–171, § 303(b)(2), (3), in par. (2) substituted ''Such standard price shall be the same price (including authorized reduced prices)'' for ''Such price shall be the same standard price'', and in unnumbered par. after par. (3) substituted ''Military Assistance and sales programs'' for ''Military assistance programs'' and struck out ''by the military assistance program'' after ''supplying agency''.

1963—Subsec. (f). Pub. L. 88–205 inserted ''including orientation''.

1962—Subsec. (m)(2), (3). Pub. L. 87–565 struck out ''as grant assistance'' after ''international organizations''.

EFFECTIVE DATE OF 1978 AMENDMENT

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

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–226 applicable with respect to each fiscal year commencing on or after July 1, 1971, see section 304(c)(3) of Pub. L. 92–226, set out as a note under section 2394 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–629 effective on July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321c, 2349aa–2, 2378a, 2392, 2794, 2795 of this title.

§ 2404. Unexpended balances

Unexpended balances of funds made available pursuant to this chapter, the Mutual Security Act of 1954, as amended, or the Latin American Development Act, as amended, are hereby authorized to be continued available for the general purposes for which appropriated, and may at any time be consolidated, and, in addition, may be consolidated with appropriations made available for the same general purposes under the authority of this chapter.

(Pub. L. 87–195, pt. III, § 645, Sept. 4, 1961, 75 Stat. 462; Pub. L. 87–565, pt. III, § 303(c), Aug. 1, 1962, 76 Stat. 263; Pub. L. 88–205, pt. III, § 304, Dec. 16, 1963, 77 Stat. 390; Pub. L. 89–171, pt. III, § 303(c), Sept. 6, 1965, 79 Stat. 661.)

REFERENCES IN TEXT

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

The Mutual Security Act of 1954, referred to in text, is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2–11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85–141, 71 Stat. 355; June 30, 1958, Pub. L. 85–477, ch. 1, §§ 101–103, ch. II, §§ 201–205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86–108, § 2, ch. 1, § 101, ch. II, §§ 201–205(a)–(i), (k)–(n), ch. III, § 301, ch. IV, § 401(a)–(k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86–472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85–141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86–108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86–472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87–195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94–329, title II, § 212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104–127, title II, § 228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

The Latin American Development Act, as amended, referred to in text, is Pub. L. 86–735, Sept. 8, 1960, 74 Stat. 869, as amended, which enacted sections 1942 to 1945 of this title and amended section 1753a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1942 of this title and Tables.

AMENDMENTS

1965—Pub. L. 89–171 substituted ''the Latin American Development Act, as amended'' for ''Public Law 86–735''.

1963—Pub. L. 88–205 included balances of funds made available under Public Law 86–735.

1962—Pub. L. 87–565 inserted ''this chapter'' after ''pursuant to''.

§ 2405. Separability

If any provision of this chapter or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this chapter, and of the applicability of such provision to other circumstances or persons shall not be affected thereby.

(Pub. L. 87–195, pt. III, § 646, Sept. 4, 1961, 75 Stat. 462.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance

Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

§ 2406. Development programs for dependable fuel supplies

It is of paramount importance that long-range economic plans take cognizance of the need for a dependable supply of fuels, which is necessary to orderly and stable development and growth, and that dependence not be placed upon sources which are inherently hostile to free countries and the ultimate well-being of economically underdeveloped countries and which might exploit such dependence for ultimate political domination. The agencies of government in the United States are directed to work with other countries in developing plans for basing development programs on the use of the large and stable supply of relatively low cost fuels available in the free world.

(Pub. L. 87–195, pt. III, § 647, Sept. 4, 1961, 75 Stat. 462.)

PROHIBITION ON ASSISTANCE FOR NUCLEAR POWERPLANTS FOR FISCAL YEAR 1978

Pub. L. 95–92, § 14, Aug. 4, 1977, 91 Stat. 622, which prohibited any funds made available to carry out this chapter for fiscal year 1978 from being used to finance the construction of, the operation or maintenance of, or the supply of fuel for any nuclear powerplant under an agreement of cooperation between the United States and any other country, was repealed by Pub. L. 97–113, title VII, § 734(a)(13), Dec. 29, 1981, 95 Stat. 1560.

NUCLEAR POWERPLANTS IN ISRAEL OR EGYPT

Pub. L. 93–559, § 43, Dec. 30, 1974, 88 Stat. 1813, which prohibited any funds authorized under Pub. L. 93–559 from being used to finance the construction of, the operation or maintenance of, or the supply of fuel for any nuclear powerplant in Israel or Egypt, was repealed by Pub. L. 97–113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

§ 2407. Special authorization for use of foreign currencies

Subject to the provisions of section 1306 of title 31, the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish and Italian people, to use foreign currencies accruing to the United States Government under this chapter or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation, improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the armed forces of Poland who died in combat in Italy during World War II.

(Pub. L. 87–195, pt. III, § 648, as added Pub. L. 88–633, pt. III, § 303, Oct. 7, 1964, 78 Stat. 1014.)

REFERENCES IN TEXT

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

CODIFICATION

''Section 1306 of title 31'' substituted in text for ''section 1415 of the Supplemental Appropriation Act, 1953, [31 U.S.C. 724]'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 2408. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. III, § 649, as added Pub. L. 89–171, pt. III, § 303(d), Sept. 6, 1965, 79 Stat. 661, related to aggregate of total amounts authorized to be appropriated under this chapter.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2409. Use of United States Armed Forces

The furnishing of economic, military, or other assistance under this chapter shall not be construed as creating a new commitment or as affecting any existing commitment to use Armed Forces of the United States for the defense of any foreign country.

(Pub. L. 87–195, pt. III, § 650, as added Pub. L. 90–137, pt. III, § 303(b), Nov. 14, 1967, 81 Stat. 462.)

REFERENCES IN TEXT

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

§ 2410. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. III, § 651, as added Pub. L. 90–554, pt. III, § 303, Oct. 8, 1968, 82 Stat. 966, related to sale of supersonic planes to Israel.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2410a. Repealed. Pub. L. 97–113, title VII, § 734(a)(15), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 91–672, § 7, Jan. 12, 1971, 84 Stat. 2054, restricted sale, grant, loan, or transfer of International Fighter aircraft to any foreign country, or agency thereof, other than South Vietnam.

§ 2411. Limitation upon exercise of special authorities

The President shall not exercise any special authority granted to him under section 2318(a), 2348a(c)(2), or 2360(a) of this title unless the President, before he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this chapter under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority.

(Pub. L. 87–195, pt. III, § 652, as added Pub. L. 91–652, § 8, Jan. 5, 1971, 84 Stat. 1943; amended Pub. L. 92–226, pt. III, § 304(a)(1), Feb. 7, 1972, 86 Stat. 28; Pub. L. 96–533, title I, § 117(b), Dec. 16, 1980, 94 Stat. 3141; Pub. L. 99–83, title I, § 105(b)(2), Aug. 8, 1985, 99 Stat. 196; Pub. L.

104–164, title I, § 103(c), July 21, 1996, 110 Stat. 1424.)

REFERENCES IN TEXT

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

AMENDMENTS

1996—Pub. L. 104–164 substituted ''before he intends'' for ''prior to the date he intends''.

1985—Pub. L. 99–83 inserted reference to section 2348a(c)(2) of this title.

1980—Pub. L. 96–533 struck out reference to section 2364(a) of this title.

1972—Pub. L. 92–226 struck out provision which limited exercise of special authority for purpose of providing additional assistance to Cambodia and which required thirty days notice to congressional committee (ten days in emergencies requiring immediate assistance) of intention to exercise such authority.

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.

FUNDS NOT TO BE USED TO FINANCE INTRODUCTION OF UNITED STATES GROUND COMBAT TROOPS INTO CAMBODIA OR PROVIDE ADVISERS FOR SECURITY OR INTELLIGENCE FORCES IN CAMBODIA; ASSISTANCE TO CAMBODIA NOT TO BE CONSTRUED AS COMMITMENT BY UNITED STATES TO CAMBODIA FOR ITS DEFENSE

Section 7 of Pub. L. 91–652, as amended by Pub. L. 92–226, pt. IV, § 408, Feb. 7, 1972, 86 Stat. 35, provided that:

''(a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for military, paramilitary, police, or other security or intelligence forces in Cambodia.

''(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2318 of this title.

§ 2412. Limitation on foreign assistance appropriations

(a) Restrictions on appropriations in absence of or in excess of prior authorizations

Notwithstanding any provision of law enacted before January 12, 1971, no money appropriated for foreign assistance (including foreign military sales) shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) Exception

To the extent that legislation enacted after the making of an appropriation for foreign assistance (including foreign military sales) authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) of this section shall have no effect.

(c) Specific repeal or modification of section

The provisions of this section shall not be superseded except by a provision of law enacted after January 12, 1971, which specifically repeals or modifies the provisions of this section.

(Pub. L. 91–672, § 10, Jan. 12, 1971, 84 Stat. 2055.)

CODIFICATION

Section was not enacted as part of Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961, which comprises this chapter.

§ 2413. Changes in allocation of foreign assistance

(a) Notification by President to foreign country

Not later than thirty days after the enactment of any law appropriating funds to carry out any provision of this chapter (other than section 2261 or 2397 of this title) or the Arms Export Control Act [22 U.S.C. 2751 et seq.], the President shall notify the Congress of each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law and of the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each.

(b) Application of provisions to continuing appropriations; waiver of provisions

The provisions of this section shall not apply in the case of any law making continuing appropriations and may not be waived under the provisions of section 2364(a) of this title.

(Pub. L. 87–195, pt. III, § 653, as added Pub. L. 92–226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 28; amended Pub. L. 93–559, § 21, Dec. 30, 1974, 88 Stat. 1801; Pub. L. 95–384, §§ 10(b)(3), 12(c)(2), Sept. 26, 1978, 92 Stat. 735, 737; Pub. L. 99–83, title XII, § 1209(b), Aug. 8, 1985, 99 Stat. 279.)

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

1985—Subsec. (a). Pub. L. 99–83, § 1209(b)(1), inserted reference to the Arms Export Control Act.

Subsecs. (b), (c). Pub. L. 99–83, § 1209(b)(2), (3), redesignated subsec. (c) as (b). Former subsec. (b), relating to report to Congress prior to grant of assistance with excess funds, was struck out.

1978—Subsec. (b). Pub. L. 95–384 substituted in provisions preceding par. (1) in two places and in par. (2) ''assistance under part IV of subchapter II of this chapter'' for ''security supporting assistance'' and in provisions preceding par. (1) in two places ''part VI of subchapter II'' for ''subchapter IV'' and inserted in par. (2) ''or assistance under part VI of subchapter II of this chapter'' before '', the President includes''.

1974—Subsec. (a). Pub. L. 93–559, § 21(1), struck out provisions limiting the military grant assistance or security supporting assistance to any foreign country or international organization to an amount not more than 10 percent of funds authorized under any law unless the President determines that it would be in the security interests of the United States to provide excess funds and reports to Congress the identity of the recipient, the amount of excess funds provided, and the justification for additional assistance. See subsec. (b) of this section.

Subsecs. (b), (c). Pub. L. 93–559, § 21(2), added subsec. (b) and redesignated former subsec. (b) as (c).

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

Functions of President under this section, insofar as they relate to part VIII of subchapter I of this chapter (§ 2291 et seq. of this title) and subchapter II of this chapter (§ 2301 et seq. of this title) delegated to Secretary of State, to be exercised in consultation with Secretary of Defense (insofar as they relate to functions under this chapter administered by Department of Defense) and Director of Office of Management and Budget, by section 1–201(a)(17), (c) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2291j, 2360, 2394–1 of this title.

§ 2414. Presidential findings and determinations

(a) Report to Congress

In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this chapter, the Foreign Military Sales Act [22 U.S.C. 2751 et seq.], or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

(b) Action prohibition prior to execution of report

No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

(c) Publication in Federal Register

Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

(d) Information accessible to Congress prior to transmission of report

No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this chapter, the Foreign Military Sales Act [22 U.S.C. 2751 et seq.], or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

(Pub. L. 87–195, pt. III, § 654, as added Pub. L. 92–226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 29.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (d), 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 Foreign Military Sales Act, referred to in subsecs. (a) and (d), is Pub. L. 90–629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, as amended, known as the Arms Export Control Act, on authority of section 201(b) of Pub. L. 94–329, title II, June 30, 1976, 90 Stat. 734, and 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.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to heads of agencies having responsibilities for carrying out provisions of this chapter by section 1–601(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title, except that function under second sentence of subsec. (c) of this section, with respect to publication in Federal Register of any findings or determination reserved to President, provided that any officer to whom there is delegated function of making any finding or determination within purview of subsec. (a) of this section is also authorized to reach conclusion specified in performance of any functions delegated to him, by section 1–701(e)(4) of Ex. Ord. No. 12163 (44 F.R. 56677).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6448 of this title.

§ 2414a. Annual report to Congress on voting practices at United Nations

(a) In general

Not later than March 31 of each year, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a full and complete annual report which assesses for the preceding calendar year, with respect to each foreign country member of the United Nations, the voting practices of the governments of such countries at the United Nations, and which evaluates General Assembly and Security Council actions and the responsiveness of those governments to United States policy on issues of special importance to the United States.

(b) Information on voting practices in United Nations

Such report shall include, with respect to voting practices and plenary actions in the United Nations during the preceding calendar year, information to be compiled and supplied by the Permanent Representative of the United States to the United Nations, consisting of—

(1) an analysis and discussion, prepared in consultation with the Secretary of State, of

the extent to which member countries supported United States policy objectives at the United Nations;

(2) an analysis and discussion, prepared in consultation with the Secretary of State, of actions taken by the United Nations by consensus;

(3) with respect to plenary votes of the United Nations General Assembly—

(A) a listing of all such votes on issues which directly affected important United States interests and on which the United States lobbied extensively and a brief description of the issues involved in each such vote;

(B) a listing of the votes described in subparagraph (A) which provides a comparison of the vote cast by each member country with the vote cast by the United States;

(C) a country-by-country listing of votes described in subparagraph (A); and

(D) a listing of votes described in subparagraph (A) displayed in terms of United Nations regional caucus groups;

(4) a listing of all plenary votes cast by member countries of the United Nations in the General Assembly which provides a comparison of the votes cast by each member country with the vote cast by the United States;

(5) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which other members supported United States policy objectives in the Security Council and a separate listing of all Security Council votes of each member country in comparison with the United States; and

(6) a side-by-side comparison of agreement on important and overall votes for each member country and the United States.

(c) Format

Information required pursuant to subsection (b)(3) of this section shall also be submitted, together with an explanation of the statistical methodology, in a format identical to that contained in chapter II of the Report to Congress on Voting Practices in the United Nations, dated March 14, 1988.

(d) Statement by Secretary of State

Each report under subsection (a) of this section shall contain a statement by the Secretary of State discussing the measures which have been taken to inform United States diplomatic missions of United Nations General Assembly and Security Council activities.

(Pub. L. 101–246, title IV, § 406, Feb. 16, 1990, 104 Stat. 66.)

CODIFICATION

Section is comprised of section 406 of Pub. L. 101–246. Subsec. (e) of section 406 of Pub. L. 101–246 repealed provisions contained in prior appropriation acts which had been formerly set out as this section. See Similar Provisions note below.

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 101–167, title V, § 527, Nov. 21, 1989, 103 Stat. 1223.

Pub. L. 100–461, title V, § 527, Oct. 1, 1988, 102 Stat. 2268–26; repealed by Pub. L. 101–167, title V, § 527(e)(6), Nov. 21, 1989, 103 Stat. 1224, and Pub. L. 101–246, title IV, § 406(e)(5), Feb. 16, 1990, 104 Stat. 67.

Pub. L. 100–202, § 101(e) [title V, § 528], Dec. 22, 1987, 101 Stat. 1329–131, 1329–158; repealed by Pub. L. 101–167, title V, § 527(e)(5), Nov. 21, 1989, 103 Stat. 1224, and Pub. L. 101–246, title IV, § 406(e)(4), Feb. 16, 1990, 104 Stat. 67.

Pub. L. 99–500, § 101(f) [title V, § 528], Oct. 18, 1986, 100 Stat. 1783–213, 1783–230, and Pub. L. 99–591, § 101(f) [title V, § 528], Oct. 30, 1986, 100 Stat. 3341–214, 3341–230; repealed by Pub. L. 101–167, title V, § 527(e)(4), Nov. 21, 1989, 103 Stat. 1224, and Pub. L. 101–246, title IV, § 406(e)(3), Feb. 16, 1990, 104 Stat. 67.

Pub. L. 99–190, § 101(i) [title V, § 529], Dec. 19, 1985, 99 Stat. 1291, 1307; repealed by Pub. L. 101–167, title V, § 527(e)(3), Nov. 21, 1989, 103 Stat. 1224, and Pub. L. 101–246, title IV, § 406(e)(2), Feb. 16, 1990, 104 Stat. 67.

Pub. L. 98–473, title I, § 101(1) [title V, § 530], Oct. 12, 1984, 98 Stat. 1884, 1900; repealed by Pub. L. 101–167, title V, § 527(e)(2), Nov. 21, 1989, 103 Stat. 1224.

Pub. L. 98–151, § 101(b)(1), Nov. 14, 1983, 97 Stat. 967; repealed by Pub. L. 101–167, title V, § 527(e)(1), Nov. 21, 1989, 103 Stat. 1224, and Pub. L. 101–246, title IV, § 406(e)(1), Feb. 16, 1990, 104 Stat. 67.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

Pub. L. 105–277, div. A, § 101(d) [title V, § 562], Oct. 21, 1998, 112 Stat. 2681–150, 2681–193, provided that:

''(a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a) [22 U.S.C. 2414a(a)], shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1998.

''(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term 'United States assistance' has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 105–118, title V, § 563, Nov. 26, 1997, 111 Stat. 2427.

Pub. L. 104–208, div. A, title I, § 101(c) [title V, § 580], Sept. 30, 1996, 110 Stat. 3009–121, 3009–170.

§ 2415. Annual military assistance report

(a) Report required

Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30.

(b) Information relating to military assistance and military exports

Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles), defense services, and international military education and training authorized by the United States, excluding that which is pursuant to activies[1] reportable under title V of the National Security Act of 1947 [50 U.S.C. 413 et seq.], to each foreign country and international organization. The report shall specify, by category, whether such defense articles—

(1) were furnished by grant under part II or part V of subchapter II of this chapter or

[1] So in original. Probably should be ''activities''.

under any other authority of law or by sale under chapter 2 of the Arms Export Control Act [22 U.S.C. 2761 et seq.]; or

(2) were licensed for export under section 38 of the Arms Export Control Act [22 U.S.C. 2778].

(c) Information relating to military imports

Each such report shall also include the total amount of military items manufactured outside the United States that were imported into the United States during the fiscal year covered by the report. For each country of origin the report shall show the type of item being imported and the total amount of the items.

(Pub. L. 87–195, pt. III, § 655, as added Pub. L. 104–106, div. A, title XIII, § 1324(c), Feb. 10, 1996, 110 Stat. 481; amended Pub. L. 104–164, title I, § 148, July 21, 1996, 110 Stat. 1435.)

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsec. (b), is act July 26, 1947, ch. 343, 61 Stat. 495, as amended. Title V of the Act is classified generally to subchapter III (§ 413 et seq.) of chapter 15 of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 401 of Title 50 and Tables.

The Arms Export Control Act, referred to in subsec. (b)(1), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended. Chapter 2 of the Act is classified generally to subchapter II (§ 2761 et seq.) of chapter 39 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.

PRIOR PROVISIONS

A prior section 2415, Pub. L. 87–195, pt. III, § 655, as added Pub. L. 92–226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 29; amended Pub. L. 93–559, § 39(a), Dec. 30, 1974, 88 Stat. 1810; Pub. L. 94–329, title IV, § 413(a), June 30, 1976, 90 Stat. 761, related to limitation in amounts to be expended for assistance to Cambodia, prior to repeal by Pub. L. 95–424, title VI, §§ 604, 605, Oct. 6, 1978, 92 Stat. 961, effective Oct. 1, 1978.

AMENDMENTS

1996—Pub. L. 104–164 substituted ''Annual military assistance report'' for ''Annual report on military assistance, military exports, and military imports'' in section catchline and amended text generally. Prior to amendment, text read as follows:

''(a) REPORT REQUIRED.—Not later than February 1 of each of 1996 and 1997, the President shall transmit to Congress a report concerning military assistance authorized or furnished for the fiscal year ending the previous September 30.

''(b) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, authorized or furnished by the United States to each foreign country and international organization. The report shall specify, by category, whether those articles and services, and that education and training, were furnished by grant under part II or part V of subchapter II of this chapter or by sale under chapter 2 of the Arms Export Control Act or were authorized by commercial sale licensed under section 38 of the Arms Export Control Act.

''(c) INFORMATION RELATING TO MILITARY IMPORTS.—Each such report shall also include the total amount of military items of non-United States manufacture that were imported into the United States during the fiscal year covered by the report. The report shall show the country of origin, the type of item being imported, and the total amount of items.''

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State insofar as they relate to defense articles and defense services licensed for export under section 2778 of this title and delegated to Secretary of Defense insofar as they relate to defense articles, defense services, and international military education and training furnished by grant or sale by Secretary of Defense, except to the extent otherwise delegated, and functions of President under subsec. (c) of this section delegated to Secretary of the Treasury, by sections 1–201(a)(18), 1–301(e), and 1–501(a)(4) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2416. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. III, § 656, as added Pub. L. 92–226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 30; amended Pub. L. 93–559, § 39(b), Dec. 30, 1974, 88 Stat. 1810; Pub. L. 94–329, title IV, § 413(a), June 30, 1976, 90 Stat. 761, related to limitation on number of United States personnel in Cambodia.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

CAMBODIAN ASSISTANCE; FUNDS ALLOCATION AND RESTRICTIONS; COMMITMENT FOR DEFENSE

Pub. L. 93–559, § 39(c)–(f), Dec. 30, 1974, 88 Stat. 1810, providing for the allocation of $100,000,000 for the relief and reconstruction of Cambodia, was repealed by Pub. L. 94–329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

§ 2417. Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 87–195, pt. III, § 657, as added Pub. L. 95–384, § 14, Sept. 26, 1978, 92 Stat. 739, required annual Presidential reports for fiscal year ending previous Sept. 30 respecting military assistance, military education and training assistance, foreign military sales, and commercial military sales. See sections 2394 and 2765 of this title.

PRIOR PROVISIONS

A prior section 2417, Pub. L. 87–195, pt. III, § 657, as added Pub. L. 92–226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 30; amended Pub. L. 93–189, § 23, Dec. 17, 1973, 87 Stat. 726; Pub. L. 94–273, § 5(2), Apr. 21, 1976, 90 Stat. 377; Pub. L. 94–329, title II, § 216, June 30, 1976, 90 Stat. 747, related to an annual report by the President to Congress showing the dollar value of foreign assistance including military sales, education and training, prior to repeal by Pub. L. 95–424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959, effective Oct. 1, 1978.

§ 2418. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. III, § 658, as added Pub. L. 92–226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 32, related to certification by the Comptroller General of the release of previously impounded funds prior to the expenditure of funds appropriated to carry out the purposes of this chapter.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2419. Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 87–195, pt. III, § 659, as added Pub. L. 93–559, § 29(a), Dec. 30, 1974, 88 Stat. 1803, prohibited aid

to any country containing a military base constructed, maintained, or used by the United States if access to such base was denied unduly to bona fide media correspondents of the United States by the country in question.

§ 2420. Police training prohibition

(a) Effective date of prohibition

On and after July 1, 1975, none of the funds made available to carry out this chapter, and none of the local currencies generated under this chapter, shall be used to provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.

(b) Exception; qualification

Subsection (a) of this section shall not apply—

(1) with respect to assistance rendered under section 3763(c)[1] of title 42, with respect to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which relates to crimes of the nature which are unlawful under the laws of the United States, or with respect to assistance authorized under section 2291a of this title;

(2) to any contract entered into prior to December 30, 1974, with any person, organization, or agency of the United States Government to provide personnel to conduct, or assist in conducting, any such program;

(3) with respect to assistance, including training, in maritime law enforcement and other maritime skills;

(4) with respect to assistance provided to police forces in connection with their participation in the regional security system of the Eastern Caribbean states; or[2]

(5) with respect to assistance, including training, relating to sanctions monitoring and enforcement;

(6) with respect to assistance provided to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure for the purposes of supporting a nation emerging from instability, and the provision of professional public safety training, to include training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy.

Notwithstanding clause (2), subsection (a) of this section shall apply to any renewal or extension of any contract referred to in such paragraph entered into on or after December 30, 1974.

(c) Country with longstanding democratic tradition, etc.

Subsection (a) of this section shall not apply with respect to a country which has a longstanding democratic tradition, does not have standing armed forces, and does not engage in a consistent pattern of gross violations of internationally recognized human rights.

[1] See References in Text note below.

[2] So in original. The word ''or'' probably should appear at end of par. (5).

(d) Assistance to Honduras or El Salvador

Notwithstanding the prohibition contained in subsection (a) of this section assistance may be provided to Honduras or El Salvador for fiscal years 1986 and 1987 if, at least 30 days before providing assistance, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable to reprogramming notifications pursuant to section 2394–1 of this title, that he has determined that the government of the recipient country has made significant progress, during the preceding six months, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without trial. Any such notification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.

(Pub. L. 87–195, pt. III, § 660, as added Pub. L. 93–559, § 30(a), Dec. 30, 1974, 88 Stat. 1803; amended Pub. L. 99–83, title I, § 127(b), title VII, § 711, Aug. 8, 1985, 99 Stat. 205, 243; Pub. L. 101–513, title V, § 594, Nov. 5, 1990, 104 Stat. 2060; Pub. L. 104–107, title V, § 540A(d), Feb. 12, 1996, 110 Stat. 737.)

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.

Section 3763(c) of title 42, referred to in subsec. (b)(1), was in the original section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968 [title I of Pub. L. 90–351, June 19, 1968, 82 Stat. 207]. Section 515 was omitted in the general revision of title I of Pub. L. 90–351 by Pub. L. 96–157, § 2, Dec. 27, 1979, 93 Stat. 1167.

AMENDMENTS

1996—Subsec. (b)(5), (6). Pub. L. 104–107 added pars. (5) and (6).

1990—Subsec. (b)(4). Pub. L. 101–513, which directed the amendment of this section by adding par. (4) at ''the end of the subsection'', was executed by adding par. (4) after par. (3) in subsec. (b) to reflect the probable intent of Congress.

1985—Subsec. (b)(3). Pub. L. 99–83, § 127(b), added par. (3).

Subsecs. (c), (d). Pub. L. 99–83, § 711, added subsecs. (c) and (d).

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

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.

EXEMPTION OF NARCOTICS-RELATED MILITARY ASSISTANCE FOR SPECIFIC FISCAL YEARS FROM PROHIBITION ON ASSISTANCE FOR LAW ENFORCEMENT AGENCIES

Pub. L. 103–447, title I, § 104, Nov. 2, 1994, 108 Stat. 4694, provided that:

''(a) EXEMPTION.—For fiscal year 1995, section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) shall not apply with respect to—

''(1) transfers of excess defense articles under section 517 of that Act (22 U.S.C. 2321k);

''(2) funds made available for the 'Foreign Military Financing Program' under section 23 of the Arms Export Control Act (22 U.S.C. 2763) that are used for assistance provided for narcotics-related purposes; or

''(3) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 and following) that is provided for narcotics-related purposes.

''(b) NOTIFICATION TO CONGRESS.—At least 15 days before any transfer under subsection (a)(1) or any obligation of funds under subsection (a)(2) or (a)(3), the President shall notify the appropriate congressional committees (as defined in section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e))[)] in accordance with the procedures applicable to reprogramming notifications under section 634A of that Act (22 U.S.C. 2394) [22 U.S.C. 2394–1].

''(c) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance provided pursuant to this section shall be coordinated with international narcotics control assistance under chapter 8 of part 1 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.).''

Pub. L. 102–583, § 7, Nov. 2, 1992, 106 Stat. 4933, provided for exemption of narcotics-related military assistance for fiscal years 1993 and 1994 from prohibition on assistance for law enforcement agencies, prior to repeal by Pub. L. 103–447, title I, § 103(a), Nov. 2, 1994, 108 Stat. 4693.

ASSISTANCE TO PUBLIC SECURITY FORCES OF EL SALVADOR; DELEGATION OF FUNCTIONS

Determination of the President of the United States, No. 86–2, Oct. 29, 1985, 50 F.R. 48073, provided:

Memorandum for the Honorable George P. Shultz, the Secretary of State

Pursuant to Section 660(d) of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2420(d)], I hereby determine that the Government of El Salvador has made significant progress, during the six month period preceding this determination, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the non-violent expression of their political views, or prolonged detention without trial.

You are requested to report this determination to the Congress immediately, together with a full description of the assistance to be provided and of the purposes to which it is to be directed. None of the assistance so provided shall be furnished until 30 days after such a report has been made, as required by law.

I hereby delegate to the Secretary of State authority to make such determinations and reports as called for in the future under Section 660(d).

This determination shall be published in the Federal Register.

RONALD REAGAN.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151q, 2346c, 2398 of this title.

§ 2421. Trade and Development Agency

(a) Purpose

The Trade and Development Agency shall be an agency of the United States under the foreign policy guidance of the Secretary of State. The purpose of the Trade and Development Agency is to promote United States private sector participation in development projects in developing and middle-income countries.

(b) Authority to provide assistance

(1) Authority

The Director of the Trade and Development Agency is authorized to work with foreign countries, including those in which the United States development programs have been concluded or those not receiving assistance under subchapter I of this chapter, to carry out the purpose of this section by providing funds for feasibility studies, architectural and engineering design, and other activities related to development projects which provide opportunities for the use of United States exports.

(2) Use of funds

Funds under this section may be used to provide support for feasibility studies for the planning, development, and management of, and procurement for, bilateral and multilateral development projects, including training activities undertaken in connection with a project, for the purpose of promoting the use of United States goods and services in such projects. Funds under this section may also be used for architectural and engineering design, including—

(A) concept design, which establishes the basic technical and operational criteria for a project, such as architectural drawings for a proposed facility, evaluation of site constraints, procurement requirements, and equipment specifications; and

(B) detail design, which sets forth specific dimensions and criteria for structural, mechanical, electrical, and architectural operations, and identifies other resources required for project operations.

(3) Information dissemination

(A) The Trade and Development Agency shall disseminate information about its project activities to the private sector.

(B) Other agencies of the United States Government shall cooperate with the Trade and Development Agency in order for the Agency to provide more effectively informational services to persons in the private sector concerning trade development and export promotion related to development projects.

(4) Nonapplicability of other provisions

Any funds used for purposes of this section may be used notwithstanding any other provision of law.

(c) Director and personnel

(1) Director

There shall be at the head of the Trade and Development Agency a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Officers and employees

(A) The Director may appoint such officers and employees of the Trade and Development Agency as the Director considers appropriate.

(B) The officers and employees appointed under this paragraph shall have such functions as the Director may determine.

(C) Of the officers and employees appointed under this paragraph, 2 may be appointed without regard to the provisions of title 5,

governing appointments in the competitive service, and may be compensated without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title.

(D) Under such regulations as the President may prescribe, any individual appointed under subparagraph (C) may be entitled, upon removal (except for cause) from the position to which the appointment was made, to reinstatement to the position occupied by that individual at the time of appointment or to a position of comparable grade and pay.

(d) Annual report

The President shall, not later than December 31 of each year, submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the activities of the Trade and Development Agency in the preceding fiscal year.

(e) Audits

(1) In general

The Trade and Development Agency shall be subject to the provisions of chapter 35 of title 31, except as otherwise provided in this section.

(2) Independent audit

An independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Trade and Development Agency each year, in accordance with generally accepted Government auditing standards for a financial and compliance audit, taking into consideration any standards recommended by the Comptroller General. The independent certified public accountant shall report the results of such audit to the Director of the Trade and Development Agency. The financial statements of the Trade and Development Agency shall be presented in accordance with generally accepted accounting principles. These financial statements and the report of the accountant shall be included in a report which contains, to the extent applicable, the information identified in section 3512 of title 31, and which the Trade and Development Agency shall submit to the Congress not later than 6½ months after the end of the last fiscal year covered by the audit. The Comptroller General may review the audit conducted by the accountant and the report to the Congress in the manner and at such times as the Comptroller General considers necessary.

(3) Audit by Comptroller General

In lieu of the financial and compliance audit required by paragraph (2), the Comptroller General shall, if the Comptroller General considers it necessary or upon the request of the Congress, audit the financial statements of the Trade and Development Agency in the manner provided in paragraph (2).

(4) Availability of information

All books, accounts, financial records, reports, files, workpapers, and property belonging to or in use by the Trade and Development Agency and the accountant who conducts the audit under paragraph (2), which are necessary for purposes of this subsection, shall be made available to the representatives of the General Accounting Office designated by the Comptroller General.

(f) Funding

(1) Authorization

(A) There are authorized to be appropriated for purposes of this section, in addition to funds otherwise available for such purposes, $77,000,000 for fiscal year 1995 and such sums as are necessary for fiscal year 1996.

(B) Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

(2) Funding for technical assistance grants by multilateral development banks

(A) The Trade and Development Agency should, in fiscal years 1993 and 1994, substantially increase the amount of funds it provides to multilateral development banks for technical assistance grants.

(B) As used in subparagraph (A)—

(i) the term ''technical assistance grants'' means funding by multilateral development banks of services from the United States in connection with projects and programs supported by such banks, including, but not limited to, engineering, design, and consulting services; and

(ii) the term ''multilateral development bank'' has the meaning given that term in section 262r(c) of this title.

(Pub. L. 87–195, pt. III, § 661, as added Pub. L. 93–559, § 31, Dec. 30, 1974, 88 Stat. 1804; amended Pub. L. 94–161, title III, § 316, Dec. 20, 1975, 89 Stat. 867; Pub. L. 95–88, title I, § 128, Aug. 3, 1977, 91 Stat. 543; Pub. L. 95–424, title I, § 121, Oct. 6, 1978, 92 Stat. 954; Pub. L. 96–53, title I, § 119, Aug. 14, 1979, 93 Stat. 365; Pub. L. 96–533, title III, § 311, Dec. 16, 1980, 94 Stat. 3148; Pub. L. 97–113, title III, § 312, Dec. 29, 1981, 95 Stat. 1536; Pub. L. 99–83, title IV, § 405, Aug. 8, 1985, 99 Stat. 219; Pub. L. 100–418, title II, § 2204(b)(1), (2), Aug. 23, 1988, 102 Stat. 1329; Pub. L. 102–549, title II, § 201, Oct. 28, 1992, 106 Stat. 3655; Pub. L. 103–392, title II, § 201, Oct. 22, 1994, 108 Stat. 4099.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (c)(2)(C), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

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

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

AMENDMENTS

1994—Subsec. (f)(1). Pub. L. 103–392 redesignated existing provisions as subpar. (A), substituted ''$77,000,000 for fiscal year 1995 and such sums as are necessary for fiscal year 1996.'' for ''$55,000,000 for fiscal year 1993 and $65,000,000 for fiscal year 1994.'', and added subpar. (B).

1992—Pub. L. 102–549 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (d)

which authorized a trade and development program to facilitate access to natural resources of interest to the United States and to stimulate reimbursable aid programs, established an agency called the Trade and Development Program to carry out the program, established an advisory board, and authorized appropriations for purposes of section.

1988—Subsec. (a). Pub. L. 100–418, § 2204(b)(1), inserted sentence providing for use of funds for project planning, development, management, and procurement for bilateral and multilateral projects, for purpose of promoting use of United States exports in such projects.

Subsecs. (b) to (d). Pub. L. 100–418, § 2204(b)(2), added subsecs. (b) and (c) and redesignated former subsec. (b) as (d).

1985—Subsec. (b). Pub. L. 99–83 amended subsec. (b) generally, substituting provisions authorizing appropriations of $20,000,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of $6,907,000 for fiscal years 1982 and 1983.

1981—Pub. L. 97–113, § 312(b), designated existing provisions as subsec. (a), struck out provision for use of $4,000,000 of funds made available for fiscal year 1981 for purposes of this chapter, and added subsec. (b).

1980—Pub. L. 96–533 substituted authorization for use of $4,000,000 of available funds for fiscal year 1981 for such authorization for use of $3,800,000 of available funds for fiscal year 1980 for reimbursable development programs.

1979—Pub. L. 96–53 substituted ''$3,800,000'' for ''$3,000,000'' and ''1980'' for ''1979''.

1978—Pub. L. 95–424 substituted ''$3,000,000 of the funds made available for the purposes of this chapter for the fiscal year 1979'' for ''$2,000,000 of the funds made available for the purposes of this chapter. In the fiscal year 1977 and $2,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1978,''.

1977—Pub. L. 95–88 struck out provisions authorizing the President to use up to $1,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1975 and $2,000,000 in the fiscal year 1976, and inserted provisions authorizing the President to use $2,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1978.

1975—Pub. L. 94–161 increased usable funds in fiscal year 1976 to $2,000,000 from $1,000,000 and authorized use of $2,000,000 in fiscal year 1977.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

Section 202(a), (e) of Pub. L. 102–549 provided that:

''(a) RENAMING OF TRADE AND DEVELOPMENT PROGRAM.—The Trade and Development Program shall, on or after the effective date of this section [Oct. 28, 1992], be known as the Trade and Development Agency.

''(e) REFERENCE IN OTHER LAWS.—Any reference in any law to the Trade and Development Program shall be deemed to be a reference to the Trade and Development Agency.''

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.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

APPOINTMENT OF PRESENT DIRECTOR NOT AFFECTED

Section 202(b) of title II of Pub. L. 102–549 provided that: ''The enactment of this title [amending this section and section 5401 of this title, section 5314 of Title 5, Government Organization and Employees, and sections 635q to 635s of Title 12, Banks and Banking, enacting provisions set out as a note above, and amending provisions set out as a note under section 2151 of this title] shall not affect the appointment of the individual who is the Director of the Trade and Development Program on the effective date of this section [Oct. 28, 1992].''

TRADE AND DEVELOPMENT PROGRAM ACTIVITIES FOR POLAND AND HUNGARY

Pub. L. 101–179, title III, § 305, Nov. 28, 1989, 103 Stat. 1314, authorized appropriation of an additional $6,000,000 for the 3-year period beginning Oct. 1, 1989, to carry out this section, in order to permit expansion of the Trade and Development Program [now Agency] into Poland and Hungary.

TRADE AND DEVELOPMENT PROGRAM; REAFFIRMATION OF SUPPORT

Section 2204(a) of Pub. L. 100–418 provided that: ''The Congress reaffirms its support for the Trade and Development Program [now Trade and Development Agency], and believes that the Program's [Agency's] ability to support high priority development projects in developing countries would be enhanced by an increase in the funds authorized for the Program as well as by a clarification of the Program's status as a separate component of the International Development Cooperation Agency.''

§ 2421a. Capital projects office within Agency for International Development

(a) Establishment of office

The Administrator of AID shall establish a capital projects office to carry out the purposes described in subsection (b) of this section.

(b) Purposes of office

The purposes referred to in subsection (a) of this section are—

(1) to develop an AID program that would focus solely on developmentally sound capital projects, taking into consideration development needs of the host country and the export opportunities for the United States; and

(2) to consider specifically opportunities for United States high-technology firms, including small- and medium-sized firms, in supporting capital projects for developing countries and for countries making the transition from nonmarket to market economies.

(c) Activities of AID

The Administrator of AID (acting through the capital projects office), in coordination with the appropriate members of the Trade Promotion Coordination Committee—

(1) shall support capital projects in developing countries and in countries making the transition from nonmarket to market economies;

(2) shall periodically review infrastructure needs in developing countries and countries making the transition from nonmarket to market economies and shall explore opportunities for United States firms in the development of new capital projects in these countries, keeping both United States firms and the Congress informed of these reviews;

(3) shall ensure that each capital project for which AID provides funding is developmentally sound, as determined under the criteria developed by the Development Assistance Committee of the Organization for Economic Cooperation and Development;

(4) shall coordinate its activities with other AID offices, and work with AID country missions, in developing capital projects that provide opportunities for United States firms consistent with AID's primary mission to help developing countries with traditional development projects;

(5) shall coordinate, where appropriate, funds available to AID for tied-aid purposes; and

(6) shall play a special role in helping to meet the infrastructure needs of countries making the transition from nonmarket to market economies by meeting the challenge of infrastructure assistance provided by foreign governments to those countries, including by undertaking a comprehensive study of the infrastructure needs of the various countries making the transition from nonmarket to market economies—

(A) to identify those sectors in the economies of these countries that are most in need of rebuilding, and

(B) to identify the state of technology in these countries and the opportunity for United States high technology firms to help develop a technological infrastructure in these countries, including an assessment of export opportunities for United States high technology companies.

The results of the study conducted pursuant to paragraph (6) shall be reported to the appropriate congressional committees within 12 months after October 28, 1992.

(Pub. L. 102–549, title III, § 302, Oct. 28, 1992, 106 Stat. 3658.)

CODIFICATION

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

SHORT TITLE OF 1992 AMENDMENT

Section 301 of title III of Pub. L. 102–549 provided that: ''This title [enacting this section and sections 2421b to 2421e of this title and provisions set out as notes below] may be cited as the 'Aid, Trade, and Competitiveness Act of 1992'.''

REPORTS TO CONGRESS ON CAPITAL PROJECTS

Section 305 of title III of Pub. L. 102–549 directed President, not later than May 1, 1993, to submit to Congress a report describing the extent to which United States Government resources have been expended specifically to support specified projects in developing countries and countries making the transition from nonmarket to market economies, the extent to which the activities of the United States Government have been coordinated, and the extent to which United States Government capital projects and tied-aid credit programs have affected United States exports.

REPORT ON FEASIBILITY OF AID CREDIT GUARANTEES TO FINANCE CAPITAL PROJECTS

Section 307 of Pub. L. 102–549 directed President, not later than May 1, 1993, to submit to Committee on Foreign Affairs and Committee on Appropriations of House of Representatives and Committee on Foreign Relations and Committee on Appropriations of Senate a report on feasibility of allowing AID to offer credit guarantees for financing of capital projects.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2421c, 2421e of this title.

§ 2421b. Capital projects for poverty alleviation and environmental safety and sustainability

(a) Purposes

The Administrator of AID shall develop a program, in accordance with subsection (b) of this section, that focuses on developmentally sound capital projects for basic infrastructure that will measurably alleviate the worst manifestations of poverty or directly promote environmental safety and sustainability at the community level, taking into consideration development needs of the host country and export opportunities for services and goods from the United States.

(b) Activities of AID

In order to carry out subsection (a) of this section, the Administrator of AID shall, working with AID technical support staff, regional bureau staff, and country missions, identify and provide funding for capital projects to alleviate the worst manifestations of poverty or to promote environmental safety and sustainability at the community level in countries receiving assistance under part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.]. Such projects may include basic sanitation systems, basic water supply and treatment, pollution control, and rural infrastructure benefiting poor communities or establishing environmentally sustainable patterns of rural development. Such projects should have measurable positive effects on indicators of human and environmental health.

(Pub. L. 102–549, title III, § 303, Oct. 28, 1992, 106 Stat. 3659.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Part I of the Act is classified generally to subchapter I (§ 2151 et seq.) of chapter 32 of this title. For provisions deeming references to subchapter I to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and VIII (§ 2349aa et seq.) of subchapter II of chapter 32, see section 202(b) of Pub. L. 92–228, set out as a note under section 2346 of this title, and sections 2348c and 2349aa–5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2421c, 2421d, 2421e of this title.

§ 2421c. Coordination

The President shall use the Trade Promotion Coordination Committee to coordinate activi-

ties under sections 2421a to 2421e of this title with other relevant activities of the United States Government.

(Pub. L. 102–549, title III, § 304, Oct. 28, 1992, 106 Stat. 3659.)

REFERENCES IN TEXT

Sections 2421a to 2421e of this title, referred to in text, was in the original ''this title'' meaning title III of Pub. L. 102–549, Oct. 28, 1992, 106 Stat. 3658, known as the Aid, Trade, and Competitiveness Act of 1992, which enacted sections 2421a to 2421e of this title and provisions set out as notes under section 2421a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2421a of this title and Tables.

CODIFICATION

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2421e of this title.

§ 2421d. Funding for capital projects

(a) Funding level

The Congress strongly urges the President to use at least $650,000,000 for fiscal year 1993 and at least $700,000,000 for fiscal year 1994 of the total amounts made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.] (relating to the economic support fund), assistance under the Support for East European Democracy (SEED) Act of 1989 [22 U.S.C. 5401 et seq.], assistance under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, and assistance under the Multilateral Assistance Initiative for the Philippines, for grants for developmentally sound capital projects. Such grants may be combined with financing offered by private financial entities or other entities.

(b) Development assistance capital projects

Funds appropriated to carry out chapter 1 or chapter 10 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq., 2293 et seq.] (relating to development assistance and the Development Fund for Africa) may not be used for capital projects that do not meet the criteria contained in section 2421b of this title. This subsection does not apply with respect to capital projects for which funds have been obligated or expended before October 28, 1992.

(Pub. L. 102–549, title III, § 306, Oct. 28, 1992, 106 Stat. 3660.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsecs. (a) and (b), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 10 of part I of the Act is classified generally to part X (§ 2293 et seq.) of subchapter I of chapter 32 of this title. Chapter 4 of part II of the Act is classified generally to part IV (§ 2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Support for East European Democracy (SEED) Act of 1989, referred to in subsec. (a), is Pub. L. 101–179, Nov. 28, 1989, 103 Stat. 1298, which is classified principally to chapter 63 (§ 5401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5401 of this title and Tables.

The Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, referred to in subsec. (a), is Pub. L. 102–511, Oct. 24, 1992, 106 Stat. 3320. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

CODIFICATION

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2421c, 2421e of this title.

§ 2421e. Definitions

For purposes of sections 2421a to 2421e of this title—

(1) the term ''AID'' means the Agency for International Development; and

(2) the term ''capital project'' means a project involving the construction, expansion, alteration of, or the acquisition of equipment for, a physical facility or physical infrastructure, including related engineering design (concept and detail) and other services, the procurement of equipment (including any related services), and feasibility studies or similar engineering and economic services.

(Pub. L. 102–549, title III, § 308, Oct. 28, 1992, 106 Stat. 3660.)

REFERENCES IN TEXT

Sections 2421a to 2421e of this title, referred to in text, was in the original ''this title'' meaning title III of Pub. L. 102–549, Oct. 28, 1992, 106 Stat. 3658, known as the Aid, Trade, and Competitiveness Act of 1992, which enacted sections 2421a to 2421e of this title and provisions set out as notes under section 2421a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2421a of this title and Tables.

CODIFICATION

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2421c of this title.

§ 2422. Repealed. Pub. L. 102–88, title VI, § 601, Aug. 14, 1991, 105 Stat. 441

Section, Pub. L. 87–195, pt. III, § 662, as added Pub. L. 93–559, § 32, Dec. 30, 1974, 88 Stat. 1804, and amended Pub. L. 96–450, title IV, § 407(a), Oct. 14, 1980, 94 Stat. 1981, prohibited funding of activities of the Central Intelligence Agency, other than intelligence gathering, without Presidential finding of importance to national security of United States and defined such activities as significant anticipated intelligence activities for purpose of section 413 of Title 50, War and National Defense. See section 414 of Title 50.

§ 2423. Exchanges of certain materials

(a) Agreement for necessary or strategic raw material; definition

Notwithstanding any other provision of law, whenever the President determines it is in the United States national interest, he shall furnish assistance under this chapter or shall furnish defense articles or services under the Foreign Military Sales Act [22 U.S.C. 2751 et. seq.], pursuant to an agreement with the recipient of such assistance, articles, or services which provides that such recipient may only obtain such assistance, articles, or services in exchange for any necessary or strategic raw material controlled by such recipient. For the purposes of this section, the term ''necessary or strategic raw material'' includes petroleum, other fossil fuels, metals, minerals, or any other natural substance which the President determines is in short supply in the United States.

(b) Allocation of raw materials to Federal agencies

The President shall allocate any necessary or strategic raw material transferred to the United States under this section to any appropriate agency of the United States Government for stockpiling, sale, transfer, disposal, or any other purpose authorized by law.

(c) Deposits in United States Treasury of funds from disposal of materials

Funds received from any disposal of materials under subsection (b) of this section shall be deposited as miscellaneous receipts in the United States Treasury.

(Pub. L. 87–195, pt. III, § 663, as added Pub. L. 93–559, § 32, Dec. 30, 1974, 88 Stat. 1805.)

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 Foreign Military Sales Act, referred to in subsec. (a), is Pub. L. 90–629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, as amended, known as the Arms Export Control Act, on authority of section 201(b) of Pub. L. 94–329, title II, June 30, 1976, 90 Stat. 734, and 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 section 98c.

§ 2424. Repealed. Pub. L. 95–88, title I, § 123(c), Aug. 3, 1977, 91 Stat. 541

Section, Pub. L. 87–195, pt. III, § 664, as added Pub. L. 93–559, § 33, Dec. 30, 1974, 88 Stat. 1805, authorized the President to waive provisions which prohibited assistance to countries trading with designated countries.

§ 2425. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. III, § 665, as added Pub. L. 94–161, title III, § 317, Dec. 20, 1975, 89 Stat. 867, authorized appropriations for the interim period July 1, 1976 through Sept. 30, 1976 of such amounts as were necessary to conduct programs for which funding was authorized for fiscal year 1976 by the International Development and Food Assistance Act of 1975 provided the total amount authorized not exceed one-fourth of the total authorized for fiscal year 1976 for such programs and activities.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2426. Discrimination against United States personnel

(a) Assignment of personnel on basis of ability and experience

The President shall not take into account, in assigning officers and employees of the United States to carry out any economic development assistance programs funded under this chapter in any foreign country, the race, religion, national origin, or sex of any such officer or employee. Such assignments shall be made solely on the basis of ability and relevant experience.

(b) Prohibition on use of funds in country practicing discrimination

Effective six months after December 20, 1975, or on such earlier date as the President may determine, none of the funds made available under this chapter may be used to provide economic development assistance to any country which objects to the presence of any officer or employee of the United States who is present in such country for the purpose of carrying out any program of economic development assistance authorized by the provisions of this chapter on the basis of the race, religion, national origin, or sex of such officer or employee.

(c) Rules and regulations

The Secretary of State shall promulgate such rules and regulations as he may deem necessary to carry out the provisions of this section.

(Pub. L. 87–195, pt. III, § 666, as added Pub. L. 94–161, title III, § 318, Dec. 20, 1975, 89 Stat. 868.)

REFERENCES IN TEXT

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

§ 2427. Operating expenses

(a) Authorization of appropriations

There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

(1) $387,000,000 for fiscal year 1986 and $387,000,000 for fiscal year 1987 for necessary operating expenses of the agency primarily responsible for administering subchapter I of this chapter, of which $21,750,000 for the fiscal year 1987 is authorized for the necessary operating expenses of the Office of the Inspector General of the Agency for International Development and the remaining amount for the fiscal year is authorized for other necessary operating expenses of that agency; and

(2) such amounts as may be necessary for increases in salary, pay, retirement, and other

employee benefits authorized by law, and for other nondiscretionary costs of such agency.

(b) Continuing availability of funds

Amounts appropriated under this section are authorized to remain available until expended.

(Pub. L. 87–195, pt. III, § 667, as added Pub. L. 94–161, title III, § 319, Dec. 20, 1975, 89 Stat. 868; amended Pub. L. 95–88, title I, § 129(a), Aug. 3, 1977, 91 Stat. 543; Pub. L. 95–424, title V, § 506, Oct. 6, 1978, 92 Stat. 960; Pub. L. 96–53, title I, § 120, Aug. 14, 1979, 93 Stat. 365; Pub. L. 96–533, title VII, § 709, Dec. 16, 1980, 94 Stat. 3159; Pub. L. 97–113, title VII, § 706, Dec. 29, 1981, 95 Stat. 1545; Pub. L. 99–83, title IV, § 406, Aug. 8, 1985, 99 Stat. 219; Pub. L. 99–529, title IV, § 402, Oct. 24, 1986, 100 Stat. 3019.)

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

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

AMENDMENTS

1986—Subsec. (a)(1). Pub. L. 99–529 inserted ", of which $21,750,000 for the fiscal year 1987 is authorized for the necessary operating expenses of the Office of the Inspector General of the Agency for International Development and the remaining amount for the fiscal year is authorized for other necessary operating expenses of that agency".

1985—Subsec. (a)(1). Pub. L. 99–83 amended par. (1) generally, substituting provisions authorizing appropriations of $387,000,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of $335,600,000 for fiscal years 1982 and 1983.

1981—Subsec. (a). Pub. L. 97–113 struck out from provision preceding par. (1) ", for the fiscal year 1981" after "for such purposes" and substituted in par. (1) "$335,600,000 for the fiscal year 1982 and $335,600,000 for the fiscal year 1983" for "$293,800,000".

1980—Subsec. (a). Pub. L. 96–533 substituted in provisions preceding par. (1) "1981" for "1980" and in par. (1) "$293,800,000" for "$263,000,000".

1979—Subsec. (a). Pub. L. 96–53 substituted in provisions preceding par. (1) "1980" for "1979" and in par. (1) "$263,000,000" for "$261,000,000".

1978—Subsec. (a). Pub. L. 95–424 substituted in provisions preceding par. (1) "1979" for "1978" and in par. (1) "$261,000,000" for "$220,200,000".

1977—Pub. L. 95–88 substituted provisions authorizing appropriations for fiscal year 1978 for provisions stating that nothing in this chapter was intended to preclude the Committees on Appropriations from setting a ceiling on operating expenses of the agency primarily responsible for administering subchapter I of this chapter or limiting the availability of other sums therefor.

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.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2151g of this title.

§ 2428. Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 87–195, pt. III, § 668, as added Pub. L. 94–329, title IV, § 411, June 30, 1976, 90 Stat. 760, required annual reports respecting the Republic of Korea's armed forces modernization and self-sufficiency program, the role of the United States in the security of the Republic of Korea, and prospects for a withdrawal of United States forces from the country. See section 2375 of this title.

§ 2428a. Congressional declaration of policy toward Korea; transmittal of report to Speaker of the House and Congressional committees

(a) The Congress declares that—

(1) United States policy toward Korea should continue to be arrived at by joint decision of the President and the Congress;

(2) in any implementation of the President's policy of gradual and phased reduction of United States ground forces from the Republic of Korea, the United States should seek to accomplish such reduction in stages consistent with United States interests in Asia, notably Japan, and with the security interests of the Republic of Korea;

(3) any implementation of this policy should be carried out with a careful regard to the interest of the United States in continuing its close relationship with the people and government of Japan, in fostering democratic practices in the Republic of Korea, and in maintaining stable relations among the countries of East Asia; and

(4) these interests can be served most effectively by a policy which involves consultations by the United States Government, as appropriate, with the governments of the region, particularly those directly involved.

(b)(1) Any implementation of the foregoing policy shall be carried out in regular consultation with the Congress.

(2) Repealed. Pub. L. 103–236, title I, § 139(5), Apr. 30, 1994, 108 Stat. 398.

(Pub. L. 95–105, title V, § 512, Aug. 17, 1977, 91 Stat. 861; Pub. L. 103–236, title I, § 139(5), Apr. 30, 1994, 108 Stat. 398.)

CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Year 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

1994—Subsec. (b)(2). Pub. L. 103–236 struck out par. (2) which read as follows: "Not later than February 15, 1978, and not later than February 15 of each year thereafter until any such withdrawal is completed, the President shall transmit a report in writing to the Speaker of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Intelligence of the Senate assessing the implementation of the foregoing policy."

§ 2428b. Special security assistance for modernization of Armed Forces of Korea

(a) Transfer authority of President of defense articles and services located in Korea; applicable terms and conditions; reimbursement

(1) The President is authorized until December 31, 1982—

(A) to transfer, without reimbursement, to the Republic of Korea, only in conjunction with the withdrawal of the 2d Infantry Division and support forces from Korea, such United States Government-owned defense articles as he may determine which are located in Korea in the custody of units of the United States Army scheduled to depart from Korea; and

(B) to furnish to the Republic of Korea, without reimbursement, defense services (including technical and operational training) in Korea directly related to the United States Government-owned defense articles transferred to the Republic of Korea under this subsection.

(2) Any transfer under the authority of this section shall be made in accordance with all the terms and conditions of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] applicable to the furnishing of defense articles and defense services under chapter 2 of part II of that Act [22 U.S.C. 2311 et seq.], except that no funds heretofore or hereafter appropriated under that Act shall be available to reimburse any agency of the United States Government for any such transfer or related services.

(b) Additional transfer authority of President of defense articles located outside of Korea; prerequisites for determinations respecting transfers; report by President to Congress of determinations

In order that transfers of defense articles under subsection (a) of this section will not cause significant adverse impact on the readiness of the Armed Forces of the United States, the President is authorized, in lieu of such transfers, to transfer additional defense articles from the stocks of the Department of Defense, wherever located, to the Republic of Korea to compensate for the military capability of defense articles withdrawn from Korea in any case where he determines that—

(1) the transfer of specific defense articles located in Korea would have a significant adverse impact on the readiness of the United States Armed Forces;

(2) the defense capability provided by those defense articles is needed by the Armed Forces of the Republic of Korea in order to maintain the military balance on the Korean peninsula; and

(3) a comparable defense capability could be provided by less advanced defense articles in the stocks of the Department of Defense which could be transferred without significant adverse impact on the readiness of the United States Armed Forces.

The President shall report to the Congress each determination made under this subsection prior to the transfer of the defense articles described in such determination.

(c) Report by President to Congress of types, etc., of transferred defense articles

The President shall transmit to the Congress, together with the presentation materials for security assistance programs proposed for each fiscal year through and including the fiscal year 1983, a report describing the types, quantities, and value of defense articles furnished or intended to be furnished to the Republic of Korea under this section.

(d) Repealed. Pub. L. 97–113, title VII, § 734(a)(12), Dec. 29, 1981, 95 Stat. 1560

(e) Congressional policy respecting further troop withdrawals

(1) It is the sense of the Congress that further withdrawal of ground forces of the United States from the Republic of Korea may seriously risk upsetting the military balance in that region and requires full advance consultation with the Congress.

(2) Repealed. Pub. L. 97–113, title VII, § 734(a)(12), Dec. 29, 1981, 95 Stat. 1560.

(Pub. L. 95–384, § 23, Sept. 26, 1978, 92 Stat. 743; Pub. L. 97–113, title VII, § 734(a)(12), Dec. 29, 1981, 95 Stat. 1560.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a)(2), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to this chapter (§ 2151 et seq.). Chapter 2 of part II of that Act is classified generally to part II (§ 2311 et seq.) of subchapter II of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the International Security Assistance Act of 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

1981—Subsec. (d). Pub. L. 97–113 struck out subsec. (d) which required Presidential reports to Congress respecting viability of troop withdrawals from Korea.

Subsec. (e)(2). Pub. L. 97–113 struck out par. (2) which required Presidential reports to Congress respecting effect of further troop withdrawals from Korea.

§§ 2429, 2429a. Repealed. Pub. L. 103–236, title VIII, § 826(b), Apr. 30, 1994, 108 Stat. 519

Section 2429, Pub. L. 87–195, pt. III, § 669, as added Pub. L. 94–329, title III, § 305, June 30, 1976, 90 Stat. 755; amended Pub. L. 95–92, § 12, Aug. 4, 1977, 91 Stat. 620; Pub. L. 95–384, §§ 10(b)(4), 12(c)(3), Sept. 26, 1978, 92 Stat. 735, 737; Pub. L. 97–113, title VII, § 737(b), Dec. 29, 1981, 95 Stat. 1562, related to nuclear enrichment transfers by or to recipients of economic, military or security supporting assistance from the United States. See section 2799aa of this title.

Section 2429a, Pub. L. 87–195, pt. III, § 670, as added Pub. L. 95–92, § 12, Aug. 4, 1977, 91 Stat. 620; amended Pub. L. 95–384, §§ 10(b)(4), 12(c)(3), Sept. 26, 1978, 92 Stat. 735, 737; Pub. L. 97–113, title VII, § 737(c), Dec. 29, 1981, 95 Stat. 1562; Pub. L. 99–83, title XII, § 1204(a), (b), Aug. 8, 1985, 99 Stat. 277, prohibited assistance to countries involved in transfer of nuclear reprocessing equipment, materials, or technology. See section 2799aa–1 of this title.

EFFECTIVE DATE OF REPEAL

Repeal by section 826(b) of Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L.

103–236, set out as an Effective Date note under section 6301 of this title.

§ 2429a–1. Annual report on nuclear transfer activities

Beginning with the fiscal year 1983 and for each fiscal year thereafter, the President shall prepare and transmit to the Congress, as part of the presentation materials for foreign assistance programs proposed for that fiscal year, a classified report describing the nuclear programs and related activities of any country for which a waiver of section 2799aa or 2799aa–1 of this title is in effect, including an assessment of—

(1) the extent and effectiveness of International Atomic Energy Agency safeguards at that country's nuclear facilities; and

(2) the capability, actions, and intentions of the government of that country with respect to the manufacture or acquisition of a nuclear explosive device.

(Pub. L. 97–113, title VII, § 735, Dec. 29, 1981, 95 Stat. 1561; Pub. L. 103–236, title VIII, § 826(c), Apr. 30, 1994, 108 Stat. 519.)

CODIFICATION

Section was enacted as part of the International Security and Development Cooperation Act of 1981, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

1994—Pub. L. 103–236 substituted ''section 2799aa or 2799aa–1'' for ''section 2429 or 2429a''.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

§ 2429a–2. Enforcement of nonproliferation treaties

(a) Policy

It is the sense of the Congress that the President should instruct the United States Permanent Representative to the United Nations to enhance the role of that institution in the enforcement of nonproliferation treaties through the passage of a United Nations Security Council resolution which would state that, any nonnuclear weapon state that is found by the United Nations Security Council, in consultation with the International Atomic Energy Agency (IAEA), to have terminated, abrogated, or materially violated an IAEA full-scope safeguards agreement would be subjected to international economic sanctions, the scope of which to be determined by the United Nations Security Council.

(b) Prohibition

Notwithstanding any other provision of law, no United States assistance under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] shall be provided to any non-nuclear weapon state that is found by the President to have terminated, abrogated, or materially violated an IAEA full-scope safeguard agreement or materially violated a bilateral United States nuclear cooperation agreement entered into after March 10, 1978.

(c) Waiver

The President may waive the application of subsection (b) of this section if—

(1) the President determines that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security; and

(2) the President reports such determination to the Congress at least 15 days in advance of any resumption of assistance to that state.

(Pub. L. 103–236, title V, § 530, Apr. 30, 1994, 108 Stat. 479.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to this chapter (§ 2151 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2429b. Transferred

CODIFICATION

Section, Pub. L. 87–195, pt. III, § 671, as added Pub. L. 95–88, title I, § 130, Aug. 3, 1977, 91 Stat. 543, which related to notification of program changes, was transferred to section 2394–1 of this title.

SUBCHAPTER III–A—ENTERPRISE FOR THE AMERICAS INITIATIVE

§ 2430. Purpose

The purpose of this subchapter is to encourage and support improvement in the lives of the people of Latin America and the Caribbean through market-oriented reforms and economic growth with interrelated actions to promote debt reduction, investment reforms, community based conservation, and sustainable use of the environment, and child survival and child development. The Facility will support these objectives through administration of debt reduction operations under this subchapter for those countries with democratically elected governments that meet investment reforms and other policy conditions.

(Pub. L. 87–195, pt. IV, § 701, as added Pub. L. 102–549, title VI, § 602(a), Oct. 28, 1992, 106 Stat. 3664.)

PRIOR PROVISIONS

A prior section 701 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 463, amended section 1651 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 87–565, pt. IV, § 401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 701 affected section 1651.

§ 2430a. Definitions

For purposes of this subchapter—

(1) the term ''administering body'' means the entity provided for in section 2430g(c) of this title;

(2) the term ''Americas Framework Agreement'' means an Americas Framework Agreement provided for in section 2430g of this title;

(3) the term ''Americas Fund'' means an Enterprise for the Americas Fund provided for in section 2430f(a) of this title;

(4) 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;

(5) the term ''beneficiary country'' means an eligible country with respect to which the authority of section 2430c(a)(1) of this title is exercised;

(6) the term ''eligible country'' means a country designated by the President in accordance with section 2430b of this title;

(7) the term ''Enterprise for the Americas Board'' or ''Board'' means the board established by section 1738i of title 7; and

(8) the term ''Facility'' means the Enterprise for the Americas Facility established in the Department of the Treasury by section 1738 of title 7.

(Pub. L. 87–195, pt. IV, § 702, as added Pub. L. 102–549, title VI, § 602(a), Oct. 28, 1992, 106 Stat. 3664.)

PRIOR PROVISIONS

A prior section 702 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 463, amended section 1701 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 87–565, pt. IV, § 401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 702 affected section 1701.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2430b. Eligibility for benefits

(a) Requirements

To be eligible for benefits from the Facility under this subchapter, a country must be a Latin American or Caribbean country—

(1) whose government is democratically elected;

(2) whose government has not repeatedly provided support for acts of international terrorism;

(3) whose government is not failing to cooperate on international narcotics control matters;

(4) whose government (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights;

(5) that has in effect, has received approval for, or, as appropriate in exceptional circumstances, is making significant progress toward—

(A) an International Monetary Fund standby arrangement, extended Fund arrangement, or an arrangement under the structural adjustment facility or enhanced structural adjustment facility, or in exceptional circumstances, a Fund monitored program or its equivalent, unless the President determines (after consultation with the Enterprise for the Americas Board) that such an arrangement or program (or its equivalent) could reasonably be expected to have significant adverse social or environmental effects; and

(B) as appropriate, structural or sectoral adjustment loans from the International Bank for Reconstruction and Development or the International Development Association, unless the President determines (after consultation with the Enterprise for the Americas Board) that the resulting adjustment requirements could reasonably be expected to have significant adverse social or environmental effects;

(6) has put in place major investment reforms in conjunction with an Inter-American Development Bank loan or otherwise is implementing, or is making significant progress toward, an open investment regime; and

(7) if appropriate, has agreed with its commercial bank lenders on a satisfactory financing program, including, as appropriate, debt or debt service reduction.

(b) Eligibility determinations

Consistent with subsection (a) of this section, the President shall determine whether a country is eligible to receive benefits under this subchapter. The President shall notify the appropriate congressional committees of his intention to designate a country as an eligible country at least 15 days in advance of any formal determination.

(Pub. L. 87–195, pt. IV, § 703, as added Pub. L. 102–549, title VI, § 602(a), Oct. 28, 1992, 106 Stat. 3664.)

PRIOR PROVISIONS

A prior section 703 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 463, amended section 1613d of this title and enacted provisions set out as a note under section 1613d of this title, prior to repeal by Pub. L. 87–565, pt. IV, § 401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 703 affected section 1613d.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of the Treasury by section 1 of Ex. Ord. No. 12757, Mar. 19, 1991, 56 F.R. 12107, set out as a note under section 1738 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2430a, 2430g, 2431c of this title.

§ 2430c. Reduction of certain debt

(a) Authority to reduce debt

(1) Authority

The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1992, as a result of concessional loans made to an eligible country by the United States under subchapter I of this chapter, part IV of subchapter II of this chapter, or predecessor foreign economic assistance legislation.

(2) Appropriations requirement

The authority provided by this section may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) Certain prohibitions inapplicable

(A) A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(B) The authority of this section may be exercised notwithstanding section 2370(r) of this title or section 321 of the International Development and Food Assistance Act of 1975.

(b) Implementation of debt reduction

(1) In general

Any debt reduction pursuant to subsection (a) of this section shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations outstanding as of the date specified in subsection (a)(1) of this section.

(2) Exchange of obligations

The Facility shall notify the agency primarily responsible for administering subchapter I of this chapter of the agreement with an eligible country to exchange a new obligation for outstanding obligations pursuant to this subsection. At the direction of the Facility, the old obligations shall be canceled and a new debt obligation for the country shall be established, and the agency primarily responsible for administering subchapter I of this chapter shall make an adjustment in its accounts to reflect the debt reduction.

(Pub. L. 87–195, pt. IV, § 704, as added Pub. L. 102–549, title VI, § 602(a), Oct. 28, 1992, 106 Stat. 3665.)

REFERENCES IN TEXT

Section 321 of the International Development and Food Assistance Act of 1975, referred to in subsec. (a)(3)(B), is section 321 of Pub. L. 94–161, which is set out as a note under section 2220a of this title.

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

References to subchapter I of this chapter are deemed to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and VIII (§ 2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 202(b) of Pub. L. 92–228, set out as a note under section 2346 of this title, and sections 2348c and 2349aa–5 of this title.

PRIOR PROVISIONS

A prior section 704 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 463, amended section 1704 of Title 7, Agriculture, prior to repeal by Pub. L. 87–565, pt. IV, § 401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 704 affected section 1704.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of the Treasury by section 1 of Ex. Ord. No. 12757, Mar. 19, 1991, 56 F.R. 12107, set out as a note under section 1738 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2430a, 2430d, 2430e, 2431d of this title.

§ 2430d. Repayment of principal

(a) Currency of payment

The principal amount of each new obligation issued pursuant to section 2430c(b) of this title shall be repaid in United States dollars.

(b) Deposit of payments

Principal repayments of new obligations shall be deposited in the United States Government account established for principal repayments of the obligations for which those obligations were exchanged.

(Pub. L. 87–195, pt. IV, § 705, as added Pub. L. 102–549, title VI, § 602(a), Oct. 28, 1992, 106 Stat. 3666.)

PRIOR PROVISIONS

A prior section 705 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 463, amended section 1964 of this title, prior to repeal by Pub. L. 87–565, pt. IV, § 401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 705 affected section 1964.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2431d of this title.

§ 2430e. Interest on new obligations

(a) Rate of interest

New obligations issued by a beneficiary country pursuant to section 2430c(b) of this title shall bear interest at a concessional rate.

(b) Currency of payment; deposits

(1) Local currency

If the beneficiary country has entered into an Americas Framework Agreement, interest shall be paid in the local currency of the beneficiary country and deposited in an Americas Fund. Such interest shall be the property of the beneficiary country, until such time as it is disbursed pursuant to section 2430f(d) of this title. Such local currencies shall be used for the purposes specified in the Americas Framework Agreement.

(2) United States dollars

If the beneficiary country has not entered into an Americas Framework Agreement, interest shall be paid in United States dollars and deposited in the United States Government account established for interest payments of the obligations for which the new obligations were exchanged.

(c) Interest already paid

If a beneficiary country enters into an Americas Framework Agreement subsequent to the date on which interest first became due on the newly issued obligation, any interest already paid on such new obligation shall not be redeposited into the Americas Fund established for that country.

(Pub. L. 87–195, pt. IV, § 706, as added Pub. L. 102–549, title VI, § 602(a), Oct. 28, 1992, 106 Stat. 3666.)

PRIOR PROVISIONS

A prior section 706 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 463, enacted section 1945 of this title, prior to repeal by Pub. L. 87–565, pt. IV, § 401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 706 affected section 1945.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2430f, 2430g, 2431d of this title.

§ 2430f. Enterprise for the Americas Funds

(a) Establishment

Each beneficiary country that enters into an Americas Framework Agreement shall be required to establish an Enterprise for the Americas Fund to receive payments in local currency pursuant to section 2430e(b)(1) of this title.

(b) Deposits

Local currencies deposited in an Americas Fund shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(c) Investment

Deposits made in an Americas Fund shall be invested until disbursed. Any return on such investment may be retained by the Americas Fund, without deposit in the Treasury of the United States and without further appropriation by the Congress.

(d) Disbursements

Funds in an Americas Fund shall be disbursed only pursuant to an Americas Framework Agreement.

(Pub. L. 87–195, pt. IV, § 707, as added Pub. L. 102–549, title VI, § 602(a), Oct. 28, 1992, 106 Stat. 3666.)

PRIOR PROVISIONS

A prior section 707 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 464, amended section 1783 of this title, prior to repeal by Pub. L. 87–565, pt. IV, § 401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 707 affected section 1783.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2430a, 2430e, 2431h of this title.

§ 2430g. Americas Framework Agreements

(a) Authority

The Secretary of State is authorized, in consultation with other appropriate Government officials, to enter into an Americas Framework Agreement with any eligible country concerning the operation and use of the Americas Fund for that country. In the negotiation of such Agreements, the Secretary shall consult with the Enterprise for the Americas Board in accordance with section 2430h of this title.

(b) Contents of Agreements

An Americas Framework Agreement with an eligible country shall—

(1) require that country to establish an Americas Fund;

(2) require that country to make interest payments under section 2430e(b)(1) of this title into an Americas Fund;

(3) require that country to make prompt disbursements from the Americas Fund to the administering body described in subsection (c) of this section;

(4) when appropriate, seek to maintain the value of the local currency resources of the Americas Fund in terms of United States dollars;

(5) specify, in accordance with subsection (d) of this section, the purposes for which amounts in an Americas Fund may be used; and

(6) contain reasonable provisions for the enforcement of the terms of the agreement.

(c) Administering body

(1) In general

Funds disbursed from the Americas Fund in each beneficiary country shall be administered by a body constituted under the laws of that country.

(2) Composition

The administering body shall consist of—

(A) one or more individuals appointed by the United States Government,

(B) one or more individuals appointed by the government of the beneficiary country, and

(C) individuals who represent a broad range of—

(i) environmental nongovernmental organizations of the beneficiary country,

(ii) child survival and child development nongovernmental organizations of the beneficiary country,

(iii) local community development nongovernmental organizations of the beneficiary country, and

(iv) scientific or academic organizations or institutions of the beneficiary country.

A majority of the members of the administering body shall be individuals described in subparagraph (C).

(3) Responsibilities

The administering body—

(A) shall receive proposals for grant assistance from eligible grant recipients (as determined under subsection (e) of this section) and make grants to eligible grant recipients in accordance with the priorities agreed upon in the Americas Framework Agreement, consistent with subsection (d) of this section;

(B) shall be responsible for the management of the program and oversight of grant activities funded from resources of the Americas Fund;

(C) shall be subject, on an annual basis, to an audit of financial statements conducted in accordance with generally accepted auditing standards by an independent auditor;

(D) shall be required to grant to representatives of the United States General Accounting Office such access to books and records associated with operations of the Americas Fund as the Comptroller General of the United States may request;

(E) shall present an annual program for review each year by the Enterprise for the Americas Board; and

(F) shall submit a report each year on the activities that it undertook during the previous year to the Chair of the Enterprise for the Americas Board and to the government of the beneficiary country.

(d) Eligible activities

Grants from an Americas Fund shall be used for—

(1) activities that link the conservation and sustainable use of natural resources with local community development; and

(2) child survival and other child development activities.

(e) Grant recipients

Grants made from an Americas Fund shall be made to—

(1) nongovernmental environmental, conservation, child survival and child development, development, and indigenous peoples organizations of the beneficiary country;

(2) other appropriate local or regional entities; and

(3) in exceptional circumstances, the government of the beneficiary country.

(f) Review of larger grants

Any grant of more than $100,000 from an Americas Fund shall be subject to veto by the Government of the United States or the government of the beneficiary country.

(g) Eligibility criteria

In the event that a country ceases to meet the eligibility requirements set forth in section 2430b(a) of this title, as determined by the President pursuant to section 2430b(b) of this title, then grants from the Americas Fund for that country may only be made to nongovernmental organizations until such time as the President determines that such country meets the eligibility requirements set forth in section 2430b(a) of this title.

(Pub. L. 87–195, pt. IV, § 708, as added Pub. L. 102–549, title VI, § 602(a), Oct. 28, 1992, 106 Stat. 3667.)

PRIOR PROVISIONS

A prior section 708 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 464, amended sections 1041, 1112, 1136, 1148, and 1157 of this title, prior to repeal by Pub. L. 87–565, pt. IV, § 401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 708 affected sections 1041, 1112, 1136, 1148, and 1157.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2430a, 2431g of this title.

§ 2430h. Enterprise for the Americas Board

For purposes of this subchapter, the Enterprise for the Americas Board shall—

(1) advise the Secretary of State on the negotiations of Americas Framework Agreements;

(2) ensure, in consultation with—

(A) the government of the beneficiary country,

(B) nongovernmental organizations of the beneficiary country,

(C) nongovernmental organizations of the region (if appropriate),

(D) environmental, scientific, child survival and child development, and academic leaders of the beneficiary country, and

(E) environmental, scientific, child survival and child development, and academic leaders of the region (as appropriate),

that a suitable administering body is identified for each Americas Fund; and

(3) review the programs, operations, and fiscal audits of each administering body.

(Pub. L. 87–195, pt. IV, § 709, as added Pub. L. 102–549, title VI, § 602(a), Oct. 28, 1992, 106 Stat. 3668.)

PRIOR PROVISIONS

A prior section 709 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 465, amended section 279a of this title, prior to repeal by Pub. L. 87–565, pt. IV, § 401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 709 affected section 279a.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2430g of this title.

§ 2430i. Annual reports to Congress

The annual reports submitted pursuant to section 1738m of title 7 shall include a description of each Americas Framework Agreement and a description of any grants that have been extended by administering bodies pursuant to an Americas Framework Agreement.

(Pub. L. 87–195, pt. IV, § 710, as added Pub. L. 102–549, title VI, § 602(a), Oct. 28, 1992, 106 Stat. 3669.)

PRIOR PROVISIONS

A prior section 710 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 465, amended section 276 of this title and enacted provisions set out as a note under section 276 of this title, prior to repeal by Pub. L. 87–565, pt. IV, § 401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 710 affected section 276.

SUBCHAPTER IV—DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS

PRIOR PROVISIONS

A prior subchapter IV, Indochina Postwar Reconstruction, consisted of sections 2431 to 2435, prior to repeal by Pub. L. 94–329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

§ 2431. Findings and purposes

(a) Findings

The Congress finds the following:

(1) It is the established policy of the United States to support and seek protection of tropical forests around the world.

(2) Tropical forests provide a wide range of benefits to humankind by—

(A) harboring a major share of the Earth's biological and terrestrial resources, which are the basis for developing pharmaceutical products and revitalizing agricultural crops;

(B) playing a critical role as carbon sinks in reducing greenhouse gases in the atmosphere, thus moderating potential global climate change; and

(C) regulating hydrological cycles on which far-flung agricultural and coastal resources depend.

(3) International negotiations and assistance programs to conserve forest resources have proliferated over the past decade, but the rapid rate of tropical deforestation continues unabated.

(4) Developing countries with urgent needs for investment and capital for development have allocated a significant amount of their forests to logging concessions.

(5) Poverty and economic pressures on the populations of developing countries have, over time, resulted in clearing of vast areas of for-

est for conversion to agriculture, which is often unsustainable in the poor soils underlying tropical forests.

(6) Debt reduction can reduce economic pressures on developing countries and result in increased protection for tropical forests.

(7) Finding economic benefits to local communities from sustainable uses of tropical forests is critical to the protection of tropical forests.

(b) Purposes

The purposes of this subchapter are—

(1) to recognize the values received by United States citizens from protection of tropical forests;

(2) to facilitate greater protection of tropical forests (and to give priority to protecting tropical forests with the highest levels of biodiversity and under the most severe threat) by providing for the alleviation of debt in countries where tropical forests are located, thus allowing the use of additional resources to protect these critical resources and reduce economic pressures that have led to deforestation;

(3) to ensure that resources freed from debt in such countries are targeted to protection of tropical forests and their associated values; and

(4) to rechannel existing resources to facilitate the protection of tropical forests.

(Pub. L. 87–195, pt. V, § 802, as added Pub. L. 105–214, § 1, July 29, 1998, 112 Stat. 885.)

PRIOR PROVISIONS

A prior section 2431, Pub. L. 87–195, pt. V, § 801, as added Pub. L. 93–189, § 24, Dec. 17, 1973, 87 Stat. 728, authorized the President to furnish assistance for relief and reconstruction of South Vietnam, Cambodia, and Laos, prior to repeal by Pub. L. 94–329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

A prior section 802 of Pub. L. 87–195, pt. V, was classified to section 2432 of this title prior to repeal by Pub. L. 94–329.

SHORT TITLE

For short title of this subchapter as the ''Tropical Forest Conservation Act of 1998'', see section 801 of Pub. L. 87–195, set out as a note under section 2151 of this title.

§ 2431a. Definitions

As used in this subchapter:

(1) Administering body

The term ''administering body'' means the entity provided for in section 2431g(c) of this title.

(2) Appropriate congressional committees

The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) Beneficiary country

The term ''beneficiary country'' means an eligible country with respect to which the authority of section 2431d(a)(1) of this title, section 2431e(a)(1) of this title, or paragraph (1) or (2) of section 2431f(a) of this title is exercised.

(4) Board

The term ''Board'' means the board referred to in section 2431i of this title.

(5) Developing country with a tropical forest

The term ''developing country with a tropical forest'' means—

(A)(i) a country that has a per capita income of $725 or less in 1994 United States dollars (commonly referred to as ''low-income country''), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; or

(ii) a country that has a per capita income of more than $725 but less than $8,956 in 1994 United States dollars (commonly referred to as ''middle-income country''), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; and

(B) a country that contains at least one tropical forest that is globally outstanding in terms of its biological diversity or represents one of the larger intact blocks of tropical forests left, on a regional, continental, or global scale.

(6) Eligible country

The term ''eligible country'' means a country designated by the President in accordance with section 2431c of this title.

(7) Tropical Forest Agreement

The term ''Tropical Forest Agreement'' or ''Agreement'' means a Tropical Forest Agreement provided for in section 2431g of this title.

(8) Tropical Forest Facility

The term ''Tropical Forest Facility'' or ''Facility'' means the Tropical Forest Facility established in the Department of the Treasury by section 2431b of this title.

(9) Tropical Forest Fund

The term ''Tropical Forest Fund'' or ''Fund'' means a Tropical Forest Fund provided for in section 2431h of this title.

(Pub. L. 87–195, pt. V, § 803, as added Pub. L. 105–214, § 1, July 29, 1998, 112 Stat. 886.)

PRIOR PROVISIONS

A prior section 803 of Pub. L. 87–195, pt. V, was classified to section 2433 of this title prior to repeal by Pub. L. 94–329.

§ 2431b. Establishment of Facility

There is established in the Department of the Treasury an entity to be known as the ''Tropical Forest Facility'' for the purpose of providing for the administration of debt reduction in accordance with this subchapter.

(Pub. L. 87–195, pt. V, § 804, as added Pub. L. 105–214, § 1, July 29, 1998, 112 Stat. 887.)

PRIOR PROVISIONS

A prior section 804 of Pub. L. 87–195, pt. V, was classified to section 2434 of this title prior to repeal by Pub. L. 94–329.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2431a of this title.

§ 2431c. Eligibility for benefits

(a) In general

To be eligible for benefits from the Facility under this subchapter, a country shall be a developing country with a tropical forest—

(1) whose government meets the requirements applicable to Latin American or Caribbean countries under paragraphs (1) through (5) and (7) of section 2430b(a) of this title; and

(2) that has put in place major investment reforms, as evidenced by the conclusion of a bilateral investment treaty with the United States, implementation of an investment sector loan with the Inter-American Development Bank, World Bank-supported investment reforms, or other measures, as appropriate.

(b) Eligibility determinations

(1) In general

Consistent with subsection (a) of this section, the President shall determine whether a country is eligible to receive benefits under this subchapter.

(2) Congressional notification

The President shall notify the appropriate congressional committees of his intention to designate a country as an eligible country at least 15 days in advance of any formal determination.

(Pub. L. 87–195, pt. V, § 805, as added Pub. L. 105–214, § 1, July 29, 1998, 112 Stat. 887.)

PRIOR PROVISIONS

A prior section 805 of Pub. L. 87–195, pt. V, enacted a provision set out as a note under former section 2431 of this title prior to repeal by Pub. L. 94–329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2431a, 2431g of this title.

§ 2431d. Reduction of debt owed to United States as result of concessional loans under this chapter

(a) Authority to reduce debt

(1) Authority

The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of concessional loans made to an eligible country by the United States under subchapter I of this chapter, part IV of subchapter II of this chapter, or predecessor foreign economic assistance legislation.

(2) Authorization of appropriations

For the cost (as defined in section 661a(5) of title 2) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

(A) $25,000,000 for fiscal year 1999;

(B) $75,000,000 for fiscal year 2000; and

(C) $100,000,000 for fiscal year 2001.

(3) Certain prohibitions inapplicable

(A) In general

A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(B) Additional requirement

The authority of this section may be exercised notwithstanding section 2370(r) of this title or section 321 of the International Development and Food Assistance Act of 1975.

(b) Implementation of debt reduction

(1) In general

Any debt reduction pursuant to subsection (a) of this section shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) of this section outstanding as of the date specified in subsection (a)(1) of this section.

(2) Exchange of obligations

(A) In general

The Facility shall notify the agency primarily responsible for administering subchapter I of this chapter of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

(B) Additional requirement

At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation for the country shall be established relating to the agreement, and the agency primarily responsible for administering subchapter I of this chapter shall make an adjustment in its accounts to reflect the debt reduction.

(c) Additional terms and conditions

The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) of this section in the same manner as such terms and conditions apply to the reduction of debt under section 2430c(a)(1) of this title:

(1) The provisions relating to repayment of principal under section 2430d of this title.

(2) The provisions relating to interest on new obligations under section 2430e of this title.

(Pub. L. 87–195, pt. V, § 806, as added Pub. L. 105–214, § 1, July 29, 1998, 112 Stat. 887.)

REFERENCES IN TEXT

This chapter, referred to in section catchline, was in the original ''the Foreign Assistance Act of 1961'', meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to this chapter (§ 2151 et seq.). For complete classification of the Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Section 321 of the International Development and Food Assistance Act of 1975, referred to in subsec. (a)(3)(B), is section 321 of Pub. L. 94–161, Dec. 20, 1975, 89 Stat. 868, which is set out as a note under section 2220a of this title.

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

References to subchapter I of this chapter are deemed to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and VIII (§ 2349aa et seq.) of subchapter II of this chapter,

and references to subchapter II are deemed to exclude such parts. See section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa–5 of this title.

PRIOR PROVISIONS

A prior section 806 of Pub. L. 87–195, pt. V, was classified to section 2435 of this title prior to repeal by Pub. L. 94–329.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2431a, 2431f of this title.

§ 2431e. Reduction of debt owed to United States as result of credits extended under title I of Agricultural Trade Development and Assistance Act of 1954

(a) Authority to reduce debt

(1) Authority

Notwithstanding any other provision of law, the President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of any credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.) to a country eligible for benefits from the Facility.

(2) Authorization of appropriations

(A) In general

For the cost (as defined in section 661a(5) of title 2) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

(i) $25,000,000 for fiscal year 1999;

(ii) $50,000,000 for fiscal year 2000; and

(iii) $50,000,000 for fiscal year 2001.

(B) Limitation

The authority provided by this section shall be available only to the extent that appropriations for the cost (as defined in section 661a(5) of title 2) of the modification of any debt pursuant to this section are made in advance.

(b) Implementation of debt reduction

(1) In general

Any debt reduction pursuant to subsection (a) of this section shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) of this section outstanding as of the date specified in subsection (a)(1) of this section.

(2) Exchange of obligations

(A) In general

The Facility shall notify the Commodity Credit Corporation of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

(B) Additional requirement

At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation shall be established for the country relating to the agreement, and the Commodity Credit Corporation shall make an adjustment in its accounts to reflect the debt reduction.

(c) Additional terms and conditions

The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) of this section in the same manner as such terms and conditions apply to the reduction of debt under section 604(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1738c(a)(1)]:

(1) The provisions relating to repayment of principal under section 605 of such Act [7 U.S.C. 1738d].

(2) The provisions relating to interest on new obligations under section 606 of such Act [7 U.S.C. 1738e].

(Pub. L. 87–195, pt. V, § 807, as added Pub. L. 105–214, § 1, July 29, 1998, 112 Stat. 888.)

REFERENCES IN TEXT

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsec. (a)(1), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended. Title I of the Act is classified generally to subchapter II (§ 1701 et seq.) of chapter 41 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2431a, 2431f of this title.

§ 2431f. Authority to engage in debt-for-nature swaps and debt buybacks

(a) Loans and credits eligible for sale, reduction, or cancellation

(1) Debt-for-nature swaps

(A) In general

Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser described in subparagraph (B) any concessional loans described in section 2431d(a)(1) of this title or any credits described in section 2431e(a)(1) of this title, or on receipt of payment from an eligible purchaser described in subparagraph (B), reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt-for-nature swap to support eligible activities described in section 2431g(d) of this title.

(B) Eligible purchaser described

A loan or credit may be sold, reduced, or canceled under subparagraph (A) only to a purchaser who presents plans satisfactory to the President for using the loan or credit for the purpose of engaging in debt-for-nature swaps to support eligible activities described in section 2431g(d) of this title.

(C) Consultation requirement

Before the sale under subparagraph (A) to any eligible purchaser described in subparagraph (B), or any reduction or cancellation under such subparagraph (A), of any loan or credit made to an eligible country, the President shall consult with the country

concerning the amount of loans or credits to be sold, reduced, or canceled and their uses for debt-for-nature swaps to support eligible activities described in section 2431g(d) of this title.

(D) Authorization of appropriations

For the cost (as defined in section 661a(5) of title 2) for the reduction of any debt pursuant to subparagraph (A), amounts authorized to[1] appropriated under sections 2431d(a)(2) and 2431e(a)(2) of this title shall be made available for such reduction of debt pursuant to subparagraph (A).

(2) Debt buybacks

Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible country any concessional loans described in section 2431d(a)(1) of this title or any credits described in section 2431e(a)(1) of this title, or on receipt of payment from an eligible country, reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than the lessor of 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support eligible activities described in section 2431g(d) of this title.

(3) Limitation

The authority provided by paragraphs (1) and (2) shall be available only to the extent that appropriations for the cost (as defined in section 661a(5) of title 2) of the modification of any debt pursuant to such paragraphs are made in advance.

(4) Terms and conditions

Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans and credits may be sold, reduced, or canceled pursuant to this section.

(5) Administration

(A) In general

The Facility shall notify the administrator of the agency primarily responsible for administering subchapter I of this chapter or the Commodity Credit Corporation, as the case may be, of eligible purchasers described in paragraph (1)(B) that the President has determined to be eligible under paragraph (1), and shall direct such agency or Corporation, as the case may be, to carry out the sale, reduction, or cancellation of a loan pursuant to such paragraph.

(B) Additional requirement

Such agency or Corporation, as the case may be, shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

[1] So in original. Probably should be followed by ''be''.

(b) Deposit of proceeds

The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(Pub. L. 87–195, pt. V, § 808, as added Pub. L. 105–214, § 1, July 29, 1998, 112 Stat. 889.)

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

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2431a of this title.

§ 2431g. Tropical Forest Agreement

(a) Authority

(1) In general

The Secretary of State is authorized, in consultation with other appropriate officials of the Federal Government, to enter into a Tropical Forest Agreement with any eligible country concerning the operation and use of the Fund for that country.

(2) Consultation

In the negotiation of such an Agreement, the Secretary shall consult with the Board in accordance with section 2431i of this title.

(b) Contents of Agreement

The requirements contained in section 2430g(b) of this title (relating to contents of an agreement) shall apply to an Agreement in the same manner as such requirements apply to an Americas Framework Agreement.

(c) Administering body

(1) In general

Amounts disbursed from the Fund in each beneficiary country shall be administered by a body constituted under the laws of that country.

(2) Composition

(A) In general

The administering body shall consist of—

(i) one or more individuals appointed by the United States Government;

(ii) one or more individuals appointed by the government of the beneficiary country; and

(iii) individuals who represent a broad range of—

(I) environmental nongovernmental organizations of, or active in, the beneficiary country;

(II) local community development nongovernmental organizations of the beneficiary country; and

(III) scientific, academic, or forestry organizations of the beneficiary country.

(B) Additional requirement

A majority of the members of the administering body shall be individuals described in subparagraph (A)(iii).

(3) Responsibilities

The requirements contained in section 2430g(c)(3) of this title (relating to responsibilities of the administering body) shall apply to an administering body described in paragraph (1) in the same manner as such requirements apply to an administering body described in section 2430g(c)(1) of this title.

(d) Eligible activities

Amounts deposited in a Fund shall be used only to provide grants to conserve, maintain, and restore the tropical forests in the beneficiary country, through one or more of the following activities:

(1) Establishment, restoration, protection, and maintenance of parks, protected areas, and reserves.

(2) Development and implementation of scientifically sound systems of natural resource management, including land and ecosystem management practices.

(3) Training programs to increase the scientific, technical, and managerial capacities of individuals and organizations involved in conservation efforts.

(4) Restoration, protection, or sustainable use of diverse animal and plant species.

(5) Research and identification of medicinal uses of tropical forest plant life to treat human diseases, illnesses, and health related concerns.

(6) Development and support of the livelihoods of individuals living in or near a tropical forest in a manner consistent with protecting such tropical forest.

(e) Grant recipients

(1) In general

Grants made from a Fund shall be made to—

(A) nongovernmental environmental, forestry, conservation, and indigenous peoples organizations of, or active in, the beneficiary country;

(B) other appropriate local or regional entities of, or active in, the beneficiary country; or

(C) in exceptional circumstances, the government of the beneficiary country.

(2) Priority

In providing grants under paragraph (1), priority shall be given to projects that are run by nongovernmental organizations and other private entities and that involve local communities in their planning and execution.

(f) Review of larger grants

Any grant of more than $100,000 from a Fund shall be subject to veto by the Government of the United States or the government of the beneficiary country.

(g) Eligibility criteria

In the event that a country ceases to meet the eligibility requirements set forth in section 2431c(a) of this title, as determined by the President pursuant to section 2431c(b) of this title, then grants from the Fund for that country may only be made to nongovernmental organizations until such time as the President determines that such country meets the eligibility requirements set forth in section 2431c(a) of this title.

(Pub. L. 87–195, pt. V, § 809, as added Pub. L. 105–214, § 1, July 29, 1998, 112 Stat. 890.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2431a, 2431f, 2431h of this title.

§ 2431h. Tropical Forest Fund

(a) Establishment

Each beneficiary country that enters into a Tropical Forest Agreement under section 2431g of this title shall be required to establish a Tropical Forest Fund to receive payments of interest on new obligations undertaken by the beneficiary country under this subchapter.

(b) Requirements relating to operation of Fund

The following terms and conditions shall apply to the Fund in the same manner as such terms as[1] conditions apply to an Enterprise for the Americas Fund under section 2430f of this title:

(1) The provision relating to deposits under subsection (b) of such section.

(2) The provision relating to investments under subsection (c) of such section.

(3) The provision relating to disbursements under subsection (d) of such section.

(Pub. L. 87–195, pt. V, § 810, as added Pub. L. 105–214, § 1, July 29, 1998, 112 Stat. 892.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2431a of this title.

§ 2431i. Board

(a) Enterprise for the Americas Board

The Enterprise for the Americas Board established under section 1738i(a) of title 7 shall, in addition to carrying out the responsibilities of the Board under section 1738i(c) of title 7, carry out the duties described in subsection (c) of this section for the purposes of this subchapter.

(b) Additional membership

(1) In general

The Enterprise for the Americas Board shall be composed of an additional four members appointed by the President as follows:

(A) Two representatives from the United States Government, including a representative of the International Forestry Division of the United States Forest Service.

(B) Two representatives from private nongovernmental environmental, scientific, forestry, or academic organizations with experience and expertise in preservation, maintenance, sustainable uses, and restoration of tropical forests.

(2) Chairperson

Notwithstanding section 1738i(b)(2) of title 7, the Enterprise for the Americas Board shall be headed by a chairperson who shall be appointed by the President from among the representatives appointed under section 1738i(b)(1)(A) of title 7 or paragraph (1)(A) of this subsection.

[1] So in original. Probably should be ''and''.

(c) Duties

The duties described in this subsection are as follows:

(1) Advise the Secretary of State on the negotiations of Tropical Forest Agreements.

(2) Ensure, in consultation with—

(A) the government of the beneficiary country;

(B) nongovernmental organizations of the beneficiary country;

(C) nongovernmental organizations of the region (if appropriate);

(D) environmental, scientific, forestry, and academic leaders of the beneficiary country; and

(E) environmental, scientific, forestry, and academic leaders of the region (as appropriate),

that a suitable administering body is identified for each Fund.

(3) Review the programs, operations, and fiscal audits of each administering body.

(Pub. L. 87–195, pt. V, § 811, as added Pub. L. 105–214, § 1, July 29, 1998, 112 Stat. 892.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2431a, 2431g of this title.

§ 2431j. Consultations with Congress

The President shall consult with the appropriate congressional committees on a periodic basis to review the operation of the Facility under this subchapter and the eligibility of countries for benefits from the Facility under this subchapter.

(Pub. L. 87–195, pt. V, § 812, as added Pub. L. 105–214, § 1, July 29, 1998, 112 Stat. 893.)

§ 2431k. Annual reports to Congress

(a) In general

Not later than December 31 of each year, the President shall prepare and transmit to the Congress an annual report concerning the operation of the Facility for the prior fiscal year. Such report shall include—

(1) a description of the activities undertaken by the Facility during the previous fiscal year;

(2) a description of any Agreement entered into under this subchapter;

(3) a report on any Funds that have been established under this subchapter and on the operations of such Funds; and

(4) a description of any grants that have been provided by administering bodies pursuant to Agreements under this subchapter.

(b) Supplemental views in annual report

Not later than December 15 of each year, each member of the Board shall be entitled to receive a copy of the report required under subsection (a) of this section. Each member of the Board may prepare and submit supplemental views to the President on the implementation of this subchapter by December 31 for inclusion in the annual report when it is transmitted to Congress pursuant to this section.

(Pub. L. 87–195, pt. V, § 813, as added Pub. L. 105–214, § 1, July 29, 1998, 112 Stat. 893.)

PRIOR PROVISIONS

Prior sections 2432 to 2435 were repealed by Pub. L. 94–329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

Section 2432, Pub. L. 87–195, pt. V, § 802, as added Pub. L. 93–189, § 24, Dec. 17, 1973, 87 Stat. 728, authorized appropriation of $504,000,000 for fiscal year 1974 to remain available until expended for relief and reconstruction of South Vietnam, Cambodia, and Laos.

Section 2433, Pub. L. 87–195, pt. V, § 803, as added Pub. L. 93–189, § 24, Dec. 17, 1973, 87 Stat. 728, provided for assistance to South Vietnamese children.

Section 2434, Pub. L. 87–195, pt. V, § 804, as added Pub. L. 93–189, § 24, Dec. 17, 1973, 87 Stat. 729, made provision for assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

Section 2435, Pub. L. 87–195, pt. V, § 806, as added Pub. L. 93–559, § 41, Dec. 30, 1974, 88 Stat. 1812, directed that provisions covering special programs for relief of South Vietnam, Cambodia, and Laos not apply to programs related to population growth, narcotics control, humanitarian programs by international organizations, and regional programs.

SUBCHAPTER V—MIDDLE EAST ASSISTANCE

§§ 2441 to 2443. Repealed. Pub. L. 95–384, § 12(c)(4), Sept. 26, 1978, 92 Stat. 737

Section 2441, Pub. L. 87–195, pt. VI, § 901, as added Pub. L. 93–559, § 42, Dec. 30, 1974, 88 Stat. 1812; amended Pub. L. 94–329, title IV, § 401, June 30, 1976, 90 Stat. 756, related to Congressional statement of policy with regard to Middle East assistance.

Section 2442, Pub. L. 87–195, pt. VI, § 902, as added Pub. L. 93–559, § 42, Dec. 30, 1974, 88 Stat. 1812, related to allocations of funds with regard to Middle East assistance.

Section 2443, Pub. L. 87–195, pt. VI, § 903, as added Pub. L. 93–559, § 42, Dec. 30, 1974, 88 Stat. 1812; amended Pub. L. 94–329, title V, § 502, June 30, 1976, 90 Stat. 763; Pub. L. 95–92, § 13, Aug. 4, 1977, 91 Stat. 621, related to a special requirements fund with regard to Middle East assistance.

CHAPTER 33—MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

Sec.
2451. Congressional statement of purpose.
2451a. Repealed.
2452. Authorization of activities.
(a) Grants or contracts for educational or cultural exchanges; participation in international fairs and expositions abroad.
(b) Other exchanges.
2452a. Exchange program with countries in transition from totalitarianism to democracy.
(a) Authorization of activities; grants or contracts for exchanges with foreign countries.
(b) Transfer of funds.
2453. Agreements with foreign governments and international organizations.
(a) Authorization.
(b) Creation or continuation of binational or multinational educational and cultural foundations and commissions.
(c) United States participation in programs.
2454. Administration.
(a) Delegation of powers; submission of proposal for delegation to Congress.
(b) Employment of personnel.
(c) Repealed.
(d) Extension of benefits
(e) Grants; use of funds, counseling service; publicity and promotion abroad.