2009, and not as part of the International Travel Act of 1961 which comprises this chapter.

AMENDMENTS


CHAPTER 31A—NATIONAL TOURISM ORGANIZATION

§ 2141. Omitted

Codification

Section, Pub. L. 104–288, § 2, Oct. 11, 1996, 110 Stat. 3402, which stated findings of Congress and purpose of this chapter, was omitted because of the repeal of sections 2141a to 2141d of this title.


Effective Date of Repeal

For effective date of repeal, see Codification note for former section 2141e of this title.

§§ 2141e, 2141f. Omitted

Codification

Sections are omitted from the Code because of the repeal of sections 2141a to 2141d of this title.

Section 2141e, Pub. L. 104–288, § 7, Oct. 11, 1996, 110 Stat. 3407, provided for the repeal of sections 2141a to 2141d of this title if, within 2 years after Oct. 11, 1996, the United States National Tourism Organization Board had not developed and implemented a comprehensive plan for the long-term financing of the United States National Tourism Organization, and further provided that the Board could suspend or terminate the Organization if sufficient private sector and State or local government funds were not identified or made available to continue the Organization’s operations. [The Board did not develop and implement such a plan within 2 years after Oct. 11, 1996.]

Section 2141f, Pub. L. 104–288, § 12, Oct. 11, 1996, 110 Stat. 3410, defined the terms “Organization” and “Board” for purposes of this chapter.

CHAPTER 32—FOREIGN ASSISTANCE

SUBCHAPTER I—INTERNATIONAL DEVELOPMENT

PART I—DECLARATION OF POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

Sec. 2151. Congressional findings and declaration of policy.

2151.  Development assistance policy.

2151a.  Agricultural development in rural areas.

2151a–1.  Agricultural research.

2151b.  Population planning and health programs.

2151b–1.  Assistance for malaria prevention, treatment, control, and elimination.

2151b–2.  Assistance to combat HIV/AIDS.

2151b–3.  Assistance to combat tuberculosis.

2151b–4.  Assistance to combat malaria.

2151c.  Education and human resources development.

2151d.  Development of indigenous energy resources.

2151e.  Appropriate technology.

2151f.  Transferred.

2151g.  Transfer of funds.

2151h.  Cost-sharing.

2151i.  Development and use of cooperatives.

2151j.  Repealed.

2151k.  Integrating women into national economies; report.

2151l.  2151m.  Human rights and development assistance.

2151n.  Repealed.

2151o.  Human Rights and Democracy Fund.

2151p.  Environmental and natural resources.

2151p–1.  Tropical forests.

2151q.  Endangered species.

2151r.  Sahel development program; planning.

2151s.  Development assistance authority.

2151t.  Establishment of program.

2151u.  Development assistance to developing countries.

2151v.  Aid to relatively least developed countries.

2151w.  Project and program evaluations.

2151x.  Development and illicit narcotics production.

2151y.  Assistance for agricultural and industrial alternatives to narcotics production.

2151z.  Assistance in furtherance of narcotics control objectives of United States.

2151aa.  Accelerated loan repayments; annual review of countries with bilateral concessional loan balances; priority of determinations respecting negotiations with countries having balances; criteria for determinations.

2151bb.  Targeted assistance.

2151b.  Program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries.

2151c.  Assistance for victims of torture.

2151ccc.  Repealed or Transferred.

2151d.  Programs to encourage good governance.

2151e.  Assistance to foreign countries to meet minimum standards for the elimination of trafficking.

2151f.  Program to improve building construction and practices in Latin American countries.

2151g.  Assistance for orphans and other vulnerable children.

2151h.  Annual report.

2151i.  Assistance to provide safe water and sanitation.

PART II—OTHER PROGRAMS

SUBPART I—MULTILATERAL AND REGIONAL DEVELOPMENT PROGRAMS

2161 to 2165.  Repealed.

2166.  Regional development in Africa.
Sec. 2284. Eligible countries.
2285. Terms and conditions.
2286. Pilot program for sub-Saharan Africa.

PART VIII—INTERNATIONAL NARCOTICS CONTROL

2291. Policy, general authorities, coordination, foreign police actions, definitions, and other provisions.
2291–1 to 2291–3. Repealed.
2291–4. Official immunity for authorized employees and agents of United States and foreign countries engaged in interception of aircraft used in illicit drug trafficking.
2291–5. Provision of nonlethal equipment to foreign law enforcement organizations for cooperative illicit narcotics control activities.
2291a. Authorization of appropriations.
2291b. Prohibition on use of foreign assistance for reimbursements for drug crop eradication.
2291c. Requirements relating to aircraft and other equipment.
2291d. Records of aircraft use.
2291e. Reallocation of funds withheld from countries which fail to take adequate steps to halt illicit drug production or trafficking.
2291f. Prohibition on assistance to drug traffickers.
2291g. Limitations on acquisition of real property and construction of facilities.
2291h. Reporting requirements.
2291i. Repealed.
2291j. Authority to transfer excess defense articles.
2291k. Designation of major non-NATO allies.

PART IX—INTERNATIONAL DISASTER ASSISTANCE

2292. General provisions.
2292a. Authorization of appropriations.
2292a–1. Appropriated funds; Presidential reports to Committees on Appropriations of the Senate and the House.
2292b. Disaster assistance coordination through a Special Coordinator for International Disaster Assistance; Presidential appointment and duties.
2292c. Repealed.
2292d. Repealed or Transferred.

PART X—DEVELOPMENT FUND FOR AFRICA

2293. Long-term development assistance for sub-Saharan Africa.
2294. Authorizations of appropriations for Development Fund for Africa.

PART XI—SUPPORT FOR ECONOMIC AND DEMOCRATIC DEVELOPMENT OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

2295. Assistance for the independent states.
2295a. Criteria for assistance to governments of the independent states.
2295b. Authorities relating to assistance and other provisions.
2295c. Authorization of appropriations.

PART XII—SUPPORT FOR THE ECONOMIC AND POLITICAL INDEPENDENCE OF THE COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

2296. United States assistance to promote reconciliation and recovery from regional conflicts.
2296a. Economic assistance.
2296b. Development of infrastructure.
2296c. Border control assistance.
2296d. Strengthening democracy, tolerance, and the development of civil society.

SUBCHAPTER II—MILITARY ASSISTANCE AND SALES

PART I—DECLARATION OF POLICY

2301. Congressional statement of policy.
2302. Utilization of defense articles and defense services.
2303. Repealed.
2304. Human rights and security assistance.

PART II—MILITARY ASSISTANCE

2311. General authority.
2312. Authorization of appropriations.
2313. Transferred.
2314. Furnishing of defense articles or related training or other defense services on grant basis.
2314a to 2317. Repealed or Transferred.
2318. Special authority.
2319 to 2321a. Repealed.
2321b. Excess defense article.
2321c. Definitions.
2321d. Considerations in furnishing military assistance.
2321e to 2321g. Repealed.
2321h. Stockpiling of defense articles for foreign countries.
2321i. Overseas management of assistance and sales programs.
2321j. Authority to transfer excess defense articles.
2321k. Designation of major non-NATO allies.
2321l to 2322. Repealed or Transferred.

PART III—FOREIGN MILITARY SALES

2341 to 2343. Repealed.
2344. Reimbursements.
2345. Repealed.

PART IV—ECONOMIC SUPPORT FUND

2346. Authority.
2346a. Authorizations of appropriations.
2346b. Emergency assistance.
2346c. Administration of justice.
2346d to 2346i. Repealed.

PART V—INTERNATIONAL MILITARY EDUCATION AND TRAINING

2347. General authority.
2347a. Authorization of appropriations.
2347b. Congressional declaration of purpose.
2347c. Exchange training; reciprocity agreement.
2347d. Training in maritime skills.
2347e. Prohibition on grant assistance for certain high income foreign countries.
2347f. Consultation requirement.
2347g. Records regarding foreign participants.
2347h. Human rights report.

PART VI—PEACEKEEPING OPERATIONS

2348. General authorization.
2348a. Authorization of appropriations.
2348b. Repealed.
2348c. Administrative authorities.
2348d. Data on costs incurred in support of United Nations peacekeeping operations.

PART VII—AIR BASE CONSTRUCTION IN ISRAEL

2349. General authority.
2349b. Waiver authorities.

PART VIII—ANTITERRORISM ASSISTANCE

2349aa. General authority.
Purposes.

Authorization of appropriations.

Authorization of assistance.

Limitation on assistance to Secretary of Defense.

Authorization of appropriations.

Safeguarding and elimination of conventional arms.

Authorization of assistance.

Coordination of all United States terrorism-related assistance to foreign countries.

Prohibition on imports from and exports to Libya.

Prohibition on assistance to countries that provide military equipment to terrorist states.

Prohibition on assistance to countries that restrict United States humanitarian assistance.

Repealed.

Repealed.

Repealed.

Prohibition on assistance to countries that provide military equipment to terrorist states.

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SUBCHAPTER I—INTERNATIONAL DEVELOPMENT

PART I—DECLARATION OF POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

§ 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 developing 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 five 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;
(4) the integration of the developing countries into an open and equitable international economic system; and
(5) the promotion of good governance through combating corruption and improving transparency and accountability.

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.

References to subchapter I defined 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 (§2348aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 232(b) of Pub. L. 95–424, set out as a note under section 2346 of this title, and sections 2548c and 2548aa–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 for 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.

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, (2) security, (3) prosperity, aggression, subversion, ignorance, want, despair, and national self-hate, (4) 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 guarantees; (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 purposes; (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 terminating assistance, now covered in section 237(c) of this title; and (16) use of United States Armed Forces, now covered in section 2409 of this title.

1965—Pub. L. 89–595 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 personal property of the United States shall be utilized wherever practicable in lieu of the procurement of new items for United States-assisted projects and programs and that assurance 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.

1965—Pub. L. 89–200 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 shall be taken to ensure 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 countries increase their contributions as and to the extent to which the need for 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 that struggle.

1962—Pub. L. 87–585 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, re-
quired in the administration of these funds, that con-
stitution be given those countries sharing our world
views and which do not divert their resources to mili-
tary 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-in-
terest 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 pro-
grams of technical assistance and development, each
assisted country should be encouraged to recognize
needs of the people in the preparation of national de-
velopment programs, and declared that friendly na-
tions are to be invited, where possible, to join in mis-
sions to consult with countries receiving assistance on
the possibilities of joint action to assure effective de-
velopment of economic development plans and effective
use of assistance provided them, and that the President
may request international financial institutions to as-
sist in establishing such missions.

Effective Date of 1979 Amendment


(a) Except as provided in subsection (b) of this sec-
tion and in section 501(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

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 2010 Amendment

Pub. L. 111–166, § 1, May 17, 2010, 124 Stat. 1186, pro-
vided that: ‘‘This Act [amending sections 2151n and 2304
of this title] may be cited as the ‘Daniel Pearl Freedom of
the Press Act of 2009.’’

Short Title of 2008 Amendment

5087, provided that: ‘‘This title [enacting sections 2370c
and 2370c–2 of this title, amending section 4628 of this
title and enacting provisions set out as a note under
section 2370c of this title] may be cited as the ‘Child
Soldiers Prevention Act of 2008.’’

4652, provided that: ‘‘This title [enacting sections
2368, 2373a, and 2373a–1 of this title and provisions set
out as notes under sections 2368 and 2373a of this title] may be cited as the ‘Reconstruction and Stabilization
Civilian Management Act of 2008.’’

Short Title of 2007 Amendment

508, provided that: ‘‘This Act [enacting section 6216 of
this title, enacting provision set out as notes under this
section and sections 2228, 2375, 2375a, 2376, 2656, 6294, 6216, and 7511 of this title and section 2000a of
Title 42, The Public Health and Welfare, and amending provisions set out as a note under section 2432 of this title] may be cited as the ‘9/11 Commission International Implementation
Act of 2007.’’

Pub. L. 110–972, §1(a), Jan. 11, 2007, 120 Stat. 3554, pro-
vided that: ‘‘This Act [enacting sections 288l, 2349bb–5,
and 2349bb–6 of this title and section 118 of Title 18,
Crimes and Criminal Procedure, amending sections 214,
2681–2, 2311h, 2349bb–2, and 4856 of this title, section 5924
of Title 5, Government Organization and Employees, and
section 1356 of Title 8, Aliens and Nationality, en-
acting provisions set out as notes under section 2751
of this title and section 1714 of Title 8, and amending pro-
visions set out as a note under section 6206 of this title] may be cited as the ‘Department of State Authorities
Act of 2006.’’

Short Title of 2006 Amendment

Pub. L. 109–165, § 1, Jan. 10, 2006, 119 Stat. 3574, pro-
vided that: ‘‘This Act [enacting and amending provi-
sions set out as notes under section 2152 of this title] may be cited as the ‘Torture Victims Relief Reauthor-
ization Act of 2006.’’

Short Title of 2005 Amendment

Pub. L. 109–95, § 1, Nov. 8, 2005, 119 Stat. 2111, provided
that: ‘‘This Act [enacting sections 2152f and 2152g of
this title and provisions set out as notes under sections
2152f and 2152g of this title] may be cited as the ‘Assis-
tance for Orphans and Other Vulnerable Children in De-
viloping Countries Act of 2005.’’

Short Title of 2004 Amendment

Pub. L. 108–484, § 1, Dec. 23, 2004, 118 Stat. 3922, pro-
vided that: ‘‘This Act [enacting sections 2211 to 2214,
2214, and 2214a of this title, amending sections 2212 and
2213 of this title, transferring sections 2151f and 2152b
of this title to sections 2212 and 2213, respectively, of this
title, repealing section 2152a of this title, enacting provi-
sions set out as notes under section 2211 of this title, and
amending provisions set out as a note under section
2212 of this title] may be cited as the ‘Microenter-
prise Results and Accountability Act of 2004.’’

Short Title of 2003 Amendments

vided that: ‘‘This Act [enacting and amending provi-
sions set out as notes under section 2152 of this title] may be cited as the ‘Torture Victims Relief Reauthor-
ization Act of 2003.’’


‘‘This Act [enacting sections 2193, 2194, 2195, 2196,
and 2200 of this title] may be cited as the ‘Overseas Pri-
ivate Investment Corporation Amendment Act of 2003.’’

Short Title of 2002 Amendments

vided that: ‘‘This Act [enacting sections 2295 and 2295b
of this title and enacting provisions set out as notes
under section 2295 of this title] may be cited as the
‘Russian Democracy Act of 2002.’’

Stat. 1465, provided that: ‘‘This subtitle [subtitle E
(§§2661–2665) of title VI of div. A of Pub. L. 107–228, en-
acting section 2151n–2 of this title, amending sections
2151n and 2304 of this title, and enacting provisions set
out as notes under sections 2151n and 2151n–2 of this
title] may be cited as the ‘Freedom Investment Act of
2002.’’

Stat. 1455, provided that: ‘‘This division [see Tables for
classification] may be cited as the ‘Security Assistance
Act of 2002.’’

Short Title of 2000 Amendments

Pub. L. 106–570, § 1, Dec. 27, 2000, 114 Stat. 3038, pro-
vided that: ‘‘This Act [enacting section 2151b–1 of this
title and enacting provisions set out as notes under this
section and sections 2151b–1, 2617, 2626, and 6901 of
this title, section 1710 of Title 50, War and National De-
fense, and preceding sections of Title 49, Transportation] may be cited as the ‘Assistance for Interna-
tional Malaria Control Act.’’
to 262p–4k, 262r–2, 262r–1, 262t, 263r–8 to 263r–12, 264r, 2281 to 2286e, and 7901 to 7908 of this title and section 390a of Title 12, Banks and Banking, amending sections 262a, 262c, 262d–1, 262g to 262p, 262r, 262s, 263a, 263c, 264b, 265b, 265h, 266e–8, 266f–1, 268f, 290c–2, 290i–3, and 290k–5 of this title and sections 635 and 635–3 of Title 12, transferring former section 262q of this title to section 262q of this title, and former section 4722 of Title 15, Commerce and Trade, to section 262s–2 of this title, repealing sections 262l, 262m–6, 276c–3, 283l, 286b–1, and 286b–2 of this title, enacting provisions set out as notes under section 262s–2 and 283l 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 2291 to 2266 and 7901 to 7908 of this title and provisions set out as a note under section 7901 of this title] may be cited as the "Global Environmental Protection Assistance Act of 1989.""


Pub. L. 101–222, §1(a), Dec. 12, 1989, 103 Stat. 1992, provided that: "This Act [amending sections 1732, 2364, 2371, 2753, 2776, 2778, and 2780 of this title and section 465 of Title 50, Appendix, War and National Defense, 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. 99–39, title VI, §601, Aug. 8, 1985, 99 Stat. 228, provided that: "This title [enacting section 2291 of this title, amending sections 2151x, 2291, and 2753 of this title, and enacting provisions set out as notes under section 2291 of this title] may be cited as the "International Narcotics Control Act of 1985.""

**SHORT TITLE OF 1983 AMENDMENTS**


**SHORT TITLE OF 1981 AMENDMENTS**


Pub. L. 97–65, §1, Oct. 16, 1981, 95 Stat. 1021, provided that: "This Act [enacting sections 219a, and 2200c of this title, amending sections 219a, 2194, 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. 98–33, title VI, §601, Aug. 8, 1985, 99 Stat. 228, provided that: "This title [enacting section 2291 of this title, amending sections 2151x, 2291, and 2753 of this title, and enacting provisions set out as notes under section 2291 of this title] may be cited as the "International Narcotics Control Act of 1985.""
2385a, 2395, 2399c, 2421, 2427, 2502, and 2506 of this title, amending sections 2261, 2292, 2292a, 2292i, 2292k, and 2357 of this title, and enacting provisions set out as notes under this section and sections 2321h, 2346, 2371, 2377, and 2385 of this title] may be cited as the ‘International Security Assistance Act of 1977’.

Section 1 of Pub. L. 96–257, § 1, May 31, 1980, 94 Stat. 422, provided: “That this Act [enacting sections 2346c, 2771, and 2772 of this title, and enacting provisions set out as notes under this section and sections 2321h, 2346, 2371, 2377, and 2385 of this title] may be cited as the ‘International Development and Food Assistance Act of 1979’.”

Section 1 of Pub. L. 96–92, § 1, Oct. 29, 1979, 93 Stat. 701, provided: “That this Act [enacting sections 2151a to 2151d, 2151e, 2292, and 2357 of this title, and enacting provisions set out as notes under this section and sections 2151a, 2151b, 2151c, 2151h, 2151i, 2151m, 2151n, 2220a to 2220e, 2292 to 2292b, 2292c, 2292d, 2292e, 2292f, and 2245 to 2427 of this title and sections 1691a, 1711, 1726, and 1736b of Title 7, Agriculture, amending this section and sections 2151a, 2151b, 2151c, 2151h, 2151i, 2151m, 2151n, 2216, 2174, 2181 to 2183, 2222, 2225, 2283, and 2357 of this title and section 1711 of Title 7] may be cited as the ‘International Security Assistance and Arms Export Control Act of 1976’.”

Section 1 of Pub. L. 93–390, § 1, Aug. 27, 1974, 88 Stat. 763, provided: “That this Act [amending sections 2191, 2194, 2195, 2200, and 2200a of this title] may be cited as the ‘Overseas Private Investment Corporation Amendments Act of 1974.’”


Section 1 of Pub. L. 96–329, § 1, June 30, 1976, 90 Stat. 729, provided: “That this Act [enacting sections 2292h, 2292i, 2321j, 2347a, 2347b, 2371, 2379a, 2428, 2429, 2755, 2765, 2778, and 2779 of this title, amending sections 2283, 2284, 2291, 2291a, 2291f, 2292, 2292a, 2292d, 2292i, 2292k, and 2357 of this title, and enacting provisions set out as notes under this section and sections 2291, 2291a, 2291f, 2321j, 2347a, 2347b, 2348a, 2349, 2349a, 2357a, 2357b, 2371, 2377, and 2385 of this title] may be cited as the ‘International Security Assistance and Arms Export Control Act of 1976.’”

Section 1 of Pub. L. 96–53, § 1, Aug. 14, 1979, 93 Stat. 359, provided that: “This Act [enacting sections 2151a, 2151b, 2374, and 3501 to 3513 of this title, and sections 1736g of Title 7, Agriculture, amending sections 2151–1, 2151a–1, 2151c, 2151e, 2151k, 2151l, 2151m, 2151o, 2151t, 2151u, 2201, and 2211, 2212, 2213, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2271, 2281, 2292d, 2292g, 2368, 2385a, 2395, 2399c, 2421, 2427, 2562, and 2566 of this title, and enacting provisions set out as notes under this section and sections 2151n, 2151r, 2151s, 2151u, 2151v, 2151w, 2201, 2292, and 2392a of this title] may be cited as the ‘International Security Assistance Act of 1978.’”

Section 1 of Pub. L. 96–257, § 1, May 31, 1980, 94 Stat. 422, provided: “That this Act [enacting sections 2346c, 2771, and 2772 of this title, and enacting provisions set out as notes under this section and sections 2321h, 2346, 2371, 2377, and 2385 of this title] may be cited as the ‘International Development and Food Assistance Act of 1979.’”
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TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

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
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,

§ 2151

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
‘‘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,
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.
§ 1, July 29, 1998, 112 Stat. 885, provided that: ‘‘This part
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—


Notwithstanding any other provision of law (other than the provisions of section 620A of the section 620J of such Act relating to limitations on books of the Treasury of the United States an account assistance to security forces (22 U.S.C. 2378d)), amounts to be known as the ‘Global Security Contingency Fund’ with the concurrence of the Secretary of Defense, for assistance to countries designated by the Secretary of State, or the Secretary of Defense to provide assistance to foreign nations. The administrative authorities of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) shall be available to the Secretary of State with respect to funds available to carry out this section.

(1) Transfer Authority.—
(1) Department of Defense Funds.—Funds authorized to be appropriated to the Department of Defense for operation and maintenance for Defense-wide activities may be transferred to the Fund by the Secretary of Defense in accordance with established procedures for reprogramming under section 1001 of this Act (125 Stat. 1554) and successor provisions of law. Amounts transferred under this paragraph shall be merged with funds otherwise made available under this section and remain available until expended as provided in subsection (i) for the purposes specified in subsection (b).

(2) Limitation.—The total amount of funds transferred to the Fund in any fiscal year from the Department of Defense may not exceed $200,000,000.

(3) Transfers to other accounts.—Funds available to carry out assistance authorized by this section may be transferred to an agency or account determined most appropriate to facilitate the provision of assistance authorized by this section.

(4) Relation to other transfer authorities.—The transfer authorities in paragraphs (1) and (3) are in addition to any other transfer authority available to the Department of Defense.

(g) Allocation of Contributions to Assistance.—

The contribution of the Secretary of State to an activity under the authority in subsection (b) shall be not less than 20 percent of the total amount required for such activity. The contribution of the Secretary of Defense to such activity shall be not more than 80 percent of the total amount required.

(b) Authority To Accept Gifts.—The Secretary of State may use money, funds, property, and services accepted pursuant to the authority of section 83(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(d)) to fulfill the purposes of subsection (b).

(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, 1984, 1987, 1981(c), 1984(d), (b), 1986, 1988(d) and 1976 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 1740a 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 1928 and 1951 of this title); and

(8) section 694 and chapter VII of the Mutual Security Act of 1960 (sections 2071 and 2072 of this title and note formerly set out under section 1738 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.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT DERIVED AGENCY PRIMARILY RESPONSIBLE FOR ADMINISTERING THIS SUBCHAPTER

Any reference in this chapter to the agency primarily responsible for administering this subchapter, or to the Administrator of such agency, deemed reference to the United States Agency for International Development or to the Administrator of that agency, as appropriate, see section 1-200(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.

GLOBAL SECURITY CONTINGENCY FUND

Pub. L. 112-61, div. A, title XII, §1207, Dec. 31, 2011, 125 Stat. 1257, provided that:

(a) Establishment.—There is established on the books of the Treasury of the United States an account to be known as the ‘Global Security Contingency Fund’ (in this section referred to as the ‘Fund’).

(b) Authority.—Notwithstanding any other provision of law (other than the provisions of section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and the section 520J of such Act relating to limitations on assistance to security forces (22 U.S.C. 2378d)), amounts in the Fund shall be available to either the Secretary of State or the Secretary of Defense to provide assistance to countries designated by the Secretary of State, with the concurrence of the Secretary of Defense, for purposes of this section, as follows:

(1) To enhance the capabilities of a country’s national military forces, and other national security forces that conduct border and maritime security, internal defense, and counterterrorism operations, as well as the government agencies responsible for such forces, to—

(A) conduct border and maritime security, internal defense, and counterterrorism operations; and

(B) participate in or support military, stability, or peace support operations consistent with United States foreign policy and national security interests.

(2) For the justice sector (including law enforcement and prisons), rule of law programs, and stabilization efforts in a country in cases in which the Secretary of State, in consultation with the Secretary of Defense, determines that conflict or instability in a country or region challenges the existing capability of civilian providers to deliver such assistance.

(c) Types of Assistance.—

(1) Authorized Elements.—A program to provide the assistance under subsection (b)(1) may include the provision of equipment, supplies, and training.

(2) Required Elements.—A program to provide the assistance under subsection (b)(1) shall include elements that promote—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority within the country concerned.

(d) Formulation and Approval of Assistance Programs.—

(1) Security Programs.—The Secretary of State and the Secretary of Defense shall jointly formulate assistance programs under subsection (b)(1). Assistance programs to be carried out pursuant to subsection (b)(1) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, before implementation.

(2) Justice Sector and Stabilization Programs.—

The Secretary of State, in consultation with the Secretary of Defense, shall formulate assistance programs under subsection (b)(2). Assistance programs to be carried out under the authority in subsection (b)(2) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, before implementation.

(e) Relation to Other Authorities.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations. The administrative authorities of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) shall be available to the Secretary of State with respect to funds available to carry out this section.

(f) Transfer Authority.—

(1) Department of Defense Funds.—Funds authorized to be appropriated to the Department of Defense for operation and maintenance for Defense-wide activities may be transferred to the Fund by the Secretary of Defense in accordance with established procedures for reprogramming under section 1001 of this Act (125 Stat. 1554) and successor provisions of law. Amounts transferred under this paragraph shall be merged with funds otherwise made available under this section and remain available until expended as provided in subsection (i) for the purposes specified in subsection (b).

(2) Limitation.—The total amount of funds transferred to the Fund in any fiscal year from the Department of Defense may not exceed $200,000,000.

(3) Transfers to Other Accounts.—Funds available to carry out assistance authorized by this section may be transferred to an agency or account determined most appropriate to facilitate the provision of assistance authorized by this section.

(4) Relation to Other Transfer Authorities.—The transfer authorities in paragraphs (1) and (3) are in addition to any other transfer authority available to the Department of Defense.

(g) Allocation of Contributions to Assistance.—The contribution of the Secretary of State to an activity under the authority in subsection (b) shall be not less than 20 percent of the total amount required for such activity. The contribution of the Secretary of Defense to such activity shall be not more than 80 percent of the total amount required.

(h) Authority To Accept Gifts.—The Secretary of State may use money, funds, property, and services accepted pursuant to the authority of section 83(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(d)) to fulfill the purposes of subsection (b).
"(i) AVAILABILITY OF FUNDS.—Amounts in the Fund shall remain available until September 30, 2015, except that amounts appropriated or transferred to the Fund before that date shall remain available for obligation and expenditure after that date for activities under programs commenced under subsection (b) before that date.

(ii) ADMINISTRATIVE EXPENSES.—Amounts in the Fund may be used for necessary administrative expenses in connection with the provision of assistance under this section.

(iii) DETAIL OF PERSONNEL.—The head of an agency of the United States Government may detail personnel to the Department of State to carry out the purposes of this section, with or without reimbursement for all or part of the costs of salaries and other expenses associated with such personnel.

(iv) NOTICES TO CONGRESS.—

(1) IN GENERAL.—Not less than 15 days before initiating an activity under a program of assistance under subsection (b), the Secretary of State, with the concurrence of the Secretary of Defense, shall submit to the specified congressional committees a notification that includes the following:

(A) A detailed justification for the program.

(B) The budget, execution plan and timeline, and anticipated completion date for the activity.

(C) A list of other security-related assistance or justice sector and stabilization assistance that the United States is currently or recently providing the country concerned and that is related to or supported by the activity.

(D) Such other information relating to the program or activity as the Secretary of State or Secretary of Defense considers appropriate.

(2) EXERCISE OF TRANSFER AUTHORITY.—No transfer of funds into the Fund under subsection (f) or any other authority may occur until 15 days after the specified congressional committees are notified of the transfer.

(3) GUIDANCE AND PROCESSES FOR EXERCISE OF AUTHORITY.—The Secretary of State, with the concurrence of the Secretary of Defense, shall notify the specified congressional committees 15 days after the date on which all necessary guidance has been issued and processes for implementation of the authority in subsection (b) are established and fully operational.

(4) ANNUAL REPORTS.—Not later than October 30, 2012, the Secretary of State shall annually thereafter until the expiration of the authority in subsection (b) pursuant to subsection (q), the Secretary of State and the Secretary of Defense jointly shall submit to the specified congressional committees a report on the following:

(A) The obligation of funds from, and transfer of funds into, the Fund during the preceding fiscal year.

(B) The status of programs and activities authorized under this section during the preceding fiscal year.

(5) TRANSITIONAL AUTHORITIES.—

(A) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide the types of assistance described in subsection (c), and assistance for minor military construction during fiscal year 2012 as follows:

(B) To enhance the capacity of the national military forces, security agencies serving a similar defense function, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counter-terrorism operations against al-Qaeda, al-Qaeda affiliates, and al Shabaab.

(C) To enhance the capacity of national military forces participating in the African Union Mission in Somalia to conduct counterterrorism operations described in subparagraph (A).

(D) To enhance the ability of the Yemen Ministry of Interior Counter Terrorism Forces to conduct counter-terrorism operations against al-Qaeda in the Arabian Peninsula and its affiliates.

(6) LIMITATIONS.—

(A) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in this subsection to provide any type of assistance that is otherwise prohibited by any provision of law.

(B) ELIGIBLE COUNTRIES.—The Secretary of Defense may not use the authority in this subsection to provide a type of assistance to a foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(C) YEMEN.—The authority specified in paragraph (1)(C), and the authority to provide assistance pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 2456 [3456]), may not be used for Yemen until 30 days after the date on which the Secretary of Defense and the Secretary of State jointly certify in writing to the specified congressional committees that the use of such authority is important to the national security interests of the United States. The certification shall include the following:

(i) The reasons for the certification.

(ii) A justification for the provision of assistance.

(iii) An acknowledgment by the Secretary of Defense and the Secretary of State that they have received assurance from the Government of Yemen that any assistance so provided will be utilized in manner consistent with subsection (c)(2).

(C) NOTICE TO CONGRESS.—Not less than 15 days before funds are obligated to provide assistance under this subsection, the Secretary of Defense shall submit to the specified congressional committees a notice setting forth the following:

(A) The type of assistance to be provided.

(B) The national military forces to be supported.

(C) The objective of such assistance.

(D) The estimated cost of such assistance.

(E) The intended duration of such assistance.

(D) TERMINATION.—

(A) IN GENERAL.—Assistance authorized by this subsection may be provided until the earlier of—

(i) the date on which the Secretary of State determines that all necessary guidance has been issued and processes for implementation of the authority in subsection (b) are established and fully operational; or


(B) COMPLETION OF ONGOING ACTIVITIES AFTER TERMINATION.—An assistance activity authorized by this subsection that begins before the date of termination provided in subparagraph (A) may be completed after that date, but only using funds available before that date.

(E) FUNDS.—

(1) FISCAL YEAR 2012.—The total amount available to the Department of Defense and the Department of State to provide assistance under this section during fiscal year 2012 may not exceed $350,000,000, of which—

(A) $75,000,000 may be used for assistance authorized by subparagraphs (A) and (B) of subsection (n)(1); and

(B) $75,000,000 may be used for assistance authorized by subparagraph (C) of subsection (n)(1).

(2) FISCAL YEARS 2013 AND AFTER.—The total amount available to the Department of Defense and the Department of State to provide assistance under this section during a fiscal year after fiscal year 2012 may not exceed $300,000,000.

(p) SPECIFIED CONGRESSIONAL COMMITTEES.—In this section, the term ‘specified congressional committees’ means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(q) EXPIRATION.—The authority under this section may not be exercised after September 30, 2015. An activ-
The Secretary of Defense may not provide support under subsection (a) for the national military forces of a country determined to be eligible for such support under subsection (a), except for the purpose of acting in self-defense or of rescuing any United States citizen under subsection (a), except for the purpose of acting in self-defense or of rescuing any United States citizen under subsection (a) or of arresting any member of the United States Armed Forces, any United States civilian employee, or any United States civilian contractor.

(5) The national military forces of Uganda.

(6) The national military forces of any other country determined by the Secretary of Defense, with the concurrence of the Secretary of State, to be participating in such operations.

(7) The participation of United States personnel in any operation necessary to provide support under subsection (a), except for the purpose of acting in self-defense or of rescuing any United States citizen under subsection (a), except for the purpose of acting in self-defense or of rescuing any United States citizen under subsection (a) or of arresting any member of the United States Armed Forces, any United States civilian employee, or any United States civilian contractor.

(8) The availability of funds across fiscal years.

(9) The estimated cost of such support.

(10) The objectives of such support.

(11) The intended duration of such support.

(12) The definition of the term 'applicable committees of Congress' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and
the United States and other donors, but have been hampered by a lack of strategic coordination, logistical delays, and limited leadership from the Government of Uganda.

"SEC. 3. STATEMENT OF POLICY.

"It is the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda and other affected areas by—

"(1) providing political, economic, military, and intelligence support for viable multilateral efforts to protect civilians from the Lord’s Resistance Army, to apprehend or remove Joseph Kony and his top commanders from the battlefield in the continued absence of a negotiated solution, and to disarm and demobilize the remaining Lord’s Resistance Army fighters;

"(2) targeting assistance to respond to the humanitarian needs of populations in northeastern Congo, southern Sudan, and Central African Republic currently affected by the activity of the Lord’s Resistance Army; and


"SEC. 4. REQUIREMENT OF A STRATEGY TO SUPPORT THE DISARMAMENT OF THE LORD’S RESISTANCE ARMY

"(a) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act (May 24, 2010), the President shall develop and submit to the appropriate committees of Congress a strategy to guide future United States support across the region for viable multilateral efforts to mitigate and eliminate the threat to civilians and regional stability posed by the Lord’s Resistance Army.

"(b) CONTENT OF STRATEGY.—The strategy shall include the following:

"(1) A plan to help strengthen efforts by the United Nations and regional governments to protect civilians from attacks by the Lord’s Resistance Army while supporting the development of institutions in affected areas that can help to maintain the rule of law and prevent conflict in the long term.

"(2) An assessment of viable options through which the United States, working with regional governments, could help develop and support multilateral efforts to eliminate the threat posed by the Lord’s Resistance Army.

"(3) An interagency framework to plan, coordinate, and review diplomatic, economic, intelligence, and military elements of United States policy across the region regarding the Lord’s Resistance Army.

"(4) A description of the type and form of diplomatic engagement across the region undertaken to coordinate and implement United States policy regarding the Lord’s Resistance Army and to work multilaterally with regional mechanisms, including the Tripartite Plus Commission and the Great Lakes Pact.

"(5) A description of how this engagement will fit within the context of broader efforts and policy objectives in the Great Lakes Region.

"(c) FORM.—The strategy under this section shall be submitted in unclassified form, but may include a classified annex.

"SEC. 5. HUMANITARIAN ASSISTANCE FOR AREAS OUTSIDE UGANDA AFFECTED BY THE LORD’S RESISTANCE ARMY

"In accordance with section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) and section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2291), the President is authorized to provide additional assistance to the Democratic Republic of Congo, southern Sudan, and Central African Republic to respond to the humanitarian needs of populations directly affected by the activity of the Lord’s Resistance Army.

"SEC. 6. ASSISTANCE FOR RECOVERY AND RECONSTRUCTION IN NORTHERN UGANDA

"(a) AUTHORITY.—It is the sense of Congress that the President should support efforts by the people of northern Uganda and the Government of Uganda—

"(1) to assist internally displaced people in transition and returnees to secure durable solutions by spurring economic revitalization, supporting livelihoods, helping to alleviate poverty, and advancing access to basic services at return sites, specifically clean water, health care, and education;

"(2) to enhance the accountability and administrative competency of local governance institutions and public agencies in northern Uganda with regard to budget management, provision of public goods and services, and related oversight functions;

"(3) to strengthen the operational capacity of the civilian police in northern Uganda to enhance public safety, prevent crime, and deal sensitively with gender-based violence, while strengthening accountability measures to prevent corruption and abuses;

"(4) to rebuild and improve the capacity of the justice system in northern Uganda, including the courts and penal systems, with particular sensitivity to the needs and rights of women and children;

"(5) to establish mechanisms for the disarmament, demobilization, and reintegration of former combatants and those abducted by the LRA, including vocational education and employment opportunities, with attention given to the roles and needs of men, women and children; and

"(6) to promote programs to address psychosocial trauma, particularly post-traumatic stress disorder.

"(b) FUTURE YEAR FUNDING.—It is the sense of Congress that the Secretary of State and Administrator of the United States Agency for International Development should work with the appropriate committees of Congress to increase assistance in future fiscal years to support activities described in this section if the Government of Uganda demonstrates a commitment to transparent and accountable reconstruction in war-affected areas of northern Uganda, specifically by—

"(1) finalizing the establishment of mechanisms within the Office of the Prime Minister to sufficiently manage and coordinate the programming under the framework of the Peace Recovery and Development Plan for Northern Uganda (PRDP);

"(2) increasing oversight activities and reporting, at the local and national level in Uganda, to ensure funds under the Peace Recovery and Development Plan for Northern Uganda framework are used efficiently and with minimal waste; and

"(3) committing substantial funds of its own, above and beyond standard budget allocations to local governments, to the task of implementing the Peace Recovery and Development Plan for Northern Uganda such that communities affected by the war can recover.

"(c) COORDINATION WITH OTHER DONOR NATIONS.—The United States should work with other donor nations to increase contributions for recovery efforts in northern Uganda and better leverage those contributions to enhance the capacity and encourage the leadership of the Government of Uganda in promoting transparent and accountable reconstruction in northern Uganda.

"(d) TERMINATION OF ASSISTANCE.—It is the sense of Congress that the Secretary of State should withdraw non-humanitarian bilateral assistance to the Republic of Uganda if the Secretary determines that the Government of Uganda is not committed to transparency and reconciliation in the war-affected area of northern Uganda and is not taking proactive steps to ensure this process moves forward in a transparent and accountable manner.
"SEC. 8. REPORT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, despite reconstruction and development efforts, a continued failure to take meaningful steps toward national reconciliation and accountability risks perpetuating longstanding political grievances andfueling new conflicts.

(b) AUTHORITY.—In accordance with section 531 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346), the President is authorized to support efforts by the people of northern Uganda and the Government of Uganda to advance efforts to promote transitional justice and reconciliation on both local and national levels, including to encourage implementation of the mechanisms outlined in the Agreement on Accountability and Reconciliation between the Government of Uganda and the Lord’s Resistance Army/Movement, signed at Juba February 19, 2008, namely:

(1) a description and evaluation of actions taken under this Act towards the history of the conflict, inquire into human rights violations committed during the conflict by all sides, promote truth-telling in communities, and encourage the preservation of the memory of events and victims of the conflict through memorials, archives, commemorations, and other forms of preservation;

(2) a special division of the High Court of Uganda to try individuals alleged to have committed serious crimes during the conflict, and a special unit to carry out investigations and prosecutions in support of trials;

(3) a system for making reparations to victims of the conflict; and

(4) a review and strategy for supporting transitional justice mechanisms in affected areas to promote reconciliation and encourage individuals to take personal responsibility for their conduct during the war.

SEC. 9. SENSE OF CONGRESS ON FUNDING.

It is the sense of Congress that—

(1) of the total amounts to be appropriated for fiscal year 2011 for the Department of State and foreign operations, up to $10,000,000 should be used to carry out activities under section 7; and

(2) of the total amounts to be appropriated for fiscal year 2011 through 2013 for the Department of State and foreign operations, up to $10,000,000 in each such fiscal year should be used to carry out activities under section 7.

SEC. 10. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ 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.

(2) GREAT LAKES REGION.—The term ‘Great Lakes Region’ means the region comprising Burundi, Democratic Republic of Congo, Rwanda, southern Sudan, and Uganda.

(3) LRA-AFFECTED AREAS.—The term ‘LRA-affected areas’ means those portions of northern Uganda, southern Sudan, northeastern Democratic Republic of Congo, and southeastern Central African Republic determined by the Secretary of State to be affected by the Lord’s Resistance Army as of the date of the enactment of this Act [May 24, 2010].

STRATEGY FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN IRAQ


(1) in general.—The President shall establish and implement a strategy for United States-led Provincial Reconstruction Teams (PRTs) in Iraq that ensures that such United States-led PRTs are—

(a) supporting the operational and strategic goals of the Multi-National Force–Iraq; and

(b) developing the capacity of national, provincial, and local government and other civil institutions in Iraq to assume increasing responsibility for the formulation, implementation, and oversight of reconstruction and development activities.

(b) ELEMENTS OF STRATEGY.—At a minimum, the strategy required under subsection (a) shall include:

(1) a mission statement and clearly defined objectives for United States-led PRTs as a whole;

(2) a mission statement and clearly defined objectives for each United States-led PRT; and

(3) measures of effectiveness and performance indicators for meeting the objectives of each United States-led PRT as described in paragraph (2).

(ec) REPORT.—

(1) in general.—Not later than 90 days after the date of the enactment of this Act [Oct. 14, 2008], and every 90 days thereafter through the end of fiscal year 2010, the President shall transmit to the appropriate congressional committees a report on the implementation of the strategy required under subsection (a), including an assessment of the specific contributions United States-led PRTs are making to implement the strategy. The initial report required under this subsection should include a general description of the strategy required under subsection (a) and a general discussion of the elements of the strategy required under subsection (b).

(2) INCLUSION IN OTHER REPORT.—The report required under this subsection may be included in the report required by section 1227 of the National Defense Authorization Act for Fiscal Year 2006 [Public Law 109–163; 119 Stat. 3465 (50 U.S.C. 1541 note)].

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

MIDDLE EAST FOUNDATION

“(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the broader Middle East region, the expansion of—

“(1) civil society;
“(2) opportunities for political participation for all citizens;
“(3) protections for internationally recognized human rights, including the rights of women;
“(4) educational system reforms;
“(5) independent media;
“(6) policies that promote economic opportunities for citizens;
“(7) the rule of law; and
“(8) democratic processes of government.

“(b) MIDDLE EAST FOUNDATION.—

“(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, non-profit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the ‘Foundation’).

“(2) FUNDING.—

“(A) AUTHORITY.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. Notwithstanding any other provision of law, the Foundation shall use amounts provided under this paragraph to carry out the purposes specified in subsection (a), including through making grants, using such funds as an endowment, and providing other assistance to entities to carry out programs for such purposes.

“(B) FUNDING FROM OTHER SOURCES.—In determining the amount of funding to provide to the Foundation, the Secretary of State shall take into consideration the amount of funds that the Foundation has received from sources other than the United States Government.

“(C) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the appropriate congressional committees of the designation of an appropriate organization as the Foundation.

“(D) APPLICATIONS FOR GRANTS.—

“(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons or entities (other than governments or government entities) located in the broader Middle East region or working with local partners based in the broader Middle East region to carry out projects that support the purposes specified in subsection (a).

“(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the broader Middle East region to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the broader Middle East region and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the broader Middle East region and to promote broad economic, social, and political reform for the people of the broader Middle East region.

“(E) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and containing such information as the head of the Foundation may reasonably require.

“(F) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

“(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or
“(2) impose any restriction on the Foundation’s acceptance of funds from private and public sources in support of its activities consistent with the purposes specified in subsection (a).

“(g) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

“(h) RETENTION OF INTERESTS.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes specified in subsection (a), and may retain for such purposes any interest earned without returning such interest to the Treasury of the United States. The Foundation may retain and use such funds as an endowment to carry out the purposes specified in subsection (a).

“(i) FINANCIAL ACCOUNTABILITY.—

“(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (b).

“(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

“(3) AUDITS OF GRANT RECIPIENTS.—

“(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

“(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to in subparagraph (A), including—

“(i) separate accounts with respect to the grant funds;
“(ii) records that fully disclose the use of the grant funds;
“(iii) records describing the total cost of any project carried out using grant funds; and
“(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

“(h) ANNUAL REPORTS.—Not later than January 31, 2008, and annually thereafter, the Foundation shall submit to the appropriate congressional committees a report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

“(1) the operations and activities of the Foundation that were carried out using funds provided under this section;
“(2) grants made by the Foundation to other entities with funds provided under this section;
“(3) other activities of the Foundation to further the purposes specified in subsection (a); and
“(4) the financial condition of the Foundation.

“(i) BROADER MIDDLE EAST REGION DEFINED.—In this section, the term ‘broader Middle East region’ means Afghanistan, Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, West Bank and Gaza, and Yemen.

“(j) REPEAL.—Section 534(k) of Public Law 109–102 (119 Stat. 2210) is repealed.”

[For definition of ‘appropriate congressional committees’ as used in section 2021 of Pub. L. 110–53, set out above, see section 2002 of Pub. L. 110–93, set out below.]
"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006'."

"TITLE I—BILATERAL ACTION ON ADDRESSING URGENT NEEDS IN THE DEMOCRATIC REPUBLIC OF THE CONGO "SEC. 101. FINDINGS.

"Congress makes the following findings:

'(1) The National Security Strategy of the United States, dated September 17, 2002, concludes that '[i]n Africa, promise and opportunity sit side-by-side with disease, war, and desperate poverty. This threatens both a core value of the United States preserving human dignity and our strategic priority combating global terror. American interests and American principles, therefore, lead in the same direction: we will work with others for an African continent that lives in liberty, peace, and growing prosperity.'.

'(2) On February 16, 2005, the Director of the Central Intelligence Agency testified, 'In Africa, chronic instability will continue to hamper counterterrorism efforts and pose heavy humanitarian and peacekeeping burdens.'.

'(3) According to the United States Agency for International Development, 'Given its size, population, and resources, the Congo is an important player in Africa and of long-term interest to the United States.'.

'(4) The Democratic Republic of the Congo is 2.345,410 square miles (approximately 4% of the size of the United States), lies at the heart of Africa, and touches every major region of sub-Saharan Africa. Therefore, a secure, peaceful, and prosperous Democratic Republic of the Congo would have a profound impact on progress throughout Africa.

'(5) The most recent war in the Democratic Republic of the Congo, which erupted in 1998, spawned some of the world’s worst human rights atrocities and drew in six neighboring countries.

'(6) Despite the conclusion of a peace agreement and subsequent withdrawal of foreign forces in 2003, both the real and perceived presence of armed groups hostile to the Governments of Uganda, Rwanda, and Burundi continue to serve as a major source of regional instability and an apparent pretext for continued interference in the Democratic Republic of the Congo by its neighbors.

'(7) A mortality study completed in December 2004 by the International Rescue Committee found that 31,000 people were dying monthly and 3,800,000 people had died in the previous six years because of the conflict in the Democratic Republic of the Congo and resulting disintegration of the social service infrastructure, making this one of the deadliest conflicts since World War II.

'(8) In 2004, Amnesty International estimated that at least 40,000 women and girls were systematically raped and tortured in the Democratic Republic of the Congo since 1998, and nearly two-thirds of ongoing abuses against women and girls are perpetrated by members of the security forces, particularly the Forces Armes de la Republique Democratique du Congo (FARDC) and the Police Nationale Congolaise (PNC).

'(9) According to the Department of State, returning one of Africa’s largest countries [the Democratic Republic of the Congo] to full peace and stability will require significant United States investments in support of national elections, the reintegration of former combatants, the return and reintegration of refugees and [internally displaced persons], establishment of central government control over vast territories, and promotion of national reconciliation and good governance'.

"SEC. 102. STATEMENT OF POLICY.

'It is the policy of the United States—

'(1) to help promote, reinvigorate, and support the political process in the Democratic Republic of the Congo in order to press all parties in the Transitional National Government and the succeeding government to implement fully and to institutionalize mechanisms, including national and international election observers, fair and transparent voter registration procedures, and a significant civic awareness and public education campaign created for the July 30, 2006, elections and future elections in the Democratic Republic of the Congo, to ensure that elections are carried out in a fair and democratic manner;

'(2) to urge the Government of the Democratic Republic of the Congo to recognize and act upon its responsibilities to immediately bring discipline to its security forces, hold those individuals responsible for atrocities and other human rights violations, particularly the rape of women and girls as an act of war, accountable and bring such individuals to justice;

'(3) to help ensure that, once a stable national government is established in the Democratic Republic of the Congo, it is committed to multiparty democracy, open and transparent governance, respect for human rights and religious freedom, ending the violence throughout the country, promoting peace and stability with its neighbors, rehabilitating the national judicial system and enhancing the rule of law, combating corruption, instituting economic reforms to promote development, and creating an environment to promote private investment;

'(4) to assist the Government of the Democratic Republic of the Congo as it seeks to meet the basic needs of its citizens, including security, safety, and access to health care, education, food, shelter, and clean drinking water;

'(5) to support security sector reform by assisting the Government of the Democratic Republic of the Congo to establish a viable and professional national army and police force that respects human rights and the rule of law, is under effective civilian control, and possesses a viable presence throughout the entire country, provided the Democratic Republic of the Congo meets all requirements for United States military assistance under existing law;

'(6) to help expedite planning and implementation of programs associated with the disarmament, demobilization, repatriation, reintegration, and rehabilitation process in the Democratic Republic of the Congo;

'(7) to support efforts of the Government of the Democratic Republic of the Congo, the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC), and other entities, as appropriate, to disarm, demobilize, and repatriate the Democratic Forces for the Liberation of Rwanda and other illegally armed groups;

'(8) to make all efforts to ensure that the Government of the Democratic Republic of the Congo—

‘(A) is committed to responsible and transparent management of natural resources across the country; and

‘(B) takes active measures—

‘(i) to promote economic development;

‘(ii) to hold accountable individuals who illegally exploit the country’s natural resources; and

‘(iii) to implement the Extractive Industries Transparency Initiative by enacting laws requiring disclosure and independent auditing of company payments and government receipts for natural resource extraction;

‘(9) to promote a viable civil society and to enhance nongovernmental organizations and institutions, including religious organizations, the media, political parties, trade unions, and other civil society and business associations, that can act as a stabilizing force and effective check on the government;
“(10) to help rebuild and enhance infrastructure, communications, and other mechanisms that will increase the ability of the central government to manage internal affairs, encourage economic development, and facilitate relief efforts of humanitarian organizations;

“(11) to help halt the high prevalence of sexual abuse and violence perpetrated against women and children in the Democratic Republic of the Congo and mitigate the detrimental effects from acts of this type of violence by undertaking a number of health, education, and psycho-social support programs;

“(12) to work aggressively on a bilateral basis to urge governments of countries contributing troops to the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC) to enact and enforce laws on trafficking in persons and sexual abuse that meet international standards, promote codes of conduct for troops serving as part of United Nations peacekeeping missions, and immediately investigate and punish citizens who are responsible for abuses in the Democratic Republic of the Congo;

“(13) to assist the Government of the Democratic Republic of the Congo as undertakes steps to—

“(A) protect internally displaced persons and refugees in the Democratic Republic of the Congo and border regions from all forms of violence, including gender-based violence and other human rights abuses;

“(B) address other basic needs of vulnerable populations with the goal of allowing these conflict-affected individuals to ultimately return to their homes; and

“(C) assess the magnitude of the problem of orphans from conflict and HIV/AIDS in the Democratic Republic of the Congo, and work to establish a program of national support;

“(14) to engage with governments working to promote peace and security throughout the Democratic Republic of the Congo and hold accountable individuals, entities, and countries working to destabilize the country; and

“(15) to promote appropriate use of the forests of the Democratic Republic of the Congo in a manner that benefits the rural population in that country that depends on the forests for their livelihoods and protects national and environmental interests.

“SEC. 103. BILATERAL ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

“(a) FUNDING FOR FISCAL YEARS 2006 AND 2007.—Of the amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Foreign Agriculture Trade Development and Assistance Act of 1954 [now Food for Peace Act] (7 U.S.C. 1691 et seq.), and the Arms Export Control Act (22 U.S.C. 2751 et seq.) for fiscal year 2006 and 2007, at least $200,000,000 for each such fiscal year should be allocated for bilateral assistance programs in the Democratic Republic of the Congo.

“(b) FUTURE YEAR FUNDING.—It is the sense of Congress that the Department of State should submit budget requests in fiscal years 2008 and 2009 that contain increases in bilateral assistance for the Democratic Republic of the Congo that are appropriate if progress is being made, particularly cooperation by the Government of the Democratic Republic of the Congo, toward accomplishing the policy objectives described in section 102.

“(c) COORDINATION WITH OTHER DONOR NATIONS.—The United States should work with other donor nations, on a bilateral and multilateral basis, to increase international contributions to the Democratic Republic of the Congo and accomplish the policy objectives described in section 102.

“SEC. 104. ACCOUNTABILITY FOR THE GOVERNMENT AND VIOLENCE OF THE DEMOCRATIC REPUBLIC OF THE CONGO.

“(a) SENSE OF CONGRESS.—It is the sense of Congress that—

“(b) FUNDING FOR FISCAL YEARS 2006 AND 2007.—Of the amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Foreign Agriculture Trade Development and Assistance Act of 1954 [now Food for Peace Act] (7 U.S.C. 1691 et seq.), and the Arms Export Control Act (22 U.S.C. 2751 et seq.) for fiscal year 2006 and 2007, at least $200,000,000 for each such fiscal year should be allocated for bilateral assistance programs in the Democratic Republic of the Congo.

“(b) FUTURE YEAR FUNDING.—It is the sense of Congress that the Department of State should submit budget requests in fiscal years 2008 and 2009 that contain increases in bilateral assistance for the Democratic Republic of the Congo that are appropriate if progress is being made, particularly cooperation by the Government of the Democratic Republic of the Congo, toward accomplishing the policy objectives described in section 102.

“(c) COORDINATION WITH OTHER DONOR NATIONS.—The United States should work with other donor nations, on a bilateral and multilateral basis, to increase international contributions to the Democratic Republic of the Congo and accomplish the policy objectives described in section 102.

“SEC. 105. WITHHOLDING OF ASSISTANCE.

“The Secretary of State is authorized to withhold assistance made available under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than humanitarian, peacekeeping, and counterterrorism assistance, for a foreign country if the Secretary determines that the government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives described in section 102.

“SEC. 106. REPORT ON PROGRESS TOWARD ACCOMPLISHING POLICY OBJECTIVES.

“(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act [Dec. 22, 2006], the Comptroller General of the United States shall submit to Congress a report on the progress made toward accomplishing the policy objectives described in section 102.

“(b) CONTENTS.—The report required under subsection (a) shall include—

“(1) a description of any major impediments that prevent the accomplishment of the policy objectives described in section 102, including any destabilizing activities undertaken in the Democratic Republic of Congo by governments of neighboring countries;

“(2) an evaluation of United States policies and foreign assistance programs designed to accomplish such policy objectives; and

“(3) recommendations for—

“(A) improving the policies and programs referred to in paragraph (2); and

“(B) any additional bilateral or multilateral actions necessary to promote peace and prosperity in the Democratic Republic of the Congo.

“SEC. 107. SPECIAL ENVOY FOR THE GREAT LAKES REGION.

“Not later than 60 days after the date of the enactment of this Act [Dec. 22, 2006], the President should appoint a Special Envoy for the Great Lakes Region to...
help coordinate efforts to resolve the instability and insecurity in Eastern Congo.

"TITLE II—MULTILATERAL ACTIONS TO ADDRESS URGENT NEEDS IN THE DEMOCRATIC REPUBLIC OF THE CONGO"

"SEC. 201. PROMOTION OF UNITED STATES POLICY TOWARD THE DEMOCRATIC REPUBLIC OF THE CONGO IN THE UNITED NATIONS SECURITY COUNCIL.

"The United States should use its voice and vote in the United Nations Security Council—

"(1) to address exploitation at the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC) by continuing to urge, when credible allegations exist, appropriate investigation of alleged perpetrators and, as necessary, prosecution of United Nations personnel responsible for sexual abuses in the Democratic Republic of the Congo;

"(2) to conclude at the earliest possible date a Memorandum of Understanding relating to binding codes of conduct and programs for the prevention of sexual abuse and trafficking in persons to be undertaken by the United Nations for all countries that contribute troops to MONUC, to include the assumption of personal liability for the provision of victims assistance and child support, as appropriate, by those who violate the codes of conduct;

"(3) to strengthen the authority and capacity of MONUC by—

"(A) providing specific authority and obligation to prevent and effectively counter imminent threats;

"(B) clarifying and strengthening MONUC’s rules of engagement to enhance the protection of vulnerable civilian populations;

"(C) enhancing the surveillance and intelligence-gathering capabilities available to MONUC;

"(D) where consistent with United States policy, making available personnel, communications, and military assets that improve the effectiveness of robust peacekeeping, mobility, and command and control capabilities of MONUC; and

"(E) providing MONUC with the authority and resources needed to effectively monitor arms trafficking and natural resource exploitation at key border posts and airfields in the eastern part of the Democratic Republic of the Congo;

"(4) to encourage regular visits of the United Nations Security Council to monitor the situation in the Democratic Republic of the Congo;

"(5) to ensure that the practice of recruiting and arming children in the Democratic Republic of the Congo is immediately halted pursuant to Security Council Resolutions 1400 (2002) and 1539 (2004); and

"(6) to strengthen the arms embargo imposed pursuant to Security Council Resolution 1493 (2003) and ensure that violators are held accountable through appropriate measures, including the possible imposition of sanctions;

"(7) to allow for the more effective protection and monitoring of natural resources in the Democratic Republic of the Congo, especially in the eastern part of the country, and for public disclosure and independent auditing of natural resource revenues to help ensure transparent and accountable management of those revenues;

"(8) to press countries in the Congo region to help facilitate an end to the violence in the Democratic Republic of the Congo and promote relief, security, and democracy throughout the region; and

"(9) to encourage the United Nations Secretary-General to become more involved in completing the policy objectives described in paragraphs (1) and (2) of section 102 and ensure that recent fighting in North Kivu, which displaced over 126,000 people, as well as fighting in Ituri and other areas, does not create widespread instability throughout the country.

"SEC. 202. INCREASING CONTRIBUTIONS AND OTHER HUMANITARIAN AND DEVELOPMENT ASSISTANCE THROUGH INTERNATIONAL ORGANIZATIONS.

"(a) IN GENERAL.—The President should instruct the United States permanent representative or executive director, as the case may be, to the United Nations voluntary agencies, including the World Food Program, the United Nations Development Program, and the United Nations High Commissioner for Refugees, and other appropriate international organizations to use the voice and vote of the United States to support additional humanitarian and development assistance for the Democratic Republic of the Congo in order to accomplish the policy objectives described in section 102.

"(b) SUPPORT CONTINGENT ON PROGRESS.—If the Secretary of State determines that the Government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives described in section 102, the President shall consider withdrawing United States support for the assistance described in subsection (a) when future funding decisions are considered."

"PROMOTION OF DEMOCRACY FOR IRAN"

Pub. L. 109-293, title III, Sept. 30, 2006, 120 Stat. 1347, provided that:

"SEC. 301. DECLARATION OF POLICY.

"(a) IN GENERAL.—Congress declares that it should be the policy of the United States—

"(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

"(2) to support independent human rights and peaceful pro-democracy forces in Iran.

"(b) RULE OF CONSTRUCTION.—Nothing in this Act [amending section SIHA of Title 31, Money and Finance, and enacting and amending provisions set out as notes under section 1701 of Title 50, War and National Defense] shall be construed as authorizing the use of force against Iran.

"SEC. 302. ASSISTANCE TO SUPPORT DEMOCRACY FOR IRAN.

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities working for the purpose of supporting and promoting democracy for Iran. Such assistance may include the award of grants to eligible independent pro-democracy radio and television broadcasting organizations that broadcast into Iran.

"(2) LIMITATION ON ASSISTANCE.—In accordance with the rule of construction described in subsection (b) of section 301, none of the funds authorized under this section shall be used to support the use of force against Iran.

"(b) ELIGIBILITY FOR ASSISTANCE.—Financial and political assistance under this section should be provided only to an individual, organization, or entity that—

"(1) officially opposes the use of violence and terrorism and has not been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) at any time during the preceding four years;

"(2) advocates the adherence by Iran to non-proliferation regimes for nuclear, chemical, and biological weapons and materiel;

"(3) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

"(4) is dedicated to respect for human rights, including the fundamental equality of women;

"(5) works to establish equality of opportunity for people; and

"(6) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.
"(c) FUNDING.—The President may provide assistance under this section using—

(1) funds available to the Middle East Partnership Initiative (MEPI), the Broader Middle East and North Africa Initiative, and the Human Rights and Democracy Fund; and

(2) amounts made available pursuant to the authority to provide assistance under subsection (g).

"(d) NOTIFICATION.—Not later than 15 days before each obligation of assistance under this section, in accordance with the procedures under section 614A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-i), the President shall notify the Committee on International Relations [now 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.

"(e) SENSE OF CONGRESS REGARDING DIPLOMATIC ASSISTANCE.—It is the sense of Congress that—

(1) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(2) officials and representatives of the United States should—

(A) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(B) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out this section.

SYRIA ACCOUNTABILITY AND LEBANESE SOVEREIGNTY RESTORATION

Pub. L. 108–175, Dec. 12, 2003, 117 Stat. 2482, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Syria Accountability and Lebanese Sovereignty Restoration Act of 2003'.

"SEC. 2. FINDINGS.

"Congress makes the following findings:

(1) On June 29, 2002, President Bush stated 'Syria must choose the right side in the war on terror by closing terrorist camps and expelling terrorist organizations'.

(2) United Nations Security Council Resolution 1373 (September 28, 2001) mandates that all states 'refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts'.

(3) The Government of Syria is currently prohibited by United States law from receiving United States assistance because it has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(j)(1)) and other relevant provisions of law.

(4) Although the Department of State lists Syria as a state sponsor of terrorism and reports that Syria provides 'safe haven and support to several terrorist groups', fewer United States sanctions apply with respect to Syria than with respect to any other country that is listed as a state sponsor of terrorism.

(5) Terrorist groups, including Hizballah, Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine—General Command, maintain offices, training camps, and other facilities on Syrian territory, and operate in areas of Lebanon occupied by the Syrian armed forces and receive supplies from Iran through Syria.

(6) United Nations Security Council Resolution 520 (September 17, 1982) calls for 'strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the Lebanese Army throughout Lebanon'.

(7) Approximately 20,000 Syrian troops and security personnel occupy much of the sovereign territory of Lebanon exerting undue influence upon its government and undermining its political independence.

(8) Since 1990 the Senate and House of Representatives have passed seven bills and resolutions which call for the withdrawal of Syrian armed forces from Lebanon.

(9) On March 3, 2003, Secretary of State Colin Powell declared that it is the objective of the United States to 'let Lebanon be ruled by the Lebanese people without the presence of [the Syrian] occupation army'.

(10) Large and increasing numbers of the Lebanese people across the political spectrum in Lebanon have mounted peaceful and democratic calls for the withdrawal of the Syrian Army from Lebanon.

(11) Israel has withdrawn all of its armed forces from Lebanon in accordance with United Nations Security Council Resolution 425 (March 19, 1979) as certified by the United Nations Secretary General.

(12) Even in the face of this United Nations certification that acknowledged Israel's full compliance with Security Council Resolution 425, Syrian- and Iranian-supported Hizballah continues to attack Israeli outposts at Shebaa Farms, under the pretense that Shebaa Farms is territory from which Israel was required to withdraw by Security Council Resolution 425, and Syrian- and Iranian-supported Hizballah and other militant organizations continue to attack civilian targets in Israel.

(13) Syria will not allow Lebanon—a sovereign country—to fulfill its obligation in accordance with Security Council Resolution 425 to deploy its troops to southern Lebanon.

(14) As a result, the Israeli-Lebanese border and much of southern Lebanon is under the control of Hizballah, which continues to attack Israeli positions, allows Iranian Revolutionary Guards and other militant groups to operate freely in the area, and maintains thousands of rockets along Israel's northern border, destabilizing the entire region.

(15) On February 12, 2003, Director of Central Intelligence George Tenet stated the following with respect to the Syrian- and Iranian-supported Hizballah:

'[A]s an organization with capability and worldwide presence [it] is [al Qaeda's] equal if not a far more capable organization * * * [T]hey're a notch above in many respects, in terms of in their relationship with the Iranians and the training they receive, [which] puts them in a state-sponsored category with a potential for lethality that's quite great'.

(16) In the State of the Union address on January 29, 2002, President Bush declared that the United States will 'work closely with our coalition to deny terrorists and their state sponsors the materials, technology, and expertise to make and deliver weapons of mass destruction'.

(17) The Government of Syria continues to develop and deploy short- and medium-range ballistic missiles.

(18) According to the December 2001 unclassified Central Intelligence Agency report entitled 'Foreign Missile Developments and the Ballistic Missile Threat through 2015', 'Syria maintains a ballistic missile and rocket force of hundreds of FROG rockets, Scuds, and SS–21 SRBMs [and] Syria has developed [chemical weapons] warheads for its Scuda'.

(19) The Government of Syria is pursuing the development and production of biological and chemical weapons and has a nuclear research and development program that is cause for concern.
"(20) According to the Central Intelligence Agency’s ‘Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions’, released January 7, 2003: ‘[Syria] already holds a stockpile of the nerve agent sarin but apparently is trying to develop more toxic and persistent nerve agents. Syria remains dependent on foreign sources for key elements of its [chemical weapons] program, including precursor chemicals and key production equipment. It is highly probable that Syria also is developing an offensive [biological weapons] capability.’.

"(21) On May 6, 2002, the Under Secretary of State for Arms Control and International Security, John Bolton, stated: ‘The United States also knows that Syria has long had a chemical warfare program. It has a stockpile of the nerve agent sarin and is engaged in research and development of the more toxic and persistent nerve agent VX. Syria, which has signed but not ratified the [Biological Weapons Convention], is pursuing the development of biological weapons and is able to produce at least small amounts of biological warfare agents.’

"(22) According to the Central Intelligence Agency’s ‘Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions’, released January 7, 2003: ‘[Syria and Russia] have approved a draft cooperative program on cooperation on civil nuclear power. In principal, broader access to Russian expertise provides opportunities for Syria to expand its indigenous capabilities, should it decide to pursue nuclear weapons.’.

"(23) Under the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483), which entered force on March 5, 1970, and to which Syria is a party, Syria has undertaken not to acquire or produce nuclear weapons and has accepted full scope safeguards of the International Atomic Energy Agency to detect diversions of nuclear materials from peaceful activities to the production of nuclear weapons or other nuclear explosive devices.

"(24) Syria is not a party to the Chemical Weapons Convention or the Biological Weapons Convention, which entered into force on April 29, 1997, and on March 29, 1975, respectively.

"(25) Syrian President Bashar Assad promised Secretary of State Powell in February 2001 to end violations of Security Council Resolution 661, which restricted the sale of oil and other commodities by Saddam Hussein’s regime, except to the extent authorized by other relevant resolutions, but this pledge was never fulfilled.

"(26) Syria’s illegal imports and transshipments of Iraqi oil during Saddam Hussein’s regime earned Syria $50,000,000 or more per month as Syria continued to sell its own Syrian oil at market prices.

"(27) Syria’s illegal imports and transshipments of Iraqi oil earned Saddam Hussein’s regime $2,000,000 per day.

"(28) On March 28, 2003, Secretary of Defense Donald Rumsfeld charged that ‘[w]e have information that shipments of military supplies have been crossing the border from Syria into Iraq, including night-vision goggles * * * These deliveries pose a direct threat to the lives of coalition forces. We consider such trafficking as hostile acts, and will hold the Syrian government accountable for such shipments.’.

"(29) According to Article 25(1) of the United Nations Charter, members of the United Nations are elected as nonpermanent members of the United Nations Security Council with ‘due regard being specially paid, in the first instance to the contribution of members of the United Nations to the maintenance of international peace and security and to other purposes of the Organization’.


"(31) On March 31, 2003, the Syrian Foreign Minister, Farouq al-Sharra, made the Syrian regime’s intentions clear when he explicitly stated that ‘Syria’s interest is to see the invaders defeated in Iraq’.


"(33) On September 16, 2003, the Under Secretary of State for Arms Control and International Security, John Bolton, appeared before the Subcommittee on the Middle East and Central Asia of the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives, and underscored Syria’s ‘hostile actions’ toward coalition forces during Operation Iraqi Freedom. Under Secretary Bolton added that ‘Syria allowed military equipment to flow into Iraq on the eve of and during the war. Syria permitted volunteers to pass into Iraq to attack and kill our service members during the war, and is still doing so * * * [Syria’s] behavior during Operation Iraqi Freedom underscores the importance of taking seriously reports and information on Syria’s WMD capabilities.’.

"(34) During his appearance before the Committee on International Relations of the House of Representatives on September 25, 2003, Ambassador L. Paul Bremer, III, Administrator of the Coalition Provisional Authority in Iraq, stated that out of the 278 third-country nationals who were captured by coalition forces in Iraq, the ‘single largest group are Syrians’.

SEC. 3. SENSE OF CONGRESS.

"(1) The sense of Congress that—

"(a) it is the sense of Congress that—

"(A) immediately and unconditionally stop facilitating transit from Syria of individuals, military equipment, and all lethal items, except as authorized by the Coalition Provisional Authority or a representative, internationally recognized Iraqi government;

"(B) cease its support for ‘volunteers’ and terrorists who are traveling from and through Syria into Iraq to launch attacks; and

"(C) undertake concrete, verifiable steps to deter such behavior and control the use of territory under Syrian control;

"(b) the Government of Syria should immediately and unconditionally halt support for terrorism, permanently and openly declare its total renunciation of all forms of terrorism, and close all terrorist and foreign forces from southern Lebanon, including South Lebanon, in accordance with United Nations Security Council Resolution 520 (September 17, 1982), in order to assert the sovereignty of the Lebanese state over all of its territory, and should evict all terrorist and foreign forces from southern Lebanon, including Hizbullah and the Iranian Revolutionary Guards;

"(c) the Government of Lebanon should deploy the Lebanese armed forces to all areas of Lebanon, including South Lebanon, in accordance with United Nations Security Council Resolution 520 (September 17, 1982), in order to assert the sovereignty of the Lebanese state over all of its territory, and should evict all terrorist and foreign forces from southern Lebanon, including Hizbullah and the Iranian Revolutionary Guards;

"(d) the Governments of Lebanon and Syria should enter into serious unconditional bilateral negotia-
tions with the Government of Israel in order to realize a full and permanent peace;

(7) the United States should continue to provide humanitarian and educational assistance to the people of Lebanon only through appropriate private, nongovernmental organizations and appropriate international organizations, until such time as the Government of Lebanon asserts sovereignty and control over all of its territory and borders and achieves full political independence, as called for in United Nations Security Council Resolution 520; and

(8) as a violator of several key United Nations Security Council resolutions and as a nation that pursues policies which undermine international peace and security, Syria should not have been permitted to join the United Nations Security Council or serve as the Security Council's President, and should be removed from the Security Council.

SEC. 4. STATEMENT OF POLICY.

"It is the policy of the United States that—

(1) Syria should bear responsibility for attacks committed by Hizballah and other terrorist groups with offices, training camps, or other facilities in Syria, or bases in areas of Lebanon occupied by Syria;

(2) the United States will work to deny Syria the ability to support acts of international terrorism and efforts to develop or acquire weapons of mass destruction;

(3) the Secretary of State will continue to list Syria as a state sponsor of terrorism until Syria ends its support for terrorism, including its support of Hizballah and other terrorist groups in Lebanon and its hosting of terrorist groups in Damascus, and continues to full comply with United States law relating to terrorism and United Nations Security Council Resolution 1373 (September 28, 2001);

(4) the full restoration of Lebanon's sovereignty, political independence, and territorial integrity is in the national security interest of the United States;

(5) Syria is in violation of United Nations Security Council Resolution 520 (September 17, 1982) through its continued occupation of Lebanese territory and its encroachment upon Lebanon's political independence;

(6) Syria's obligation to withdraw from Lebanon is not conditioned upon progress in the Israeli-Syrian or Israeli-Lebanese peace process but derives from Syria's obligation under Security Council Resolution 520;

(7) Syria's acquisition of weapons of mass destruction and ballistic missile programs threaten the security of the Middle East and the national security interests of the United States;

(8) Syria will be held accountable for any harm to Coalition armed forces or to any United States citizen in Iraq if the government of Syria is found to be responsible due to its facilitation of terrorist activities and its shipments of military supplies to Iraq; and

(9) the United States will not provide any assistance to Syria until Syria ends all support for terrorism, withdraws its armed forces from Lebanon, and halts the development and deployment of weapons of mass destruction and medium- and long-range surface-to-surface ballistic missiles.

SEC. 5. PENALTIES AND AUTHORIZATION.

"(a) Penalties.—Until the President makes the determination that Syria meets all the requirements described in paragraphs (1) through (4) of subsection (d) and certifies such determination to Congress in accordance with such subsection—

(1) the President shall prohibit the export to Syria of any item, including the issuance of a license for the export of any item, on the United States Munitions List or Commerce Control List of dual-use items in the Export Administration Regulations (15 CFR part 730 et seq.); and

(2) the President shall impose two or more of the following sanctions:

(A) Prohibit the export of products of the United States (other than food and medicine) to Syria.

(B) Prohibit United States businesses from investing or operating in Syria.

(C) Restrict Syrian diplomats in Washington, D.C. and at the United Nations in New York City, to travel only within a 25-mile radius of Washington, D.C., or the United Nations headquarters building, respectively.

(D) Prohibit aircraft of any air carrier owned or controlled by Syria to take off from, land in, or overfly the United States.

(E) Reduce United States diplomatic contacts with Syria (other than those contacts required to protect United States interests or carry out the purposes of this Act).

(F) Block transactions in any property in which the Government of Syria has any interest, by any person, or with respect to any property, subject to the jurisdiction of the United States.

(b) Waiver.—The President may waive the application of subsection (a)(1), (a)(2), or both if the President determines that it is in the national security interest of the United States to do so and submits to the appropriate congressional committees a report containing the reasons for the determination.

(c) AUTHORITY TO PROVIDE ASSISTANCE TO SYRIA.—If the President—

(1) makes the determination that Syria meets the requirements described in paragraphs (1) through (4) of subsection (d) and certifies such determination to Congress in accordance with such subsection;

(2) determines that substantial progress has been made both in negotiations aimed at achieving a peace agreement between Israel and Syria and in negotiations aimed at achieving a peace agreement between Israel and Lebanon; and

(3) determines that the Government of Syria is strictly respecting the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the Lebanese army throughout Lebanon, as required under paragraph (4) of United Nations Security Council Resolution 520 (1982),

then the President is authorized to provide assistance to Syria under chapter 1 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] (relating to development assistance).

(d) CERTIFICATION.—A certification under this subsection is a certification transmitted to the appropriate congressional committees of a determination made by the President that—

(1) the Government of Syria has ceased providing support for international terrorist groups and does not allow terrorist groups, such as Hamas, Hizballah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine—General Command to maintain facilities in territory under Syrian control;

(2) the Government of Syria ended its occupation of Lebanon described in section 2(7) of this Act;

(3) the Government of Syria has ceased the development and deployment of medium- and long-range surface-to-surface ballistic missiles, is not pursuing or engaged in the research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, has provided credible assurances that such behavior will not be undertaken in the future, and has agreed to allow United Nations and other international observers to verify such actions and assurances; and

(4) the Government of Syria has ceased all support for, and facilitation of, all terrorist activities inside of Iraq, including preventing the use of territory under its control by any means whatsoever to support those engaged in terrorist activities inside of Iraq.

SEC. 6. REPORT.

(a) REPORT.—Not later than 6 months after the date of the enactment of this Act [Dec. 12, 2003], and every
12 months thereafter until the conditions described in paragraphs (1) through (4) of section 5(d) are satisfied, the Secretary of State shall submit to the appropriate committees a report on—

"(1) Syria’s progress toward meeting the conditions described in paragraphs (1) through (4) of section 5(d);

"(2) connections, if any, between individual terrorist groups which maintain offices, training camps, or other facilities on Syrian territory, or operate in areas of Lebanon occupied by the Syrian armed forces, and terrorist attacks on the United States or its citizens, installations, or allies; and

"(3) how the United States is increasing its efforts against Hezbollah and other terrorist organizations supported by Syria.

"(b) Form.—The report submitted under subsection (a) shall be in unclassified form but may include a classified annex.

"SECTION 7. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

"In this Act, the term ‘appropriate congressional committees’ means the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate."


IRAQ RELIEF AND RECONSTRUCTION FUND


"Sec. 2207. (a) The Secretary of State shall submit to the Committees on Appropriations not later than January 5, 2004 and prior to the initial obligation of funds appropriated by this Act under the heading ‘Iraq Relief and Reconstruction Fund’ [117 Stat. 1225] a report on the proposed uses of all funds under this heading on a project-by-project basis, for which the obligation of funds is anticipated during the 6-month period from such date, including estimates by the CPA of the costs required to complete each such project: Provided, That up to 20 percent of funds appropriated under such heading may be obligated before the submission of the report: Provided further, That in addition such report shall include the following:—

"(1) The use of all funds on a project-by-project basis for which funds appropriated under such heading were obligated prior to the submission of the report, including estimates by the CPA of the costs required to complete each project.

"(2) The distribution of duties and responsibilities regarding such projects among the agencies of the United States Government.

"(3) Revenues to the CPA attributable to or consisting of funds provided by foreign governments and international organizations, disaggregated by donor, any obligations or expenditures of such revenues, and the purpose of such obligations and expenditures.

"(4) Revenues to the CPA attributable to or consisting of foreign assets seized or frozen, any obligations or expenditures of such revenues, and the purpose of such obligations and expenditures.

"(b) Any proposed new projects and increases in funding for ongoing projects shall be reported to the Committees on Appropriations in accordance with regular notification procedures.

"(c) The report required by subsection (a) shall be updated and submitted to the Committees on Appropriations every 3 months and shall include information on how the estimates and assumptions contained in previous reports have changed.

"(d) The requirements of this section shall expire on October 1, 2007.

"Sec. 2208. Any reference in this chapter [chapter 2 of title II of Pub. L. 108–106, enacting section 7554 of this title, amending sections 7518 and 7532 of this title, and enacting this note and section 2215(a) of Pub. L. 108–106, set out as a note below] to the ‘Coalition Provisional Authority in Iraq’ or the ‘Coalition Provisional Authority’ shall be deemed to include any successor United States Government entity with the same or substantially the same authorities and responsibilities as the Coalition Provisional Authority in Iraq.”

REPORTS ON IRAQ OIL PRODUCTION AND REVENUES

Pub. L. 108–106, title II, §2215(a), Nov. 6, 2003, 117 Stat. 1232, required the Coalition Provisional Authority in Iraq to report, not later than 30 days after Nov. 6, 2003, and on a monthly basis until Sept. 30, 2006, Iraqi oil production and oil revenues, and uses of such revenues.

REPORTS ON UNITED STATES STRATEGY FOR RELIEF AND RECONSTRUCTION IN IRAQ

Pub. L. 108–11, title I, §1506, Apr. 16, 2003, 117 Stat. 580, required the President to submit, not later than 45 days after Apr. 16, 2003, an initial report on United States strategy regarding post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq undertaken as a result of Operation Iraqi Freedom, and (2) not later than 90 days after Apr. 16, 2003, and every 90 days thereafter until Sept. 30, 2004, subsequent reports related to reconstruction in Iraq.

COMMUNITY-BASED POLICE ASSISTANCE FOR JAMAICA AND EL SALVADOR


"(a) Authority.—Funds made available to carry out the provisions of chapter 1 of part I [22 U.S.C. 2151 et seq.] and chapter 4 of part II [22 U.S.C. 2246 et seq.] of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act [22 U.S.C. 2420], to enhance the effectiveness and accountability of civilian police authority in Jamaica and El Salvador through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict and foster improved police relations with the communities they serve.

"(b) Reports.—

"(1) The Administrator of the United States Agency for International Development shall submit, at the time of submission of the agency’s Congressional Budget Justification Document for fiscal year 2004, and annually thereafter, a report to the Committees on Appropriations describing the progress these programs are making toward improving police relations with the communities they serve and institutionalizing an effective community-based police program.

"(2) The requirements of paragraph (1) are in lieu of the requirements contained [sic] in section 587(b) of Public Law 107–115 [see Similar Provisions note below].

"(c) Notification.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.”

Provisions similar to section 582(a), (c) of div. E of Pub. L. 108–7 were contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006, Pub. L. 109–102, title V, §5361, Nov. 14, 2005, 119 Stat. 2225, and were repeated in provisions of subsequent appropriations acts which are not set out in the Code. Similar provisions were also contained in the following prior appropriations acts:

"SEC. 1. SHORT TITLE.—

"This Act may be cited as the 'Zimbabwe Democracy and Economic Recovery Act of 2001'."

"SEC. 2. STATEMENT OF POLICY.—

"It is the policy of the United States to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

"SEC. 3. DEFINITIONS.—

"In this Act:

"(1) INTERNATIONAL FINANCIAL INSTITUTIONS.—The term 'international financial institutions' means the multilateral development banks and the International Monetary Fund.

"(2) MULTILATERAL DEVELOPMENT BANKS.—The term 'multilateral development banks' means the International Bank for Reconstruction and Development, the International Development Association, the World Bank, the Asian Development Bank, the African Development Bank, the Inter-American Development Bank, the Inter-American Investment Corporation, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

"SEC. 4. SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.—

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

"(1) Through economic mismanagement, undemocratic practices, and the costly deployment of troops to the Democratic Republic of the Congo, the Government of Zimbabwe has rendered itself ineligible to participate in International Bank for Reconstruction and Development and International Monetary Fund programs, which would otherwise be providing substantial resources to assist in the recovery and modernization of Zimbabwe's economy. The people of Zimbabwe have thus been denied the economic and democratic benefits envisioned by the donors to such programs, including the United States.

"(2) In September 1999 the IMF suspended its support under a 'Stand By Arrangement', approved the previous month, for economic adjustment and reform in Zimbabwe.

"(3) In October 1999, the International Development Association (in this section referred to as the 'IDA') suspended all structural adjustment loans, credits, and guarantees to the Government of Zimbabwe.

"(4) In May 2000, the IDA suspended all other new lending to the Government of Zimbabwe.

"(5) In September 2000, the IDA suspended disbursement of funds for ongoing projects under previously-approved loans, credits, and guarantees to the Government of Zimbabwe.

"(b) Bilateral Debt Relief.—Upon receipt by the appropriate congressional committees of a certification described in subsection (d), the Secretary of the Treasury should—

"(A) direct the United States executive director of each multilateral development bank to propose that the bank undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that bank; and

"(B) direct the United States executive director of each international financial institution to which the United States is a member to propose to undertake financial and technical support for Zimbabwe, especially support that is intended to address Zimbabwe's economic recovery and development, the stabilization of the Zimbabwean dollar, and the viability of Zimbabwe's democratic institutions.

"(c) Multilateral Financing.—Until the President makes the certification described in subsection (d), and except as may be required to meet basic human needs or for good governance, the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to oppose and vote against—

"(1) any extension by the respective institution of any loan, credit, or guarantee to the Government of Zimbabwe; or

"(2) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to the United States or any international financial institution.

"(d) Presidential Certification That Certain Conditions Are Satisfied.—A certification under this subsection is a certification transmitted to the appropriate congressional committees of a determination made by the President that the following conditions are satisfied:

"(1) RESTORATION OF THE RULE OF LAW.—The rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association, and an end to the lawlessness, violence, and intimidation sponsored, condoned, or tolerated by the Government of Zimbabwe, the ruling party, and their supporters or entities.

"(2) ELECTION OR PRE-ELECTION CONDITIONS.—Either of the following two conditions is satisfied:

"(A) PRESIDENTIAL ELECTION.—Zimbabwe has held a presidential election that is widely accepted as free and fair by independent international monitors, and the president-elect is free to assume the duties of the office.

"(B) PRE-ELECTION CONDITIONS.—In the event the certification is made before the presidential election takes place, the Government of Zimbabwe has sufficiently improved the pre-election environment to a degree consistent with accepted international standards for security and freedom of movement and association.

"(3) COMMITMENT TO EQUITABLE, LEGAL, AND TRANSPARENT LAND REFORM.—The Government of Zimbabwe has demonstrated a commitment to an equitable, legal, and transparent land reform program consistent with agreements reached at the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare, Zimbabwe, in September 1998.

"(4) FULFILLMENT OF AGREEMENT ENDING WAR IN DEMOCRATIC REPUBLIC OF CONGO.—The Government of Zimbabwe is making a good faith effort to fulfill the terms of the Lusaka, Zambia, agreement on ending the war in the Democratic Republic of Congo.

"(5) MILITARY AND NATIONAL POLICE SUBORDINATE TO CIVILIAN GOVERNMENT.—The Zimbabwean Armed Forces, the National Police of Zimbabwe, and other state security forces are responsible to and serve the elected civilian government.

"(e) Waiver.—The President may waive the provisions of subsection (b)(1) or subsection (c), if the President determines that it is in the national interest of the United States to do so.
SEC. 5. SUPPORT FOR DEMOCRATIC INSTITUTIONS, THE FREE PRESS AND INDEPENDENT MEDIA, AND THE RULE OF LAW.

(a) IN GENERAL.—The President is authorized to provide assistance under part I [22 U.S.C. 2151 et seq.] and chapter 4 of part II [22 U.S.C. 2346 et seq.] of the Foreign Assistance Act of 1961 to—

(1) support an independent and free press and electronic media in Zimbabwe;

(2) support equitable, legal, and transparent mechanisms of land reform in Zimbabwe, including the payment of costs related to the acquisition of land and the resettlement of individuals, consistent with the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare, Zimbabwe, in September 1998, or any subsequent agreement relating thereto; and

(3) provide for democracy and governance programs in Zimbabwe.

(b) FUNDING.—Of the funds authorized to be appropriated to carry out part I [22 U.S.C. 2151 et seq.] and chapter 4 of part II [22 U.S.C. 2346 et seq.] of the Foreign Assistance Act of 1961 for fiscal year 2002—

(1) $20,000,000 is authorized to be available to provide the assistance described in subsection (a)(2); and

(2) $6,000,000 is authorized to be available to provide the assistance described in subsection (a)(3).

(c) SUPERSEDES OTHER LAWS.—The authority in this section supersedes any other provision of law.

SEC. 6. SENSE OF CONGRESS ON THE ACTIONS TO BE TAKEN AGAINST INDIVIDUALS RESPONSIBLE FOR VIOLENCE AND THE BREAKDOWN OF THE RULE OF LAW IN ZIMBABWE.

It is the sense of Congress that the President should begin immediate consultation with the governments of European Union member states, Canada, and other appropriate foreign countries on ways in which to—

(1) identify and share information regarding individuals responsible for the deliberate breakdown of the rule of law, politically motivated violence, and intimidation in Zimbabwe;

(2) identify assets of those individuals held outside Zimbabwe;

(3) implement travel and economic sanctions against those individuals and their associates and families; and

(4) provide for the eventual removal or amendment of those sanctions.

Provisions similar to those contained in section 4(c) of Pub. L. 107–99, set out above, were contained in the following appropriation acts:


REPORT ON RELATIONS WITH VIETNAM


IRAQ LIBERATION

Pub. L. 105–338, Oct. 31, 1998, 112 Stat. 3178, as amended by Pub. L. 108–11, title I, §1309(b), Apr. 16, 2003, 117 Stat. 568, known as the “Iraq Liberation Act of 1998”, contained Congressional findings regarding Iraq, stated the sense of Congress that United States policy should support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government, authorized assistance to support a transition to democracy in Iraq, required Presidential designation of Iraqi democratic opposition organizations eligible to receive assistance, urgent establishment of a war crimes tribunal for Iraq, stated the sense of Congress that the United States should support Iraq’s transition to democracy upon replacement of the Saddam Hussein regime, and specified that, with an exception, nothing in the Act be construed to authorize the use of United States Armed Forces to carry out the Act.

ASSISTANCE FOR MAURITANIA


(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. 2311 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, stated policy that prevention and suppression of international criminal activities should be a priority for the United States, and, for fiscal year 1995, authorized the President to furnish assistance to any country or international organization, on such terms and conditions as he determined, for the prevention and suppression of international criminal activities.
AFRICAN CONFLICT RESOLUTION


“SECTION 1. SHORT TITLE.

This Act may be cited as the ‘African Conflict Reso-

lution 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 res-

olution. 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 fu-

ture expenditures necessitated by Somalia-like hu-

manitarian 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 con-

tinent, is afflicted by war. Africa has been marred by

more than 20 major civil wars since 1960. Rwanda, So-

malia, Angola, Sudan, Liberia, and Burundi are

among those countries that have recently suffered se-

rious 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 cul-

tures.

“(6) Conflict and instability in Africa, particularly

in large, potentially rich countries such as Angola, Suda-

n, and Zaïre, deprive the global economy of re-

sources and opportunities for trade and investment.

Peace in these countries could make a significant con-

tribution to global economic growth, while creat-

ing new opportunities for United States businesses.

“(7) Excessive military expenditures threaten poli-

tical and economic stability in Africa while diverting

scarce resources from development needs. Demobil-

ization and other measures to reduce the size of Afri-

can armies, and civilian control of the military under

the rule of law are in the interest of international se-

curity and economic development.

“(8) Conflict prevention, mediation, and demobil-

ization are prerequisites to the success of development

assistance programs. Nutrition and education pro-

grams, 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 me-

diation. This tradition should be built upon to create

effective institutions through which Africans can re-

solve African conflicts.

“(10) The effectiveness of U.S. support for conflict

resolution programs requires coordination and col-

aboration with multilateral institutions and other

bilateral donors.

“(11) African institutions are playing an active role

in conflict resolution and mediation utilizing the ex-

perience of elder statesmen. Groups such as the All

African Council of Churches have assisted in defusing

conflict. The Economic Community of West African

States (ECOWAS) has sought to address the conflict in

Libya 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 con-

flict in Sudan.

“(12) The Organization of African Unity, under the

leadership of Secretary General Salim Salim, has estab-

lished 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 pol-

icy should be to help institutionalize conflict resolu-

tion capability in Africa.

“SEC. 3. IMPROVING THE CONFLICT RESOLUTION

CAPABILITIES OF THE ORGANIZATION OF AF-

RICAN UNITY.

“(a) AUTHORIZATION OF ASSISTANCE.—The President is

authorized to provide assistance to strengthen the con-

flict resolution capability of the Organization of Afri-

can Unity, as follows:

“(1) Funds may be provided to the Organization of

African Unity for use in supporting its conflict reso-

lution capability, including providing technical as-

sistants since 1993 or 1994.

“(2) Funds may be used for expenses of sending indi-

viduals 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 CAPA-

BILITIES OF MULTILATERAL SUBREGIONAL

ORGANIZATIONS IN AFRICA.

“(a) AUTHORIZATION OF ASSISTANCE.—The President is

authorized to provide assistance to strengthen the con-

flict resolution capabilities of subregional organiza-

tions established by countries in sub-Saharan Africa, as

follows:

“(1) Funds may be provided to such organizations

for use in supporting their conflict resolution ca-

pability, 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 CAPA-

BILITIES OF NON-GOVERNMENTAL ORGANIZA-

TIONS.

“(a) AUTHORIZATION OF ASSISTANCE.—The President is

authorized to provide assistance to nongovernmental organizations that are engaged in mediation and re-

conciliation 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 RETRAIN-

ING PROGRAM.

“(a) AUTHORIZATION OF ASSISTANCE.—In order to fa-

cilitate reductions in the size of the armed forces of

countries of sub-Saharan Africa, the President is au-

thorized to

“(1) provide assistance for the encampment and re-

lated activities for the purpose of demobilization of
d such forces; and

“(2) provide assistance for the reintegration of de-

mobilized military personnel into civilian society

through activities such as retraining for civilian oc-

cupations, creation of income-generating opportuni-

ties, their reintegration into agricultural activities,

and the transportation to the home areas of such per-

sonnel.
"(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 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 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, 1996, 60 F.R. 30771.]

WAIVER OF RESTRICTIONS FOR NARCOTICS-RELATED ECONOMIC ASSISTANCE


Similar provisions were contained in the following prior acts:


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


IMPACT ON EMPLOYMENT IN UNITED STATES

Pub. L. 102–450, 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. 102–454, 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, as amended by Pub. L. 110–236, title III, §3001(b)(1)(A), (2)(R), June 18, 2008, 122 Stat. 1830, 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, 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 required additional reports.
PECISH SETS 9 IN LIBERIA
"(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 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

"(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 Trade and Development Agency 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 2151 of the Export Administration Act of 1979 (50 U.S.C. App. 2405(c)) 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 U.S.C. App. 2801 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. 2138(a)), could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be diverted 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 57(b)(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 U.S.C. App. 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, 1996].
“(b) TERMINATION OF SUSPENSIONS.—A report referred to in subsection (a) is a report by the President to the Congress either—

(p) 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) halt 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.

(3) REREPORTING REQUIREMENT.—The President shall submit to the Congress reports or other actions on a nonrecurring basis for the purpose of planning, directing, executing, or supporting the mining of the ports or territorial waters of Nicaragua.

(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) 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. 98–296, div. B, title IX, §2907, July 18, 1984, 98 Stat. 1219, 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, §1003, Nov. 22, 1983, 97 Stat. 1058, prohibited the obligation or expenditure of funds to promote, sustain, or augment the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Kampuchea (now Cambodia) or elsewhere in Indochina.

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, prohibited United States assistance for programs, projects, or activities which would assist or lend support for the Noriega regime or ministries of government under the control of the Noriega regime, prohibited use of appropriated funds to finance any participation of the United States in joint military exercises conducted in Panama during the fiscal year 1990, and directed the Secretary of the Treasury to instruct the United States Executive Directors to the International Financial Institutions to vote against any loan to Panama unless the President had certified that certain conditions had been met.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 100–456, div. A, title XIII, §1002, Sept. 29, 1988, 102 Stat. 2670, 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.”

是中国人民解放军的政策。中华人民共和国使用武装力量从事防御和安全，保护国家利益和主权，维护社会稳定，确保国家的安全和领土完整。中国人民解放军奉行和平的防御政策，不首先使用武力，但必要时保留自卫的权利。中华人民共和国致力于和平解决国际争端，维护世界和平，促进国际安全和稳定。中国人民解放军的建设和改革，必须坚持中国共产党的领导，坚持马克思列宁主义、毛泽东思想、邓小平理论和“三个代表”重要思想的指导，贯彻科学发展观，必须服从和服务于国家发展的总体战略，为国家的和平发展、民族的团结进步、人民的幸福安康、社会的和谐稳定作出贡献。

“中国人民解放军是中国人民民主专政的坚强柱石，是全心全意为人民服务的人民军队。中国人民解放军的宗旨是全心全意为人民服务。中国人民解放军始终保持人民军队的本色和作风，始终是维护国家主权和安全的坚强力量，是维护世界和平的坚定力量。中国人民解放军的建设和发展，必须坚持党的绝对领导，坚定不移地走中国特色新型国防和军队建设道路，必须坚持以人为本，充分发挥广大官兵的积极性、主动性、创造性，必须坚持改革开放，坚持不懈地推进国防和军队现代化，为实现中华民族伟大复兴提供坚强力量保证。”
final accounting of americans missing in action in vietnam


plan for increased minority business participation in foreign assistance activities; minority resource center section as implementing administrative unit; functions, duties, etc., of center


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 Persuasion

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:


Definitions

Pub. L. 110–53, title XX, §2002, Aug. 3, 2007, 121 Stat. 506, provided that: "In this title [see Short Title of 2007 Amendment note above], except as otherwise provided, the term 'appropriate congressional committees'—

(1) means—

(A) the Committee on Foreign Affairs 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; and

(2) includes, for purposes of subtitle D (subtitle D (§§2041–2043) of title XX of Pub. L. 110–53, enacting provisions set out as notes under sections 2375, 2656, and 7511 of this title), the Committees on Armed Services of the House of Representatives and of the Senate.


(1) defense article.—The term 'defense article' has the meaning given the term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794 note [22 U.S.C. 2794]).

(2) defense service.—The term 'defense service' has the meaning given the term in section 47(4) of the Arms Export Control Act (22 U.S.C. 2794 note [22 U.S.C. 2794]).

(3) excess defense article.—The term 'excess defense article' has the meaning given the term in section 64(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2453(g))."


Ex. Ord. No. 13395, Dec. 19, 2011, 76 F.R. 82025, provided:

by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

section 1. policy. (a) the United States recognizes that promoting women’s participation in conflict prevention, management, and resolution, as well as in post-conflict relief and recovery, advances peace, national security, economic and social development, and international cooperation.

(b) the United States recognizes the responsibility of all nations to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, including when implemented by means of sexual violence. the United States further recognizes that sexual violence, when used or commissioned as a tactic of war or as a part of a widespread or systematic attack against civilians, can exacerbate and prolong armed conflict and impede the restoration of peace and security.

(c) it shall be the policy and practice of the executive branch of the United States to have a National Action Plan on Women, Peace, and Security (National Action Plan).

section 2. National Action Plan. a National Action Plan shall be created pursuant to the process outlined in Presidential Policy Directive 1 and shall identify and develop activities and initiatives in the following area:

(a) national integration and institutionalization. through interagency coordination, policy development,
enhanced professional training and education, and evaluation, the United States Government will institutionalize a gender-responsive approach to its diplomatic, development, and defense-related work in conflict-affected environments.

(b) Participation in peace processes and decisionmaking. The United States Government will improve the processes for inclusive, just, and sustainable peace by promoting and strengthening women’s rights and effective leadership and substantive participation in peace processes, conflict prevention, peacebuilding, transitional processes, and decisionmaking institutions in conflict-affected environments.

(c) Protection from violence. The United States Government will strengthen its efforts to prevent—and protect women and children from—harm, exploitation, discrimination, and abuse, including sexual and gender-based violence and trafficking in persons, and to hold perpetrators accountable in conflict-affected environments.

(d) Conflict prevention. The United States Government will promote a role in conflict prevention, improve conflict early-warning and response systems through the integration of gender perspectives, and invest in women and girls’ health, education, and economic opportunity to create conditions for stable societies and lasting peace.

(e) Access to relief and recovery. The United States Government will respond to the distinct needs of women and children in conflict-affected disasters and crises, including by providing safe, equitable access to humanitarian assistance.

Sect. 3. Responsibility of Executive Departments and Agencies. (a) Executive departments and agencies (agencies) shall maintain a current awareness of U.S. policy with regard to Women, Peace, and Security, as set out in the National Action Plan, as it is relevant to their functions, and shall perform such functions so as to respect and implement that policy fully, while retaining their established institutional roles in the implementation, interpretation, and enforcement of Federal law.

(b) The Secretary of State, the Secretary of Defense, and the Administrator of the United States Agency for International Development shall each:

(i) designate one or more officers, as appropriate, as responsible for coordinating and implementing the National Action Plan;

(ii) within 150 days of the date of the release of the National Action Plan, develop and submit to the Assistant to the President and National Security Advisor an agency-specific implementation plan that will identify the actions each agency plans to take to implement the National Action Plan; and

(iii) execute their agency-specific implementation plans, and monitor and report to the Assistant to the President and National Security Advisor on such execution.

Sect. 4. Interagency Process. The Assistant to the President and National Security Advisor shall, consistent with Presidential Policy Directive 1 or any successor documents, establish an interagency process for coordinating the implementation of this order, which shall:

inter alia:

(a) coordinate implementation of the National Action Plan and agency-specific implementation plans as specified in section 3(b) of this order;

(b) establish a mechanism for agencies to report progress in implementing the National Action Plan and agency-specific implementation plans, as appropriate and as specified in section 3(b), and in meeting the objectives of this order, which the Assistant to the President and National Security Advisor shall draw upon to provide an annual report to the President;

(c) coordinate a comprehensive periodic review of, and update to, the National Action Plan. The review and update to, the National Action Plan will be informed by consultation with relevant civil society organizations. The first review will take place in 2015; and

(d) consider and implement other revisions to the National Action Plan, as necessary.

Sect. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) Independent agencies are strongly encouraged to comply with this order.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

§ 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 marshaling 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 callble 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. Participation 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;  
(F) increase in literacy; and  
(G) progress in combating corruption and improving transparency and accountability in the public and private sector.

(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 activities 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 activity 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.

(17) Economic reform and development of effective institutions of democratic governance are mutually reinforcing. The successful transition of a developing country is dependent upon the quality of its economic and governance institutions. Rule of law, mechanisms of accountability and transparency, security of person, property, and investments, are but a few of the critical governance and economic reforms that underpin the sustainability of broad-based economic growth. Programs in support of such reforms strengthen the capacity of people to hold their governments accountable and to create economic opportunity.

(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.


REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original §2151 of the Act, meaning Pub. L. 87–195, pt. I, §102, as added, 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 234.2(b) of Pub. L. 92–226, set out as a note under section 2346 of this title, and sections 234.8c and 2349aa–5 of this title.

AMENDMENTS


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.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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 systems 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 indigenous 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 Food for Peace Act [7 U.S.C. 1691 et seq.] which are owned by foreign governments shall be used whenever practicable to assist in the provision 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 Food for Peace Act [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 post-harvest 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. 97–113, § 301(a), added 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). As a note under section 2346 of this title, and sections references to subchapter II are deemed to exclude provisions of section 316 of the International Security and Development Cooperation Act of 1980.

REFERENCE IN TEXT


The Food for Peace Act, referred to in subsecs. (e) and (f), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified generally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture.

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 2346c 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)(2). Pub. L. 99–83, § 302, substituted "$760,000,000 for fiscal year 1986 and $760,000,000 for fiscal year 1987." for "$500,000,000 from $291,000,000.".
INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT; SIXTH REPLENISHMENT

Pub. L. 108–199, div. D, title V, §577, Jan. 23, 2004, 118 Stat. 201, provided that: “The Secretary of the Treasury may, to fulfill commitments of the United States, contribute on behalf of the United States to the sixth replenishment of the resources of the International Fund for Agricultural Development. The following amount is authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: $45,000,000 for the International Fund for Agricultural Development.”

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."

§ 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.


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


EFFECTIVE DATE OF 1978 AMENDMENT


§ 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; control of AIDS and tuberculosis

(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 national 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 objective 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.

(4) RELATIONSHIP TO OTHER LAWS.—Assistance made available under this subsection and sections 2151b–2, 2151b–3, and 2151b–4 of this title, and assistance made available under part IV of subchapter II of this chapter to carry out the purposes of this subsection and the provisions cited in this paragraph, may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, except for the provisions of this subsection, the provisions of law cited in this paragraph, subsection (f) of this section, section 2394–1 of this title, and provisions of law that limit assistance to organizations that support or participate in a program of coercive abortion or involuntary sterilization included under the Child Survival and Health Programs Fund heading in the Consolidated Appropriations Resolution, 2003 (Public Law 108–7).

(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 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) $295,000,000 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.

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

(4) to (7).

This chapter, referred to in subsec. (e)(1), was in the original “this Act”, meaning Pub. L. 87–196, 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 2511 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 (§ 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 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 19, 1984, which was enacted into permanent law by Pub. L. 98–473.

AMENDMENTS

2003—Subsec. (c)(4) to (7). Pub. L. 108–25 added par. (4) and struck out former pars. (4) to (7), which related to coordination between governments and organizations to prevent vertical transmission of HIV, prioritization of HIV/AIDS in foreign assistance program efforts, appropriation of funds for fiscal years 2001 and 2002, and coordination in developing a comprehensive tuberculosis program.


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”.


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 $238,000,000 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 and 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).


Subsec. (g). Pub. L. 97–113, § 302(a), substituted proviso authorizing appropriations of $211,000,000 and $133,405,000 to carry out subsecs. (b) and (c), respectively, for fiscal years 1982 and 1983 for provisions authorizing $238,000,000 to carry out such subsecs. for fiscal years 1982 and 1983, and in par. (2) struck out proviso 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.

1980—Subsec. (f)(b). Pub. L. 96–33, § 402(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 part (1) appropriations authorization of $238,000,000 for fiscal year 1981 for authorization of $201,000,000 for fiscal year 1980 and made $4,000,000 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.


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 provisons 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 purpose and, 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 former subsec. (c).

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


1975—Subsec. (a). Pub. L. 94–161, § 304(1)–(3), designated existing provisions as subsec. (a), (c), authorized appropriations of $245,100,000 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.


**Effective Date of 1985 Amendment**


**Effective Date of 1979 Amendment**

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 103(d) of Pub. L. 96–53, set out as a note under section 2151 of this title.

**Effective Date of 1978 Amendment**


**Effective Date of 1977 Amendment**

Section 103(d) of Pub. L. 95–488 provided that: “The amendment made by subsection (a) of this section [amending this section] shall take effect on October 1, 1977.”

**Delegation of Functions**

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56763, as amended, set out as a note under section 2801 of this title.

**Findings**

Pub. L. 106–264, title II, § 202, Aug. 19, 2000, 114 Stat. 756, provided that: “Congress makes the following findings:

“(1) Since the development of antibiotics in the 1950s, tuberculosis has been largely controlled in the United States and the Western World.

“(2) Due to societal factors, including growing urban decay, inadequate health care systems, persistent poverty, overcrowding, and malnutrition, as well as medical factors, including the HIV/AIDS epidemic and the emergence of multi-drug resistant strains of tuberculosis, tuberculosis has again become a leading and growing cause of adult deaths in the developing world.

“(3) According to the World Health Organization—

“(A) in 1998, about 1,860,000 people worldwide died of tuberculosis-related illnesses; and

“(B) one-third of the world’s total population is infected with tuberculosis; and

“(C) tuberculosis is the world’s leading killer of women between 15 and 44 years old and is a leading cause of children becoming orphans.

“(4) Because of the ease of transmission of tuberculosis, its international persistence and growth pose a direct public health threat to those nations that had previously largely controlled the disease. This is complicated in the United States by the growth of the homeless population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

“(5) With nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born persons, tuberculosis will never be controlled in the United States until it is controlled abroad.

“(6) The means exist to control tuberculosis through screening, diagnosis, treatment, patient compliance, monitoring, and ongoing review of outcomes.

“(7) Efforts to control tuberculosis are complicated by several barriers, including—

“(A) the labor intensive and lengthy process involved in screening, detecting, and treating the disease;

“(B) a lack of funding, trained personnel, and medicine in virtually every nation with a high rate of the disease;

“(C) the unique circumstances in each country, which requires the development and implementation of country-specific programs; and

“(D) the risk of having a bad tuberculosis program, which is worse than having no tuberculosis program because it would significantly increase the risk of the development of more widespread drug-resistant strains of the disease.

“(8) Eliminating the barriers to the international control of tuberculosis through a well-structured, comprehensive, and coordinated worldwide effort would be a significant step in dealing with the increasing public health problem posed by the disease.”

**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)].”
§ 2151b–1. Assistance for malaria prevention, treatment, control, and elimination

(a) Assistance

(1) In general

The Administrator of the United States Agency for International Development, in coordination with the heads of other appropriate Federal agencies and nongovernmental organizations, shall provide assistance for the establishment and conduct of activities designed to prevent, treat, control, and eliminate malaria in countries with a high percentage of malaria cases.

(2) Consideration of interaction among epidemics

In providing assistance pursuant to paragraph (1), the Administrator should consider the interaction among the epidemics of HIV/AIDS, malaria, and tuberculosis.

(3) Dissemination of information requirement

Activities referred to in paragraph (1) shall include the dissemination of information relating to the development of vaccines and therapeutic agents for the prevention of malaria (including information relating to participation in, and the results of, clinical trials for such vaccines and agents conducted by United States Government agencies) to appropriate officials in such countries.

(b) Authorization of appropriations

(1) In general

There are authorized to be appropriated to carry out subsection (a) of this section $50,000,000 for each of the fiscal years 2001 and 2002.

(2) Availability

Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.


CODIFICATION

Section was enacted as part of the Assistance for International Malaria Control Act and also as part of the International Malaria Control Act of 2000, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

FINDINGS

Pub. L. 106–570, title I, § 102, Dec. 27, 2000, 114 Stat. 3039, provided that: "Congress makes the following findings:

"(1) The World Health Organization estimates that there are 300,000,000 to 500,000,000 cases of malaria each year.

"(2) According to the World Health Organization, more than 1,000,000 persons are estimated to die due to malaria each year.

"(3) According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected.

"(4) About half of those who die each year from malaria are children under 9 years of age.

"(5) Malaria kills one child each 30 seconds.

"(6) Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa.

"(7) In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian subcontinent, Southeast Asia, and the Middle East are high risk malaria areas.

"(8) These high risk areas represent many of the world's poorest nations.

"(9) Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions.

"(10) 'Airport malaria', the importing of malaria by international aircraft and other conveyances, is becoming more common, and the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

"(11) In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported.

"(12) Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

"(13) Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes.

"(14) No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes."

§ 2151b–2. Assistance to combat HIV/AIDS

(a) Finding

Congress recognizes that the alarming spread of HIV/AIDS in countries in sub-Saharan Africa, the Caribbean, Central Asia, Eastern Europe, Latin America and other developing countries is a major global health, national security, development, and humanitarian crisis.

(b) Policy

(1) Objectives

It is a major objective of the foreign assistance program of the United States to provide assistance for the prevention and treatment of HIV/AIDS and the care of those affected by the disease. It is the policy objective of the United States, by 2013, to—

(A) assist partner countries to—

(i) prevent 12,000,000 new HIV infections worldwide;

(ii) support—

(I) the increase in the number of individuals with HIV/AIDS receiving antiretroviral treatment above the goal established under section 7672(a)(3) of this title and increased pursuant to paragraphs (1) through (3) of section 7673(d) of this title; and

(II) additional treatment through coordinated multilateral efforts;

(iii) support care for 12,000,000 individuals infected with or affected by HIV/AIDS, including 5,000,000 orphans and vulnerable children affected by HIV/AIDS, with an emphasis on promoting a comprehensive, coordinated system of services to be integrated throughout the continuum of care;

(iv) provide at least 80 percent of the target population with access to counseling, testing, and treatment to prevent the transmission of HIV from mother-to-child;

(v) provide care and treatment services to children with HIV in proportion to their

1 See References in Text note below.
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percentage within the HIV-infected population of a given partner country; and

(vi) train and support retention of health care professionals, paraprofessionals, and community health workers in HIV/AIDS prevention, treatment, and care, with the target of providing such training to at least 140,000 new health care professionals and paraprofessionals with an emphasis on training and in country deployment of critically needed doctors and nurses;

(B) strengthen the capacity to deliver primary health care in developing countries, especially in sub-Saharan Africa;

(C) support and help countries in their efforts to achieve staffing levels of at least 2.3 doctors, nurses, and midwives per 1,000 population, as called for by the World Health Organization;

(D) help partner countries to develop independent, sustainable HIV/AIDS programs.

(2) Coordinated global strategy

The United States and other countries with the sufficient capacity should provide assistance to countries in sub-Saharan Africa, the Caribbean, Central Asia, Eastern Europe, and Latin America, and other countries and regions confronting HIV/AIDS epidemics in a coordinated global strategy to help address generalized and concentrated epidemics through HIV/AIDS prevention, treatment, care, monitoring and evaluation, and related activities.

(3) Priorities

The United States Government’s response to the global HIV/AIDS pandemic and the Government's efforts to help countries assume leadership of sustainable campaigns to combat their local epidemics should place high priority on—

(A) the prevention of the transmission of HIV;

(B) moving toward universal access to HIV/AIDS prevention counseling and services;

(C) the inclusion of cost sharing assurances that meet the requirements under section 2151h of this title; and

(D) the inclusion of transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.

c) Authorization

(1) In general

Consistent with section 2151b(c) of this title, the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for HIV/AIDS, including to prevent, treat, and monitor HIV/AIDS, and carry out related activities, in countries in sub-Saharan Africa, the Caribbean, Central Asia, Eastern Europe, Latin America, and other countries and areas, particularly with respect to refugee populations or those in postconflict settings in such countries and areas with significant or increasing HIV incidence rates.

(2) Role of NGOs

It is the sense of Congress that the President should provide an appropriate level of assistance under paragraph (1) through nongovernmental organizations (including faith-based and community-based organizations) in countries in sub-Saharan Africa, the Caribbean, Central Asia, Eastern Europe, Latin America, and other countries and areas affected by the HIV/AIDS pandemic, particularly with respect to refugee populations or those in post-conflict settings in such countries and areas with significant or increasing HIV incidence rates.

(3) Coordination of assistance efforts

The President shall coordinate the provision of assistance under paragraph (1) with the provision of related assistance by the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Children’s Fund (UNICEF), the World Health Organization (WHO), the United Nations Development Programme (UNDP), the Global Fund to Fight AIDS, Tuberculosis and Malaria and other appropriate international organizations (such as the International Bank for Reconstruction and Development), relevant regional multilateral development institutions, national, state, and local governments of partner countries, other international actors, appropriate governmental and nongovernmental organizations, and relevant executive branch agencies within the framework of the principles of the Three Ones.

d) Activities supported

Assistance provided under subsection (c) of this section shall, to the maximum extent practicable, be used to carry out the following activities:

(1) Prevention

Prevention of HIV/AIDS through activities including—

(A) programs and efforts that are designed or intended to impart knowledge with the exclusive purpose of helping individuals avoid behaviors that place them at risk of HIV infection, including integration of such programs into health programs and the inclusion in counseling programs of information on methods of avoiding infection of HIV, including delaying sexual debut, abstinence, fidelity and monogamy, reduction of casual sexual partnering and multiple concurrent sexual partnering, reducing sexual violence and coercion, including child marriage, widow inheritance, and polygamy, and where appropriate, use of male and female condoms;

(B) assistance to establish and implement culturally appropriate HIV/AIDS education and prevention programs that are designed with local input and focus on helping individuals avoid infection of HIV/AIDS, implemented through nongovernmental organizations, including faith-based and community-based organizations, particularly those locally based organizations that utilize both professionals and volunteers with appro-

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priate skills, experience, and community presence;
(C) assistance for the purpose of encouraging men to be responsible in their sexual behavior, child rearing, and to respect women;
(D) assistance for the purpose of providing voluntary testing and counseling (including the incorporation of confidentiality protections with respect to such testing and counseling) and promoting the use of provider-initiated or “opt-out” voluntary testing in accordance with World Health Organization guidelines;
(E) assistance for the purpose of preventing mother-to-child transmission of the HIV infection, including medications to prevent such transmission and access to infant formula and other alternatives for infant feeding;
(F) assistance to—
(i) achieve the goal of reaching 80 percent of pregnant women for prevention and treatment of mother-to-child transmission of HIV in countries in which the United States is implementing HIV/AIDS programs by 2013; and
(ii) promote infant feeding options and treatment protocols that meet the most recent criteria established by the World Health Organization;
(G) medical male circumcision programs as part of national strategies to combat the transmission of HIV/AIDS;
(H) assistance to ensure a safe blood supply and sterile medical equipment;
(I) assistance to help avoid substance abuse and intravenous drug use that can lead to HIV infection;
(J) assistance for the purpose of increasing women’s access to employment opportunities, income, productive resources, and microfinance programs, where appropriate.3
(K) assistance for counseling, testing, treatment, care, and support programs, including—
(i) counseling and other services for the prevention of reinfection of individuals with HIV/AIDS;
(ii) counseling to prevent sexual transmission of HIV, including—
(I) life skills development for practicing abstinence and faithfulness;
(II) reducing the number of sexual partners;
(III) delaying sexual debut; and
(IV) ensuring correct and consistent use of condoms;
(iii) assistance to engage underlying vulnerabilities to HIV/AIDS, especially those of women and girls;
(iv) assistance for appropriate HIV/AIDS education programs and training targeted to prevent the transmission of HIV among men who have sex with men;
(v) assistance to provide male and female condoms;
(vi) diagnosis and treatment of other sexually transmitted infections;
(vii) strategies to address the stigma and discrimination that impede HIV/AIDS prevention efforts; and
(viii) assistance to facilitate widespread access to microbicides for HIV prevention, if safe and effective products become available, including financial and technical support for culturally appropriate introductory programs, procurement, distribution, logistics management, program delivery, acceptability studies, provider training, demand generation, and postintroduction monitoring.
(2) Treatment
The treatment and care of individuals with HIV/AIDS, including—
(A) assistance to establish and implement programs to strengthen and broaden indigenous health care delivery systems and the capacity of such systems to deliver HIV/AIDS pharmaceuticals and otherwise provide for the treatment of individuals with HIV/AIDS, including clinical training for indigenous organizations and health care providers;
(B) assistance to strengthen and expand hospice and palliative care programs to assist patients debilitated by HIV/AIDS, their families, and the primary caregivers of such patients, including programs that utilize faith-based and community-based organizations;
(C) assistance for the purpose of the care and treatment of individuals with HIV/AIDS through the provision of pharmaceuticals, including antiretrovirals and other pharmaceuticals and therapies for the treatment of opportunistic infections, pain management, nutritional support, and other treatment modalities;
(D) as part of care and treatment of HIV/AIDS, assistance (including prophylaxis and treatment) for common HIV/AIDS-related opportunistic infections for free or at a rate at which it is easily affordable to the individuals and populations being served;4
(E) as part of care and treatment of HIV/AIDS, assistance or referral to available and adequately resourced service providers for nutritional support, including counseling and where necessary the provision of commodities, for persons meeting malnourishment criteria and their families;5
(3) Preventative intervention education and technologies
(A) With particular emphasis on specific populations that represent a particularly high risk of contracting or spreading HIV/AIDS, including those exploited through the sex trade, victims of rape and sexual assault, individuals already infected with HIV/AIDS, and in cases of occupational exposure of health care workers, assistance with efforts to reduce the risk of HIV/AIDS infection including post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides.

3 So in original. The period probably should be “; and”.
4 So in original. The word “and” probably should appear.
5 So in original. The semicolon probably should be a period.
(B) Bulk purchases of available test kits, condoms, and, when proven effective, microbicides that are intended to reduce the risk of HIV/AIDS transmission and for appropriate program support for the introduction and distribution of these commodities, as well as education and training on the use of the technologies.

(4) Monitoring

The monitoring of programs, projects, and activities carried out pursuant to paragraphs (1) through (3), including—

(A) monitoring to ensure that adequate controls are established and implemented to provide HIV/AIDS pharmaceuticals and other appropriate medicines to poor individuals with HIV/AIDS;

(B) appropriate evaluation and surveillance activities;

(C) monitoring to ensure that appropriate measures are being taken to maintain the sustainability of HIV/AIDS pharmaceuticals (especially antiretrovirals) and ensure that drug resistance is not compromising the benefits of such pharmaceuticals;

(D) monitoring to ensure appropriate law enforcement officials are working to ensure that HIV/AIDS pharmaceuticals are not diminished through illegal counterfeiting or black market sales of such pharmaceuticals;

(E) carrying out and expanding program monitoring, impact evaluation research and analysis, and operations research and disseminating data and findings through mechanisms to be developed by the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, in coordination with the Director of the Centers for Disease Control, in order to—

(i) improve accountability, increase transparency, and ensure the delivery of evidence-based services through the collection, evaluation, and analysis of data regarding gender-responsive interventions, disaggregated by age and sex;

(ii) identify and replicate effective models; and

(iii) develop gender indicators to measure outcomes and the impacts of interventions; and

(F) establishing appropriate systems to—

(i) gather epidemiological and social science data on HIV; and

(ii) evaluate the effectiveness of prevention efforts among men who have sex with men, with due consideration to stigma and risks associated with disclosure.

(5) Pharmaceuticals

(A) Procurement

The procurement of HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections.

(B) Mechanisms for quality control and sustainable supply

Mechanisms to ensure that such HIV/AIDS pharmaceuticals, antiretroviral therapies, and other appropriate medicines are quality-controlled and sustainably supplied.

(C) Mechanism to ensure cost-effective drug purchasing

Subject to subparagraph (B), mechanisms to ensure that safe and effective pharmaceuticals, including antiretrovirals and medicines to treat opportunistic infections, are purchased at the lowest possible price at which such pharmaceuticals may be obtained in sufficient quantity on the world market, provided that such pharmaceuticals are approved, tentatively approved, or otherwise authorized for use by—

(i) the Food and Drug Administration;

(ii) a stringent regulatory agency acceptable to the Secretary of Health and Human Services; or

(iii) a quality assurance mechanism acceptable to the Secretary of Health and Human Services.

(D) Distribution

The distribution of such HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines (including medicines to treat opportunistic infections) to qualified national, regional, or local organizations for the treatment of individuals with HIV/AIDS in accordance with appropriate HIV/AIDS testing and monitoring requirements and treatment protocols and for the prevention of mother-to-child transmission of the HIV infection.

(6) Related and coordinated activities

The conduct of related activities, including—

(A) the care and support of children who are orphaned by the HIV/AIDS pandemic, including services designed to care for orphaned children in a family environment which rely on extended family members;

(B) improved infrastructure and institutional capacity to develop and manage education, prevention, and treatment programs, including training and the resources to collect and maintain accurate HIV surveillance data to target programs and measure the effectiveness of interventions;

(C) vaccine research and development partnership programs with specific plans of action to develop a safe, effective, accessible, preventive HIV vaccine for use throughout the world; and

(D) coordinated or referred activities to—

(i) enhance the clinical impact of HIV/AIDS care and treatment; and

(ii) ameliorate the adverse social and economic costs often affecting AIDS-impacted families and communities through the direct provision, as necessary, or through the referral, if possible, of support services, including—

(I) nutritional and food support;

(II) safe drinking water and adequate sanitation;

(III) nutritional counseling;

(IV) income-generating activities and livelihood initiatives;

(V) maternal and child health care;

So in original. The “and” probably should not appear.
(VI) primary health care;  
(VII) the diagnosis and treatment of other infectious or sexually transmitted diseases;  
(VIII) substance abuse and treatment services; and  
(IX) legal services;  

(E) coordinated or referred activities to link programs addressing HIV/AIDS with programs addressing gender-based violence in areas of significant HIV prevalence to assist countries in the development and enforcement of women’s health, children’s health, and HIV/AIDS laws and policies that—  
(i) prevent and respond to violence against women and girls;  
(ii) promote the integration of screening and assessment for gender-based violence into HIV/AIDS programming;  
(iii) promote appropriate HIV/AIDS counseling, testing, and treatment into gender-based violence programs; and  
(iv) assist governments to develop partnerships with civil society organizations to create networks for psychosocial, legal, economic, or other support services;  

(F) coordinated or referred activities to—  
(i) address the frequent coinfection of HIV and tuberculosis, in accordance with World Health Organization guidelines;  
(ii) promote provider-initiated or “opt-out” HIV/AIDS counseling and testing and appropriate referral for treatment and care to individuals with tuberculosis or its symptoms, particularly in areas with significant HIV prevalence; and  
(iii) strengthen programs to ensure that individuals testing positive for HIV receive tuberculosis screening and to improve laboratory capacities, infection control, and adherence; and  

(G) activities to—  
(i) improve the effectiveness of national responses to HIV/AIDS;  
(ii) strengthen overall health systems in high-prevalence countries, including support for workforce training, retention, and effective deployment, capacity building, laboratory development, equipment maintenance and repair, and public health and related public financial management systems and operations; and  
(iii) encourage fair and transparent procurement practices among partner countries; and  
(iv) promote in-country or intra-regional pediatric training for physicians and other health professionals, preferably through public-private partnerships involving colleges and universities, with the goal of increasing pediatric HIV workforce capacity.  

(7) Comprehensive HIV/AIDS public-private partnerships  
The establishment and operation of public-private partnership entities within countries in sub-Saharan Africa, the Caribbean, and other countries affected by the HIV/AIDS pandemic that are dedicated to supporting the national strategy of such countries regarding the prevention, treatment, and monitoring of HIV/AIDS. Each such public-private partnership should—  
(A) support the development, implementation, and management of comprehensive HIV/AIDS plans in support of the national HIV/AIDS strategy;  
(B) operate at all times in a manner that emphasizes efficiency, accountability, and results-driven programs;  
(C) engage both local and foreign development partners and donors, including businesses, government agencies, academic institutions, nongovernmental organizations, foundations, multilateral development agencies, and faith-based organizations, to assist the country in coordinating and implementing HIV/AIDS prevention, treatment, and monitoring programs in accordance with its national HIV/AIDS strategy;  
(D) provide technical assistance, consultant services, financial planning, monitoring and evaluation, and research in support of the national HIV/AIDS strategy; and  
(E) establish local human resource capacities for the national HIV/AIDS strategy through the transfer of medical, managerial, leadership, and technical skills.  

(8) Compacts and framework agreements  
The development of compacts or framework agreements, tailored to local circumstances, with national governments or regional partnerships in countries with significant HIV/AIDS burdens to promote host government commitment to deeper integration of HIV/AIDS services into health systems, contribute to health systems overall, and enhance sustainability, including—  
(A) cost sharing assurances that meet the requirements under section 2151h of this title; and  
(B) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.  

(e) Compacts and framework agreements  

(1) Findings  
Congress makes the following findings:  
(A) The congressionally mandated Institute of Medicine report entitled “PEPFAR Implementation: Progress and Promise” states: “The next strategy [of the U.S. Global AIDS Initiative] should squarely address the needs and challenges involved in supporting sustainable country HIV/AIDS programs, thereby transitioning from a focus on emergency relief.”.  
(B) One mechanism to promote the transition from an emergency to a public health and development approach to HIV/AIDS is through compacts or framework agreements between the United States Government and each participating nation.  

(2) Elements  
Compacts on HIV/AIDS authorized under subsection (d)(8) shall include the following elements:
(A) Compacts whose primary purpose is to provide direct services to combat HIV/AIDS are to be made between—

(i) the United States Government; and

(ii) national or regional entities representing low-income countries served by an existing United States Agency for International Development or Department of Health and Human Services presence or regional platform; or

(II) countries or regions—

(aa) experiencing significantly high HIV prevalence or risk of significantly increasing incidence within the general population;

(bb) served by an existing United States Agency for International Development or Department of Health and Human Services presence or regional platform; and

(cc) that have inadequate financial means within such country or region.

(B) Compacts whose primary purpose is to provide limited technical assistance to a country or region connected to services provided within the country or region—

(i) may be made with other countries or regional entities served by an existing United States Agency for International Development or Department of Health and Human Services presence or regional platform; and

(ii) shall require significant investments in HIV prevention, care, and treatment services by the host country;

(iii) shall be time-limited in terms of United States contributions; and

(iv) shall be made only upon prior notification to Congress—

(I) justifying the need for such compacts;

(II) describing the expected investment by the country or regional entity; and

(III) describing the scope, nature, expected total United States investment, and time frame of the limited technical assistance under the compact and its intended impact.

(C) Compacts shall include provisions to—

(i) promote local and national efforts to reduce stigma associated with HIV/AIDS; and

(ii) work with and promote the role of civil society in combating HIV/AIDS.

(D) Compacts shall take into account the overall national health and development and national HIV/AIDS and public health strategies of each country.

(E) Compacts shall contain—

(i) consideration of the specific objectives that the country and the United States expect to achieve during the term of a compact;

(ii) consideration of the respective responsibilities of the country and the United States in the achievement of such objectives;

(iii) consideration of regular benchmarks to measure progress toward achieving such objectives;

(iv) an identification of the intended beneficiaries, disaggregated by gender and age, and including information on orphans and vulnerable children, to the maximum extent practicable;

(v) consideration of the methods by which the compact is intended to—

(I) address the factors that put women and girls at greater risk of HIV/AIDS; and

(II) strengthen elements such as the economic, educational, and social status of women, girls, orphans, and vulnerable children and the inheritance rights and safety of such individuals;

(vi) consideration of the methods by which the compact will—

(I) strengthen the health care capacity, including factors such as the training, retention, deployment, recruitment, and utilization of health care workers;

(II) improve supply chain management; and

(III) improve the health systems and infrastructure of the partner country, including the ability of compact participants to maintain and operate equipment transferred or purchased as part of the compact;

(vii) consideration of proposed mechanisms to provide oversight;

(viii) consideration of the role of civil society in the development of a compact and the achievement of its objectives;

(ix) a description of the current and potential participation of other donors in the achievement of such objectives, as appropriate; and

(x) consideration of a plan to ensure appropriate fiscal accountability for the use of assistance.

(F) For regional compacts, priority shall be given to countries that are included in regional funds and programs in existence as of July 30, 2008.

(G) Amounts made available for compacts described in subparagraphs (A) and (B) shall be subject to the inclusion of—

(i) cost sharing assurances that meet the requirements under section 2151h of this title; and

(ii) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, and budget support by respective foreign governments.

(3) Local input

In entering into a compact on HIV/AIDS authorized under subsection (d)(8), the Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall seek to ensure that the government of a country—

(A) takes into account the local perspectives of the rural and urban poor, including women, in each country; and

(B) consults with private and voluntary organizations, including faith-based organizations, the business community, and other donors in the country.
(4) Congressional and public notification after entering into a compact

Not later than 10 days after entering into a compact authorized under subsection (d)(8), the Global AIDS Coordinator shall—

(A) submit a report containing a detailed summary of the compact and a copy of the text of the compact to—
   (i) the Committee on Foreign Relations of the Senate;
   (ii) the Committee on Appropriations of the Senate;
   (iii) the Committee on Foreign Affairs of the House of Representatives; and
   (iv) the Committee on Appropriations of the House of Representatives; and

(B) publish such information in the Federal Register and on the Internet website of the Office of the Global AIDS Coordinator.

(5) Annual report

(1) In general

Not later than January 31 of each year, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation of this section for the prior fiscal year.

(2) Report elements

Each report shall include—

(A) a description of efforts made by each relevant executive branch agency to implement the policies set forth in this section, section 2151b–3 of this title, and section 2151b–4 of this title;

(B) a description of the programs established pursuant to such sections;

(C) a detailed breakdown of funding allocations, by program and by country, for prevention activities; and

(D) a detailed assessment of the impact of programs established pursuant to such sections, including—
   (i) the effectiveness of such programs in reducing—
      (aa) the transmission of HIV, particularly in women and girls;
      (bb) mother-to-child transmission of HIV, including through drug treatment and therapies, either directly or by referral; and
      (cc) mortality rates from HIV/AIDS;
   (ii) the number of patients receiving treatment for AIDS in each country that receives assistance under this chapter;
   (III) an assessment of the achievement of annual goals set forth in the timetable required under the 5-year strategy established under section 7011 of this title and, if annual goals are not being met, the reasons for such failure; and
   (IV) retention and attrition data for programs receiving United States assistance, including mortality and loss to follow-up rates, organized overall and by country;
   (i) the progress made toward—
      (I) improving health care delivery systems (including the training of health care workers, including doctors, nurses, midwives, pharmacists, laboratory technicians, and compensated community health workers, and the use of codes of conduct for ethical recruiting practices for health care workers);
      (II) advancing safe working conditions for health care workers; and
      (III) improving infrastructure to promote progress toward universal access to HIV/AIDS prevention, treatment, and care by 2013;
      (ii) a description of coordination efforts with relevant executive branch agencies to link HIV/AIDS clinical and social services with non-HIV/AIDS services as part of the United States health and development agenda;
   (B) a description of efforts to improve harmonization, in terms of relevant executive branch agencies, coordination with other public and private entities, and coordination with partner countries’ national strategic plans as called for in the ‘‘Three Ones’’;
   (vi) a description of—
      (I) the efforts of partner countries that were signatories to the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases to adhere to the goals of such Declaration in terms of investments in public health, including HIV/AIDS; and
      (II) a description of the HIV/AIDS investments of partner countries that were not signatories to such Declaration;

(vii) a detailed description of any compacts or framework agreements reached or negotiated between the United States and any partner countries, including a description of the elements of compacts described in subsection (e);

(viii) a description of programs serving women and girls, including—
      (I) HIV/AIDS prevention programs that address the vulnerabilities of girls and women to HIV/AIDS;
      (II) information on the number of individuals served by programs aimed at reducing the vulnerabilities of women and girls to HIV/AIDS and data on the types, objectives, and duration of programs to address these issues;
      (III) information on programs to address the particular needs of adolescent girls and young women; and
      (IV) programs to prevent gender-based violence or to assist victims of gender based violence as part of, or in coordination with, HIV/AIDS programs;
(ix) a description of strategies, goals, programs, and interventions to—
   (I) address the needs and vulnerabilities of youth populations;
   (II) expand access among young men and women to evidence-based HIV/AIDS health care services and HIV prevention programs, including abstinence education programs; and
   (III) expand community-based services to meet the needs of orphans and of children and adolescents affected by or vulnerable to HIV/AIDS without increasing stigmatization;

(x) a description of—
   (I) the specific strategies funded to ensure the reduction of HIV infection among injection drug users;
   (II) the number of injection drug users, by country, reached by such strategies; and
   (III) medication-assisted drug treatment for individuals with HIV or at risk of HIV;

(xi) a detailed description of program monitoring, operations research, and impact evaluation research, including—
   (I) the amount of funding provided for each research type;
   (II) an analysis of cost-effectiveness models; and
   (III) conclusions regarding the efficiency, effectiveness, and quality of services as derived from previous or ongoing research and monitoring efforts;

(xii) building capacity to identify, investigate, and stop nosocomial transmission of infectious diseases, including HIV and tuberculosis; and

(xiii) a description of staffing levels of United States government HIV/AIDS teams in countries with significant HIV/AIDS programs, including whether or not a full-time coordinator was on staff for the year.

(g) Funding limitation

Of the funds made available to carry out this section in any fiscal year, not more than 7 percent may be used for the administrative expenses of the United States Agency for International Development in support of activities described in section 2151b(c) of this title, section 2151b-3 of this title, and section 2151b-4 of this title. Such amount shall be in addition to other amounts otherwise available for such purposes.

(h) Definitions

In this section:

(1) AIDS

The term “AIDS” means acquired immune deficiency syndrome.

(2) HIV

The term “HIV” means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS

The term “HIV/AIDS” means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) Relevant executive branch agencies

The term “relevant executive branch agencies” means the Department of State, the United States Agency for International Development, the Department of Health and Human Services (including its agencies and offices), and any other department or agency of the United States that participates in international HIV/AIDS activities pursuant to the authorities of such department or agency or this chapter.

REFERENCES IN TEXT

Section 7672(a)(3) of this title and section 7673(d) of this title, referred to in subsec. (b)(1)(A)(i)(I), were in the original references to sections 402(a)(3) and 403(d), respectively, and were translated as meaning sections 402(a)(3) and 403(d), respectively, of Pub. L. 108–25, to reflect the probable intent of Congress.

This chapter, referred to in subsec. (b)(2)(D)(ii) and (h)(4), was in the original “this Act”, meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, 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


Subsec. (b). Pub. L. 110–293, § 301(a)(2), amended subsec. (b) generally. Prior to amendment, text read as follows: “It is a major objective of the foreign assistance program of the United States to provide assistance for the prevention, treatment, and control of HIV/AIDS. The United States and other developed countries should provide assistance to countries in sub-Saharan Africa, the Caribbean, and other countries and areas to control this crisis through HIV/AIDS prevention, treatment, monitoring, and related activities, particularly activities focused on women and youth, including strategies to protect women and prevent mother-to-child transmission of the HIV infection.”

Subsec. (c)(1). Pub. L. 110–293, § 301(b)(1), substituted “Central Asia, Eastern Europe, Latin America, and other countries and areas, particularly with respect to refugee populations or those in postconflict settings in such countries and areas with significant or increasing HIV incidence rates” for “and other countries and areas”.

Subsec. (c)(2). Pub. L. 110–293, § 301(b)(2), substituted “Central Asia, Eastern Europe, Latin America, and other countries and areas affected by the HIV/AIDS pandemic, particularly with respect to refugee populations or those in post-conflict settings in such countries and areas with significant or increasing HIV incidence rates” for “and other countries and areas affected by the HIV/AIDS pandemic”.

Subsec. (c)(3). Pub. L. 110–293, § 301(b)(3), substituted “partner countries, other international actors,” for “foreign countries” and inserted “within the framework of the principles of the Three Ones” before the period at end.


So in original. Probably should be capitalized.
Subsec. (d)(1)(B). Pub. L. 110–293, § 301(c)(1)(B), substituted “programs that are designed with local input and” for “programs that” and “those locally based organizations” for “those organizations’.

Subsec. (d)(1)(D). Pub. L. 110–293, § 301(c)(1)(C), inserted “and promoting the use of provider-initiated or ‘opt-out’ voluntary testing in accordance with World Health Organization guidelines” before the semicolon at end.

Subsec. (d)(1)(F) to (K). Pub. L. 110–293, § 301(c)(1)(D)–(G), added subpars. (F), (G), and (K) and redesignated former subpars. (F) to (H) as (H) to (J), respectively.

Subsec. (d)(2)(C) to (E). Pub. L. 110–293, § 301(c)(2), inserted “pain management,” after “opportunitistic infections,” in subpar. (C) and added subpars. (D) and (E).

Subsec. (d)(4)(E), (F). Pub. L. 110–293, § 301(c)(3), added subpars. (E) and (F).

Subsec. (d)(5)(C), (D). Pub. L. 110–293, § 301(c)(4), added subpar. (C) and redesignated former subpar. (C) as (D).


Subsec. (d)(6)(D) to (G). Pub. L. 110–293, § 301(c)(5)(B)–(D), added subpars. (D) to (G).

Subsec. (d)(8). Pub. L. 110–293, § 301(c)(6), added par. (8).

Subsecs. (e), (f). Pub. L. 110–293, § 301(d), added subsec. (e) and redesignated former subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (d)(1). Pub. L. 110–293, § 301(e)(1), substituted “‘Committee on Foreign Affairs’” for “‘Committee on International Relations’”.

Subsec. (f)(2)(C), (D). Pub. L. 110–293, § 301(e)(2), added subpars. (C) and (D) and struck out former subpar. (C) which required a detailed assessment of the impact of programs established under this section and sections 2151b–3 and 2151b–4 of this title.

Subsecs. (g), (h). Pub. L. 110–293, § 301(d)(1), redesignated subsecs. (f) and (g) as (g) and (h), respectively.

Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2151b-3. Assistance to combat tuberculosis

(a) Findings

Congress makes the following findings:

(1) Congress recognizes the growing international problem of tuberculosis and the impact it has on those countries that have previously largely controlled the disease.

(2) Congress further recognizes that the means exist to control and treat tuberculosis through expanded use of the DOTS (Directly Observed Treatment Short-course) strategy, including DOTS-Plus to address multi-drug resistant tuberculosis, and adequate investment in newly created mechanisms to increase access to treatment, including the Global Tuberculosis Drug Facility established in 2001 pursuant to the Amsterdam Declaration to Stop TB and the Global Alliance for TB Drug Development.

(b) Policy

It is a major objective of the foreign assistance program of the United States to control tuberculosis. In all countries in which the Government of the United States has established development programs, particularly in countries with the highest burden of tuberculosis and other countries with high rates of tuberculosis, the United States should support the objectives of the Global Plan to Stop TB, including through achievement of the following goals:

(1) Reduce by half the tuberculosis death and disease burden from the 1990 baseline.

(2) Sustain or exceed the detection of at least 70 percent of sputum smear-positive cases of tuberculosis and the successful treatment of at least 85 percent of the cases detected in countries with established United States Agency for International Development tuberculosis programs.

(3) In support of the Global Plan to Stop TB, the President shall establish a comprehensive, 5-year United States strategy to expand and improve United States efforts to combat tuberculosis globally, including a plan to support—

(A) the successful treatment of 4,500,000 new sputum smear tuberculosis patients under DOTS programs by 2013, primarily through direct support for needed services, commodities, health workers, and training, and additional treatment through coordinated multilateral efforts; and

(B) the diagnosis and treatment of 90,000 new multiple drug resistant tuberculosis cases by 2013, and additional treatment through coordinated multilateral efforts.

(c) Authorization

To carry out this section and consistent with section 2151b(c) of this title, the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for the prevention, treatment, control, and elimination of tuberculosis.

(d) Coordination

In carrying out this section, the President shall coordinate with the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and other organizations with respect to the development and implementation of a comprehensive tuberculosis control program.

(e) Priority to Stop TB Strategy

In furnishing assistance under subsection (c), the President shall give priority to—

(1) direct services described in the Stop TB Strategy, including expansion and enhancement of Directly Observed Treatment Short-course (DOTS) coverage, rapid testing, treatment for individuals infected with both tuberculosis and HIV, and treatment for individuals with multi-drug resistant tuberculosis (MDR–TB), strengthening of health systems, use of the International Standards for Tuberculosis Care by all providers, empowering individuals with tuberculosis, and enabling and promoting research to develop new diagnostics, drugs, and vaccines, and program-based operational research relating to tuberculosis; and

(2) funding for the Global Tuberculosis Drug Facility, the Stop Tuberculosis Partnership, and the Global Alliance for TB Drug Development.

(f) Assistance for the World Health Organization and the Stop Tuberculosis Partnership

In carrying out this section, the President, acting through the Administrator of the United
States Agency for International Development, is authorized to provide increased resources to the World Health Organization and the Stop Tuberculosis Partnership to improve the capacity of countries with high rates of tuberculosis and other affected countries to implement the Stop TB Strategy and specific strategies related to addressing multiple drug resistant tuberculosis (MDR–TB) and extensively drug resistant tuberculosis (XDR-TB).

(g) Annual report

The President shall submit an annual report to Congress that describes the impact of United States foreign assistance on efforts to control tuberculosis, including—

(1) the number of tuberculosis cases diagnosed and the number of cases cured in countries receiving United States bilateral foreign assistance for tuberculosis control purposes;
(2) a description of activities supported with United States tuberculosis resources in each country, including a description of how those activities specifically contribute to increasing the number of people diagnosed and treated for tuberculosis;
(3) in each country receiving bilateral United States foreign assistance for tuberculosis control purposes, the percentage provided for direct tuberculosis services in countries receiving United States bilateral foreign assistance for tuberculosis control purposes;
(4) a description of research efforts and clinical trials to develop new tools to combat tuberculosis, including diagnostics, drugs, and vaccines supported by United States bilateral assistance;
(5) the number of persons who have been diagnosed and started treatment for multidrug-resistant tuberculosis in countries receiving United States bilateral foreign assistance for tuberculosis control programs;
(6) a description of the collaboration and coordination of United States anti-tuberculosis efforts with the World Health Organization, the Global Fund, and other major public and private entities within the Stop TB Strategy;
(7) the constraints on implementation of programs posed by health workforce shortages and capacities;
(8) the number of people trained in tuberculosis control; and
(9) a breakdown of expenditures for direct patient tuberculosis services, drugs and other commodities, drug management, training in diagnosis and treatment, health systems strengthening, research, and support costs.

(h) Definitions

In this section:

(1) DOTS

The term “DOTS” or “Directly Observed Treatment Short-course” means the World Health Organization-recommended strategy for treating tuberculosis including—

(A) low-cost and effective diagnosis, treatment, and monitoring of tuberculosis;
(B) a reliable drug supply;
(C) a management strategy for public health systems;
(D) health system strengthening;

(E) promotion of the use of the International Standards for Tuberculosis Care by all care providers;
(F) bacteriology under an external quality assessment framework;
(G) short-course chemotherapy; and
(H) sound recording and reporting systems.

(2) DOTS-Plus

The term “DOTS-Plus” means a comprehensive tuberculosis management strategy that is built upon and works as a supplement to the standard DOTS strategy, and which takes into account specific issues (such as use of second line anti-tuberculosis drugs) that need to be addressed in areas where there is high prevalence of multi-drug resistant tuberculosis.

(3) Global Alliance for Tuberculosis Drug Development

The term “Global Alliance for Tuberculosis Drug Development” means the public-private partnership that brings together leaders in health, science, philanthropy, and private industry to devise new approaches to tuberculosis and to ensure that new medications are available and affordable in high tuberculosis burden countries and other affected countries.

(4) Global Tuberculosis Drug Facility

The term “Global Tuberculosis Drug Facility (GDF)” means the new initiative of the Stop Tuberculosis Partnership to increase access to high-quality tuberculosis drugs to facilitate DOTS expansion.

(5) Stop TB Strategy

The term “Stop TB Strategy” means the 6-point strategy to reduce tuberculosis developed by the World Health Organization, which is described in the Global Plan to Stop TB 2006–2015: Actions for Life, a comprehensive plan developed by the Stop TB Partnership that sets out the actions necessary to achieve the millennium development goal of cutting tuberculosis deaths and disease burden in half by 2015.

(6) Stop Tuberculosis Partnership

The term “Stop Tuberculosis Partnership” means the partnership of the World Health Organization, donors including the United States, high tuberculosis burden countries, multilateral agencies, and nongovernmental and technical agencies committed to short- and long-term measures required to control and eventually eliminate tuberculosis as a public health problem in the world.

(AMENDMENTS

2008—Subsec. (b). Pub. L. 110–293, § 302(a), amended subsec. (b) generally. Prior to amendment, text read as follows: “It is a major objective of the foreign assistance program of the United States to control tuberculosis, including the detection of at least 70 percent of the cases of infectious tuberculosis, and the cure of at least 85 percent of the cases detected, not later than December 31, 2005, in those countries classified by the World Health Organization as among the highest tuber-
bulosus burden, and not later than December 31, 2010, in all countries in which the United States Agency for International Development has established development programs.’’

Subsec. (e). Pub. L. 110–293, § 302(b), amended subsec. (e) generally. Prior to amendment, text read as follows: ‘‘In furnishing assistance under subsection (c) of this section, the President shall give priority to activities that increase Directly Observed Treatment Short-course (DOTS) coverage and treatment of multi-drug resistant tuberculosis where needed using DOTS-Plus, including funding for the Global Tuberculosis Drug Facility, the Stop Tuberculosis Partnership, and the Global Alliance for TB Drug Development. In order to meet the requirement of the preceding sentence, the President should ensure that not less than 75 percent of the amount made available to carry out this section for a fiscal year should be expended for antituberculosis drugs, supplies, direct patient services, and training in diagnosis and treatment for Directly Observed Treatment Short-course (DOTS) coverage and treatment of multi-drug resistant tuberculosis using DOTS-Plus, including substantially increased funding for the Global Tuberculosis Drug Facility.’’

Subsecs. (f) to (h). Pub. L. 110–293, § 302(c), (d), added subsecs. (f) and (g) and redesignated former subsec. (f) as (h).

Subsec. (h)(1). Pub. L. 110–293, § 302(e)(1), substituted ‘‘tuberculosis including’’ for ‘‘tuberculosis’’ and added subpars. (A) to (H).


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.


AMENDMENTS

2008—Subsec. (b). Pub. L. 110–293 inserted ‘‘treatment,’’ after ‘‘control,’’.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.
pensions 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).


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”.


1981—Subsec. (a), Pub. L. 97–113 substituted appropriated authorizations of $133,600,000 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. 96–53 substituted appropriated authorization of $101,000,000 for fiscal year 1981 for such authorization of $81,000,000 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 “$199,036,000 for the fiscal year 1978, which amount is for $101,000,000 for the fiscal year 1977 and $81,000,000 for the fiscal year 1978, which amount is”.

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 $90,200,000 and $101,000,000 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. 93–659 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, 2154d, 5001, 5022 to 5016, 5019, 5034, 5035, 5039, 5033, 5056, 5059, 5062 to 5064, 5067 to 5072, 5081, 5082, 5091, 5092, 5095, 5010, 5101, and 5121 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**


**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.

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Chapter 5 - Foreign Relations and Intercourse

Title 22 - Foreign Relations and Intercourse

Section 2151d - Renewable and decentralized energy technologies

(a) 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.

(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.

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 (§2348aa et seq.) of subchapter II of this chapter, and references to subchapter I are deemed to exclude such parts. See section 2302(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


AMENDMENTS


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), 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 authorization 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 $125,244,000, and setting forth requirements for appropriations available to private voluntary agencies of the United States.

1978—Subsec. (b). Pub. L. 95–424 substituted ‘‘$120,244,000 for the fiscal year 1979, which amount is’’ for ‘‘$105,500,000 for the fiscal year 1977 and $105,000,000 for the fiscal year 1978, which amounts are’’.


Effective Date of 1985 Amendment


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


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.


PRIOR PROVISIONS


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

§ 2151f. Transferred

Codification


Prior Provisions


§ 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.


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. 95–424 substituted ‘‘Whenever’’ for ‘‘Notwithstanding section 2151f of this title, whenever’’.

1977—Pub. L. 95–488 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


Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.


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 ‘inkind’ 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


Effective Date of 1978 Amendment


Delegation of Functions

For delegation of functions of President under this section, see, Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2151i. Development and use of cooperatives

In order to strengthen the participation of the rural and urban poor in their country’s develop-
ment, 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. In meeting the requirement of the preceding sentence, specific priority shall be given to the following:

(1) Agriculture

Technical assistance to low income farmers who form and develop member-owned cooperatives for farm supplies, marketing and value-added processing.

(2) Financial systems

The promotion of national credit union systems through credit union-to-credit union technical assistance that strengthens the ability of the poor to achieve financial self-sufficiency. Assistance should be available for credit unions to save and have access to credit for their own economic advancement.

(3) Infrastructure

The support of rural electric and telecommunication cooperatives for access for rural people and villages that lack reliable electric and telecommunications services.

(4) Housing and community services

The promotion of community-based cooperatives which provide employment opportunities and important services such as health clinics, self-help shelter, environmental improvements, group-owned businesses, and other activities.


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. 724, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to this Act, see Short Title note set out under section 2151 of this title and Tables.

AMENDMENTS

2000—Pub. L. 106–309 inserted at end "In meeting the requirement of the preceding sentence, specific priority shall be given to the following:“ and pars. (1) to (4).


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 September 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.’’

FINDINGS

Pub. L. 106–309, title IV, § 401(b), Oct. 17, 2000, 114 Stat. 1096, provided that: ‘‘The Congress makes the following findings:

‘‘(1) It is in the mutual economic interest of the United States and peoples in developing and transitional countries to promote cooperatives and credit unions.

‘‘(2) Self-help institutions, including cooperatives and credit unions, provide enhanced opportunities for people to participate directly in democratic decision-making for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and savings and such organizations should be fully utilized in fostering free market principles and the adoption of self-help approaches to development.

‘‘(3) The United States seeks to encourage broad-based economic and social development by creating and supporting—

‘‘(A) agricultural cooperatives that provide a means to lift low income farmers and rural people out of poverty and to better integrate them into national economies;

‘‘(B) credit union networks that serve people of limited means through safe savings and by extending credit to families and microenterprises;

‘‘(C) electric and telephone cooperatives that provide rural customers with power and telecommunications services essential to economic development;

‘‘(D) housing and community-based cooperatives that provide low income shelter and work opportunities for the urban poor; and

‘‘(E) mutual and cooperative insurance companies that provide risk protection for life and property to under-served populations often through group policies.’’

DECLARATIONS OF POLICY

Pub. L. 106–309, title IV, § 401(c)(1), Oct. 17, 2000, 114 Stat. 1096, provided that: ‘‘The Congress supports the development and expansion of economic assistance programs that fully utilize cooperatives and credit unions, particularly those programs committed to—

‘‘(A) international cooperative principles, democratic governance and involvement of women and ethnic minorities for economic and social development;

‘‘(B) self-help mobilization of member savings and equity and retention of profits in the community, except for those programs that are dependent on donor financing;

‘‘(C) market-oriented and value-added activities with the potential to reach large numbers of low income people and help them enter into the mainstream economy;

‘‘(D) strengthening the participation of rural and urban poor to contribute to their country’s economic development; and

‘‘(E) utilization of technical assistance and training to better serve the member-owners.’’

REPORT

Pub. L. 106–309, title IV, § 401(d), Oct. 17, 2000, 114 Stat. 1097, provided that: ‘‘Not later than 6 months after the date of the enactment of this Act (Oct. 17, 2000), the Administrator of the United States Agency for International Development, in consultation with the heads
of other appropriate agencies, shall prepare and submit to Congress a report on the implementation of section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i), as amended by subsection (c)."


§ 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 support the original goals of the United Nations Decade for Women.


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 (§ 2348aa et seq.) of subchapter II of this chapter. and references to subchapter II are deemed to exclude such parts. See section 2120(b) of Pub. L. 92–236, set out as a note under section 2346 of this title, and sections 2348c and 2348aa–5 of this title.

Amendments

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


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 added subsec. (c) which required the report under former subsec. (b) to be submitted not later than one year after Aug. 3, 1977.


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 subsections (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


Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12183, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.


Effective Date of Repeal


§ 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 for 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, including 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) 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) 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 International 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;

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

(8) wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur during the preceding year, including descriptions of—

(A) acts of physical violence against, or harassment of \(^{*}\) Jewish people, and acts of violence against, or vandalism of \(^{*}\) Jewish community institutions, including schools, synagogues, and cemeteries;

(B) instances of propaganda in government and nongovernment media that attempt to justify or promote racial hatred or incite acts of violence against Jewish people;

(C) the actions, if any, taken by the government of the country to respond to such violence and attacks or to eliminate such propaganda or incitement;

(D) the actions taken by such government to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people; and

(E) the efforts of such government to promote anti-bias and tolerance education;

(9) wherever applicable, consolidated information regarding the commission of war...
crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987);

(10) for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country;

(11)(A) wherever applicable, a description of the nature and extent—

(i) of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, and the participation of such individuals in such groups; and

(ii) that such individuals take a direct part in hostilities;

(B) what steps, if any, taken by the government of the country to eliminate such practices;

(C) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary; and

(12) wherever applicable—

(A) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

(B) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

(C) in countries where there are particularly severe violations of freedom of the press—

(i) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

(ii) what steps the government of such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.

(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.

(f) Annual country reports on human rights practices

(1) The report required by subsection (d) of this section shall include the following:

(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 7102 of this title, in each foreign country.

(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

(ii) Which government authorities in that country are involved in activities to combat such trafficking.

(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to
combat severe forms of trafficking in persons.

(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.


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


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”.

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

Subsec. (b). Pub. L. 104–317 substituted “Foreign Affairs” for “International Relations” in subsec. (b) relating to submittal of information to Congress.


The amendment by section 102(d)(1) of Pub. L. 105–292 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, judicial, 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, ex-
cept 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 part second of first sentence. 1987—Subsec. (d). Pub. L. 100–204 added par. (2) and re-designated former par. (2) as (3). 1986—Subsec. (e)(2)(A). Pub. L. 99–440, § 202(a), inserted authorization of appropriation 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 title 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, § 805, 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 later than $575,000 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 part. (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)." Effective Date of 2004 Amendment Pub. L. 108–332, § 6(c), Oct. 16, 2004, 118 Stat. 1286, provided that: "The amendments made by subsections (a) and (b) [amending this section and sections 2984 and 6412 of this title] shall apply beginning with the first report under sections 116(d) and 502(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) and section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6121(b) (6142(b)) submitted more than 180 days after the date of the enactment of this Act [Oct. 16, 2004]." 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 not later than 90 days after April 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. Delegation of Functions For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 50673, as amended, set out as a note under section 2381 of this title. Annual Reports on Advancing Freedom and Democracy Pub. L. 107–228, div. A, title VI, § 665(c), Sept. 30, 2002, 116 Stat. 1407, as amended by Pub. L. 110–53, title X, § 2121(b), (d), Aug. 3, 2007, 121 Stat. 532, provided that: "The information to be included in the report required by sections 116(d) and 502(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d), 2304(b)) pursuant to the amendments made by subsections (a) and (b) [amending this section and section 2304 of this title] may be submitted by the Secretary as a separate report entitled the Annual Report on Advancing Freedom and Democracy. If the Secretary elects to submit such information as a separate report, such report shall be submitted not later than 90 days after the date of submission of the report required by section (sic) 116(d) and 502(b) of the Foreign Assistance Act of 1961." [For definition of "Secretary" as used in section 665(c) of Pub. L. 107–228, set out above, see section 3 of Pub. L. 107–228, set out as a note under section 2651 of this title.] Annual Reports on United States-Vietnam Human Rights Dialogue Meetings Pub. L. 107–228, div. A, title VI, § 702, Sept. 30, 2002, 116 Stat. 1420, provided that: "Not later than December 31 of each year or 60 days after the second United States-Vietnam human rights dialogue meeting held in a calendar year, whichever is earlier, the Secretary shall submit to the appropriate congressional committees a report covering the issues discussed at the previous two meetings and describing to what extent the Government of Vietnam has made progress during the calendar year toward achieving the following objectives: "(1) Improving the Government of Vietnam's commercial and criminal codes to bring them into conformity with international standards, including the repeal of the Government of Vietnam's administrative detention decree (Directive 31/CP). "(2) Releasing political and religious activists who have been imprisoned or otherwise detained by the Government of Vietnam, and ceasing surveillance and harassment of those who have been released. "(3) Ending official restrictions on religious activity, including implementing the recommendations of the United Nations Special Rapporteur on Religious Intolerance. "(4) Promoting freedom for the press, including freedom of movement of members of the Vietnamese and foreign press.
“(5) Improving prison conditions and providing transparency in the penal system of Vietnam, including implementing the recommendations of the United Nations Working Group on Arbitrary Detention.

“(6) Respecting the basic rights of indigenous minority groups, especially in the central and northern highlands of Vietnam.

“(7) Respecting the basic rights of workers, including working with the International Labor Organization to improve mechanisms for promoting such rights.

“(8) Cooperating with requests by the United States to obtain full and free access to persons who may be eligible for admission to the United States as refugees or immigrants, and allowing such persons to leave Vietnam without being subjected to extortion or other corrupt practices.”

[For definitions of “Secretary” and “appropriate congressional committees” as used in section 702 of Pub. L. 107–228, set out above, see section 3 of Pub. L. 107–228, set out as a note under section 2651 of this title.]

ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM


“(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


(b) Purposes of Fund

The purposes of the Fund shall be—

(1) to support defenders of human rights;

(2) to assist the victims of human rights violations;

(3) to respond to human rights emergencies;

(4) to promote and encourage the growth of democracy, including the support for nongovernmental organizations in foreign countries; and

(5) to carry out such other related activities as are consistent with paragraphs (1) through (4).

(c) Funding

(1) In general

Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.] for fiscal year 2003, $21,500,000 is authorized to be available to the Fund for carrying out the purposes described in subsection (b) of this section. Amounts made available to the Fund under this paragraph shall also be deemed to have been made available under section 116(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(e)).

(2) Allocation of funds for the Documentation Center of Cambodia

Of the amount authorized to be available to the Fund under paragraph (1) for fiscal year 2003, $1,000,000 is authorized to be available for the Documentation Center of Cambodia for the purpose of collecting, cataloguing, and disseminating information about the atrocities committed by the Khmer Rouge against the Cambodian people.

(3) Father John Kaiser Memorial Fund

Of the amount authorized to be available to the Fund under paragraph (1) for fiscal year 2003, $500,000 is authorized to be available to advance the extraordinary work and values of Father John Kaiser with respect to solving ethnic conflict and promoting government accountability and respect for human rights. The amount made available under this paragraph may be referred to as the “Father John Kaiser Memorial Fund”.


REFERENCES IN TEXT


CODIFICATION

Section was enacted as part of the Freedom Investment Act of 2002, and also as part of the Department of State Authorization Act, Fiscal Year 2003 and the Foreign Relations Authorization Act, Fiscal Year 2003, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.
Purposes


“(1) To underscore that promoting and protecting human rights is in the national interests of the United States and is consistent with American values and beliefs.

“(2) To establish a goal of devoting one percent of the funds available to the Department under Diplomatic and Consular Programs, other than such funds that will be made available for worldwide security upgrades and information resource management, to enhance the ability of the United States to promote respect for human rights and the protection of human rights defenders.’’

[For definition of “Department” as used in section 662 of Pub. L. 107–228, set out above, see section 3 of Pub. L. 107–228, set out as a note under section 2651 of this title.]


§ 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 seriously 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.

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 (§2546 et seq.), VI (§2548 et seq.), and VIII (§2596a et seq.) of subchapter II of this chapter, and references to subchapters V or VI are deemed to exclude such parts. See section 2523(b) of Pub. L. 92–226, set out above, as a note under section 2546 of this title, and sections 2548c and 2596a–5 of this title.

Codification


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. 99–339, §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 subsec. (a) (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 directing 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**

**DELEGATION OF FUNCTIONS**
For delegation of functions of President under this section, see Ex. Ord. No. 12153, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

**SEC. 642. DEFINITIONS.**

"In this subtitle:

(1) JOINT PROJECT.—The term ‘joint project’ means a project between a United States association or nonprofit entity and a Latin American or Caribbean association or nongovernmental organization.

(2) LATIN AMERICAN OR CARIBBEAN NONGOVERNMENTAL ORGANIZATION.—The term ‘Latin American or Caribbean nongovernmental organization’ includes any institution of higher education, any private nonprofit entity involved in international education activities, or any research institute or other research organization, based in the region.

(3) REGION.—The term ‘region’ refers to the region comprised of the member countries of the Organization of American States (other than the United States and Canada).

(4) UNITED STATES ASSOCIATION.—The term ‘United States association’ means a business league described in section 501(c)(6) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(6)), and exempt from taxation under section 501(a) of such Code (26 U.S.C. 501(a)).

(5) UNITED STATES NONPROFIT ENTITY.—The term ‘United States nonprofit entity’ includes any institution of higher education, any private nonprofit entity involved in international education activities, or any research institute or other research organization, based in the United States.

**SEC. 643. ESTABLISHMENT OF PROGRAM.**

"The President is authorized to establish a program which shall be known as the ‘Clean Water for the Americas Partnership’.

**SEC. 644. ENVIRONMENTAL ASSESSMENT.**

"The President is authorized to conduct a comprehensive assessment of the environmental problems in the region to determine—

(1) which environmental problems threaten human health the most, particularly the health of the urban poor;

(2) which environmental problems are most threatening, in the long-term, to the region’s natural resources;

(3) which countries have the most pressing environmental problems; and

(4) whether and to what extent there is a market for United States environmental technology, practices, knowledge, and innovations in the region.

**SEC. 645. ESTABLISHMENT OF TECHNOLOGY AMERICA CENTERS.**

(a) AUTHORITY TO ESTABLISH.—The President, acting through the Director General of the United States and Foreign Commercial Service of the Department of Commerce, is authorized to establish Technology America Centers (TEAMs) in the region to serve the entire region and, where appropriate, to establish TEAMs in urban areas of the region to focus on urban environmental problems.

(b) FUNCTIONS.—The TEAMs would link United States private sector environmental technology firms with local partners, both public and private, by providing logistic and information support to United States firms seeking to find local partners and opportunities for environmental projects. TEAMs should emphasize assisting United States small businesses.

"(c) LOCATION.—In determining whether to locate a TEAM in a country, the President, acting through the Director General of the United States and Foreign Commercial Service of the Department of Commerce, shall take into account the country’s need for logistic and informational support and the opportunities presented for United States firms in the country. A TEAM may be located in a country without regard to whether a mission of the United States Agency for International Development is established in that country.

**SEC. 646. PROMOTION OF WATER QUALITY, WATER TREATMENT SYSTEMS, AND ENERGY EFFICIENCY.**

"Subject to the availability of appropriations, the President is authorized to provide matching grants to United States associations and United States nonprofit entities for the purpose of promoting water quality, water treatment systems, and energy efficiency in the region. The grants shall be used to support joint projects, including professional exchanges, academic fellowships, training programs in the United States or in the region, cooperation in regulatory review, development of training materials, the establishment and development in the region of local chapters of the associations or nonprofit entities, and the development of online exchanges.

**SEC. 647. GRANTS FOR PREFEASIBILITY STUDIES WITHIN A DESIGNATED SUBREGION.**

(a) GRANT AUTHORITY. 

(1) IN GENERAL.—Subject to the availability of appropriations, the Director of the Trade and Development Agency is authorized to make grants for prefeasibility studies for water projects in any country within a single subregion or in a single country designated under paragraph (2).

(2) DESIGNATION OF SUBREGION.—The Director of the Trade and Development Agency shall designate in advance a single subregion or a single country for purposes of paragraph (1).

(b) MATCHING REQUIREMENT.—The Director of the Trade and Development Agency may not make any grant under this section unless there are made available non-Federal contributions in an amount equal to not less than 25 percent of the amount of Federal funds provided under the grant.

(c) LIMITATION PER SINGLE PROJECT.—With respect to any single project, grant funds under this section shall be available only for the prefeasibility portion of that project.

(d) DEFINITIONS.—In this section:

(1) PREFEASIBILITY.—The term ‘prefeasibility’ means, with respect to a project, not more than 25 percent of the design phase of the project.

(2) SUBREGION.—The term ‘subregion’ means an area within the region and includes areas such as Central America, the Andean region, and the Southern cone.

**SEC. 648. CLEAN WATER TECHNICAL SUPPORT COMMITTEE.**

(a) IN GENERAL.—The President is authorized to establish a Clean Water Technical Support Committee (in
this section referred to as the ‘Committee’) to provide
technical support and training services for individual
water projects.

(b) Composition.—The Committee shall consist of
international investors, lenders, water service provid-
ers, suppliers, advisers, and others with a direct inter-
est in accelerating development of water projects in
those countries.

(c) Functions.—Members of the Committee shall act
as field advisers and may form specialized working
groups to provide in-country training and technical as-
sistance, and shall serve as a source of technical sup-
port to resolve barriers to project development.

SEC. 649. AUTHORIZATION OF APPROPRIATIONS.

(a) In general.—There are authorized to be appro-
priated to the President $10,000,000 for each of the fiscal
years 2003, 2004, and 2005 to carry out this subtitle.

(b) Availability of Funds.—Funds appropriated
pursuant to subsection (a) are authorized to remain
available until expended.

SEC. 650. REPORT.

“Eighteen months after the establishment of the pro-
gram pursuant to section 643, the President shall sub-
mit a report to the appropriate congressional commit-
tees containing—

(1) an assessment of the progress made in carrying
out the program established under this subtitle; and

(2) any recommendations for the enactment of leg-
islation to make changes in the program established
under this subtitle.

SEC. 651. TERMINATION DATE.

(a) In General.—Except as provided in subsection
(b), the authorities of this subtitle shall terminate 3
years after the date of establishment of the program
described in section 643.

(b) Exception.—In lieu of the termination date spec-
cified in subsection (a), the termination required by
that subsection shall take effect five years after the date
of establishment of the program described in section 643
if, prior to the termination date specified in subsection
(a), the President determines and certifies to the appro-
priate congressional committees that it would be in the
national interest of the United States to continue the
program described in such section 643 for an additional
2-year period.

SEC. 652. EFFECTIVE DATE.

“This subtitle shall take effect 90 days after the date
of enactment of this Act (Sept. 30, 2002).”

[For definition of “appropriate congressional com-
mitees” as used in subtitle D of title VI of div. A of
Pub. L. 107–228, set out above, see section 3 of Pub. L.
107–228, set out as a note under section 2651 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, destruc-
tion, and loss of tropical forests in developing
countries, which pose a serious threat to develop-
ing countries.

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

(2) can result in desertification and desta-
bilization of the earth’s climate.

Properly managed tropical forests provide a sus-
tained flow of resources essential to the eco-

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

(1) in formulating and carrying out programs
and policies with respect to developing coun-
tries, 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 invest-
ment activities which affect forests in devel-
oping countries.

(c) Assistance to developing countries

In providing assistance to developing coun-
tries, 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 con-
serving and sustainably managing forest re-
sources 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 iden-
tify and implement alternatives to coloniz-
ing forested areas.

(4) To the fullest extent feasible, support
training programs, educational efforts, and
the establishment or strengthening of institu-
tions which increase the capacity of develop-
ing countries to formulate forest policies, en-
gage in relevant land-use planning, and other-
wise improve the management of their forests.

(5) To the fullest extent feasible, help end
destructive slash-and-burn agriculture by sup-
porting stable and productive farming prac-
tices in areas already cleared or degraded and
on lands which inevitably will be settled, with
special emphasis on demonstrating the fea-
sibility of agroforestry and other techniques
which use technologies and methods suited to
the local environment and traditional agricul-
tural techniques and feature close consulta-
tion with and involvement of local people.

(6) To the fullest extent feasible, help con-
serve forests which have not yet been de-
graded, by helping to increase production on
lands already cleared or degraded through sup-
port of reforestation, fuelwood, and other sus-
tainable forestry projects and practices, mak-
ing 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.


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.

Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.
§ 2151q. Endangered species

(a) Congressional findings and purposes

The Congress finds the survival of many animal and plant species is endangered by over-hunting, 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 non-governmental 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


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 2302(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


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 2451 of this title. See also note preceding section 2451 of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2391 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. 2151g(q), 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.

§ 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.


CONFINEMENT

Section was formerly classified to sections 2292e and 2399–1b of this title.

AMENDMENTS


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


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2391 of this title.

Development Loan Committee, consisting of such officers from such agencies of the United States 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 following 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.

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 262(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 2511 of this title.

Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.
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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. 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. 92–226, set out as a note under section 2196 of this title, and sections 2198c 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 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 organiza-

\(^{1}\) See References in Text note below.
tions, 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.


(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.


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.


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 2151(a), 2151(b), 2151(c), 2151(d), 2291, 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 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)(A), substituted ‘‘2392, or 2393’’ for ‘‘2191s, or 2392’’.

1985—Subsec. (e). Pub. L. 99–83, §309(a), substituted ‘‘one year’’ for ‘‘thirty days’’.


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.


1981—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.


1979—Subsec. (b). Pub. L. 96–53 substituted ‘‘Agency for International Development’’ for ‘‘Advisory Committee on Voluntary Foreign Aid’’.

EFFECTIVE DATE OF 1985 AMENDMENT


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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56763, as amended, set out as a note under section 2381 of this title.

PRIVATE AND VOLUNTEER ORGANIZATIONS

Pub. L. 108–199, div. D, title V, §502, Jan. 23, 2004, 118 Stat. 166, which prohibited any funds appropriated or otherwise made available by div. D of Pub. L. 108–199 from being made available to any United States private and voluntary organization, except any cooperative development organization, which obtained less than 20 percent of its total annual funding for international activities from sources other than the United States Government, with certain exceptions, was from the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, and was not repealed in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:


§2151u
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.


REFERENCES IN TEXT


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 (§2349a et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 2202(b) of Pub. L. 92–226, set out as a note under section 2246 of this title, and sections 2248c and 2249a–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 “$38,800,000”, respectively.


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 2511 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 2511 of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

PRESIDENTIAL AUTHORITY DURING FISCAL YEARS 1990 AND 1991

Pub. L. 100–461, title V, §734(a)(1), Dec. 29, 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.


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 (§2349a et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 2202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title, and sections 2348c and 2349a–5 of this title.

AMENDMENTS

1991—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 2511 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.

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 2353(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. 101–623 inserted “, and part X of this subchapter,” after “this part”.

1965—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


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.

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) 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

1See References in Text note below.
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).


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. 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 2295 of this title, see section 2295(d)(1) of this title. Subsec. (1) of section 481 of the Act was redesignated (e) by Pub. L. 102–583, §6(b)(3), Nov. 2, 1992, 106 Stat. 5667. 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, 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 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.


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


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

REPORT OF ADMINISTRATOR OF AGENCY FOR INTERNATIONAL DEVELOPMENT TO CONGRESS BY JUNE 21, 1963, 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, 1962], 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 effects 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, 1996, 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 governmental 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.

(3) Emphasis on anti-corruption

Such technical assistance shall include elements designed to combat anti-competitive, unethical, and corrupt activities, including protection against actions that may distort or inhibit transparency in market mechanisms and, to the extent applicable, privatization procedures.

(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 from 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 organization, 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 482 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
ican 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.


References in Text


Codification

Another section 129 of Pub. L. 87–195 was renumbered section 130 and is classified to section 2152 of this title.

Amendments


Change of Name

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 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).


Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

Statement of Policy


“(1) to ensure that, in its support abroad for programs and centers for the treatment of victims of torture, particular incentives and support should be given to establishing and supporting such programs and centers in emerging democracies, in post-conflict environments, and, with a view to providing services to refugees and internally displaced persons, in areas as close to ongoing conflict as safely as possible; and

“(2) to ensure that, in its support for domestic programs and centers for the treatment of victims of torture, particular attention should be given to regions with significant immigrant or refugee populations.”

Torture Victims Relief; Effective Date


“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 in the section in 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 2006 and 2007 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 United Nations Voluntary Fund for Victims of Torture (in this section referred to as the ‘Fund’) the following amounts for the following fiscal years:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>$25,000,000</td>
</tr>
</tbody>
</table>

(2) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

**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 2006 and 2007, there are authorized to be appropriated to carry out subsection (a) $25,000,000 for each of the fiscal years 2006 and 2007.

(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:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2000</td>
<td>$3,000,000</td>
</tr>
</tbody>
</table>

(b) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

**F Y N D I N G S.**—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.


§ 2152b. Transferred

CODIFICATION

§ 2152c. Programs to encourage good governance

(a) Establishment of programs

(1) In general
The President is authorized to establish programs that combat corruption, improve transparency and accountability, and promote other forms of good governance in countries described in paragraph (2).

(2) Countries described
A country described in this paragraph is a country that is eligible to receive assistance under subchapter I of this chapter (including part IV of subchapter II of this chapter) or the Support for East European Democracy (SEED) Act of 1989 [22 U.S.C. 5401 et seq.].

(3) Priority
In carrying out paragraph (1), the President shall give priority to establishing programs in countries that received a significant amount of United States foreign assistance for the prior fiscal year, or in which the United States has a significant economic interest, and that continue to have the most persistent problems with public and private corruption. In determining which countries have the most persistent problems with public and private corruption under the preceding sentence, the President shall take into account criteria such as the Transparency International Annual Corruption Perceptions Index, standards and codes set forth by the International Bank for Reconstruction and Development and the International Monetary Fund, and other relevant criteria.

(4) Relation to other laws
(A) In general
Assistance provided for countries under programs established pursuant to paragraph (1) may be made available notwithstanding any other provision of law that restricts assistance to foreign countries. Assistance provided under a program established pursuant to paragraph (1) for a country that would otherwise be restricted from receiving such assistance but for the preceding sentence may not be provided directly to the government of the country.

(B) Exception
Subparagraph (A) does not apply with respect to—
(i) section 2371 of this title or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(b) Specific projects and activities
The programs established pursuant to subsection (a) of this section shall include, to the extent appropriate, projects and activities that—
(1) support responsible independent media to promote oversight of public and private institutions;
(2) implement financial disclosure among public officials, political parties, and candidates for public office, open budgeting processes, and transparent financial management systems;
(3) support the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;
(4) promote responsive, transparent, and accountable legislatures and local governments that ensure legislative and local oversight and whistle-blower protection;
(5) promote legal and judicial reforms that criminalize corruption and law enforcement reforms and development that encourage prosecutions of criminal corruption;
(6) assist in the development of a legal framework for commercial transactions that fosters business practices that promote transparent, ethical, and competitive behavior in the economic sector, such as commercial codes that incorporate international standards and protection of intellectual property rights;
(7) promote free and fair national, state, and local elections;
(8) foster public participation in the legislative process and public access to government information; and
(9) engage civil society in the fight against corruption.

(c) Conduct of projects and activities
Projects and activities under the programs established pursuant to subsection (a) of this section may include, among other things, training and technical assistance (including drafting of anti-corruption, privatization, and competitive statutory and administrative codes), drafting of anti-corruption, privatization, and competitive statutory and administrative codes, support for independent media and publications, financing of the program and operating costs of non-governmental organizations that carry out such projects or activities, and assistance for travel of individuals to the United States and other countries for such projects and activities.


(e) Funding
Amounts made available to carry out the other provisions of subchapter I of this chapter (including part IV of subchapter II of this chapter) and the Support for East European Democracy (SEED) Act of 1989 [22 U.S.C. 5401 et seq.] shall be made available to carry out this section.
The Support for East European Democracy (SEED) Act of 1992, referred to in subsec. (a)(2) and (e), 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.


REFERENCES IN TEXT

The Support for East European Democracy (SEED) Act of 1992, referred to in subsec. (a)(2) and (e), 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.


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 of this chapter are deemed to include such parts. See section 2342(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


Subsec. (d)(1). Pub. L. 107–228, §672(a)(2), substituted “a biennial report” for “an annual report” in introductory provisions and “preceding two-year period” for “prior year” in subpars. (A) and (B).

DELIGINATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

TRANSITION

Pub. L. 107–228, div. A, title VI, §672(b), Sept. 30, 2002, 116 Stat. 1408, provided that the first biennial report under section 133(d) of the Foreign Assistance Act of 1961 (former 22 U.S.C. 2152c(d)), as amended by subsection (a), is required to be submitted not later than two years after the date of submission of the last annual report required under such section 133 (as in effect before the date of enactment of this Act (Sept. 30, 2002)).

FINDINGS AND PURPOSE


“(a) FINDINGS.—Congress finds the following:

“(1) Widespread corruption endangers the stability and security of societies, undermines democracy, and jeopardizes the social, political, and economic development of a society.

“(2) Corruption facilitates criminal activities, such as money laundering, hinders economic development, inflates the costs of doing business, and undermines the legitimacy of the government and public trust.

“(3) In January 1997 the United Nations General Assembly adopted a resolution urging member states to carefully consider the problems posed by the international aspects of corrupt practices and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems.

“(4) The United States was the first country to criminalize international bribery through the enactment of the Foreign Corrupt Practices Act of 1977 [Pub. L. 95–213, title I, see Short Title note set out under title VIII, §2381 et seq.] and United States leadership was instrumental in the passage of the Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

“(5) The Vice President, at the Global Forum on Fighting Corruption in 1999, declared corruption to be a direct threat to the rule of law and the Secretary of State declared corruption to be a matter of profound political and social consequence for our efforts to strengthen democratic governments.

“(6) The Secretary of State, at the Inter-American Development Bank’s annual meeting in March 2000, declared that despite certain economic achievements, democracy is being threatened as citizens grow weary of the corruption and favoritism of their official institutions and that efforts must be made to improve governance if respect for democratic institutions is to be regained.

“(7) In May 1996 the Organization of American States (OAS) adopted the Inter-American Convention Against Corruption requiring countries to provide various forms of international cooperation and assistance to facilitate the prevention, investigation, and prosecution of acts of corruption.

“(8) Independent media, committed to fighting corruption and trained in investigative journalism techniques, can both educate the public on the costs of corruption and act as a deterrent against corrupt officials.

“(9) Competent and independent judiciary, founded on a merit-based selection process and trained to enforce contracts and protect property rights, is critical for creating a predictable and consistent environment for transparency in legal procedures.

“(10) Independent and accountable legislatures, responsive political parties, and transparent electoral processes, in conjunction with professional, accountable, and transparent financial management and procurement policies and procedures, are essential to the promotion of good governance and to the combat of corruption.

“(11) Transparent business frameworks, including modern commercial codes and intellectual property rights, are vital to enhancing economic growth and decreasing corruption at all levels of society.

“(12) The United States should attempt to improve accountability in foreign countries, including by—

“(A) promoting transparency and accountability through support for independent media, promoting financial disclosure by public officials, political parties, and candidates for public office, open budgeting processes, adequate and effective internal control systems, suitable financial management systems, and financial and compliance reporting;

“(B) supporting the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;

“(C) promoting responsive, transparent, and accountable legislatures that ensure legislative oversight and whistle-blower protection;

“(D) promoting judicial reforms that criminalize corruption and promoting law enforcement that prosecutes corruption;

“(E) fostering business practices that promote transparent, ethical, and competitive behavior in the private sector through the development of an effective legal framework for commerce, including anti-bribery laws, commercial codes that incorporate international standards for business practices, and protection of intellectual property rights; and

“(F) promoting free and fair national, state, and local elections.

“(b) PURPOSE.—The purpose of this title [see Short Title of 2000 Amendments note set out under section
§ 2152d. Assistance to foreign countries to meet minimum standards for the elimination of trafficking

(a) Authorization

The President is authorized to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations, for programs, projects, and activities designed to meet the minimum standards for the elimination of trafficking (as defined in section 7102 of this title), including—

(1) the drafting of laws to prohibit and punish acts of trafficking;
(2) the investigation and prosecution of traffickers, including investigation of individuals and entities that may be involved in trafficking in persons involving sexual exploitation;
(3) the creation and maintenance of facilities, programs, projects, and activities for the protection of victims; and
(4) the expansion of exchange programs and international visitor programs for governmental and nongovernmental personnel to combat trafficking.

(b) Funding

Amounts made available to carry out the other provisions of subchapter I of this chapter (including part IV of subchapter II of this chapter) and the Support for East European Democracy (SEED) Act of 1989 [22 U.S.C. 5401 et seq.] shall be made available to carry out this section. Assistance may be provided under this section notwithstanding section 2420 of this title.

(2) Covered organizations

In paragraph (2) to support the following activities:

(A) Training

Training of appropriate professionals in Latin America from both the public and private sectors to enhance their understanding of building and housing codes and standards.

(B) Translation and distribution

Translating and distributing in the region detailed construction manuals, model building codes, and publications from organizations described in paragraph (2), including materials that address zoning, egress, fire and life safety, plumbing, sewage, sanitation, electrical installation, mechanical installation, structural engineering, and seismic design.

(C) Other assistance

Offering other relevant assistance as needed, such as helping government officials develop seismic micro-zonation maps or draft pertinent legislation, to implement building codes and practices that will help improve the resistance of buildings and housing in the region to seismic activity and other natural disasters.

(2) Covered organizations

Grants and contracts provided under this section shall be carried out through United States organizations with expertise in the areas described in paragraph (1), including the American Society of Testing Materials, the Underwriters Laboratories, the American Society of Civil Engineers, the American Society of Mechanical Engineers, the American Society of Heating, Refrigeration, and Air Conditioning Engineers, the International Association of Plumbing and Mechanical Officials, the International Code Council, and the National Fire Protection Association.
Section was enacted as part of the Department of State Authorization Act, Fiscal Year 2003, and also as part of the Foreign Relations Authorization Act, Fiscal Year 2003, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2152f. Assistance for orphans and other vulnerable children

(a) Findings

Congress finds the following:

(1) There are more than 143,000,000 orphans living sub-Saharan Africa, Asia, Latin America, and the Caribbean. Of this number, approximately 16,200,000 children have lost both parents.

(2) The HIV/AIDS pandemic has created an unprecedented orphan crisis, especially in sub-Saharan Africa, where children have been hardest hit. The pandemic is deepening poverty in entire communities, and is jeopardizing the health, safety, and survival of all children in affected countries. It is estimated that 14,000,000 children have lost one or both parents to AIDS.

(3) The orphans crisis in sub-Saharan Africa has implications for human welfare, development, and political stability that extend far beyond the region, affecting governments and people worldwide.

(4) Extended families and local communities are struggling to meet the basic needs of orphans and vulnerable children by providing food, health care including treatment of children living with HIV/AIDS, education expenses, and clothing.

(5) Famines, natural disasters, chronic poverty, ongoing conflicts, and civil wars in developing countries are adversely affecting children in these countries, the vast majority of whom currently do not receive humanitarian assistance or other support from the United States.

(6) The United States Government administers various assistance programs for orphans and other vulnerable children in developing countries. In order to improve targeting and programming of resources, the United States Agency for International Development should develop methods to adequately track the overall number of orphans and other vulnerable children receiving assistance, the kinds of programs for such children by sector and location, and any other such related data and analysis.

(7) The United States Agency for International Development should improve its capabilities to deliver assistance to orphans and other vulnerable children in developing countries through partnerships with private volunteer organizations, including community and faith-based organizations.

(8) The United States Agency for International Development should be the primary United States Government agency responsible for identifying and assisting orphans and other vulnerable children in developing countries.

(9) Providing assistance to such children is an important expression of the humanitarian concern and tradition of the people of the United States.

(b) Definitions

In this section:

(1) AIDS

The term ‘‘AIDS’’ has the meaning given the term in section 2151b–2(g)(1) of this title.

(2) Children

The term ‘‘children’’ means persons who have not attained 18 years of age.

(3) HIV/AIDS

The term ‘‘HIV/AIDS’’ has the meaning given the term in section 2151b–2(g)(3) of this title.

(4) Orphan

The term ‘‘orphan’’ means a child deprived by death of one or both parents.

(5) Psychosocial support

The term ‘‘psychosocial support’’ includes care that addresses the ongoing psychological and social problems that affect individuals, their partners, families, and caregivers in order to alleviate suffering, strengthen social ties and integration, provide emotional support, and promote coping strategies.

(c) Assistance

The President is authorized to provide assistance, including providing such assistance through international or nongovernmental organizations, for programs in developing countries to provide basic care and services for orphans and other vulnerable children. Such programs should provide assistance—

(1) to support families and communities to mobilize their own resources through the establishment of community-based organizations to provide basic care for orphans and other vulnerable children;

(2) for school food programs, including the purchase of local or regional foodstuffs where appropriate;

(3) to increase primary school enrollment through the elimination of school fees, where appropriate, or other barriers to education while ensuring that adequate resources exist for teacher training and infrastructure;

(4) to provide employment training and related services for orphans and other vulnerable children who are of legal working age;

(5) to protect and promote the inheritance rights of orphans, other vulnerable children, and widows;

(6) to provide culturally appropriate psychosocial support to orphans and other vulnerable children; and

(7) to treat orphans and other vulnerable children with HIV/AIDS through the provision of pharmaceuticals, the recruitment and training of individuals to provide pediatric treatment, and the purchase of pediatric-specific technologies.

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1 So in original. Probably should be ‘‘living in’’.
2 See References in Text note below.
(d) Monitoring and evaluation

(1) Establishment

To maximize the sustainable development impact of assistance authorized under this section, and pursuant to the strategy required in section 4 of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, the President shall establish a monitoring and evaluation system to measure the effectiveness of United States assistance to orphans and other vulnerable children.

(2) Requirements

The monitoring and evaluation system shall—

(A) establish performance goals for the assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

(B) establish performance indicators to be used in measuring or assessing the achievement of the performance goals described in subparagraph (A); and

(C) provide a basis for recommendations for adjustments to the assistance to enhance the impact of assistance.

(e) Special Advisor for Assistance to Orphans and Vulnerable Children

(1) Appointment

(A) In general

The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall appoint a Special Advisor for Assistance to Orphans and Vulnerable Children.

(B) Delegation

At the discretion of the Secretary of State, the authority to appoint a Special Advisor under subparagraph (A) may be delegated by the Secretary of State to the Administrator of the United States Agency for International Development.

(2) Duties

The duties of the Special Advisor for Assistance to Orphans and Vulnerable Children shall include the following:

(A) Coordinate assistance to orphans and other vulnerable children among the various offices, bureaus, and field missions within the United States Agency for International Development.

(B) Advise the various offices, bureaus, and field missions within the United States Agency for International Development to ensure that programs approved for assistance under this section are consistent with best practices, meet the requirements of this chapter, and conform to the strategy outlined in section 4 of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005.

(C) Advise the various offices, bureaus, and field missions within the United States Agency for International Development in developing any component of their annual plan, as it relates to assistance for orphans or other vulnerable children in developing countries, to ensure that each program, project, or activity relating to such assistance is consistent with best practices, meets the requirements of this chapter, and conforms to the strategy outlined in section 4 of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005.

(D) Coordinate all United States assistance to orphans and other vulnerable children among United States departments and agencies, including the provision of assistance relating to HIV/AIDS authorized under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25) [22 U.S.C. 7601 et seq.], and the amendments made by such Act (including section 102 of such Act, and the amendments made by such section, relating to the coordination of HIV/AIDS programs).

(E) Establish priorities that promote the delivery of assistance to the most vulnerable populations of orphans and children, particularly in those countries with a high rate of HIV infection among women.

(F) Disseminate a collection of best practices to field missions of the United States Agency for International Development to guide the development and implementation of programs to assist orphans and vulnerable children.

(G) Administer the monitoring and evaluation system established in subsection (d) of this section.

(H) Prepare the annual report required by section 2152g of this title.

(f) Authorization of appropriations

(1) In general

There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for each of the fiscal years 2006 and 2007.

(2) Availability of funds

Amounts made available under paragraph (1) are authorized to remain available until expended.

References in Text

Section 2151b–2(g) of this title, referred to in subsec. (b)(1), (3), was redesignated section 2151b–2(h) of this title by Pub. L. 110–293, title III, §301(d)(1), July 30, 2008, 122 Stat. 2961.

Section 4 of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, referred to in subsecs. (d)(1) and (e)(2)(B), (C), is section 4 of Pub. L. 109–95, which is set out as a note under this section.

This chapter, referred to in subsec. (e)(2)(B), (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.

that: “Congress makes the following findings: (1) As of July 2004, there were more than 143,000,000 children living in sub-Saharan Africa, Asia, Latin America, and the Caribbean who were identified as orphans, having lost one or both of their parents. Of this number, approximately 16,200,000 children were identified as double orphans, having lost both parents—the vast majority of whom died of AIDS. These children often are disadvantaged in numerous and devastating ways and most households with orphans cannot meet the basic needs of health care, food, clothing, and educational expenses.

(2) It is estimated that 121,000,000 children worldwide do not attend school and that the majority of such children are young girls. According to the United Nations Children’s Fund (UNICEF), orphans are less likely to be in school and more likely to be working full time.

(3) School food programs, including take-home rations, in developing countries provide strong incentives for children to remain in school and continue their education. School food programs can reduce short-term hunger, improve cognitive functions, and enhance learning, behavior, and achievement.

(4) Financial barriers, such as school fees and other costs of education, prevent many orphans and other vulnerable children in developing countries from attending school. Providing children with free primary school education, while simultaneously ensuring that adequate resources exist for teacher training and infrastructure, would help more orphans and other vulnerable children obtain a quality education.

(5) The trauma that results from the loss of a parent can trigger behavior problems of aggression or emotional withdrawal and negatively affect a child’s performance in school and the child’s social relations. Children living in families affected by HIV/AIDS or who have been orphaned by AIDS often face stigmatization and discrimination. Providing culturally appropriate psychosocial support to such children can assist them in successfully accepting and adjusting to their circumstances.

(6) Orphans and other vulnerable children in developing countries routinely are denied their inheritance rights or encounter difficulties in claiming the land and other property which they have inherited. Even when the inheritance rights of women and children are spelled out in law, such rights are difficult to claim and are seldom enforced. In many countries it is difficult or impossible for a widow, even if she has young children, to claim property after the death of her husband.

(7) The HIV/AIDS pandemic has had a devastating affect on children and is deepening poverty in entire communities and jeopardizing the health, safety, and survival of all children in affected areas.

(8) The HIV/AIDS pandemic has increased the number of orphans worldwide and has exacerbated the poor living conditions of the world’s poorest and most vulnerable children. AIDS has created an unprecedented orphan crisis, especially in sub-Saharan Africa, where children have been hardest hit. An estimated 14,000,000 orphans have lost 1 or both parents to AIDS. By 2010, it is estimated that over 25,000,000 children will have been orphaned by AIDS.

(9) Approximately 2,500,000 children under the age of 15 worldwide have HIV/AIDS. Every day another 2,000 children under the age of 15 are infected with HIV. Without treatment, most children born with HIV can expect to die by age two, but with sustained drug treatment through childhood, the chances of long-term survival and a productive adulthood improve dramatically.

(10) Few international development programs specifically target the treatment of children with HIV/AIDS in developing countries. Reasons for this include the perceived low priority of pediatric treatment, a lack of pediatric health care professionals, lack of expertise and experience in pediatric drug dosing and monitoring, the perceived complexity of pediatric treatment, and mistaken beliefs regarding the risks and benefits of pediatric antiretroviral treatment.

(11) Although a number of organizations seek to meet the needs of orphans or other vulnerable children, extended families and local communities continue to be the primary providers of support for such children.

(12) The HIV/AIDS pandemic is placing huge burdens on communities and governments in developing countries with little support. Alternatives to traditional orphanages, such as community-based resource centers, continue to evolve in response to the massive number of orphans that has resulted from the pandemic.

(13) The AIDS orphan crisis in sub-Saharan Africa has implications for political stability, human welfare, and development that extend far beyond the region, affecting governments and people worldwide, and this crisis requires an accelerated response from the international community.

(14) Although section 405(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(b)) establishes the requirement that not less than 10 percent of amounts appropriated for HIV/AIDS assistance for each of fiscal years 2006 through 2008 shall be expended for assistance for orphans and other vulnerable children affected by HIV/AIDS, there is an urgent need to provide assistance to such children prior to 2006.

(15) Numerous United States and indigenous private voluntary organizations, including faith-based organizations, provide assistance to orphans and other vulnerable children in developing countries. Many of these organizations have submitted applications for grants to the Administrator of the United States Agency for International Development for International Development Assistance for orphans and other vulnerable children in developing countries.

(16) Increasing the amount of assistance that is provided by the Administrator of the United States Agency for International Development to provide increased levels of assistance for orphans and other vulnerable children in developing countries.

(17) It is essential that the United States Government adopt a comprehensive approach for the provision of assistance to orphans and other vulnerable children in developing countries. A comprehensive approach would ensure that important services, such as basic care, psychosocial support, school food programs, increased educational opportunities and employment training and related services, the protection and promotion of inheritance rights for such children, and the treatment of orphans and other vulnerable children with HIV/AIDS, are made more accessible.

(18) Assistance for orphans and other vulnerable children can best be provided by a comprehensive approach of the United States Government that—

(A) ensures that Federal agencies and the private sector coordinate efforts to prevent and eliminate duplication of efforts and waste in the provision of such assistance; and

(B) to the maximum extent possible, focuses on community-based programs that allow orphans and other vulnerable children to remain connected to the traditions and rituals of their families and communities.”
§ 2152g. STRATEGY OF THE UNITED STATES
Pub. L. 109–95, § 4, Nov. 8, 2005, 119 Stat. 2116, provided that:

“(a) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of enactment of this Act (Nov. 8, 2005), the President shall develop, and transmit to the appropriate congressional committees, a strategy for coordinating, implementing, and monitoring assistance programs for orphans and vulnerable children:

“(1) shall include—

“(A) a description of the efforts of the head of each such agency or department to coordinate the provision of such assistance with other agencies or departments of the Federal Government that is providing assistance programs for orphans and vulnerable children in foreign countries;

“(B) a description of a coordinated strategy, including coordination with other bilateral and multilateral donors, to provide the assistance authorized in section 135 of the Foreign Assistance Act of 1961 [22 U.S.C. 2152f], as added by section 3 of this Act;

“(C) an analysis of additional coordination mechanisms or procedures that could be implemented to carry out the purposes of such section;

“(D) a description of a monitoring system that establishes performance goals for the provision of such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible; and

“(E) a description of performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (5).”

[For definition of “appropriate congressional committees” as used in section 4 of Pub. L. 109–95, set out above, see section 6 of Pub. L. 109–95, set out as a note under section 2152g of this title.]

§ 2152g. Annual report
(a) Report
Not later than one year after the date on which the President transmits to the appropriate congressional committees the strategy required by section 4(a), and annually thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this Act and the amendments made by this Act.

(b) Contents
The report shall contain the following information for grants, cooperative agreements, contracts, contributions, and other forms of assistance awarded or entered into under section 2152f of this title:

(1) The amount of funding, the name of recipient organizations, the location of programs and activities, the status of progress of programs and activities, and the estimated number of orphans and other vulnerable children who received direct or indirect assistance under the programs and activities.

(2) The results of the monitoring and evaluation system with respect to assistance for orphans and other vulnerable children.

(3) The percentage of assistance provided in support of orphans or other vulnerable children affected by HIV/AIDS.

(4) Any other appropriate information relating to the needs of orphans and other vulnerable children in developing countries that could be addressed through the provision of assistance authorized in section 2152f of this title or under any other provision of law.


REFERENCES IN TEXT
Section 4(a), referred to in subsec. (a), is section 4(a) of Pub. L. 109–95, which is set out as a note under section 2152f of this title.

This Act, referred to in subsec. (a), is Pub. L. 109–95, Nov. 8, 2005, 119 Stat. 2111, known as the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, which enacted this section and section 2152f of this title and enacted provisions set out as notes under this section and sections 2151 and 2152f of this title. For complete classification of this Act to the Code, see Short Title of 2005 Amendment note set out under section 2151 of this title and Tables.

CONCLUSION
Section was enacted as part of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED
Pub. L. 109–95, § 6, Nov. 8, 2005, 119 Stat. 2118, provided that: “In this Act (see Short Title of 2005 Amendment note set out under section 2151 of this title), 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 International Relations [now Committee on Foreign Affairs] of the House of Representatives.”

§ 2152h. Assistance to provide safe water and sanitation
(a) Purposes
The purposes of assistance authorized by this section are—

(1) to promote good health, economic development, poverty reduction, women’s empowerment, conflict prevention, and environmental sustainability by providing assistance to expand access to safe water and sanitation, promoting integrated water resource management, and improving hygiene for people around the world;

(2) to seek to reduce by one-half from the baseline year 1990 the proportion of people who are unable to reach or afford safe drinking water and the proportion of people without access to basic sanitation by 2015;

(3) to focus water and sanitation assistance toward the countries, locales, and people with the greatest need;

(4) to promote affordability and equity in the provision of access to safe water and sanitation for the very poor, women, and other vulnerable populations;

(5) to improve water efficiency through water demand management and reduction of unaccounted-for water;
(6) to promote long-term sustainability in the affordable and equitable provision of access to safe water and sanitation through the creation of innovative financing mechanisms such as national revolving funds, and by strengthening the capacity of recipient governments and communities to formulate and implement policies that expand access to safe water and sanitation in a sustainable fashion, including integrated planning;

(7) to secure the greatest amount of resources possible, encourage private investment in water and sanitation infrastructure and services, particularly in lower middle-income countries, without creating unsustainable debt for low-income countries or unaffordable water and sanitation costs for the very poor; and

(8) to promote the capacity of recipient governments to provide affordable, equitable, and sustainable access to safe water and sanitation.

(b) Authorization

To carry out the purposes of subsection (a) of this section, the President is authorized to furnish assistance for programs in developing countries to provide affordable and equitable access to safe water and sanitation.

(c) Activities supported

Assistance provided under subsection (b) of this section shall, to the maximum extent practicable, be used to—

(1) expand affordable and equitable access to safe water and sanitation for underserved populations;

(2) support the design, construction, maintenance, upkeep, repair, and operation of water delivery and sanitation systems;

(3) improve the safety and reliability of water supplies, including environmental management; and

(4) improve the capacity of recipient governments and local communities, including capacity-building programs for improved water resource management.

(d) Local currency

The President may use payments made in local currencies under an agreement made under title I of the Food for Peace Act (7 U.S.C. 1701 et seq.) to provide assistance under this section, the President is authorized to furnish assistance under this section.

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

WATER FOR THE POOR


"SECTION 1. SHORT TITLE.

"This Act may be cited as the ‘Senator Paul Simon Water for the Poor Act of 2005’.

"SEC. 2. FINDINGS.

"Congress makes the following findings:

"(1) Water-related diseases are a human tragedy, killing up to five million people annually, preventing millions of people from leading healthy lives, and undermining development efforts.

"(2) A child dies an average of every 15 seconds because of lack of access to safe water and adequate sanitation.

"(3) In the poorest countries in the world, one out of five children dies from a preventable, water-related disease.

"(4) Lack of access to safe drinking water, inadequate sanitation, and poor hygiene practices are directly responsible for the vast majority of diarrheal diseases which kill over two million children each year.

"(5) At any given time, half of all people in the developing world are suffering from one or more of the main diseases associated with inadequate provision of water supply and sanitation services.

"(6) Over 1.1 billion people, one in every six people in the world, lack access to safe drinking water.

"(7) Nearly 2.6 billion people, two in every five people in the world, lack access to basic sanitation services.

"(8) Half of all schools in the world do not have access to safe drinking water and basic sanitation.

"(9) Over the past 20 years, two billion people have gained access to safe drinking water and 600 million people have gained access to basic sanitation services.

"(10) Access to safe water and sanitation and improved hygiene are significant factors in controlling the spread of disease in the developing world and positively affecting worker productivity and economic development.

"(11) Increasing access to safe water and sanitation advances efforts toward other development objectives, such as fighting poverty and hunger, promoting primary education and gender equality, reducing child mortality, promoting environmental sustainability, improving the lives of slum dwellers, and strengthening national security.

"(12) Providing safe supplies of water and sanitation and hygiene improvements would save millions of lives by reducing the prevalence of water-borne diseases, water-based diseases, water-priavation diseases, and water-related vector diseases.

"(13) Because women and girls in developing countries are often the carriers of water, lack of access to safe water and sanitation disproportionately affects women and limits women’s opportunities at education, livelihood, and financial independence.

"(14) Between 20 percent and 50 percent of existing water systems in developing countries are not operating or are operating poorly.

"(15) In developing world water delivery systems, an average of 50 percent of all water is lost before it gets to the end-user.

"(16) Every $1 invested in safe water and sanitation would yield an economic return of between $3 and $34, depending on the region.

"(17) Developing sustainable financing mechanisms, such as pooling mechanisms and revolving funds, is necessary for the long-term viability of improved water and sanitation services."
"(18) The annual level of investment needed to meet the water and sanitation needs of developing countries far exceeds the amount of Official Development Assistance (ODA) assistance provided by governments of developing countries, so facilitating and attracting greater public and private investment is essential.

"(19) Meeting the water and sanitation needs of the lowest-income developing countries will require an increase in the resources available as grants from donor countries.

"(20) The long-term sustainability of improved water and sanitation services can be advanced by promoting community level action and engagement with civil society.

"(21) Target 10 of the United Nations Millennium Development Goals is to reduce by half the proportion of people without sustainable access to safe drinking water by 2015.

"(22) The participants in the 2002 World Summit on Sustainable Development, held in Johannesburg, South Africa, including the United States, agreed to the Plan of Implementation of the World Summit on Sustainable Development which included an agreement to work to reduce by one-half 'the proportion of people who are unable to reach or afford safe drinking water,' and 'the proportion of people without access to basic sanitation' by 2015.

"(23) At the World Summit on Sustainable Development, the United States announced the Water for the Poor Initiative, committing $970 million for fiscal years 2003 through 2005 to improve sustainable management of fresh water resources and expand international efforts to achieve the goal of cutting in half by 2015 the proportion of people who are unable to reach or afford safe drinking water.

"(24) United Nations General Assembly Resolution 58/217 (February 9, 2004) proclaimed 'the period from 2005 to 2015 the International Decade for Action, 'Water for Life', to commence World Water Day, 22 March 2003 for the purpose of increasing the focus of the international community on water-related issues at all levels and on the implementation of water-related programs and projects.

"(25) Around the world, 283 river basins are shared by two or more countries, and many more basins and watersheds cross political or ethnic boundaries.

"(26) Water scarcity can contribute to insecurity and conflict on subnational, national, and international levels, thus endangering the national security of the United States.

"(27) Opportunities to manage water problems can be leveraged in ways to build confidence, trust, and peace between parties in conflict.

"(28) Cooperative water management can help resolve conflicts caused by other problems and is often a crucial component in resolving such conflicts.

"(29) Cooperative water management can help countries recover from conflict and, by promoting dialogue and cooperation among former parties in conflict, can help prevent the reemergence of conflict.

"SEC. 3. STATEMENT OF POLICY.

"(1) It is the policy of the United States—

"(a) to increase the percentage of water and sanitation assistance targeted toward countries designated as high priority countries under section 6(f) of this Act;

"(b) to ensure that water and sanitation assistance reflect an appropriate balance of grants, loans, contracts, investment insurance, loan guarantees, and other assistance to further ensure affordability and equity in the provision of access to safe water and sanitation for the very poor;

"(c) to ensure that the targeting of water and sanitation assistance reflect an appropriate balance between urban, periurban, and rural areas to meet the purposes of assistance described in section 135 of the Foreign Assistance Act of 1961 [this section], as added by section 5(a) of this Act;

"(2) to ensure that forms of water and sanitation assistance provided reflect the level of existing resources and markets for investment in water and sanitation within recipient countries;

"(3) to ensure that water and sanitation assistance, to the extent possible, supports the poverty reduction strategies of recipient countries and, when appropriate, encourages the inclusion of water and sanitation within such poverty reduction strategies;

"(4) to promote country and local ownership of safe water and sanitation programs, to the extent appropriate;

"(5) to mobilize and leverage the financial and technical capacity of businesses, governments, nongovernmental organizations, and civil society in the form of public-private alliances;

"It is the sense of Congress that—

"(1) in order to make the most effective use of amounts of Official Development Assistance for water and sanitation and avoid waste and duplication, the United States should seek to establish innovative international coordination mechanisms based on best practices in other development sectors; and

"(2) the United States should greatly increase the amount of Official Development Assistance made available to carry out section 135 of the Foreign Assistance Act of 1961 [this section], as added by section 5(a) of this Act.

"SEC. 5. ASSISTANCE TO PROVIDE SAFE WATER AND SANITATION.

"(a) IN GENERAL.—[Enacted this section.]

"(b) CONSULTATION.—[Amended section 1704 of Title 7, Agriculture.]

"SEC. 6. SAFE WATER AND SANITATION STRATEGY.

"(a) STRATEGY.—The President, acting through the Secretary of State, shall develop a strategy to further the United States foreign assistance objective to provide affordable and equitable access to safe water and sanitation in developing countries, as described in section 135 of the Foreign Assistance Act of 1961 [this section], as added by section 5(a) of this Act.

"(b) CONSULTATION.—The strategy required by subsection (a) shall be developed in consultation with the Administrator of the United States Agency for International Development, the heads of other appropriate Federal departments and agencies, international organizations, international financial institutions, recipient governments, United States and international nongovernmental organizations, indigenous civil society, and other appropriate entities.

"(c) IMPLEMENTATION.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall implement the strategy required by subsection (a). The strategy may also be implemented in part by other Federal departments and agencies, as appropriate.

"(d) CONSISTENT WITH SAFE WATER AND SANITATION POLICY.—The strategy required by subsection (a) shall be consistent with the policy stated in section 3 of this Act.

"(e) CONTENT.—The strategy required by subsection (a) shall include—

"(1) an assessment of the activities that have been carried out, or that are planned to be carried out, by
all appropriate Federal departments and agencies to improve affordable and equitable access to safe water and sanitation in all countries that receive assistance from The United States.

"(2) specific and measurable goals, benchmarks, and timetables to achieve the objective described in subsection (a);

"(3) an assessment of the level of funding and other assistance for United States water and sanitation programs needed each year to achieve the goals, benchmarks, and timetables described in paragraph (2);

"(4) methods to coordinate and integrate United States water and sanitation assistance programs with other United States development assistance programs to achieve the objective described in subsection (a);

"(5) methods to better coordinate United States water and sanitation assistance programs with programs of other donor countries and entities to achieve the objective described in subsection (a); and

"(6) an assessment of the commitment of governments of countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, as added by section 5(a) of this Act, to policies or policy reforms that support affordable and equitable access by the people of such countries to safe water and sanitation.

`DESIGNATION OF HIGH PRIORITY COUNTRIES.‘—The strategy required by subsection (a) shall further include the designation of high priority countries for assistance under section 135 of the Foreign Assistance Act of 1961, as added by section 5(a) of this Act. This designation shall be made on the basis of—

"(1) countries in which the need for increased access to safe water and sanitation is greatest; and

"(2) countries in which assistance under such section can be expected to make the greatest difference in promoting good health, economic development, poverty reduction, women’s empowerment, conflict prevention, and environmental sustainability.

`(g) REPORTS.—

"(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act [Dec. 1, 2005], the Secretary of State shall submit to the appropriate congressional committees a report that describes the strategy required by subsection (a).

"(2) SUBSEQUENT REPORTS.—

"(i) are authorized to remain available until expended.’’

`SEC. 8. SENSE OF CONGRESS REGARDING DEVELOPMENT OF LOCAL CAPACITY.

"It is the sense of Congress that the Secretary of State should expand current programs and develop new programs, as necessary, to train local water and sanitation managers and other officials of countries that receive assistance under section 135 of the Foreign Assistance Act of 1961 [this section], as added by section 5(a) of this Act.

`SEC. 9. SENSE OF CONGRESS REGARDING ADDITIONAL WATER AND SANITATION PROGRAMS.

"It is the sense of the Congress that—

"(1) the United States should further support, as appropriate, water and sanitation activities of United Nations agencies, such as the United Nations Children’s Fund (UNICEF), the United Nations Development Programme (UNDP), and the United Nations Environment Programme (UNEP); and

"(2) the Secretary of the Treasury should instruct each United States Executive Director at the multilateral development banks (within the meaning of section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262c(3))) to encourage the inclusion of water and sanitation programs as a critical element of their development assistance.

`SEC. 10. REPORT REGARDING WATER FOR PEACE AND SECURITY.

“(a) SENSE OF CONGRESS.—It is the sense of Congress that United States programs to support and encourage efforts around the world to develop river basin, aquifer, and other watershed-wide mechanisms for governance and cooperation are critical components of long-term United States national security and should be expanded.

“(b) REPORT.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate a report on efforts that the United States is making to support and promote programs that develop river basin, aquifer, and other watershed-wide mechanisms for governance and cooperation.

`SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2006 and each subsequent fiscal year such sums as may be necessary to carry out this Act and the amendments made by this Act.

“(b) OTHER AMOUNTS.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall be in addition to the amounts otherwise available to carry out this Act and the amendments made by this Act.

“(c) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.’’

PART II—OTHER PROGRAMS

SUBPART I—MULTILATERAL AND REGIONAL DEVELOPMENT PROGRAMS

AFRICAN ASSISTANCE POLICY: PRESIDENTIAL REPORT TO CONGRESS  

PORTUGUESE AFRICAN TERRITORIES OF ANGOLA, MOZAMBIQUE, AND GUINEA-BISSAU: INDEPENDENCE POLICY  

"(a) 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 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.


EXECUTIVE ORDER NO. 12599  
Ex. Ord. No. 12599, June 23, 1987, 52 F.R. 23779, which established the Coordinating Committee for Sub-Saharan Africa and assigned its functions 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, was revoked by Ex. Ord. No. 13118, § 103, Mar. 31, 1999, 64 F.R. 16598.


Effective Date of Repeal


§ 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.


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

2000—Subsec. (d). Pub. L. 106–429 struck out subsec. (d) which read as follows: “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.”

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).

Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

Establishment of Standard Governing Allocation of Development Assistance for Production and Export of Commodities in Surplus in World Market; Presidential Initiative of International Consultations; Report by President to Congress

Pub. L. 95–461, title VI, § 610, Oct. 18, 1978, 92 Stat. 1692, 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 Report 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


EFFECTIVE DATE OF REPEAL


§ 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 the President 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.


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. 654, as amended, which was classified generally to chapter 20A (§1611 et seq.) of this title prior to its supersession by section 216(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.


1980—Subsec. (c). Pub. L. 95–633 substituted appropriated of $30,000,000 for the fiscal year 1981 for such authorization of $25,000,000 for the 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 provision for authorization 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(b), added subsec. (f). Pub. L. 94–161, §312(b)(1), struck out provision for authorization of $8,500,000 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. (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 of 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.


1969—Subsec. (c). Pub. L. 91–175, §108(1), substituted authorization of $25,900,000 for the fiscal year 1970 and $12,900,000 for the fiscal year 1971, for sum of $15,650,000 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 25 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 $10,869,000 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 $10,869,000 for fiscal year 1967 for sum of $7,000,000 for fiscal year 1966.


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 “1965, $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 $2,000,000 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”.


EFFECTIVE DATE OF 1985 AMENDMENT


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.


§ 2178. 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 3223(a) and (b) of title 31 and section 6101 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 appropriation 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.

References in Text
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 2362(b) of Pub. L. 92–226, set out as a note under section 2386 of this title, and sections 2348c and 2349aa–5 of this title.

Modification


Change of Name


Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.


Effective Date of Repeal


Subpart III—Shelter and Other Credit Guaranty Programs

§ 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.


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 $335,000,000 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 ‘‘$335,000,000’’.

1974—Pub. L. 93–559 substituted ‘‘$355,000,000’’ for ‘‘$335,000,000’’.

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


Use of Funds From Sale of Notes for Discharge of Liabilities Under Guarantees; Transfer of Funds and Cancellation of Notes and Interest

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 1501(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 223(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 2186(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.

§ 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) assuming 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 here-tofore 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 designated 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) 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.


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


Amendments

1985—Subsec. (a). Pub. L. 99–83, § 313(a), (b), substituted “$2,158,000,000” for “$1,958,000,000” and “1988” for “1986.”
1984—Subsec. (a). Pub. L. 98–473 substituted “$1,958,000,000” for “$1,718,000,000” and “1988” for “1986.”
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. 96–83 substituted “$1,555,000,000” for “$1,380,000,000” and “1983” for “1982.”
1978—Pub. L. 95–424 amended section generally to provide a new consolidated section which provides for single authorization for the worldwide housing guarantee program, a new list of the types of programs to be emphasized, increased the worldwide authorization to

1So in original. No subsecs. (d) to (j) have been enacted.
$1,180,000,000, and encourages officials and governments in developing countries to consider the use of solar energy in housing projects.

1975—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 “$650,000,000” for “$600,000,000”.

1979—Subsec. (a). Pub. L. 95–424 substituted “$650,000,000” for “$550,000,000”.

1979—Subsec. (c). Pub. L. 96–53 substituted “$1,030,000,000” for “$600,000,000”.

1979—Subsec. (d). Pub. L. 96–53 substituted “$600,000,000” for “$550,000,000”.

1977—Subsec. (a). 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 “$650,000,000”.

1975—Subsec. (c). Pub. L. 94–161 substituted “$650,000,000” for “$550,000,000”.

(1) 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) Guaranty; percentage limitation

To carry out the purposes of subsection (a) of this section, the agency primarily responsible for administering subchapter I of this chapter 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. 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.


**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 issued 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.


(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.

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 title I of this chapter.
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 2348c of Pub. L. 91–175, which was repealed by section 2348c 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


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 “$300,000,000” for “$400,000,000.”

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 revolving fund 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. (i). 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 “under this subpart or” after “heretofore pursuant to”;

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 “hereofore 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 guarantees 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 this section.


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. 94–229 authorized President to issue housing guaranties until September 30, 1977, in Lebanon, not exceeding a face amount of $15,000,000.


Subsec. (b). Pub. L. 93–559, §8(a)(4), substituted in first sentence “section 2181 and section 2182” 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 2182 of this title”.


EFFECTIVE DATE OF 1984 AMENDMENT

Section 311(d) of H.R. 5119, as passed by the House of Representatives on May 16, 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.
§ 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) Omitted

(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.

REFERENCES TO 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 of part IV of subchapter II 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.


Prior Provisions

Amendments
1983—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

§ 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 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) Omitted

(i) Administrative and technical assistance
The Bank shall provide, without reimbursement, such administrative and technical assistance to the administering agency as the Bank 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

1 So in original. Probably should be “has”.
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.


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.

Codification

Subsec. (b) of this section, which required the Administrator and the President of the Bank, every 6 months, to 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, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 106–55, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 146 of House Document No. 103–7.

Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2301 of this title.

Conforming Reference


§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 Government 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 increment thereof guaranteed 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 issued on an interest-bearing basis, the stated principal amount thereof.


References in Text

The Federal Credit Reform Act of 1990, referred to in subsection (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 subsection (g)(3), is section 601(b) of Pub. L. 94–329, title VI, June 30, 1976, 90 Stat. 755, which is not classified to the Code.

Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12263, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

Subpart IV—Overseas Private Investment Corporation

§ 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-
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 for 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 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 a significant reduction in the number of employees in the United States; 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.

References to subchapter I are deemed to include certain parts of subchapter II.

Amendments
1988—Pub. L. 100–461, in par. (2) of second undesignated par., substituted “$84 or less in 1986 United States dollars” for “$396 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.”
1983—Pub. L. 98–150, 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”.

1965—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 cl. (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 (i).

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 “employment” before “objectives”, and added clss. (l) and (m).

OVERSEAS PRIVATE INVESTMENT CORPORATION; RERAFIRMATION 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. 10555, 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 251 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 activities similar to those provided for in sections 236(a), (b) and (d) of the Act [section 219(a), (b) and (d) of this title] are hereby transferred to the Overseas Private Investment Corporation (hereinafter the “Corporation”).

Sic. 3. Allocation and transfer of funds. Funds made available under section 222 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.

Section 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.

§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 wage 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 for the labor practices of local contractors or subcontractors.”
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.

(b) Environmental impact

The Board of Directors of the Corporation shall not vote in favor of any action proposed to be taken by the Corporation that is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented, unless for at least 60 days before the date of the vote—

(1) an environmental impact assessment or initial environmental audit, analyzing the environmental impacts of the proposed action and of alternatives to the proposed action has been completed by the project applicant and made available to the Board of Directors; and

(2) such assessment or audit has been made available to the public of the United States, locally affected groups in the host country, and host country nongovernmental organizations.

c) Public hearings

(1) 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 part.

(2) In conjunction with each meeting of its Board of Directors, the Corporation shall hold a public hearing in order to afford an opportunity for any person to present views regarding the activities of the Corporation. Such views shall be made part of the record.

(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.

(b) Environmental impact

The Board of Directors of the Corporation shall not vote in favor of any action proposed to be taken by the Corporation that is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented, unless for at least 60 days before the date of the vote—

(1) an environmental impact assessment or initial environmental audit, analyzing the environmental impacts of the proposed action and of alternatives to the proposed action has been completed by the project applicant and made available to the Board of Directors; and

(2) such assessment or audit has been made available to the Board of Directors, the Corporation shall hold a public hearing 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 part.

(c) Public hearings

(1) 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 part.

(2) In conjunction with each meeting of its Board of Directors, the Corporation shall hold a public hearing in order to afford an opportunity for any person to present views regarding the activities of the Corporation. Such views shall be made part of the record.

(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.

(b) Environmental impact

The Board of Directors of the Corporation shall not vote in favor of any action proposed to be taken by the Corporation that is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented, unless for at least 60 days before the date of the vote—

(1) an environmental impact assessment or initial environmental audit, analyzing the environmental impacts of the proposed action and of alternatives to the proposed action has been completed by the project applicant and made available to the Board of Directors; and

(2) such assessment or audit has been made available to the public of the United States, locally affected groups in the host country, and host country nongovernmental organizations.

c) Public hearings

(1) 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 part.

(2) In conjunction with each meeting of its Board of Directors, the Corporation shall hold a public hearing in order to afford an opportunity for any person to present views regarding the activities of the Corporation. Such views shall be made part of the record.
vised further, That such commitment shall include implementing a revised climate change mitigation plan to reduce greenhouse gas emissions associated with projects and sub-projects in the agency's portfolio as of June 30, 2008 by at least 30 percent over a 10-year period and by at least 50 percent over a 15-year period.


Codification
Section was enacted as part of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010, and also as part of the Consolidated Appropriations Act, 2010, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 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, any 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.


References to text

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 (§5246 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 2022(b) of Pub. L. 93–226, set out as a note under section 201 of this title, and sections 2348c and 2349aa–5 of this title.

Prior Provisions

Delegation of Functions
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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. Eight Directors 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 principal officers of the Government of the United States whose duties relate to the programs of the Corporation, including the President of the Corporation, the Administrator of the United States Trade Development, the United States Trade Representative, and one such officer of the Department of Labor, designated by and serving at the pleasure of the President of the United States. The United States Trade Representative may designate a Deputy United States Trade Representative to serve on the Board in place of the United States Trade Representative.

There shall be a Chairman and a Vice Chairman of the Board, both of whom shall be designated by the President of the United States from among the Directors of the Board other than those appointed under the second sentence of the first paragraph of this subsection.

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.

(e) Investment advisory council

The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the use of an investment advisory council to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the investment advisory council shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The investment advisory council shall terminate 4 years after May 18, 2000.


REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsec. (b), is set out in section 515b of Title 5, Government Organization and Employees.

PRIOR PROVISIONS


AMENDMENTS

2003—Subsec. (b). Pub. L. 108–158, in second par., substituted “principal officers” for “officials” and “one such officer” for “an official” and inserted “whose duties relate to the programs of the Corporation” after “Government of the United States”.


1999—Subsec. (b). Pub. L. 106–158, §4(1), (2), in first par., struck out after first sentence “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,” and struck out “(other than the President of the Corporation, appointed pursuant to subsection (c) of this section who shall serve as a Director, ex officio)” after “Eight Directors”.

(Pub. L. 106–158, §4(3), in second par., substituted “the President of the Corporation, the Administrator of the Agency for International Development, the United States Trade Representative, and” after “United States, including” and inserted at end “The United States Trade Representative may designate a Deputy United States Trade Representative to serve on the Board in place of the United States Trade Representative.”)

Pub. L. 106–158, §4(4), inserted after second par. “There shall be a Chairman and a Vice Chairman of the Board, both of whom shall be designated by the President of the United States from among the Directors of the Board other than those appointed under the second sentence of the first paragraph of this subsection.”

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.”

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

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. 6970, 83 Stat. 1384, eff. Jan. 2, 1981, 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, or 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 or any political subdivision thereof;

(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) 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 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 in-
vestors 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) 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 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 per cent 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) 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) Equity authority limited to projects in sub-Saharan Africa and Caribbean basin and marine transportation projects globally

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 and in marine transportation projects in countries and areas eligible for OPIC support worldwide using United States commercial maritime expertise.

(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.

(5) Implementation

To the extent provided in advance in appropriations Acts, the Corporation is authorized
to create such legal vehicles as may be necessary for implementation of its authorities, which legal vehicles may be deemed non-Federal borrowers for purposes of the Federal Credit Reform Act of 1990 [2 U.S.C. 661 et seq.]. Income and proceeds of investments made pursuant to this subsection may be used to purchase equity or quasi-equity securities in accordance with the provisions of this section: Provided, however, That such purchases shall not be limited to the 4-year period of the pilot program: Provided further, That the limitations contained in paragraph (2) shall not apply to such purchases.

(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.

(b) Local currency guarantees for eligible investors

To issue to—

(1) eligible investors, or
(2) local financial institutions, guaranties, denominated in currencies other than United States dollars, of loans and other investments made to projects sponsored by or significantly involving eligible investors, assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine, for projects that the Corporation determines to have significant developmental effects or as the Corporation determines to be necessary or appropriate to carry out the purposes of this subpart.


REFERENCES IN TEXT

Section 2194(a) of this title, referred to in subsecs. (a)(3), (b), and (f), was amended by Pub. L. 108–118, title V, § 581, Nov. 26, 2007, 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. 5283, 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.


AMENDMENTS


1999—Subsec. (g). Pub. L. 106–31, § 6001(1), struck out heading and text of par. designated as (c). Text read as follows: “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 $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.”

Subsec. (g)(2). Pub. L. 106–31, § 6001(2), in heading, substituted “Equity authority limited to projects in sub-Saharan Africa and Caribbean basin and marine transportation projects globally” for “Limitation to projects in sub-Saharan Africa and Caribbean basin”, and, in text, inserted “and in marine transportation projects in countries and areas eligible for OPIC support worldwide using United States commercial maritime expertise” after “section 2702 of title 19”.


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 reference to conclusion of provisions, before “The amount of reinsurance”, which read as follows: “The authority
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of 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 provisions relating to surveys for mining of any deposit of ore, oil, gas, or other mineral.


Effective Date of 1999 Amendment


Transfer of Functions


Extension of OPIC Authority

Pub. L. 112–74, div. I, title VII, §7065(b), Dec. 23, 2011, 125 Stat. 1232, provided that: "Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 [22 U.S.C. 2194a(2)], the authority of subsections (a) through (c) of section 234 of such Act [22 U.S.C. 2194(a)–(c)] shall remain in effect until September 30, 2012." Similar provisions were contained in the following prior appropriations acts:


Appropriation of Money 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".

§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, 1961, only to such extent or in such amounts as are provided in appropriation Acts.


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.).

References in Text


Codification

Amendment by Pub. L. 100–461 is based on section 105(a) of title I of H.R. 3263, 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.

§ 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 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 and administrative costs 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, 2007.


(c) Insurance Reserve; Guaranty Reserve

There shall be established in the Treasury of the United States a noncredit account revolving fund, which 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 of the fund has 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. Additional amounts may thereafter be transferred to such fund 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 noncredit account revolving fund, as long as such fund 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 2194(c) of this title shall be paid in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(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, 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 noncredit account revolving 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 noncredit account revolving fund until the amount of funds in the noncredit account revolving fund is less than $25,000,000. Any appropriations to augment the noncredit account revolving fund 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 Corporation 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.


REFERENCES IN TEXT


 Amendments


Subsec. (c). Pub. L. 108–158, § 3(b), substituted “a noncredit account revolving fund, which” for “an insurance and guaranty fund, which shall have separate accounts to be known as the Insurance Reserve and the Guaranty Reserve, which reserves” and of the fund has for “such reserves have” in first sentence, struck out third sentence which read: “The allocation of such funds to each such reserve shall be determined by the Board after consultation with the Secretary of the Treasury,” and substituted “fund” for “reserves” in last sentence.

Subsec. (d). Pub. L. 108–158, § 3(c), in first sentence, substituted “noncredit account revolving fund, as long as such fund” for “Insurance Reserve, as long as such reserve” and, in second sentence, substituted “2194(c) of this title shall be paid in accordance with the Federal Credit Reform Act of 1990” for “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.


Pub. L. 106–113 substituted “November 1, 2000” for “1999”.

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, 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 $15,500,000,000.

“(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 $5,500,000,000.


1994—Subsec. (a)(1). Pub. L. 103–392, § 101, substituted “$3,500,000,000” for “$3,000,000,000”.

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 $9,000,000, 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 in an aggregate amount of not less than $2,500,000,000 for fiscal year 1996; 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 in an aggregate amount of not less than $25,000,000 each fiscal year, to the extent that there are eligible projects which meet the Corporation’s criteria for such loans.


Subsec. (g). Pub. L. 105–118, added 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) $120,000,000 for fiscal year 1995; and

“(2) $11,000,000 for fiscal year 1996.”


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 guarantees 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 guarantees 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 guarantees 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 guarantees.

“(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).

1993—Subsec. (a)(2). Pub. L. 103–392, § 101, substituted “$1,500,000,000” for “$1,000,000,000”.

Pub. L. 103–392, § 101(b)(1)(B), substituted “$1,500,000,000” for “$750,000,000”.


Subsec. (b). Pub. L. 103–418, § 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”.


Subsec. (c). Pub. L. 99–204, § 17(b)(1), substituted references to subsecs. (d), (e), and (f) of this subsection to 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 2194(b) of this title” for “under similar successor 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 guarantees issued or commitments made pursuant to section 2194(b) of this title or similar predecessor guaranty authority. See par. (3).


§ 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 or earned by the Corporation, from whatever source derived, shall be held by the Corporation for purchase by the Secretary of the Treasury, provisions relating to the issuance, sale, or guaranty reserves, the Direct Investment 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.

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) and 1933(b) 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 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.

1 See References in Text note below.
(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 or guaranty 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.


REFERENCES IN TEXT

Sections 1872(b) and 1933(b) of this title, referred to in subsection (c), were repealed by Pub. L. 87–195, pt. III, § 462(a)(2), Sept. 4, 1961, 75 Stat. 680. Section 642(b) of Pub. L. 87–195 provided that references to provisions of law repealed by subsection (a) were to be deemed references to the appropriate provisions of Pub. L. 87–195. See sections 2163 and 2251 of this title.

The Foreign Assistance Act of 1961, referred to in subsections (a) and (b) of this section, was 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. 100–461 is based on section 113(c) of title I of H.R. 5363, 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 reinsurance 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) and (o). Pub. L. 102–549, § 105(b), (c), added subsecs. (n) and (o).


Pub. L. 99–204, § 9(b)(2), inserted ‘‘or 2194b’’ after ‘‘section 2194’’.


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 in 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. (d). Pub. L. 93–390, § 24(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. (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.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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) participations 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, or other associations including nonprofit associations, created under the laws of any country in which the Corporation operates, and substantially beneficially 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;

(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;

(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) of this title (exclusive of authority relating to informational media guaranties); and

(g) the term “local financial institution”—

(1) means any bank or financial institution that is organized under the laws of any country or area in which the Corporation operates; but

(2) does not include a branch, however organized, of a bank or other financial institution that is organized under the laws of a country in which the Corporation does not operate.


REFERENCES IN TEXT


Sections 1872(b) and 1933(b) of this title, referred to in subsec. (f), were repealed by Pub. L. 87–195, pt. III, §624(2), Sept. 4, 1961, 75 Stat. 460. Section 612(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

2003—Subsec. (b). Pub. L. 108–158, §4(b), inserted “, a political subdivision of a foreign government, or a corporation owned or controlled by a foreign government,” after “government.”

1992—Subsecs. (c) to (f). Pub. L. 102–549 struck out “and” at end of subsec. (c), added subsec. (d) and (e), and redesignated former subsec. (d) as (f).

§ 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.  

1 See References in Text note below.
§ 2199  TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

(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 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 Government Accountability Office may review the audit conducted by the accountant and the report to the Congress in the manner and at such times as the Government Accountability Office considers necessary.

(3) In lieu of the financial and compliance audit required by paragraph (2), the Government Accountability 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 Government Accountability 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 subpart, shall be made available to the representatives of the Government Accountability 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 acquire, hold, and dispose of, and administer, assets and related rights and responsibilities; 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 thereof, 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 2194(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 (i) 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 sections 2151n of this title shall apply to any investment which the Corporation 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.

(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, 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.


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 2192(b) of Pub. L. 92–226, set out as a note under section 2346 of this title, and sections 2346c and 2349aa–5 of this title.

Codicification

Amendment by Pub. L. 100–461 is based on sections 108 and 110(a)(2) of title I of H.R. 5830, One Hundred Congress, as passed by the House of Representatives on Sept. 28, 1988, and sections 108 and 110(a)(2) of title I of S. 2737, One Hundred Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

Amendments


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;”.


1988—Subsec. (f). Pub. L. 100–461, which directed that “, Romania,” be struck out, was executed by striking “, 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 par. (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 im-
ditions as the Corporation may determine, financial assistance, cooperatives, and other small United States investors in the development of small private enterprise in less developed friendly countries or areas; encourage 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.

(b) Outreach to minority-owned and women-owned businesses

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 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 undertake to make available to such businesses information and assistance in connection with projects supported by the Corporation, including—

(1) the amount of insurance and financing provided by the Corporation to such businesses in connection with projects supported by the Corporation; and

(2) to the extent such information is available, the involvement of such businesses in procurement activities conducted or supported by the Corporation.

The Corporation shall include, in its annual report submitted to the Congress under section 2194 of this title and section 2194b of this title.
2200a of this title, the aggregate data collected under this paragraph, in such form as to quantify the effectiveness of the Corporation's outreach activities to minority- and women-owned businesses.


Prior Provisions


Amendments


§ 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 other 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.


(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 522 of title 5 (relating to freedom of information).


CODIFICATION

Amendment by Pub. L. 100–461 is based on sections 105(b) and 116(b) of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 28, 1988, and sections 105(b) and 116(b) of title I of S. 2257, 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 paras. (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 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.

1985—Pub. L. 99–204, §14(a), designated existing provisions as subsec. (a) and added subsec. (b) to (e).

1981—Pub. L. 97–265 struck out designation “(a)” before “After the end of each fiscal year”, substituted references to section 2199(c) and (d) 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.

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.

§ 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, guaranty, 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 221(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.


PRIOR PROVISIONS

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 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.


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

1 So in original.
been demonstrated, such as countries in Latin America.


§ 2211a. Authorization; implementation; targeted assistance

(a) Authorization

The President is authorized to provide assistance on a non-reimbursable basis for programs in developing countries to increase the availability of credit, savings, and other services to microfinance and microenterprise clients lacking full access to capital, training, technical assistance, and business development services, through—

(1) assistance for the purpose of expanding the availability of credit, savings, and other financial and non-financial services to microfinance and microenterprise clients; and

(2) assistance for the purpose of training, technical assistance, and business development services for microenterprises to enable them to make better use of credit, to better manage their enterprises, to conduct market analysis and product development for expanding domestic and international sales, particularly to United States markets, and to increase their income and build their assets;

(3) capacity-building for microfinance and microenterprise institutions in order to enable them to better meet the credit, savings, and training needs of microfinance and microenterprise clients; and

(4) policy, regulatory programs, and research at the country level that improve the environ-
ment for microfinance and microenterprise clients and institutions that serve the poor and very poor.

(b) Implementation

(1) Office of microenterprise development

There is established within the Agency an office of microenterprise development, which shall be headed by a Director who shall be appointed by the Administrator and who should possess technical expertise and ability to offer leadership in the field of microenterprise development.

(2) Additional provisions

(A) Use of implementing partner organizations

Assistance under this section shall emphasize the use of implementing partner organizations that best meet the requirements of subparagraph (C).

(B) Use of central funding mechanisms

(i) Program

In order to ensure that assistance under this subpart is distributed effectively and efficiently, the office shall also seek to implement a program of central funding under which assistance is administered directly by the office, including through targeted core support for microfinance and microenterprise networks and other practitioners.

(ii) Funding

Of the amount made available to carry out this division for a fiscal year, not less than $25,000,000 should be made available to carry out clause (i).

(C) Efficiency and cost-effectiveness

Assistance under this section shall meet high standards of efficiency, cost-effectiveness, and sustainability and shall especially provide the greatest possible resources to the poor and very poor. When administering assistance under this section, the Administrator shall—

(i) take into consideration the percentage of funds a provider of assistance intends to expend on administrative costs;

(ii) take all appropriate steps to ensure that the provider of assistance keeps administrative costs as low as practicable to ensure the maximum amount of funds are used for directly assisting microfinance and microenterprise clients, for establishing sustainable microfinance and microenterprise institutions, or for advancing the microenterprise development field; and

(iii) give preference to proposals from providers of assistance that are the most technically competitive and have a reasonable allocation to overhead and administrative costs.

(3) Approval of strategic plans

With respect to assistance provided under this section, the office shall be responsible for concurring in the microenterprise development components of strategic plans of missions, bureaus, and other offices of the Agency and providing technical support to field missions to help the missions prepare such components.

(c) Targeted assistance

In carrying out sustainable poverty-focused programs under subsection (a) of this section, 50 percent of all microenterprise resources shall be targeted to clients who are very poor. Specifically, until September 30, 2006, such resources shall be used for—

(1) support of programs under this section through practitioner institutions that—

(A) provide credit and other financial services to clients who are very poor, with loans in 1995 United States dollars of—

(i) $1,000 or less in the Europe and Eurasia region;

(ii) $400 or less in the Latin America region; and

(iii) $300 or less in the rest of the world; and

(B) can cover their costs in a reasonable time period; or

(2) demand-driven business development programs that achieve reasonable cost recovery that are provided to clients holding poverty loans (as defined by the regional poverty loan limitations in paragraph (1)(A)), whether they are provided by microfinance institutions or by specialized business development services providers.


Prior Provisions


§ 2211b. Monitoring system

(a) In general

In order to maximize the sustainable development impact of assistance authorized under section 2211a(a) of this title, the Administrator of the Agency, acting through the Director of the office, shall strengthen its monitoring system to meet the requirements of subsection (b) of this section.

(b) Requirements

The requirements referred to in subsection (a) of this section are the following:

(1) The monitoring system shall include performance goals for the assistance and expresses such goals in an objective and quantifiable form, to the extent feasible.

(2) The monitoring system shall include performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (1) and the objectives of the assistance authorized under section 2211a of this title.

(3) The monitoring system provides a basis for recommendations for adjustments to the assistance to enhance the sustainability and the impact of the assistance, particularly the impact of such assistance on the very poor, particularly poor women.

§ 2211a. Core support for microfinance and microenterprise networks and other practitioner institutions

In order to ensure that assistance under this section provides high standards of efficiency, cost-effectiveness, and sustainability and shall especially provide the greatest possible resources to the poor and very poor. When administering assistance under this section, the Administrator of the Agency, acting through the Director of the office, shall strengthen its monitoring system to meet the requirements of subsection (a) of this section.
(4) The monitoring system adopts the widespread use of proven and effective poverty assessment tools to successfully identify the very poor and ensure that they receive adequate access to microenterprise loans, savings, and assistance.


§ 2211c. Development and certification of poverty measurement methods; application of methods

(a) Development and certification

(1) In general

The Administrator of the Agency, in consultation with microenterprise institutions and other appropriate organizations, shall develop no fewer than two low-cost methods for implementing partner organizations to use to assess the poverty levels of their current incoming or prospective clients. The Administrator shall develop poverty indicators that correlate with the circumstances of the very poor.

(2) Field testing

The Administrator shall field-test the methods developed under paragraph (1). As part of the testing, institutions and programs may use the methods on a voluntary basis to demonstrate their ability to reach the very poor.

(3) Certification

Not later than April 1, 2005, the Administrator shall, from among the low-cost poverty measurement methods developed under paragraph (1), certify no fewer than two such methods as approved methods for measuring the poverty levels of current, incoming, or prospective clients of microenterprise institutions for purposes of assistance under section 2211a of this title.

(b) Application

The Administrator shall require that, with reasonable exceptions, all implementing partner organizations applying for microenterprise assistance under this subpart use one of the certified methods, beginning not later than October 1, 2006, to determine and report the poverty levels of current, incoming, or prospective clients.


§ 2211d. Additional authorities

Notwithstanding any other provision of law, amounts made available for assistance for microenterprise development assistance under any provision of law other than this subpart may be provided to further the purposes of this subpart. To the extent assistance described in the preceding sentence is provided in accordance with such sentence, the Administrator of the Agency shall include, as part of the report required under section 2214 of this title, a detailed description of such assistance and, to the extent applicable, the information required by paragraphs (1) through (11) of subsection (b) of such section with respect to such assistance.


Division B—Credit Assistance

§ 2212. Microenterprise development credits

(a) Findings and policy

Congress finds and declares that—

(1) the development of micro- and small enterprises 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; and

(2) it is, therefore, in the best interests of the United States to assist the access to financial services and the development of microenterprises in developing countries and to engage the United States private sector in that process.

(b) Program

To carry out the policy set forth in subsection (a) of this section, the President is authorized to provide assistance to increase the availability of financial services to microenterprise households lacking full access to credit, including through—

(1) loans and guarantees to microfinance institutions for the purpose of expanding the availability of savings and credit to poor and low-income households;

(2) training programs for microfinance institutions in order to enable them to better meet the financial services needs of their clients; and

(3) training programs for clients in order to enable them to make better use of credit, increase their financial literacy, and to better manage their enterprises to improve their quality of life.

(c) Eligibility criteria

The Administrator of the Agency shall establish criteria for determining which microfinance institutions described in subsection (b)(1) of this section are eligible to carry out activities, with respect to microenterprise households assisted under this section. Such criteria may include the following:

(1) The extent to which the recipients of financial services from the entity do not have access to the local formal financial sector.

(2) The extent to which the recipients of financial services from the entity are among the poorest people in the country.

(3) The extent to which the entity is oriented toward working directly with poor women.

(4) The extent to which the entity recovers its cost of lending.

(5) The extent to which the entity implements a plan to become financially sustainable.

(d) Additional requirement

Assistance provided under this section may only be used to support programs for micro-
enterprise households and may not be used to support programs not directly related to the purposes described in subsection (b) of this section.

(e) Procurement provision

Assistance may be provided under this section without regard to section 255(a) of this title.

(f) Availability of funds

(1) In general

Of the amounts authorized to be available to carry out subchapter I of this chapter, there are authorized to be available such sums as may be necessary for each of the fiscal years 2005 through 2009 to carry out this section.

(2) Coverage of subsidy costs

Amounts authorized to be available under paragraph (1) shall be made available to cover the subsidy cost, as defined in section 661a(5) of this title, for activities under this section.


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 259(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 2151f of this title.


PRIOR PROVISIONS


AMENDMENTS


Subsec. (f)(1). Pub. L. 108–84, §4(c)(3)(B), substituted “subchapter I of this chapter” for “section 2152a of this title” and “such sums as may be necessary for each of the fiscal years 2005 through 2009” for “$1,500,000 for each of fiscal years 2001 through 2004”.


Subsec. (a)(2). Pub. L. 108–31, §2(a), substituted “Microenterprise development credits” for “the access to financial services and the development of microenterprises” for “the development of the enterprises of the poor”.

Subsec. (b). Pub. L. 108–31, §2(b), amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “To carry out the policy set forth in subsection (a) of this section, the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

“(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

“(2) training programs for lenders in order to enable them to better meet the credit needs of microentrepreneurs; and

“(3) training programs for microentrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.”


Subsec. (d). Pub. L. 108–31, §2(d), substituted “microenterprise development credits” for “micro- and small enterprise programs”.


2000—Pub. L. 106–309 amended section catchline and text generally, substituting provisions promoting micro- and small enterprise development credits for provisions relating to the establishment, funding and uses of a private sector revolving fund to aid developing countries.

1985—Pub. L. 99–83 amended section catchline and text of subsec. (i) generally. Prior to amendment, text read as follows: “Not later than September 30, 2005, the Administrator of the Agency for International Development shall submit to Congress a report that documents the process of developing and applying poverty assessment procedures with its partners.”

EFFECTIVE DATE OF 1985 AMENDMENT


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

REPORT TO CONGRESS


FINDINGS AND DECLARATIONS OF POLICY OF 2000 AMENDMENT

Pub. L. 106–309, title I, §102, Oct. 17, 2000, 114 Stat. 1079, provided that: “Congress makes the following findings and declarations:

“(1) According to the World Bank, more than 1,200,000,000 people in the developing world, or one-fifth of the world’s population, subsist on less than $1 a day.”
"(2) Over 32,000 of their children die each day from largely preventable malnutrition and disease.

"(3)(A) Women in poverty generally have larger workloads and less access to educational and economic opportunities than their male counterparts.

"(B) Directly aiding the poorest of the poor, especially women, in the developing world has a positive effect not only on family incomes, but also on child nutrition, health and education, as women in particular reinvest income in their families.

"(4)(A) The poor in the developing world, particularly women, generally lack stable employment and social safety nets.

"(B) Many turn to self-employment to generate a substantial portion of their livelihood. In Africa, over 80 percent of employment is generated in the informal sector of the self-employed poor.

"(C) These poor entrepreneurs are often trapped in poverty because they cannot obtain credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities.

"(D) Many of the poor are forced to pay interest rates as high as 10 percent per day to money lenders.

"(5)(A) The poor are able to expand their incomes and their businesses dramatically when they can access loans at reasonable interest rates.

"(B) Through the development of self-sustaining microfinance programs, poor people themselves can lead the fight against hunger and poverty.

"(6)(A) On February 2-4, 1997, a global Microcredit Summit was held in Washington, District of Columbia, to launch a plan to expand access to credit for self-employment and other financial and business services to 100,000,000 of the world’s poorest families, especially the women of those families, by 2005. While this scale of outreach may not be achievable in this short time-period, the realization of this goal could dramatically alter the face of global poverty.

"(B) With an average family size of five, achieving this goal will mean that the benefits of microfinance will thereby reach nearly half of the world’s more than 1,000,000,000 absolute poor people.

"(7)(A) Nongovernmental organizations, such as those that comprise the Microenterprise Coalition (such as the Grameen Bank (Bangladesh), K–REP (Kenya), and networks such as Accion International, the Foundation for International Community Assistance (FINCA), and the credit union movement) are successful in lending directly to the very poor.

"(B) Microfinance institutions such as BRAC (Bangladesh), BancoSol (Bolivia), SEWA Bank (India), and ACEP (Senegal) are regulated financial institutions that can raise funds directly from the local and international capital markets.

"(8)(A) Microenterprise institutions not only reduce poverty, but also reduce the dependency on foreign assistance.

"(B) Interest income on the credit portfolio is used to pay recurring institutional costs, assuring the long-term sustainability of development assistance.

"(9) Microfinance institutions leverage foreign assistance resources because loans are recycled, generating new benefits to program participants.

"(10)(A) The development of sustainable microfinance institutions that provide credit and training, and mobilize domestic savings, is a critical component to a global strategy of poverty reduction and broad-based economic development.

"(B) In the efforts of the United States to lead the development of a new global financial architecture, microenterprise should play a vital role. The recent shocks to international financial markets demonstrate how the financial sector can shape the destiny of nations. Microfinance can serve as a powerful tool for building a more inclusive financial sector which serves the broad majority of the world’s population including the very poor and women and thus generates more social stability and security.

"(C) Over the last two decades, the United States has been a global leader in promoting the global microenterprise sector, primarily through its development assistance programs at the United States Agency for International Development. Additionally, through the Department of the Treasury and the Department of State have used their authority to promote microenterprise in the development programs of international financial institutions and the United Nations.

"(11)(A) In 1994, the United States Agency for International Development launched the ‘Microenterprise Initiative’ in partnership with the Congress.

"(B) The initiative committed to expanding funding for the microenterprise programs of the Agency, and set a goal that, by the end of fiscal year 1996, one-half of all microenterprise resources would support programs and institutions that provide credit to the poorest, with loans under $300.

"(C) In order to achieve the goal of the microcredit summit, increased investment in microfinance institutions serving the poorest will be critical.

"(12) Providing the United States share of the global investment needed to achieve the goal of the microcredit summit will require only a small increase in United States funding for international microcredit programs, with an increased focus on institutions serving the poorest.

"(13) (A) In order to reach tens of millions of the poorest with microcredit, it is crucial to expand and replicate successful microfinance institutions.

"(B) These institutions need assistance in developing their institutional capacity to expand their services and tap commercial sources of capital.

"(14) Nongovernmental organizations have demonstrated competence in developing networks of local microfinance institutions and other assistance delivery mechanisms so that they reach large numbers of the very poor, and achieve financial sustainability.

"(15) Recognizing that the United States Agency for International Development has developed very effective partnerships with nongovernmental organizations, and that the Agency will have fewer missions overseas to carry out its work, the Agency should place priority on investing in those nongovernmental network institutions that meet performance criteria through the central funding mechanisms of the Agency.

"(16) By expanding and replicating successful microfinance institutions, it should be possible to create a global infrastructure to provide financial services to the world’s poorest families.

"(17)(A) The United States can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector.

"(B) The United States should seek to improve coordination among G–7 countries in the support of the microenterprise sector in order to leverage the investment of the United States with that of other donor nations.

"(18) Through increased support for microenterprise, especially credit for the poorest, the United States can continue to play a leadership role in the global effort to expand financial services and opportunity to 100,000,000 of the poorest families on the planet.”

**Purposes of 2000 Amendment**


(1) to make microenterprise development an important element of United States foreign economic policy and assistance;

(2) to provide for the continuation and expansion of the commitment of the United States Agency for International Development to the development of microenterprise institutions as outlined in its 1994 Microenterprise Initiative;
“(3) to support and develop the capacity of United States and indigenous nongovernmental organization intermediaries to provide credit, savings, training, technical assistance, and business development services to microenterprise households;

“(4) to emphasize financial services and substantially increase the amount of assistance devoted to both financial services and complementary business development services designed to reach the poorest people in developing countries, particularly women;

“(5) to encourage the United States Agency for International Development to coordinate microenterprise policy, in consultation with the Department of the Treasury and the Department of State, and to provide global leadership among bilateral and multilateral donors in promoting microenterprise for the very poor; and

“(6) to ensure that in the implementation of this title at least 50 percent of all microenterprise assistance under this title, and the amendments made under this title, shall be targeted to the very poor.”

DEFINITIONS

“(1) BUSINESS DEVELOPMENT SERVICES.—The term ‘business development services’ means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other services.

“(2) MICROENTERPRISE INSTITUTION.—The term ‘microenterprise institution’ means an institution that provides services, including microfinance, training, or business development services, to microentrepreneurs and their households.

“(3) MICROFINANCE INSTITUTION.—The term ‘microfinance institution’ means an institution that directly provides, or works to expand, the availability of credit, savings, and other financial services to microentrepreneurs.

“(4) PRACTITIONER INSTITUTION.—The term ‘practitioner institution’ means any institution that provides services, including microfinance, training, or business development services, for microentrepreneurs, or provides assistance to microenterprise institutions.

“(5) VERY POOR.—The term ‘very poor’ means individuals—

“(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

“(B) living on the equivalent of less than $1 per day.”

Division C—United States Microfinance Loan Facility

§ 2213. United States Microfinance Loan Facility

(a) Establishment

The Administrator is authorized to establish a United States Microfinance Loan Facility (in this section referred to as the “Facility”) to pool and manage the risk from natural disasters, war or civil conflict, national financial crisis, or short-term financial movements that threaten the long-term development of United States-supported microfinance institutions.

(b) Disbursements

(1) In general

The Administrator shall make disbursements from the Facility to United States-supported microfinance institutions to prevent the bankruptcy of such institutions caused by—

(A) natural disasters;

(B) national wars or civil conflict; or

(C) national financial crisis or other short-term financial movements that threaten the long-term development of United States-supported microfinance institutions.

(2) Form of assistance

Assistance under this section shall be in the form of loans or loan guarantees for microfinance institutions that demonstrate the capacity to resume self-sustained operations within a reasonable time period.

(3) Congressional notification procedures

During each of the fiscal years 2005 through 2009, funds may not be made available from the Facility until 15 days after notification of the proposed availability of the funds has been provided to the congressional committees specified in section 2394–1 of this title in accordance with the procedures applicable to reprogramming notifications under that section.

(c) General provisions

(1) Policy provisions

In providing the credit assistance authorized by this section, the Administrator should apply, as appropriate, the policy provisions in subchapter I of this chapter that are applicable to development assistance activities.

(2) Default and procurement provisions

(A) Default provision

The provisions of section 2370(q) of this title, or any comparable provision of law, shall not be construed to prohibit assistance to a country in the event that a private sector recipient of assistance furnished under this section is in default in its payment to the United States for the period specified in such section.

(B) Procurement provision

Assistance may be provided under this section without regard to section 2354(a) of this title.

(3) Terms and conditions of credit assistance

(A) In general

Credit assistance provided under this section shall be offered on such terms and conditions, including fees charged, as the Administrator may determine.

(B) Limitation on principal amount of financing

The principal amount of loans made or guaranteed under this section in any fiscal year, with respect to any single event, may not exceed $30,000,000.

(C) Exception

No payment may be made under any guarantee issued under this section for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

(4) Full faith and credit

All guarantees issued under this section shall constitute obligations, in accordance
with the terms of such guarantees, 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 to the extent of the guarantee.

(d) Funding

(1) Allocation of funds

Of the amounts made available to carry out subchapter I of this chapter for each of the fiscal years 2005 through 2009, such sums as may be necessary may be made available for—
(A) the subsidy cost, as defined in section 661a(5) of title 2, to carry out this section; and
(B) the administrative costs to carry out this section.

(2) Relation to other funding

Amounts made available under paragraph (1) are in addition to amounts available under any other provision of law to carry out this section.

(DOD) Section was formerly classified to section 2152b of this title.

PRIOR PROVISIONS


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 2202(b) of Pub. L. 92–226, set out as a note under section 2246 of this title, and sections 2348c and 2348ca–5 of this title.

CODIFICATION

Section was formerly classified to section 2152b of this title.

AMENDMENTS

Subsec. (d)(1). Pub. L. 108–484, §5(c)(2)(B), substituted “for each of the fiscal years 2005 through 2009, such sums as may be necessary” for “for the fiscal year 2001, up to $3,000,000.”
Subsec. (c). Pub. L. 108–484, §5(c)(2)(C), struck out heading and text of subsec. (c) which defined “Administrator” and “appropriate congressional committees” and “United States-supported microfinance institution” for purposes of this section.

Division D—Miscellaneous Provisions

§ 2214. Report

(a) In general

Not later than June 30, 2006, and each June 30 thereafter, the Administrator of the Agency, acting through the Director of the office, shall submit to the appropriate congressional com-
mittees a report that contains a detailed description of the implementation of this subpart for the previous fiscal year.

(b) Contents

The report shall contain the following:
(1) The number of grants, cooperative agreements, contracts, contributions, or other form of assistance provided under section 2211a of this title, with a listing of—
(A) the amount of each grant, cooperative agreement, contract, contribution, or other form of assistance;
(B) the name of each recipient and each developing country with respect to which projects or activities under the grant, cooperative agreement, contract, contribution, or other form of assistance were carried out; and
(C) a listing of the number of countries receiving assistance authorized by section 2211a of this title.
(2) The results of the monitoring system required under section 2211b of this title.
(3) The process of developing and applying poverty assessment procedures required under section 2211c of this title.
(4) The percentage of assistance furnished under section 2211a of this title that was allocated to the very poor based on the data collected using the certified methods required by section 2211c of this title.
(5) The estimated number of the very poor reached with assistance provided under section 2211a of this title.
(6) The amount of assistance provided under section 2211a of this title through central mechanisms.
(7) The name of each country that receives assistance under section 2212 of this title and the amount of such assistance.
(8) Information on the efforts of the Agency to ensure that recipients of United States microenterprise and microfinance development assistance work closely with nongovernmental organizations and foreign governments to identify and assist victims or potential victims of severe forms of trafficking in persons and women who are victims of or susceptible to other forms of exploitation and violence.
(9) Any additional information relating to the provision of assistance authorized by this subpart, including the use of the poverty measurement tools required by section 2211c of this title, or additional information on assistance provided by the United States to support microenterprise development under this subpart or any other provision of law.
(10) An estimate of the percentage of beneficiaries of assistance under this subpart in countries where a strong relationship between poverty and race or ethnicity has been demonstrated.
(11) The level of funding provided through contracts, the level of funding provided through grants, contracts, and cooperative agreements that is estimated to be subgranted or subcontracted, as the case may be, to direct service providers, and an analysis of the comparative cost-effectiveness and sustainability of projects carried out under these mechanisms.
(c) Availability to public

The report required by this section shall be made available to the public on the Internet website of the Agency.


§ 2214a. Definitions

In this subpart:

(1) Administrator

The term “Administrator” means the Administrator of the Agency.

(2) Agency

The term “Agency” means the United States Agency for International Development.

(3) Appropriate congressional committees

The term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) Business development services

The term “business development services” means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other related services.

(5) Director

The term “Director” means the Director of the office.

(6) Implementing partner organization

The term “implementing partner organization” means an entity eligible to receive assistance under this subpart which is—

(A) a United States or an indigenous private voluntary organization;

(B) a United States or an indigenous credit union;

(C) a United States or an indigenous cooperative organization;

(D) an indigenous governmental or non-governmental organization;

(E) a microenterprise institution;

(F) a microfinance institution; or

(G) a practitioner institution.

(7) Microenterprise institution

The term “microenterprise institution” means a not-for-profit entity that provides services, including microfinance, training, or business development services, for microenterprise clients in foreign countries.

(8) Microfinance institution

The term “microfinance institution” means a not-for-profit entity or a regulated financial intermediary that directly provides, or works to expand, the availability of credit, savings, and other financial services to microfinance and microenterprise clients in foreign countries.

(9) Microfinance network

The term “microfinance network” means an affiliated group of practitioner institutions that provides services to its members, including financing, technical assistance, and accreditation, for the purpose of promoting the financial sustainability and societal impact of microenterprise assistance.

(10) Office

The term “office” means the office of microenterprise development established under section 2211a(b)(1) of this title.

(11) Practitioner institution

The term “practitioner institution” means a not-for-profit entity or a regulated financial intermediary, including a microfinance network, that provides services, including microfinance, training, or business development services, for microfinance and microenterprise clients, or provides assistance to microenterprise institutions in foreign countries.

(12) Private voluntary organization

The term “private voluntary organization” means a not-for-profit entity that—

(A) engages in and supports activities of an economic or social development or humanitarian nature for citizens in foreign countries; and

(B) is incorporated as such under the laws of the United States, including any of its states, territories or the District of Columbia, or of a foreign country.

(13) United States-supported microfinance institution

The term “United States-supported microfinance institution” means a financial intermediary that has received funds made available under subchapter I of this chapter for fiscal year 1980 or any subsequent fiscal year.

(14) Very poor

The term “very poor” means those individuals—

(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

(B) living on less than the equivalent of $1 per day (as calculated using the purchasing power parity (PPP) exchange rate method).


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 232(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 International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

SUBPART VII—EVALUATION OF PROGRAMS


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 251(i) of this title.

**SUBPART VIII—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 251(i) of this title.


**SUBPART IX—UTILIZATION OF DEMOCRATIC INSTITUTIONS IN DEVELOPMENT**

**§ 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.


**References in Text**

ed environmental sciences; (3) agricultural development and trade research and extension services in the United States and other countries to support the entry of rural industries into world markets; and (4) providing for the application of agricultural sciences to solving food, health, nutrition, rural income, and environmental problems, especially such problems in low-income, food deficit countries.

The Congress so declares because it finds—

(A) 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 with and through the private sector in this country and to understanding processes of economic development;

(B) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with international agencies, educational and research institutions in other countries, the private sector, and nongovernmental organizations worldwide in expanding global agricultural production, processing, business and trade, to the benefit of aid recipient countries and of the United States;

(C) that, in a world of growing populations with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger and ensure human health and child survival, but to build the basis for economic growth and trade, and the social security in which democracy and a market economy can thrive, and moreover, that the greatest potential for increasing world food supplies and incomes to purchase food is in the developing countries where the gap between food need and food supply is the greatest and current incomes are lowest;

(D) that increasing and making more secure the supply of food is of greatest benefit to the poorest majority in the developing world;

(E) that, with expanding global markets and increasing imports into many countries, including the United States, food safety and quality, as well as secure supply, have emerged as mutual concerns of all countries;

(F) that research, teaching, and extension activities, and appropriate institutional and policy development therefore are prime factors in improving agricultural production, food distribution, processing, storage, and marketing abroad (as well as in the United States):

(G) moreover, that agricultural research abroad has in the past and will continue in the future to provide benefits for agriculture and the broader economy of the United States and that increasing the availability of food of higher nutritional quality is of benefit to all;

(H) that there is a need to responsibly manage the world's agricultural and natural resources for sustained productivity, health and resilience to climate variability; and

(I) that universities and public and private partners of universities need a dependable source of funding in order to increase the impact of their own investments and those of their State governments and constituencies,
in order to continue and expand their efforts to advance agricultural development in cooperating countries, to translate development into economic growth and trade for the United States and cooperating countries, and to prepare future teachers, researchers, extension specialists, entrepreneurs, managers, and decisionmakers for the world economy.

(b) Congressional 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, the following components must be brought together in a coordinated program to increase world food and fiber production, agricultural trade, and responsible management of natural resources, including—

(1) continued efforts by the international agricultural research centers and other international research entities to provide a global network, including United States universities, for international scientific collaboration on crops, livestock, forests, fisheries, farming resources, and food systems of worldwide importance;

(2) contract research and the implementation of collaborative research support programs and other research collaboration led by United States universities, and involving research systems in other countries focused on crops, livestock, forests, fisheries, farming resources, and food systems, with benefits to the United States and partner countries;

(3) broadly disseminating the benefits of global agricultural research and development including increased benefits for United States agriculturally related industries through establishment of development and trade information and service centers, for rural as well as urban communities, through extension, cooperatively with, and supportive of, existing public and private trade and development related organizations;

(4) facilitation of participation by universities and public and private partners of universities in programs of multilateral banks and agencies which receive United States funds;

(5) expanding learning opportunities about global agriculture for students, teachers, community leaders, entrepreneurs, and the general public through international internships and exchanges, graduate assistantships, faculty positions, and other means of education and extension through long-term recurring Federal funds matched by State funds; and

(6) competitive grants through universities to United States agriculturalists and public and private partners of universities from other countries for research, institution and policy development, extension, training, and other programs for global agricultural development, trade, and responsible management of natural resources.

(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 of the program components described in paragraphs (1) through (6) of subsection (b) of this section;

(2) provide mechanisms for the universities and public and private partners of universities to participate, and advise in the planning, development, implementation, and administration of each component;

(3) assist such universities and public and private partners of universities in cooperative joint efforts with—

(A) agricultural institutions in developing nations;

(B) regional and international agricultural research centers;

(C) multilateral banks and agencies receiving United States funds;

(D) development agencies of other countries; and

(E) United States Government foreign assistance and economic cooperation programs;

(4) generally engage the United States university community more extensively in the agricultural research, trade, and development initiatives undertaken outside the United States, with the objectives of strengthening its capacity to carry out research, teaching, and extension activities for solving problems in food production, processing, marketing, and consumption in agriculturally developing nations, and for transforming progress in global agricultural research and development into economic growth, trade, and trade benefits for aid recipient countries and United States communities and industries, and for the wise use of natural resources; and

(5) ensure that all federally funded support to universities and public and private partners of universities relating to the goals of this subpart is periodically reviewed for its performance.

(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; Native American land-grant colleges as authorized under the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note); and other United States colleges and universities which—

(1) have demonstrable capacity in teaching, research, and extension (including outreach) 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 United States Agency for International Development.

(f) **Public and private partners of universities**

As used in this subpart, the term "public and private partners of universities" includes entities that have cooperative or contractual agreements with universities, which may include formal or informal associations of universities, other education institutions, United States Government and State agencies, private voluntary organizations, nongovernmental organizations, firms operated for profit, nonprofit organizations, multinational banks, and, as designated by the Administrator, any organization, institution, or agency incorporated in other countries.

(g) **Agriculture**

As used in this subpart, the term "agriculture" includes the science and practice of activity related to food, feed, and fiber production, processing, marketing, distribution, utilization, and trade, and also includes family and consumer sciences, nutrition, food science and engineering, agricultural economics and other social sciences, forestry, wildlife, fisheries, aquatic culture, floriculture, veterinary medicine, and other environmental and natural resources sciences.

(h) **Agriculturists**

As used in this subpart, the term "agriculturists" includes farmers, herders, and livestock producers, individuals who fish and others employed in cultivating and harvesting food resources from salt and fresh waters, individuals who cultivate trees and shrubs and harvest non-wood forest products, as well as the processors, managers, teachers, extension specialists, researchers, policymakers, and others who are engaged in the food, feed, and fiber system and its relationships to natural resources.


**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. 641, 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.

The National Sea Grant College and Program Act, referred to in subsec. (d), is 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.


**2000—Subsec. (a). Pub. L. 106–373, § 2(a)(2)(A), in second sentence, redesignated pars. (1) to (7) as subpars. (A) to (G), respectively.

Pub. L. 106–373, § 2(a)(1), amended first sentence generally. Prior to amendment, first sentence read as follows: "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."

Subsec. (a)(A). Pub. L. 106–373, § 2(a)(2)(B), substituted "with and through the private sector in this country and to understanding processes of economic development" for "in this country".

Subsec. (a)(B). Pub. L. 106–373, § 2(a)(2)(C), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "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."

Subsec. (a)(C). Pub. L. 106–373, § 2(a)(2)(D), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: "that, in a world of growing population and 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."

Subsec. (a)(E). Pub. L. 106–373, § 2(a)(2)(E), (H), added subpar. (E) and struck out former subpar. (E) which read as follows: "that research, teaching, and extension activities, and appropriate institutional development thereof are prime factors in increasing agricultural production abroad (as well as in the United States) and in improving food distribution, storage, and marketing."


Subsec. (a)(G). Pub. L. 106–373, § 2(a)(2)(G), (I), redesignated subpar. (F) as (G) which substituted "and the broader economy of the United States" for "in the United States", and struck out former subpar. (G) which read as follows: "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."


Subsec. (b). Pub. L. 106–373, § 2(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) contained declaration of Congress that various components had to be brought together in order to increase world food production.

Subsec. (c)(1). Pub. L. 106–373, § 2(c)(1), substituted "each of the program components described in paragraphs (1) through (6) of subsection (b) of this section" for "each component."

Subsec. (c)(2). Pub. L. 106–373, § 2(c)(2)(A), inserted "and public and private partners of universities" after "for the universities."

Subsec. (c)(3). Pub. L. 106–373, § 2(c)(2)(B), inserted "and public and private partners of universities" after "such universities'", and struck out concluding provisions which read as follows: "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."

Subsec. (c)(4), (5). Pub. L. 106–373, §2(c)(2)(B), (4), added pars. (4) and (5).


Subsec. (d)(1). Pub. L. 106–373, §2(d)(2), substituted "extension (including outreach)" for "extension".

Subsec. (e). Pub. L. 106–373, §2(e), inserted "United States" before "Agency"

Subsecs. (f) to (h). Pub. L. 106–373, §2(f)–(h), added subsecs. (f) to (h).

1978—Subsecs. (f), (g). Pub. L. 95–424 struck out subsecs. (f), (g).

Pub. L. 95–424 struck out subsecs. (f) to (h). Pub. L. 106–373, §2(f)–(h), added subsecs. (f) to (h).


Effective Date of 1978 Amendment

Global Crop Diversity Trust
Pub. L. 110–246, title III, §3001(c), June 18, 2008, 122 Stat. 205, provided that:

(a) CONTRIBUTION.—The Administrator of the United States Agency for International Development shall contribute funds to endow the Global Crop Diversity Trust (referred to in this section as the 'Trust') to assist in the conservation of genetic diversity in food crops through the collection and storage of the germplasm of food crops in a manner that provides for—

(1) the maintenance and storage of seed collections;
(2) the documentation and cataloguing of the genetics and characteristics of conserved seeds to ensure efficient reference for researchers, plant breeders, and the public;
(3) building the capacity of seed collection in developing countries;
(4) making information regarding crop genetic data publicly available for researchers, plant breeders, and the public (including through the provision of an accessible Internet website);
(5) the operation and maintenance of a back-up facility in which are stored duplicate samples of seeds, in the case of natural or man-made disasters; and
(6) oversight designed to ensure international coordination of those actions and efficient, public accessibility to that diversity through a cost-effective system.

(b) UNITED STATES CONTRIBUTION LIMIT.—The aggregate contributions of funds of the Federal Government provided to the Trust shall not exceed 25 percent of the total amount of funds contributed to the Trust from all sources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for the period of fiscal years 2008 through 2012.

International Food Reserve

(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; and
(5) the Congress through legislation has repeatedly urged the President to negotiate with other nations to establish such a system of reserves;

(b) 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.

(6) 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

(7) 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:


Commission on Hunger and Malnutrition

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.

Commission on Hunger and Malnutrition

Commission on Hunger and Malnutrition

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.

(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) 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; and

the Congress through legislation has repeatedly urged the President to negotiate with other nations to establish such a system of reserves;"
§ 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 implement program components through United States universities as authorized by paragraphs (2) through (5) of this subsection;
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 long-term program support for United States university global agricultural and related environmental collaborative research and learning opportunities for students, teachers, extension specialists, researchers, and the general public;
4. to involve United States universities more fully in the international network of agricultural science, including the international agricultural research centers, the activities of international organizations such as the United Nations Development Program and the Food and Agriculture Organization, multilateral banks, the institutions of agriculturally developing nations, and United States and foreign nongovernmental organizations supporting extension and other productivity-enhancing programs; 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 United States universities with public and private partners 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, environment, and related subjects will be made available directly to agriculturalists 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, including resources of the private sector, 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, the Department of Agriculture, State agricultural agencies, the Department of Commerce, the Department of the Interior, the Environmental Protection Agency, the Office of the United States Trade Representative, the Food and Drug Administration, other appropriate Federal agencies, and appropriate nongovernmental and business organizations.

(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. focus primarily on the needs of agricultural producers, rural families, processors, traders, consumers, and natural resources managers;
3. be adapted to local circumstances;
4. be carried out within the developing countries and transition countries comprising newly emerging democracies and newly liberalized economies; 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.

(e) Special programs

The Administrator shall establish and carry out special programs under this subpart as part of ongoing programs for child survival, democra-
ization, development of free enterprise, environmental and natural resource management, and other related programs.


§ 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 on a case-by-case basis.

(b) General areas of responsibility
The Board’s general areas of responsibility shall include participating in the planning, development, and implementation of, initiating recommendations for, and monitoring, 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 improve agricultural production, trade, and natural resource management in developing countries, and with private organizations seeking to increase agricultural production and trade, natural resources management, and household food security in developing and transition countries;
(B) having capacity in the agricultural, environmental, and related social 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 Ad-
ministrator and universities and their partners participating in programs under this subpart;

(5) reviewing and evaluating agreements and activities authorized by this subpart and undertaken by universities and public and private partners of 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;

(7) assessing the impact of programs carried out under this subpart in solving agricultural problems and natural resource issues in the developing nations, assuring efficiency in use of Federal resources, including in accordance with the Governmental Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), and the amendments made by that Act;

(8) developing information exchanges and consulting regularly with nongovernmental organizations, consumer groups, producers, agribusinesses and associations, agricultural cooperatives and commodity groups, State departments of agriculture, State agricultural research and extension agencies, and academic institutions;

(9) investigating and resolving issues concerning implementation of this subpart as requested by universities; and

(10) advising the Administrator on any and all issues as requested.

(d) Subordinate units; creation of Joint Policy Committee, Joint Operations Committee, 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 Policy Committee to participate in the design and development of the collaborative activities described in section 2220b of this title; and

(2) a Joint Operations Committee which shall assist in and advise on the mechanisms and processes for implementation of activities described in section 2220b 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.


REFERENCES IN TEXT


AMENDMENTS


Subsec. (b). Pub. L. 106–373, § 4(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “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.”

Subsec. (c)(2)(A). Pub. L. 106–373, § 4(c)(1)(A), substituted “improve agricultural production, trade, and natural resource management in developing countries, and with private organizations seeking to increase agricultural production and trade, natural resources management, and household food security in developing and transition countries;” for “increase food production in developing countries;”.


Subsec. (c)(4). Pub. L. 106–373, § 4(c)(2), inserted “and their partners” after “Administrator and universities”.

Subsec. (c)(5). Pub. L. 106–373, § 4(c)(3), inserted “and public and private partners of universities” after “universities”.

Subsec. (c)(7). Pub. L. 106–373, § 4(c)(5), substituted “natural resource issues in the developing nations” for “natural resource issues in developing countries.”

Subsec. (c)(8) to (10). Pub. L. 106–373, § 4(c)(4), (6), added pars. (8) to (10).

Subsec. (d)(1). Pub. L. 106–373, § 4(d)(1), substituted “Policy” for “Research”, “design” for “administration”, and “section 2220b” for “section 2220a” (3).

Subsec. (d)(2). Pub. L. 106–373, § 4(d)(2), substituted “Joint Operations Committee which shall assist in and advise on the mechanisms and processes for implementation of activities described in section 2220b of this title,” for “Joint Committee on Country Programs which shall assist in the implementation of the bilateral activities described in sections 2220a(a)(2), 2220a(a)(4), and 2220a(a)(6) of this title.”

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12153, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 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 2151b(h) and 2151d 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 possible 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.


AMENDMENTS

1978—Subsec. (a). Pub. L. 95–424 substituted ‘‘sections 2151(b) and 2151(t) of this title’’ for ‘‘sections 2151(b), 217(a), and 217(d) of this title’’.

EFFECTIVE DATE OF 1978 AMENDMENT


§ 2220e. Presidential report to Congress

The President shall transmit to the Congress, not later than September 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.


AMENDMENTS

2000—Pub. L. 106–373 substituted ‘‘September 1’’ for ‘‘April 1’’.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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 2151(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.


(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 inde-
dependent 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 concerned 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 international organization, propose and actively seek such 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.

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 2315 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 VII (§2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 222(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 2270(k) 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.


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 qualified groups” for “organizations a single professionally qualified 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 the 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 2151(b) of this title” for “section 2161(d) of this title”.

Subsec. (g). Pub. L. 95–424 added subsec. (g).


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 Presi-
dent 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.


1965—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.


Effective Date of 1978 Amendment


Deligation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2351 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 2511 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."


§ 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 programming of volunteer manpower.

d) Tuberculosis vaccine development programs

In addition to amounts otherwise available under this section, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013, which shall be used for United States contributions to tuberculosis vaccine development programs, which may include the Aeras Global TB Vaccine Foundation.


(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 US 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) $800,000 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.

(k) Authorization of appropriations for Global Alliance for Vaccines and Immunizations

In addition to amounts otherwise available under this section, there is authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to be available only for United States contributions to the Global Alliance for Vaccines and Immunizations.

(l) Authorization of appropriations for International AIDS Vaccine Initiative

In addition to amounts otherwise available under this section, there is authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to be available only for United States contributions to the International AIDS Vaccine Initiative.

(m) Authorization of appropriations for malaria vaccine development programs

In addition to amounts otherwise available under this section, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to be available for United States contributions to malaria vaccine development programs, including the Malaria Vaccine Initiative of the Program for Appropriate Technologies in Health (PATH).

References in Text
This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 87–195, Sept. 4,

AMENDMENTS

1969—Subsec. (i). Pub. L. 91-117, which directed substitution in subsec. (i) of “GAVI Alliance” for “Vaccine Fund”, could not be executed because “Vaccine Fund” did not appear in text.


1967—Subsec. (k). Pub. L. 90-293, § 201(2), substituted “fiscal years 2009 through 2013” for “fiscal years 2004 through 2008” for “$10,000,000 for each of the fiscal years 2004 through 2008” for “$50,000,000 for each of the fiscal years 2001 and 2002” and “Vaccine Fund” for “Global Alliance for Vaccines and Immunizations”.

Subsec. (l). Pub. L. 90-293, § 201(3), substituted “such sums as may be necessary for each of the fiscal years 2004 through 2008” for “$50,000,000 for each of the fiscal years 2001 and 2002” and “Vaccine Fund” for “Global Alliance for Vaccines and Immunizations”.

Subsec. (m). Pub. L. 90-293, § 203(b), added subsec. (m).

2000—Subsecs. (k) and (l).


1987—Subsec. (a)(2). Pub. L. 99-333 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 authorizing appropriations of $285,450,000 for fiscal years 1986 and 1987, for provisions relating to amounts authorized, percentages, and covered programs for fiscal years 1986 and 1987, for provisions authorizing an appropriation of $252,000,000 for fiscal year 1978, and inserted requirement that, of the funds authorized for contributions to the United Nations Children's Fund during the calendar year 1969 and directing that contributions and not be taken into account in computing the aggregate amount of United States contributions to such fund for the calendar year 1969.


1978—Subsec. (a)(1). Pub. L. 95-424, § 117(a), (b)(1), substituted “$385,450,000 for 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 $32,500,000” for “fiscal year 1978, not to exceed $29,500,000”, 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. (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.


1975—Subsec. (a)(1). Pub. L. 94-95 substituted provisions authorizing appropriations of $127,622,000 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.


1974—Subsec. (a)(1). Pub. L. 94-161, § 313(a)(1), (A), (B), substituted provisions authorizing appropriations of $149,500,000 and $219,900,000 for fiscal years 1976 and 1977, required maximum contribution of $350,000 to be made to the Namibia Institute, and designated existing provisions as par. (1).


Subsec. (b)(1). Pub. L. 94-161, § 313(a)(2), substituted “$61,220,000” for “$51,220,000”.


Subsec. (d). Pub. L. 94-161, § 313(a)(4), substituted provisions authorizing appropriation of $20,000,000 for fiscal years 1976 and 1977, for prior appropriation authorization of $18,000,000 for fiscal years 1974 and 1975.

1973—Subsec. (a)(1). Pub. L. 93-559, § 9(a)(1), increased appropriations authorization for fiscal years 1975 to $150,000,000 from $150,000,000.

Subsecs. (g), (h). Pub. L. 93-559, § 9(a)(2), added subsecs. (g) and (h).

1972—Subsec. (a)(1). Pub. L. 93-189, § 9(c), substituted “for use in the fiscal year 1974, $14,500,000, and for use in the fiscal year 1975, $15,000,000”.

1971—Subsec. (d). Pub. L. 93-189, § 9(c), substituted provisions directing that out of the funds made available for carrying out this title $15,000,000 be available in each of fiscal years 1974 and 1975 for contributions to the United Nations Children's Fund, for contributions 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(b), 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”.


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 $7,500,000 for fiscal years 1970 and 1971; and prohibited the President from exercising any special authority to transfer any amount appropriated under such par. (2) to, or to consolidate such amount with, any funds made available under any other provision of this chapter.
Subsec. (e). Pub. L. 92–228, §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.


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. (b). Pub. L. 90–137, §110(b)(2), substituted appropriation 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 “$135,500,000”, respectively.

EFFECTIVE DATe OF 1985 AMENDMENT


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


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2151 of this title.

REPORT TO CONGRESS ON PALESTINE REFUGEE RATION DISTRIBUTION SYSTEM

Section 117(b)(2) of Pub. L. 96–424 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.


Effective Date of Repeal

§ 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.


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.


Delegation of Functions
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 5673, as amended, set out as a note under section 2381 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.


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, North Korea, Syria, 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), 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.

(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 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.

(B) 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.

(i) 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.

(d) Programs and projects of the International Atomic Energy Agency in Iran

(1) Notwithstanding subsection (c) of this section, if the Secretary of State determines that programs and projects of the International Atomic Energy Agency in Iran are inconsistent with United States nuclear nonproliferation and safety goals, will provide Iran with training or expertise relevant to the development of nuclear weapons, or are being used as a cover for the acquisition of sensitive nuclear technology, the limitations of subsection (a) of this section shall apply to such programs and projects, and the Secretary of State shall so notify the appropriate congressional committees (as defined in section 3 of the Foreign Relations Authorization Act, Fiscal Year 2003).

(2) A determination made by the Secretary of State under paragraph (1) shall be effective for the 1-year period beginning on the date of the determination.

(a) Purpose

The purpose of this section is to strengthen the public educational systems in predominantly Muslim countries by—

(1) authorizing the establishment of an International Muslim Youth Educational Fund through which the United States dedicates resources, either through a separate fund or through an international organization, to assist those countries that commit to education reform; and

(2) providing resources for the Fund and to the President to help strengthen the public educational systems in those countries.

(b) Establishment of Fund

(1) Authority

The President is authorized to establish an International Muslim Youth Opportunity Fund and to carry out programs consistent with paragraph (4) under existing authorities, including the Mutual Educational and Cultural Exchange Act of 1961 (commonly referred to as the “Fulbright-Hays Act”) (22 U.S.C. 2451 et seq.).

(2) Location

The Fund may be established—

(A) as a separate fund in the Treasury; or

(B) through an international organization or international financial institution, such as the United Nations Educational, Science and Cultural Organization, the United Nations Development Program, or the International Bank for Reconstruction and Development.

(3) Transfers and receipts

The head of any department, agency, or instrumentality of the United States Government may transfer any amount to the Fund, and the Fund may receive funds from private enterprises, foreign countries, or other entities.

(4) Activities of the Fund

The Fund shall support programs described in this paragraph to improve the education environment in predominantly Muslim countries.

(A) Assistance to enhance modern educational programs

(i) The establishment in predominantly Muslim countries of a program of reform to create a modern education curriculum in the public educational systems in such countries.

(ii) The establishment or modernization of educational materials to advance a modern educational curriculum in such systems.

(iii) Teaching English to adults and children.

(iv) The enhancement in predominantly Muslim countries of community, family, and student participation in the formulation and implementation of education strategies and programs in such countries.
(B) Assistance for training and exchange programs for teachers, administrators, and students

(i) The establishment of training programs for teachers and educational administrators to enhance skills, including the establishment of regional centers to train individuals who can transfer such skills upon return to their countries.

(ii) The establishment of exchange programs for teachers and administrators in predominantly Muslim countries and with other countries to stimulate additional ideas and reform throughout the world, including teacher training exchange programs focused on primary school teachers in such countries.

(iii) The establishment of exchange programs for primary and secondary students in predominantly Muslim countries and with other countries to foster understanding and tolerance and to stimulate long-standing relationships.

(C) Assistance targeting primary and secondary students

(i) The establishment in predominantly Muslim countries of after-school programs, civic education programs, and education programs focusing on life skills, such as inter-personal skills and social relations and skills for healthy living, such as nutrition and physical fitness.

(ii) The establishment in predominantly Muslim countries of programs to improve the proficiency of primary and secondary students in information technology skills.

(D) Assistance for development of youth professionals

(i) The establishment of programs in predominantly Muslim countries to improve vocational training in trades to help strengthen participation of Muslims and Arabs in the economic development of their countries.

(ii) The establishment of programs in predominantly Muslim countries that target older Muslim youths not in school in such areas as entrepreneurial skills, accounting, micro-finance activities, work training, financial literacy, and information technology.

(E) Other types of assistance

(i) The translation of foreign books, newspapers, reference guides, and other reading materials into local languages.

(ii) The construction and equipping of modern community and university libraries.

(5) Authorization of appropriations

(A) In general

There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for fiscal years 2008, 2009, and 2010.

(B) Availability

Amounts appropriated pursuant to the authorization of appropriations under subsection (a)\(^1\) are authorized to remain available until expended.

(C) Additional funds

Amounts authorized to be appropriated under subsection (a)\(^1\) shall be in addition to amounts otherwise available for such purposes.

(6) Report to Congress

Not later than 180 days after August 3, 2007, and annually thereafter until January 30, 2010, the President shall submit to the appropriate congressional committees a report on United States efforts to assist in the improvement of educational opportunities for predominantly Muslim children and youths, including the progress made toward establishing the International Muslim Youth Opportunity Fund.

(7) Appropriate congressional committees defined

In this subsection, 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.

\(^1\) So in original. Probably should be “subparagraph (A)”.\)
“(2) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and recommended that the United States Government should offer to join with other nations in generously supporting [spending funds] ... directly for building and operating primary and secondary schools in those Muslim states that commit to sensibly investing their own money in public education.”

“...the President under sections 2041(d)(3), 2042(c)(1), and 2043(c)(1) of the Implementing Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), as amended. Section 2242(d), and 2043(c)(1) of the Implementing Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) [see Tables for classification]), such a program has not been established. ...”

“...the President under sections 2041(d)(3), 2042(c)(1), and 2043(c)(1) of the Implementing Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) [see Tables for classification]), such a program has not been established. “(b) Policy.—It is the policy of the United States—

“...the President under sections 2041(d)(3), 2042(c)(1), and 2043(c)(1) of the Implementing Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) [see Tables for classification]), such a program has not been established. “(b) Policy.—It is the policy of the United States—

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“...the President under sections 2041(d)(3), 2042(c)(1), and 2043(c)(1) of the Implementing Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) [see Tables for classification]), such a program has not been established. “(b) Policy.—It is the policy of the United States—

REFERENCES IN TEXT
This chapter, referred to in subsec. (a)(1), was in the original ‘‘this Act’’, meaning Pub. L. 87-185, 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 202(b) of Pub. L. 92-226, set out as a note under section 2346 of this title, and sections 104(c), 104(d), and deleted provision making appropriated amounts available until expended.

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 (§§2349a et seq.) of subchapter II of this chapter, and references to subchapter III are deemed to include such parts. See section 2346(b) of Pub. L. 92-226, set out as a note under section 2346 of this title, and sections 2348c and 2349a-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 ‘‘anticipated 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 of $5,000,000 for emergency purposes in fiscal year 1979, and deleted provision making appropriated amounts available until expended.

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 1976, for provisions authorizing appropriations of not to exceed $5,000,000 for fiscal years 1972 and 1973, respectively, and struck out second and third sentences which authorized withholding of assistance, from fiscal year 1968 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 $30,000,000, as may be necessary in the fiscal year 1968 for programs authorized by subchapters I and II of this chapter, to the President for use in Southeast Asia.

1975—Subsec. (a). Pub. L. 93-559 substituted ‘‘1975 not to exceed $5,000,000’’ for ‘‘1974 not to exceed $5,000,000’’.

1973—Subsec. (a). Pub. L. 93-189 substituted provisions authorizing the appropriation of not to exceed $10,000,000 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 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 ‘‘1970 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’’.


1967—Subsec. (a). Pub. L. 90-137 substituted ‘‘1967 and $50,000,000’’ for ‘‘1966 and $50,000,000’’, 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 $80,000,000, 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.

1966—Subsec. (a). Pub. L. 89-583 and substituted ‘‘1967’’ and ‘‘$110,000,000’’ for ‘‘1966 and $50,000,000’’, 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.

1963—Subsec. (a). Pub. L. 88-205 substituted ‘‘1964’’ and ‘‘$150,000,000’’ for ‘‘1963 and $300,000,000’’, respectively.


Subsec. (b). Pub. L. 87-565, struck out provision ‘‘providing quarterly reports to Congress’’, and ‘‘on the programming and the obligation’’ for ‘‘currently informed of the use’’.

Subsec. (c). Pub. L. 93-559 added subsec. (c).
DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

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.

§ 2262. Transferred

CODIFICATION


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 arms-ament, an end to subversion, and the withdrawal 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.


CODIFICATION

Another section 461 of Pub. L. 87–195 is classified to section 2381 of this title.

PRIOR PROVISIONS


EFFECTIVE DATE


§ 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.
REFERENCES IN TEXT


CODIFICATION

Another section 462 of Pub. L. 87–195 is classified to section 2282 of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.

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.


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.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.


REFERENCES IN TEXT


For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.


For complete classification of this Act to the Code, see Short Title note set out under section 2541 of this title and Tables.


For complete classification of this Act to the Code, see Short Title note set out under section 1431 of this title and Tables.


For complete classification of this Act to the Code, see Short Title note set out under section 411 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, which enacted sections 2691a, 2691b, 2693, 2695, 2696 to 2715, and 2719b to 2734 of this title and chapters 53 (§4301 et seq.), 55A (§4341 et seq.), and 55B (§4351 et seq.) of this title.

For complete classification of this Act to the Code, see Short Title note set out under section 2691 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 464 of Pub. L. 87–195 is classified to section 2285 of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.
For purpose of this part, the term "debt-for-nature exchange" means the cancellation or re-demption 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).

For purpose of this part, the term "debt-for-nature exchange" defined

(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 in-clude the establishment of an endowment, the income of which is used for such purposes.

§ 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.

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—

§ 2284. Eligible countries
§ 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.

§ 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 enter into an 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) 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 disbursement 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.

§ 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

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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 analogues, 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 antidrug actions by foreign nations

(1) Responsibility of Secretary of State

Consistent with chapter 1 of the National Narcotics Leadership Act of 1988, 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 2291(b) of this title shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

(c) Participation in foreign police actions

(1) Prohibition on effecting an arrest

No officer or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action with respect to narcotics control efforts, notwithstanding any other provision of law.

(2) Participation in arrest actions

Paragraph (1) does not prohibit an officer or employee of the United States, with the approval of the Secretary of State, 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

1 See References in Text note below.
under this part of a herbicide for aerial eradication in order to determine the impact of such use on the environment and on the health of individuals.

(2) Annual reports
In the annual report required by section 2291h(a) of this title, the President shall report on the impact on the environment and the health of individuals of the use under this part of a herbicide for aerial eradication.

(3) Report upon determination of harm to environment or health
If the President determines that any such use is harmful to the environment or the health of individuals, the President shall immediately report that determination to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, together with such recommendations as the President deems appropriate.

(e) Definitions
For purposes of this part and other provisions of this chapter relating specifically to international narcotics matters—

(1) the term "legal and law enforcement measures" means—
(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and
(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

(2) the term "major illicit drug producing country" means a country in which—
(A) 1,000 hectares or more of illicit opium poppy is cultivated or harvested during a year;
(B) 1,000 hectares or more of illicit coca is cultivated or harvested during a year; or
(C) 5,000 hectares or more of illicit cannabis is cultivated or harvested during a year, unless the President determines that such illicit cannabis production does not significantly affect the United States;

(3) the term "narcotic and psychotropic drugs and other controlled substances" has the same meaning as is given by any applicable international narcotics control agreement or domestic law of the country or countries concerned;

(4) the term "United States assistance" means—
(A) any assistance under this chapter (including programs under subpart IV of part II of this subchapter, relating to the Overseas Private Investment Corporation), other than—
(i) assistance under this part,
(ii) any other narcotics-related assistance under this subchapter (including part IV of subchapter II of this chapter), but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 2394–1 of this title,
(iii) disaster relief assistance, including any assistance under part IX of this subchapter,
(iv) assistance which involves the provision of food (including monetization of food) or medicine, and
(v) assistance for refugees;
(B) sales, or financing on any terms, under the Arms Export Control Act [22 U.S.C. 2751 et seq.];
(C) the provision of agricultural commodities, other than food, under the Food for Peace Act [7 U.S.C. 1691 et seq.]; and
(D) financing under the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.];

(5) the term "major drug-transit country" means a country—
(A) that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States; or
(B) through which are transported such drugs or substances; and

(6) the term "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.

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.


The Food for Peace Act, referred to in subsec. (e)(4)(C), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified generally to chapter 4 (§1861 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 635 of Title 7 and Tables.

PRIORITY PROVISIONS

AMENDMENTS


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 "Except as provided in sections 2291(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), added 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."

1992—Pub. L. 102–583, §4(a), added subj. catchline and struck out subj. 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 (G), 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, §6(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 2291(h)(a) of this title for "subsection (e) of this section".

Subsec. (e), Pub. L. 102–583, §§6(b)(2), (3), redesignated subsec. (i) as (e), substituted "Except as provided in sections 2291(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. 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 and 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 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 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, §8(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)(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 moneys are laundered with the knowledge or complicity of the government.”

Subsecs. (j), (k). Pub. L. 102–583, §8(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 country pursuant 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. (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).
1986—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. (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(b), 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 witholding 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) 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) 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.”
Subsec. (h)(3). Pub. L. 100–690, § 4407(a), added par. (3) and struck out former par. (3) which related to certification by President.
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)(B). Pub. L. 100–690, § 4407(a), (b)(1)(B), (ii), redesignated par. (4)(B) as (6)(B) and substituted “Any joint resolution under this subsection” for “Any such joint resolution” in cl. (1).
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 2151(b)(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 reprogramming pursuant to section 2594-1 of this title),” for “2151x of this title”.
Subsec. (k). Pub. L. 100–690, § 4405(a), added subsec. (k).
Subsec. (h)(2)(A). Pub. L. 100–202 redesignated existing provisions of subpar. (A) as cl. (i), redesignated former cl. (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 “A bilateral narcotics agreement referred to in clause (i) is an agreement between the United States and a foreign country with respect to narcotics control efforts” for “A bilateral agreement referred to in clause (i) is an agreement between the United States and a foreign country with respect to narcotics control efforts”, was struck out and subpar. (h)(4) of this section to reflect the probable intent of Congress.
Subsec. (c). Pub. L. 99–970, § 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 United States 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'.


(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 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.'


1981—Subsec. (c)(2). Pub. L. 97–113, § 739(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 eradicating 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 such 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 parquat 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.


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. 95–364, § 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.


1973—Pub. L. 93–189 designated existing provisions as subsec. (a) and added subsec. (b).
"(a) IN GENERAL.—The Secretary of State, acting through the Assistant Secretary of the Bureau for International Narcotics and Law Enforcement Affairs, shall take such actions as are necessary to prevent the smuggling of methamphetamine into the United States from Mexico.

"(b) SPECIFIC ACTIONS.—In carrying out subsection (a), the Secretary shall—

"(1) improve bilateral efforts at the United States-Mexico border to prevent the smuggling of methamphetamine into the United States from Mexico;

"(2) seek to work with Mexican law enforcement authorities to improve the ability of such authorities to combat the production and trafficking of methamphetamine, including by providing equipment and technical assistance, as appropriate; and

"(3) encourage the Government of Mexico to take immediate action to reduce the diversion of pseudoephedrine by drug trafficking organizations for the production and trafficking of methamphetamine.

"(c) REPORT.—Not later than one year after the date of enactment of this Act [Mar. 9, 2006], and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the implementation of this section for the prior year.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $4,000,000 for each of the fiscal years 2006 and 2007."

REPORTS ON ACTIVITIES IN COLOMBIA

"(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 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 results 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.
“(c) 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

“(d) 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. 2783; relating to foreign military sales credits) if the President determines that that country is implementing programs to reduce the flow of cocaine to the United States in accordance with a formal bilateral or multilateral agreement, to which the United States is a party, that contains specific, quantitative and qualitative, performance criteria with respect to those programs.

“(b) CONGRESSIONAL REVIEW OF AGREEMENTS.—The President shall submit any such agreement with Bolivia, Colombia, or Peru to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate at least 15 days before exercising the authority of subsection (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 FOR SECURITY ASSISTANCE

Section 4101 of Pub. L. 100–690 stated need for anti-narcotics multinational forces 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.

REGIONAL ANT-NARCOTICS FORCES

Section 4101 of Pub. L. 100–690 directed Secretary of State to take necessary actions to make determination of major drug-transit countries with respect to fiscal year 1989, prior to re-
BILATERAL NARCOTICS AGREEMENTS REQUIRED FOR CERTIFICATIONS FOR FISCAL YEAR 1989 AND THEREAFTER

Section 106(e) 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, 1989, 106 Stat. 4933.

MULTILATERAL DEVELOPMENT BANK ASSISTANCE FOR DRUG ERADICATION AND CROP SUBSTITUTION PROGRAMS

Section 2018 of Pub. L. 99–570 provided that:

"(a) Assistance for development and economic activities. —The Secretary of State shall, subject to the availability of funds, make available to each major illicit drug producing country, to the extent such countries develop and maintain adequate drug control (hereafter in this section referred to as the 'Caucus')..."

"(b) Duties.—(1) To monitor and promote international compliance with narcotics control treaties, including eradication and other relevant issues; and...

"(c) Membership.—(1) The Caucus shall be composed of 12 members as follows:...

"(1) A 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.

"(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, memoranda, 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 witnesses.

"(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 381(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(c))...

"(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.

(b) 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 chapters 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(i) Termination.—The Caucus shall cease to exist on September 30, 2005.


(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. 99–99, 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—

(i) 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;

(ii) offshore banks which provide total confidentiality provide a service which materially assists the operations of illicit drug traffickers; and

(iii) 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—

(i) 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;

(ii) directs the President to include reports on the results of such efforts in the annual International Narcotics Control Strategy Report; and

(iii) 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 Homicide Eradication of Marihuana and Colombian Anti-Narcotics Enforcement Program

Section 502(a)(2)–(4) of Pub. L. 95–113 provided that:

(2) Assistance provided from funds appropriated, before the enactment of this Act [Dec. 29, 1981], to carry out section 461 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 461 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 462(a)(2) of that Act [22 U.S.C. 2299a] 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


(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.


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. 3363]; section 4(e); and, in consultation with the Secretary of Defense, section 13 [22 U.S.C. 2291 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. 12168, as amended [22 U.S.C. 2341 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, Pub. L. 100–690, title IV, § 4601, Nov. 18, 1988, 102 Stat. 4286, provided for the coordination of all United States anti-narcotics assistance to foreign countries. See section 2291(b) of this title.

§ 2291–4 Official immunity for authorized employees and agents of United States and foreign countries engaged in interdiction of aircraft used in illicit drug trafficking

(a) Employees and agents of foreign countries

Notwithstanding any other provision of law, it shall not be unlawful for authorized employees or agents of a foreign country (including members of the armed forces of that country) to interdict or attempt to interdict an aircraft in that country’s territory or airspace if—

(1) that aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking; and

(2) the President of the United States has, during the 12-month period ending on the date of the interdiction, certified to Congress with respect to that country that—

(A) interdiction is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and

(B) the country has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force directed against the aircraft.

(b) Employees and agents of United States

Notwithstanding any other provision of law, it shall not be unlawful for authorized employees or agents of the United States (including members of the Armed Forces of the United States) to provide assistance for the interdiction actions of foreign countries authorized under subsection (a) of this section. The provision of such assistance shall not give rise to any civil action against the United States or its employees or agents (including members of the Armed Forces of the United States).

(c) Annual report

(1) Except as provided in paragraph (2), not later than February 1 each year, the President shall submit to Congress a report on the assistance provided under subsection (b) of this section during the preceding calendar year. Each report shall include for the calendar year covered by such report the following:

(A) A list specifying each country for which a certification referred to in subsection (a)(2)

of this section was in effect for purposes of that subsection during any portion of such calendar year, including the nature of the illicit drug trafficking threat to each such country.

(B) A detailed explanation of the procedures referred to in subsection (a)(2)(B) of this section in effect for each country listed under subparagraph (A), including any training and other mechanisms in place to ensure adherence to such procedures.

(C) A complete description of any assistance provided under subsection (b) of this section.

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

(2) In the case of a report required to be submitted under paragraph (1) to the congressional intelligence committees (as defined in section 401a of title 50), the submittal date for such report shall be as provided in section 415b of title 50.

(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) Definitions

For purposes of this section:

(1) The terms “interdict” and “interdiction”, with respect to an aircraft, mean to damage, render inoperative, or destroy the aircraft.

(2) The term “illicit drug trafficking” means illicit trafficking in narcotic drugs, psychotropic substances, and other controlled substances, as such activities are described by any international narcotics control agreement to which the United States is a signatory, or by the domestic law of the country in whose territory or airspace the interdiction is occurring.

(3) The term “assistance” includes operational, training, intelligence, logistical, technical, and administrative assistance.


Codification

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1995, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Amendments

2002—Subsec. (c)(1). Pub. L. 107–306, § 811(b)(6)(A), substituted “Except as provided in paragraph (2), not later than” for “Not later than”.

Subsec. (c)(2), (3). Pub. L. 107–306, § 811(b)(6)(B), added par. (2) and redesignated former par. (2) as (3).

2001—Subsec. (a)(2). Pub. L. 107–108, § 503(a), substituted “has, during the 12-month period ending on the date of the interdiction, certified to Congress” for “before the interdiction occurs, has determined” in introductory provisions.

Subsecs. (c), (d). Pub. L. 107–108, § 503(b), added subsec. (c) and redesignated former subsec. (c) as (d).

Delegation of Functions

Functions of President under subsec. (c) of this section delegated to Secretary of State, see Memorandum
of President of the United States, July 21, 2010, 75 F.R. 43798, set out as a note under section 5202 of this title.

Presidential Determinations Relating to Interdiction

The President made the determination required by subsection (a)(2) of this section for the following countries:


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 equipment under paragraph (1) only if the equipment is not designated as a munitions item or equipment under section 2394–1 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.


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.

Change of Name

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 2291a. Authorization of appropriations

(a) Fiscal year authorization; availability of funds

(1) To carry out the purposes of section 2291 of this title, there are authorized to be appropriated to the President $147,783,000 for fiscal year 1993 and $171,500,000 for fiscal year 1994.

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

(b) Procurement of weapons and ammunition

(1) Prohibition

Except as provided in paragraph (2), funds made available for 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 238(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 with which funds appropriated pursuant to this part. 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 with which funds appropriated pursuant to this part. 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 with which funds appropriated pursuant to 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 from any agency of the United States Government for the purpose of providing such property for foreign 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.

(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.

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.

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 with which funds appropriated pursuant to this part. 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 with which funds appropriated pursuant to this part. 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 with which funds appropriated pursuant to this part.

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 from any agency of the United States Government for the purpose of providing such property for foreign 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.
the fiscal year 1987"), was executed by substituting the new phrase for "$37,529,000 for fiscal year 1987" to reflect the probable intent of Congress.


1979—Subsec. (a)(1). Pub. L. 96–92, 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. 96–353, § 402(a), in par. (1), substituted appropriations authorization of $38,573,000 for fiscal year 1981 for such authorization of $31,758,000 for fiscal year 1980, redesignated 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. 96–353, § 402(b), added subsec. (c).

1979—Subsec. (a)(1), Pub. L. 96–92 designated existing provisions as par. (1), substituted appropriations authorization of $31,758,000 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 paras. (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’’.

1979—Pub. L. 95–384 designated existing provisions as subsec. (a), substituted ‘‘$40,000,000 for the fiscal year 1979’’ for ‘‘$30,000,000 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’’.

§ 2291c. 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.


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. 524, 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.

§ 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 2294–1 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 requirements 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) 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 charge 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.


REFERENCES IN TEXT


CODIFICATION

The text of subsections (a) and (b) of section 2291h of this title, which were redesignated as subsections (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, §4397, Nov. 18, 1988, 102 Stat. 4296; 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 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."

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

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 counter-narcotics 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. 8861, 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 Relations of the Senate or the Chairman of the Committee on Foreign Affairs of the House of Representatives.

§ 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 2291 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 of 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.


REFERENCES IN TEXT


AMENDMENTS

1994—Pub. L. 103–447 struck out subsec. (a) designation and heading which read “Additional assistance for countries taking significant steps”, substituted “assistance under this chapter” for “security assistance” in provisions before par. (1), “Other assistance” for “Security assistance” in par. (2) heading, and “additional assistance” for “additional security assistance” in par. (2) text, and struck out heading and text of subsec. (b). Text read as follows: “As used in this section, the term ‘security assistance’ means assistance under part II of subchapter II of this chapter (relating to the grant military assistance program), part IV of subchapter IV 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’).”


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

Section 2268(b) of Pub. L. 100–690, which provided that the enactment of this section superseded section 578(d) of Pub. L. 100–661, 102 Stat. 2268–46, and that funds could be transferred under subsec. (a)(1) of this section notwithstanding section 514 of Pub. L. 100–661, 102 Stat. 2268–46, 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 Armas 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 col-
luder 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.


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 2511 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


1992—Subsec. (a)(1). Pub. L. 102–583 struck out “(as defined in section 2291(i)(3) of this title)” after “controlled substances”.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2291g. Limitations on acquisition of real property and construction of facilities

(a) Acquisition of real property

(1) Prohibition

Funds made available to carry out this part may not be used to acquire (by purchase or other means) any land or other real property for use by foreign military, paramilitary, or law enforcement forces.

(2) Exception for certain leases

Paragraph (1) shall not apply to the acquisition of real property by lease of a duration not to exceed 2 years.

(b) Construction of facilities

(1) Limitation

Funds made available to carry out this part may not be used for construction of facilities for use by foreign military, paramilitary, or law enforcement forces unless, at least 15 days before obligating funds for such construction, the President notifies the appropriate congressional committees in accordance with procedures applicable to reprogramming notifications under section 2394–1 of this title.

(2) Exception

Paragraph (1) shall not apply to the construction of facilities which would require the obligation of less than $750,000 under this part.

§ 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 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, mu-
tual 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. The report shall include specific detail to demonstrate that all United States Government agencies are pursuing a common strategy with respect to major money laundering countries. The 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 2291(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 proceedings 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; and

(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.


REFERENCES IN TEXT


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 subssecs. (a) and (b) to section 2289c(b) and (c) of this title, respectively, and repealed the designation, heading, and subssecs. (c) and (d).

AMENDMENTS


§ 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, major drug-transit country, or country identified pursuant to clause (i) or (ii) of section 2291h(a)(8)(A) of this title 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) or country identified pursuant to clause (i) or (ii) of section 2291h(a)(8)(A) of this title, except as provided in subsection (b) of this section. For purposes of this paragraph, the term "multilateral development bank" means the International Bank for Reconstruc-
(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)(A), 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 market 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 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.


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.


AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109–177, § 722(b)(1), substituted “major illicit drug producing country, major drug-transit country, or country identified pursuant to clause (i) or (ii) of section 2291h(a)(b)(A) of this title” for “major illicit drug producing country or major drug-transit country”.

Subsec. (a)(2). Pub. L. 109–177, § 722(b)(2), inserted “or country identified pursuant to clause (i) or (ii) of section 2291h(a)(b)(A) of this title” after “(as determined under subsection (h) of this section)”. 1996—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.


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, 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. (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.”

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2291j of this title.

CERTIFICATION FOR MAJOR ILLICIT DRUG PRODUCING AND DRUG TRANSIT COUNTRIES

Determination of President of the United States, No. 2001–12, Mar. 1, 2001, 66 F.R. 14454, 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. 2291(b)(1)(A) (the “Act”)), I hereby determine and certify that the following major illicit drug producing and/or major illicit drug transit countries 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:

The Bahamas, Bolivia, Brazil, People’s Republic of China, Colombia, Dominican Republic, Ecuador, Guatemala, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, Thailand, Venezuela, and Vietnam

By virtue of the authority vested in me by section 490(b)(1)(B) of the Act, I hereby determine and certify that, for the following major illicit drug producing and/or major illicit drug transit countries that do not qualify for certification under section 490(b)(1)(A), the vital
national interests of the United States require that assistance not be withheld and that the United States not vote against multilateral development bank assistance:

Cambodia and Haiti

Analysis of the relevant U.S. vital national interests and risks posed thereto, as required under section 490(b)(3) of the Act, is attached for these countries [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 for certification set forth in section 490(b):

Afghanistan and Burma

In making these determinations, I have considered the factors set forth in section 490 of the Act, based on the information contained in the International Narcotics Control Strategy Report of 2001. Given that the performance of each of these countries has differed, I have attached an explanatory statement for each of the countries 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.

GEORGE W. BUSH.

Prior certifications for major narcotics-producing and transit countries were contained in the following:


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. 90–12, Feb. 28, 1990, 55 F.R. 10597.


You are hereby authorized and directed to report this determination to the Congress immediately and to publish it in the Federal Register.

GEORGE W. BUSH.

Not later than September 15 of the previous fiscal year the President has submitted to the appropriate congressional committees a report identifying each country determined by the President to be a major drug transit country or major illicit drug-producing country as defined in section 2291(e) of this title.

(2) Designation and justification

In each report under paragraph (1), the President shall also—

(A) designate each country, if any, identified in such report that has failed demonstrably, during the previous 12 months, to make substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 2291h(a)(1) of this title; and

(B) include a justification for each country so designated.

(3) Limitation on assistance for designated countries

In the case of a country identified in a report under paragraph (1) that is also designated under paragraph (2) in the report, United States assistance may be provided to such country in the subsequent fiscal year only if the President determines and reports to the appropriate congressional committees that—

(A) provision of such assistance to the country in such fiscal year is vital to the national interests of the United States; or

(B) subsequent to the designation being made under paragraph (2)(A), the country has made substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 2291h(a)(1) of this title.

(4) International counternarcotics agreement defined

In this section, the term “international counternarcotics agreement” means—

(A) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or

(B) any bilateral or multilateral agreement in force between the United States and another country or countries that addresses issues relating to the control of illicit drugs, such as—

(i) the production, distribution, and interdiction of illicit drugs;

(ii) demand reduction;
(iii) the activities of criminal organizations;
(iv) international legal cooperation among courts, prosecutors, and law enforcement agencies (including the exchange of information and evidence);
(v) the extradition of nationals and individuals involved in drug-related criminal activity;
(vi) the temporary transfer for prosecution of nationals and individuals involved in drug-related criminal activity;
(vii) border security;
(viii) money laundering;
(ix) illicit firearms trafficking;
(x) corruption;
(xi) control of precursor chemicals;
(xii) asset forfeiture; and
(xiii) related training and technical assistance,
and includes, where appropriate, timetables and objective and measurable standards to assess the progress made by participating countries with respect to such issues.

(5) Application

(A) Section 2291j(a) through (h) of this title shall not apply during any fiscal year with respect to any country identified in the report required by paragraph (1) of this section.

(B) Notwithstanding paragraphs (1) through (5)(A) of this section, the President may apply the procedures set forth in section 2291l(a) through (h) of this title during any fiscal year with respect to any country determined to be a major drug transit country or major illicit drug producing country as defined in section 2291(e) of this title.

(C) Nothing in this section shall affect the requirements of section 2291l of this title with respect to countries identified pursuant to section 1 clause (i) or (ii) of 2291l(a)-(b)(A) of this title.

(6) Statutory construction

Nothing in this section supersedes or modifies the requirements in section 2291l(a) of this title (with respect to the International Narcotics Control Strategy Report) for the transmittal of a report not later than March 1, each fiscal year under that section.

(7) Transition rule

For funds obligated or expended under this section in fiscal year 2003, the date for submission of the report required by paragraph (1) of this section shall be at least 15 days before funds are obligated or expended.

(8) Effective date

This section shall take effect September 30, 2002, and shall remain in effect thereafter unless Congress enacts subsequent legislation repealing such section.

§ 2291j–1


PRESIDENTIAL DETERMINATION ON MAJOR ILLEGAL DRUG TRANSIT OR MAJOR ILLICIT DRUG PRODUCING COUNTRIES FOR FISCAL YEAR 2012

Determination of President of the United States, No. 107–228 (FRAA), I hereby identify the following countries as major drug transit or major illicit drug producing countries: Afghanistan, The Bahamas, Belize, Bolivia, Burma, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, India, Jamaica, Laos, Mexico, Nicaragua, Pakistan, Panama, Peru, and Venezuela.

A country’s presence on the Majors List is not necessarily an adverse reflection of its government’s counternarcotics efforts or level of cooperation with the United States. Consistent with the statutory definition of a major drug transit or drug producing country set forth in section 489(a)(2) and (5) of the Foreign Assistance Act of 1961, as amended (FAA), one of the reasons that major drug transit or illicit drug producing countries are placed on the list is the combination of geographic, commercial, and economic factors that allow drugs to transit or be produced despite the concerned government’s most assiduous narcotics control law enforcement measures.

Pursuant to section 706(2)(A) of the FAA, I hereby designate Bolivia, Burma, and Venezuela as countries that have failed demonstrably during the previous 12 months to make substantial efforts to adhere to their obligations under international counternarcotics agreements and take the measures set forth in section 489(a)(1) of the FAA. Accompanying this report are justifications for the determinations on Bolivia, Burma, and Venezuela, as required by section 706(2)(B).

I have also determined, in accordance with provisions of section 706(3)(A) of the FAA, that support for programs to aid Bolivia and Venezuela are vital to the national interests of the United States.

Afghanistan remains the world’s largest producer of opium poppy and a major source of heroin. Primary trafficking routes from Afghanistan, where poppy cultivation is still mostly confined to the southern and western provinces, are through Iran to Turkey and Western Europe; through Pakistan to Africa, Asia, and the Middle East; and through Central Asia to the Russian Federation.

Helmand Province remains the largest grower of opium poppy in Afghanistan, but the Provincial Government’s innovative Food Zone program, which provides farmers with wheat seed and fertilizer in exchange for a pledge not to grow poppy, coupled with credible law enforcement, has reduced Helmand’s poppy cultivation by a third, to 69,883 hectares in 2009 and even further to 65,043 hectares in 2010. The U.S.-funded Governor Led Eradication (GLE) program has demonstrated progress in Helmand with 2,111 hectares eradicated by the end of May 2011. To date during 2011, a total of 3,827 hectares of GLE has been verified in 17 provinces throughout the country, an increase of more than 45 percent in eradication over the same time last year.

Although the amount of opium poppy cultivated in Pakistan is much less than Afghanistan, the country continues to qualify as a major drug producing country, with an estimated 1,700 hectares of opium poppy under cultivation. The country also remains a major transit country for opiates and hashish for markets around the world and is a transit country for precursor chemicals illegally smuggled to Afghanistan, where
they are used to process heroin. Bilateral cooperation between Pakistan and the United States continues to support Pakistan’s goal of returning to poppy-free status. United States Government support focuses especially on upgrading the institutional capacity of Pakistan’s law enforcement agencies.

A number of indicators qualify the addition of El Salvador and Belize to the Main List along with the remainder of Central American countries on the isthmus connecting South America to North America.

El Salvador, located between Guatemala and Nicaragua along the Pacific coastline and sharing an eastern border with Honduras, is subject to a number of factors making it vulnerable to the drug trade flowing to the United States from South America. The International Narcotics Control Board describes El Salvador as part of the so-called “northern triangle” with Guatemala and Honduras where “national gangs are forming alliances with international criminal syndicates.” According to the most recent U.S. interagency assessment of cocaine flows, the amount of this illicit substance passing through El Salvador destined directly for the United States was estimated at 4 metric tons in 2009.

The most recent U.S. assessment for Belize estimates the flow of drugs destined for the United States through this Central American country on the Caribbean coast at about 10 metric tons. Belize’s vulnerability as a south-north avenue for the illegal narcotics trade is also demonstrated by recent drug and weapons seizures along the border it shares with Belize. United States officials also report that drug control observers in Belize are increasingly concerned about the presence of drug trafficking organizations, including Los Zetas of Mexico, in the country’s border areas and in coastal ports.

Considering the Central American region as a whole, the United States Government estimates that as much as 90 percent of some 700 metric tons of cocaine shipped annually from Colombia and other producing nations intended for the U.S. markets passes through the countries of Central America. This situation is an important element prompting the Central American Citizen Security Partnership, which I announced in March 2011. Through this partnership, the United States is working to refocus the impact of assistance through the Central American Regional Security Initiative (CARS1) and enhance the impact of complementary United States Government non-CARS1 citizen safety and rule of law programs. Countries in the region are increasing coordination through the Central American Integration System, a combined effort to promote citizen security and economic prosperity, including programs aimed at thwarting the drug trade.

International documentation shows continued strengthening of illegal drug trafficking ties between South America and West Africa. West Africa is the closest point to South America for transatlantic purposes, and its close proximity to southern Europe provides a natural gateway to European drug markets. Porous borders, inadequate law enforcement, and corruption create a permissive environment for the illegal drug trade. West African linguistic connections among Brazil, Portugal, and Cape Verde may also contribute to narcotics trafficking.

According to the U.S. assessment of cocaine movement, about a third of cocaine destined for Europe passed through West Africa in 2009. The 2011 U.N. World Drug Report also states there are reports that cocaine from Latin America is being stockpiled in some West African countries for future distribution to Europe in smaller quantities.

Despite the range of domestic challenges, including corruption, West African countries have begun to consider narcotics control as a top national security priority. For example, in 2010, Liberian law enforcement successfully uncovered and interdicted a cache of cocaine valued at $100 million. A number of U.S. projects in West Africa are aimed at improving drug interdiction and investigation capabilities. The assistance provided by international donors and organizations to West African governments to improve their counter-narcotics capability is increasingly urgent. The United States welcomes fresh efforts in 2010 and 2011 from the international community, especially the United Nations and the European Union, to make Africa a priority for drug-control assistance, to promote and protect the stability and positive growth of countries in Africa.

The theft with which both marijuana and synthetic drugs such as MDMA (ecstasy) and methamphetamine are produced in Canada and trafficked to the United States makes it difficult to measure the overall impact of this smuggling. However, a special report prepared in May 2011 by the U.S. Drug Enforcement Administration states that “the threat posed by MDMA trafficking from Canada to and within the United States is significant.” For example, in April 2011, a seizure of 20 pounds of MDMA from a Canada-based trafficking group was made by U.S. law enforcement in Plattsburg, New York. The United States pledges a more robust engagement and dialogue with Canada to reduce the shared problem of illegal drug trafficking. The results of this bilateral redoubling of drug-control cooperation will be considered in the framework of next year’s Presidential Determination.

You are hereby authorized and directed to submit this determination under section 706 of the FRAA, transmit it to the Congress, and publish it in the Federal Register.

BARACK OBAMA.

Prior identifications of major drug transit or major illicit drug producing countries were contained in the following:


DEFINITIONS

For definition of “appropriate congressional committees” as used in this section, see section 3 of Pub. L. 107–228, set out as a note under section 2651 of this title.


PART IX—INTERNATIONAL DISASTER ASSISTANCE

§ 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, affirms the willingness of the United States...
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 ensure 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.

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


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 2292(b) of Pub. L. 93–226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa–5 of this title.

Amendments


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).


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.

Effective Date of 1985 Amendment


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.

§ 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.
§ 2292a–1  TITLE 22—FOREIGN RELATIONS AND INTERCOURSE  Page 640

**Effective Date of 1978 Amendment**

**Delegation of Functions**
For delegation of functions of President under this section, see Ex. Ord. No. 12183, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2351 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 programming and obligation of funds appropriated for International Disaster Assistance.


**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.


**Delegation of Functions**
For delegation of functions of President under this section, see Ex. Ord. No. 12183, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2351 of this title.


**Codification**
Section was formerly classified to section 2282 of this title.


**Effective Date of Repeal**


**Assistance in Controlling Locust Plagues in Africa; Authorization of Appropriations**
Pub. L. 94–424, 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.”


**Effective Date of Repeal**


§ 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 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.

1 So in original. Probably should be “has”. 
(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) Democratization and conflict resolution capabilities
   Assistance under this section may also include program assistance—
   (A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and
   (B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan Africa.

(4) Other assistance
   Funds made available to carry out this section shall be used almost exclusively for assistance in accordance with paragraphs (1), (2), and (3). 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 resource 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. In addition, providing training and training facilities, in sub-Saharan Africa, for doctors and other health care providers, notwithstanding any provision of law that restricts assistance to foreign countries.

(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.

Amendments


Subsec. (h)(4). Pub. L. 106–200, § 127(c)(1)(A), (2), redesignated par. (3) as (4) and substituted “paragraphs (1), (2), and (3)” for “paragraphs (1) and (2)” in first sentence.

Subsec. (i)(2). Pub. L. 106–264 inserted at end “In addition, providing training and training facilities, in sub-Saharan Africa, for doctors and other health care providers, notwithstanding any provision of law that restricts assistance to foreign countries.”

Delegation of Functions


References in Text

Agricultural and Rural Development in Sub-Saharan Africa


"(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 1990 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 organizations (including multilateral development organizations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

"(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, 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.

"(c) 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) MULTILATERAL ASSISTANCE.—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 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.

"(b) 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.

(4) 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 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 business entities 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, guarantees, 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 Development, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the National Institute of Food and Agriculture, 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 reform, 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.’’

§ 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 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.


PRIOR PROVISIONS


1 So in original. Probably should be ‘‘section’’.}
§ 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—
   - meeting needs for medicine, medical supplies and equipment, and food, including the nutritional needs of infants such as processed baby food; and
   - continuing efforts to rebuild from the earthquake in Armenia.

2. Democracy and rule of law
   - 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) development and support of grass-roots and nongovernmental organizations promoting democracy, the rule of law, transparency, and accountability in the political process, including grants in small amounts to such organizations;
     (F) international exchanges and other forms of public diplomacy to promote greater understanding on how democracy, the public policy process, market institutions, and an independent judiciary function in Western societies;
     (G) political parties and coalitions committed to promoting democracy, human rights, and economic reforms;
     (H) support for civic organizations committed to promoting human rights;
     (I) 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
     (J) strengthened administration of justice through programs and activities carried out in accordance with section 2295b(e) of this title, including—
       (i) support for nongovernmental organizations, civic organizations, and political parties that favor a strong and independent judiciary;
       (ii) support for local organizations that work with judges and law enforcement officials in efforts to achieve a reduction in the number of pretrial detainees; and
       (iii) support for the creation of legal associations or groups that provide training in human rights and advocacy, public education with respect to human rights-related laws and proposed legislation, and legal assistance to persons subject to improper government interference.

3. Independent media
   - Developing free and independent media, including—
     (A) supporting all forms of independent media reporting, including print, radio, and television;
     (B) providing special support for, and unrestricted public access to, nongovernmental Internet-based sources of information, dissemination and reporting, including providing technical and other support for web radio services, providing computers and other necessary resources for Internet connectivity and training new Internet users in nongovernmental civic organizations on methods and uses of Internet-based media; and
     (C) training in journalism, including investigative journalism techniques that educate the public on the costs of corruption and act as a deterrent against corrupt officials.

4. 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.

5. 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.

6. Food distribution and production
   - Promoting market-based mechanisms for the distribution of the inputs necessary to agricultural 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.

7. 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.

8. 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.

(9) 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.

(10) Civilian nuclear reactor safety

Implementing—

(A) a program of short-term safety upgrades 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.

(11) 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.

(12) 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.

(13) Drug education, interdiction, and eradication

Promoting drug education, interdiction, and eradication programs.

(14) 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.
(B) There are now more than 900,000 small businesses in the Russian Federation, producing 12 to 15 percent, depending on the estimate, of the gross domestic product of the Russian Federation.

(C) United States-funded programs have contributed to fighting corruption and financial crime, such as money laundering, by helping to—

(i) establish a commercial legal infrastructure;

(ii) develop an independent judiciary;

(iii) support the drafting of a new criminal code, civil code, and bankruptcy law;

(iv) develop a legal and regulatory framework for the Russian Federation’s equivalent of the United States Securities and Exchange Commission;

(v) support Russian law schools;

(vi) create legal aid clinics; and

(vii) bolster law-related activities of nongovernmental organizations.

(6) Because the capability of Russian democratic forces and the civil society to organize and defend democratic gains without international support is uncertain, and because the gradual integration of the Russian Federation into the global order of free-market, democratic nations would enhance Russian cooperation with the United States on a wide range of political, economic, and security issues, the success of democracy in Russia is in the national security interest of the United States, and the United States Government should develop a far-reaching and flexible strategy aimed at strengthening Russian society’s support for democracy and a market economy, particularly by enhancing Russian democratic institutions and education, promoting the rule of law, and supporting Russia’s independent media.

(7) Since the tragic events of September 11, 2001, the Russian Federation has stood with the United States and the rest of the civilized world in the struggle against terrorism and has cooperated in the war in Afghanistan by sharing intelligence and through other means.

(8) United States-Russia relations have improved, leading to a successful summit between President Bush and President Putin in May 2002, resulting in a “Foundation for Cooperation.”

(b) Purposes.—The purposes of this Act [see Short Title of 2002 Amendments note set out under section 2151 of this title] are—

(1) to strengthen and advance institutions of democratic government and of free and independent media, and to sustain the development of an independent civil society in the Russian Federation based on religious and ethnic tolerance, internationally recognized human rights, and an internationally recognized rule of law; and

(2) to focus United States foreign assistance programs on using local expertise and to give local organizations a greater role in designing and implementing such programs, while maintaining appropriate oversight and monitoring.

United States Policy Toward the Russian Federation


(1) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

(a) recognize that a democratic and economically stable Russian Federation is inherently less confrontational and destabilizing in its foreign policy and therefore that the promotion of democracy in Russia is in the national security interests of the United States; and

(b) continue and increase assistance to the democratic forces in the Russian Federation, including the independent media, regional administrations, democratic political parties, and nongovernmental organizations;

(2) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to facilitate Russia’s integration into the Western community of nations, including supporting the establishment of a stable democracy and a market economy within the framework of the rule of law and respect for individual rights, including Russia’s membership in the appropriate international institutions;

(2) to engage the Government of the Russian Federation and Russian society in order to strengthen democratic reform and institutions, and to promote transparency and good governance in all aspects of society, including fair and honest business practices, accessible and open legal systems, freedom of religion, and respect for human rights;

(3) to advance a dialogue among United States Government officials, private sector individuals, and representatives of the Government of the Russian Federation regarding Russia’s integration into the Western community of nations;

(4) to encourage United States Government officials and private sector individuals to meet regularly with democratic activists, human rights activists, representatives of the independent media, representatives of nongovernmental organizations, civic organizations, church officials, and reform-minded politicians from Moscow and all other regions of the Russian Federation;

(5) to incorporate democratic reforms, the promotion of independent media, and economic reforms in a broader United States dialogue with the Government of the Russian Federation;

(6) to encourage the Government of the Russian Federation to address, in a cooperative and transparent manner consistent with internationally recognized and accepted principles, cross-border issues, including the nonproliferation of weapons of mass destruction, environmental degradation, crime, trafficking, and corruption;

(7) to consult with the Government of the Russian Federation and the Russian Parliament on the adoption of economic and social reforms necessary to sustain Russian economic growth and to ensure Russia’s transition to a fully functioning market economy and membership in the World Trade Organization;

(8) to persuade the Government of the Russian Federation to honor its commitments made to the Organization for Security and Cooperation in Europe (OSCE) at the November 1999 Istanbul Conference, and to conduct a genuine good neighbor policy toward the other independent states of the former Soviet Union in the spirit of internationally accepted principles of regional cooperation; and

(9) to encourage the G-8 partners and international financial institutions, including the World Bank, the International Monetary Fund, and the European Bank for Reconstruction and Development, to develop financial safeguards and transparency practices in lending to the Russian Federation.

Activities To Support the Russian Federation


(a) Assistance Programs.—In providing assistance to the Russian Federation under chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.), the President is authorized to—

(1) work with the Government of the Russian Federation, the Duma, and representatives of the Russian Federation judiciary to help implement a revised and improved code of criminal procedure and other laws;

(2) establish civic education programs relating to democracy, public policy, the rule of law, and the importance of independent media, including the establishment of ‘American Centers’ and public policy schools at Russian universities and encourage cooperative programs with universities in the United States to offer courses through Internet-based off-site learning centers at Russian universities; and

(3) support the Regional Initiatives (RI) program, which provides targeted assistance in those regions of
the Russian Federation that have demonstrated a commitment to reform, democracy, and the rule of law, and which promotes the concept of such programs as a model for all regions of the Russian Federation.

“(b) Radio Free Europe/Radio Liberty and Voice of America.—RFE/RL, Incorporated, and the Voice of America should use new and innovative techniques, in cooperation with local independent media sources and using local languages as appropriate and as possible, to disseminate throughout the Russian Federation information relating to democracy, free-market economics, the rule of law, and human rights.”

§ 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 2299aa or 2299aa–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.

(c) Exceptions to ineligibility

Assistance prohibited by subsection (b) of this section or any similar provision of law, other

1 So in original. Probably should be "Baltic".
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 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.].

References in Text


Amendments


1994—Subsec. (b)(4). Pub. L. 103–236 substituted “section 2799aa or 2799aa–1” for “section 2429 or 2429a”.

Change of Name


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 Broad-
casting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12653, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

Functions of President under subsec. (a) and (c)(1) of this section delegated to Secretary of State, see sections 6531 and 6532 of this title.

Functions of President under subsec. (c) of this section delegated to Coordinator by section 2(c), of Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, as amended.

Functions of President under subsec. (c)(1) of this section delegated to Secretary of State by section 3(c) 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.

§ 2295b. Authorities relating to assistance and other provisions

(a) Assistance through governments and non-governmental 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)(J) of section 2295 of this title, the President may exercise the same authorities as are available under section 2246c 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 unforeseen 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; or

(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 financing 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”.

References in Text


1So in original. Probably should be “unforeseen”.

References in Text

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 622, 632 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.


Amendments


Effective Date of 1994 Amendment

Amendment by Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 631 of Pub. L. 103–236, set out as Effective Date note under section 6301 of this title.

Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

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, as amended, 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.”

§ 2296c. 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.

§ 2296. United States assistance to promote reconciliation and recovery from regional conflicts

(a) Purpose of assistance

The purposes of assistance under this section include—

(1) the creation of the basis for reconciliation between belligerents;

(2) the promotion of economic development in areas of the countries of the South Caucasus and Central Asia impacted by civil conflict and war; and

(3) the encouragement of broad regional cooperation among countries of the South Caucasus and Central Asia that have been destabilized by internal conflicts.

(b) Authorization for assistance

(1) In general

To carry out the purposes of subsection (a) of this section, the President is authorized to
provide humanitarian assistance and economic reconstruction assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c) of this section.

(2) Definition of humanitarian assistance
In this subsection, the term "humanitarian assistance" means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies and equipment, education, and clothing.

(c) Activities supported
Activities that may be supported by assistance under subsection (b) of this section include—

(1) providing for the humanitarian needs of victims of the conflicts;
(2) facilitating the return of refugees and internally displaced persons to their homes; and
(3) assisting in the reconstruction of residential and economic infrastructure destroyed by war.


PRIOR PROVISIONS

DELEGATION OF FUNCTIONS
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2296a. Economic assistance

(a) Purpose of assistance
The purpose of assistance under this section is to foster economic growth and development, including the conditions necessary for regional economic cooperation, in the South Caucasus and Central Asia.

(b) Authorization for assistance
To carry out the purpose of subsection (a) of this section, the President is authorized to provide assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c) of this section.

(c) Activities supported
In addition to the activities described in section 2295 of this title, activities supported by assistance under subsection (b) of this section should support the development of the structures and means necessary for the growth of private sector economies based upon market principles.


DELEGATION OF FUNCTIONS
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2296b. Development of infrastructure

(a) Purpose of programs
The purposes of programs under this section include—

(1) to develop the physical infrastructure necessary for regional cooperation among the countries of the South Caucasus and Central Asia; and
(2) to encourage closer economic relations and to facilitate the removal of impediments to cross-border commerce among those countries and the United States and other developed nations.

(b) Authorization for programs
To carry out the purposes of subsection (a) of this section, the following types of programs for the countries of the South Caucasus and Central Asia may be used to support the activities described in subsection (c) of this section:

(1) Activities by the Export-Import Bank to complete the review process for eligibility for financing under the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.).

(2) The provision of insurance, reinsurance, financing, or other assistance by the Overseas Private Investment Corporation.

(3) Assistance under section 2421 of this title (relating to the Trade and Development Agency).

(c) Activities supported
Activities that may be supported by programs under subsection (b) of this section include promoting actively the participation of United States companies and investors in the planning, financing, and construction of infrastructure for communications, transportation, including air transportation, and energy and trade including highways, railroads, port facilities, shipping, banking, insurance, telecommunications networks, and gas and oil pipelines.


REFERENCES IN TEXT
The Export-Import Bank Act of 1945, referred to in subsec. (b)(1), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to subchapter I (§ 635 et seq.) of chapter 12 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.

§ 2296c. Border control assistance

(a) Purpose of assistance
The purpose of assistance under this section includes the assistance of the countries of the South Caucasus and Central Asia to secure their borders and implement effective controls necessary to prevent the trafficking of illegal narcotics and the proliferation of technology and materials related to weapons of mass destruction (as defined in section 2332a(o)(2) of title 18), and to contain and inhibit transnational organized criminal activities.

(b) Authorization for assistance
To carry out the purpose of subsection (a) of this section, the President is authorized to pro-
provide assistance to the countries of the South Caucasus and Central Asia to support the activities described in subsection (c) of this section.

(c) Activities supported

Activities that may be supported by assistance under subsection (b) of this section include assisting those countries of the South Caucasus and Central Asia in developing capabilities to maintain national border guards, coast guard, and customs controls.


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2296d. Strengthening democracy, tolerance, and the development of civil society

(a) Purpose of assistance

The purpose of assistance under this section is to promote institutions of democratic government and to create the conditions for the growth of pluralistic societies, including religious tolerance and respect for internationally recognized human rights.

(b) Authorization for assistance

To carry out the purpose of subsection (a) of this section, the President is authorized to provide the following types of assistance to the countries of the South Caucasus and Central Asia:

(1) Assistance for democracy building, including programs to strengthen parliamentary institutions and practices.

(2) Assistance for the development of nongovernmental organizations.

(3) Assistance for development of independent media.

(4) Assistance for the development of the rule of law, a strong independent judiciary, and transparency in political practice and commercial transactions.

(5) International exchanges and advanced professional training programs in skill areas central to the development of civil society.

(6) Assistance to promote increased adherence to civil and political rights under section 2151n(e) of this title.

(c) Activities supported

Activities that may be supported by assistance under subsection (b) of this section include as follows:

(1) Assistance for democracy building, including programs to strengthen parliamentary institutions and practices.

(2) Assistance for the development of nongovernmental organizations.

(3) Assistance for development of independent media.

(4) Assistance for the development of the rule of law, a strong independent judiciary, and transparency in political practice and commercial transactions.

(5) International exchanges and advanced professional training programs in skill areas central to the development of civil society.

(6) Assistance to promote increased adherence to civil and political rights under section 2151n(e) of this title.


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2296e. Administrative authorities

(a) Assistance through governments and nongovernmental organizations

Assistance under this part may be provided to governments or through nongovernmental organizations.

(b) Use of economic support funds

Except as otherwise provided, any funds that have been allocated under part IV 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.

(c) Terms and conditions

Assistance under this part shall be provided on such terms and conditions as the President may determine.

(d) Available authorities

The authority in this part to provide assistance for the countries of the South Caucasus and Central Asia is in addition to the authority to provide such assistance under the FREEDOM Support Act (22 U.S.C. 5801 et seq.) or any other Act, and the authorities applicable to the provision of assistance under part XI of this subchapter may be used to provide assistance under this part.


REFERENCES IN TEXT


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2296f. Definitions

In this part:

(1) Appropriate congressional committees

The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) Countries of the South Caucasus and Central Asia

The term "countries of the South Caucasus and Central Asia" means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.


CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Af-
SUBCHAPTER II—MILITARY ASSISTANCE AND SALES

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 as long as hostile countries continue to threaten by 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 I 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.


REFERENCES IN TEXT


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

References to subchapter II of this chapter are deemed to exclude parts IV (§ 2336 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


AMENDMENTS


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 Com- munist-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.

TRANSFER OF PROSCRIBED WEAPONS TO PERSONS OR ENTITIES IN THE WEST BANK AND GAZA


“(a) DETERMINATION REGARDING TRANSFERS.—If the President determines, based on a preponderance of the evidence, that a foreign person or entity has knowingly transferred proscribed weapons to Palestinian entities in the West Bank or Gaza, then, for the period specified in subsection (b), no assistance may be provided to the person or entity under part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2301 et seq.] and no sales of defense articles or defense services may be made to the person or entity under section 23 of the Arms Export Control Act [22 U.S.C. 2763].
§ 2302. Utilization of defense articles and defense services

Defense articles and defense services to any country shall be furnished solely for internal security (including for antiterrorism and non-proliferation purposes), 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 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 should be incorporated in section 2319(c) of this title.

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 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. 88–265 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.


§ 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 [22 U. S. C. App. 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.
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 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.

(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 Diplomacy, 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 consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987). 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, whenever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 6402 of this title). Wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur, including the descriptions of such acts required under section 2153n(d)(6) of this title. Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country. 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. Each report under this section shall include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State. Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement. 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 non-governmental 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.

(h) Report on practices of recipient countries relating to trafficking in persons

(1) The report required by subsection (b) of this section shall include the following:

(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 7102 of this title, in each foreign country.
(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

(ii) Which government authorities in that country are involved in activities to combat such trafficking.

(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.

(i) Report on status of freedom of the press in recipient countries

The report required by subsection (b) shall include, wherever applicable—

(1) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

(2) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

(3) in countries where there are particularly severe violations of freedom of the press—

(A) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

(B) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.
100–606, Nov. 4, 1988, 102 Stat. 3045, which enacted chapter 50A (§1091 et seq.) of Title 18, Crimes and Criminal Procedure.

Section 2151 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 subsec. (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 (§2401 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. 87–196, Sept. 4, 1961, 75 Stat. 615, 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, for purposes of section 2151 (§1091 et seq.) of this title 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. 2906. Ninety-eighth Congress, 1st Session, as reported May 17, 1983, which was enacted into permanent law by Pub. L. 98–151.

AMENDMENTS


2004—Subsec. (b). Pub. L. 108–332 inserted after fourth sentence of introductory provisions “Wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur, and the nature and extent of acts of violence, abduction and clandestine detention, internment, and torture or other serious violations of internationally recognized human rights and prohibition of conscription of civilians under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent of such individuals taking a direct part in hostilities, (i) what steps, if any, taken by the government of the country to eliminate such practices, and (ii) any other information on violations of internationally recognized human rights” in part VIII (antiterrorism assistance) of subchapter II and inserted after fourth sentence “Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization.”

1995—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. (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.


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 “For” 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 funds” for “security support assistance”, “or part VI (peacekeeping operations)” after “and training)”, and struck out 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”.

and inserted after fourth sentence “Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement.”
§ 2305. National Security Assistance Strategy

(a) Multiyear plan
Not later than 180 days after October 6, 2000, and annually thereafter at the time of submission of the congressional presentation materials of the foreign operations appropriations budget request, the Secretary of State should submit to the appropriate committees of Congress a plan setting forth a National Security Assistance Strategy for the United States.

(b) Elements of the Strategy
The National Security Assistance Strategy should—
(1) set forth a multi-year plan for security assistance programs;
(2) be consistent with the National Security Strategy of the United States;
(3) be coordinated with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff;
(4) be prepared, in consultation with other agencies, as appropriate;
(5) identify overarching security assistance objectives, including identification of the role that specific security assistance programs will play in achieving such objectives;
(6) identify a primary security assistance objective, as well as specific secondary objectives, for individual countries;

(7) identify, on a country-by-country basis, how specific resources will be allocated to accomplish both primary and secondary objectives;
(8) discuss how specific types of assistance, such as foreign military financing and international military education and training, will be combined at the country level to achieve United States objectives; and

(9) detail, with respect to each of the paragraphs (1) through (8), how specific types of assistance provided pursuant to the Arms Export Control Act [22 U.S.C. 2751 et seq.] and the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] are coordinated with United States assistance programs managed by the Department of Defense and other agencies.

(c) Covered assistance
The National Security Assistance Strategy should cover assistance provided under—
(1) section 23 of the Arms Export Control Act [22 U.S.C. 2753];
(2) chapter 5 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2347 et seq.]; and


REFERENCES IN TEXT

§ 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.


REFERENCES IN TEXT


Amendment
1988—Subsec. (a). Pub. L. 100–461 inserted in last sentence “or from funds made available on a non-repayable 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”.


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.


1973—Pub. L. 88–189 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 subsec. (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.


**Effective Date of 1988 Amendment**

Section 580(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**


**Transfer of Functions**

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**Delegation of Functions**

For delegation of functions of President under this section, see Ex. Ord. No. 12183, Sept. 29, 1979, 44 F.R. 56673, as amended, 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 or services hereunder, and provision for provision for financial support with other activities and programs of the Department of Defense.


**Amendments**


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), (3), which limited assistance to those countries listed in par. (1), and par. (3), which provided that the authority contained in sections 2360(a) and 294(a) of this title not be used to increase the amounts specified in par. (1) or the limitations in par. (2).


1979—Subsec. (a)(1). Pub. L. 98–92 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 proportion 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 years 1979 to carry out the purposes of this part with specified amounts allocated to Greece, Portugal, Spain, Turkey, Jordan, Indonesia, 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, Jordan, Republic of Korea, Philippines, Thailand, Turkey, Ethiopia, and Portugal.

Pub. L. 95–23 substituted "$179,500,000" for "$190,000,000" 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 2321(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 2331(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 2570 of this title, respectively.

1976—Subsec. (a). Pub. L. 94–339 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 1976 with provisions 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. 93–599 substituted "$600,000,000 for the fiscal year 1975" for "$582,500,000 for the fiscal year 1974" and designated existing provision and subdivision (1) and added item (2).

1973—Subsec. (a). Pub. L. 93–189 substituted "$582,500,000 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 1976, and $350,000,000 for the fiscal year 1977".

1969—Subsec. (a). Pub. L. 91–175 substituted "$390,000,000 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 "$310,000,000", 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 "‘1967’" 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 "‘fiscal years 1962 and 1963’ and "$1,700,000,000 for each such fiscal year, which sum", respectively.

Effective Date of 1965 Amendment

Delegation of Functions
For delegation of functions of President under this section, see Ex. Ord. No. 12183, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2313. Transferred

Codification

§ 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.

REFERENCES IN TEXT


AMENDMENTS


AMENDMENTS

1973—Subsec. (a). Pub. L. 94–329, §230(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).

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.


1962—Subsecs. (c), (d). Pub. L. 87–565 added subsecs. (c) and (d).

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


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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.
§ 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 $200,000,000 in any fiscal year of such articles, services, and military education and training.

(2) The President shall keep the Congress fully and currently informed of all defense articles, defense services, and military education and training furnished pursuant to clause (i)(I) of such subparagraph; and

(B) an aggregate value of not to exceed $100,000,000 in any fiscal year of such articles, services, and military education and training.

(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.

(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.


REFERENCES IN TEXT


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

2000—Subsec. (a)(2)(A)(i)(III) to (V). Pub. L. 106–280, § 121(b), added subcls. (III) to (V) and struck out former subcl. (III) which read as follows: "the Migration and Refugee Assistance Act of 1962".

Subsec. (a)(2)(B), Pub. L. 106–280, § 121(a), substituted "$320,000,000" for "$150,000,000" in introductory provisions.

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 the 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 "‘$200,000,000’ for ‘$150,000,000’ in introductory provisions of such sections of this subtitle for ‘$75,000,000’ in concluding provisions of such subsections of this section."

1994—Subsec. (a). Pub. L. 103–164, § 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) 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 provided in the United States to a foreign country within the period at end ‘‘(ii)’’ in the drawdown of services ordered, and eliminated requirement for determination that failure to respond immediately to the request 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).

Subsec. (b). Pub. L. 103–164, § 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, notification 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 subs. (A) and (B), respectively, and added par. (2).

1983—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. 96–333 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 $75,000,000 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 request 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).

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.
mediate 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.


1973—Subsec. (a). Pub. L. 93–185 substituted "the fiscal year 1974", "in the security interests", and "$150,000,000" for "$250,000,000".


§ 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.

Section was not enacted as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

1978—Subsec. (d). Pub. L. 95–381 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) of this section 

(1) added 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.
§ 2321c

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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 excess defense article which was less than 35\% 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”.


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 35\% percent of the amount the United States paid for 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 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”.


EFFECTIVE DATE OF 1976 AMENDMENT

Section 210(c)(2) of Pub. L. 94–329 provided in part that the amendment of subsec. (a) to (c) and (e) by Pub. L. 94–329 is effective July 1, 1976.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

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.

§ 2321c. Definitions

For purposes of sections 2321b and 2321a 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.

1 See References in Text note below.
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 1-561(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 5675, 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. 94–149.

§ 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, 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, 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.

(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $200,000,000 for each of fiscal years 2011 and 2012.

(B) Of the amount specified in subparagraph (A) for a fiscal year, not more than $200,000,000 may be made available for stockpiles in the State of Israel.

(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.


**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 2751 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**


**FR-45860]**

Subsec. (b)(2)(B). Pub. L. 109–472, § 13(a)(2)(B), substituted “$200,000,000” for “$100,000,000”.


2002—Subsec. (b)(2). Pub. L. 107–228 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $50,000,000 for fiscal year 2001.

“(B) Of the amount specified in subparagraph (A), not more than $50,000,000 may be made available for stockpiles in the Republic of Korea.

“(C) $60,000,000 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.”

1999—Subsec. (b)(2). Pub. L. 106–113, § 1006(a)(7) [title XII, § 1251], amended par. (2) generally. Prior to amendment, par. (2) read as follows: “(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $340,000,000 for fiscal year 1999 and $60,000,000 for fiscal year 2000.

“(B) Of the amount specified in subparagraph (A), 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.”

1998—Subsec. (b)(2)(A). Pub. L. 106–113, § 1006(a)(2) [title V, § 584(a)], inserted “and $60,000,000 for fiscal year 2000” before period at end and directed the striking of “$50,000,000 for each of fiscal years 1996 and 1997, $60,000,000 for fiscal year 1998, and”, which was executed by striking after “shall not exceed” text which did not include a comma after “1998” to reflect the probable intent of Congress.

Subsec. (b)(2)(B). Pub. L. 106–113, § 1006(a)(2) [title V, § 584(a)], struck out “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 $20,000,000 may be made available for stockpiles in Thailand. Of the amount specified in subparagraph (A) for fiscal year 2000, 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.”


Subsec. (b)(2)(B). Pub. L. 105–118, § 575(b), inserted at end “Of the amount specified in subparagraph (A) for fiscal year 1997, not more than $50,000,000 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 year 1994 and 1995, up to $40,000,000 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 “$300,000,000 for stockpiles in Israel for fiscal year 1994”.  

1993—Subsec. (b)(2). Pub. L. 102–391 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 and inserting in lieu thereof $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, § 575(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, § 575(a), replaced “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 year on new stockpiles created under this section or 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 ‘‘$155,000,000 for fiscal year 1990’’ for ‘‘$77,000,000 for fiscal year 1989’’.

1985—Subsec. (b)(2). Pub. L. 99–83 amended par. (2) generally, substituting ‘‘$77,000,000 for fiscal year 1989’’ for ‘‘$116,000,000 for fiscal year 1988’’.

1984—Subsec. (b)(2). Pub. L. 100–202 amended par. (2) generally, substituting ‘‘$116,000,000 for fiscal year 1988’’ for ‘‘$380,000,000 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 authorizing 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 $248,000,000.00 for the fiscal year 1985’’ for ‘‘$130,000,000 for the fiscal year 1984 and $125,000,000 for the fiscal year 1985’’.

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 ‘‘$50,000,000 for the fiscal year 1980’’.

1979—Subsec. (b)(2). Pub. L. 96–92, §6(a)(1), substituted ‘‘$55,000,000 for the fiscal year 1980’’ for ‘‘$50,000,000 for the fiscal year 1979’’.


1976—Subsec. (b)(2). Pub. L. 95–384 substituted ‘‘$50,000,000 for the fiscal year 1979’’ for ‘‘$700,000,000 for the fiscal year 1976’’.

1974—Subsec. (b)(2). Pub. L. 95–92 substituted ‘‘$700,000,000 for the fiscal year 1978’’ for ‘‘$93,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $125,000,000 for the fiscal year 1977’’.

1973—Subsec. (a). Pub. L. 93–329 substituted 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 September 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

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
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

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 571 of Pub. L. 101–314 [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


§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 Affairs 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 90 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 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.
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, 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. (b) 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)(2). 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 attaches” for “may not exceed the number of defense attaches” 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”.


1978—Subsec. (b)(1). Pub. L. 95–384, § 9(a), substituted “fiscal year 1978” for “fiscal year 1977” and “Turkey, Indonesia, Thailand” for “Brazil”.


Subsec. (d). Pub. L. 95–384, § 9(b), substituted “includes any such members serving on a reimbursable basis pursuant to subsection (b)(3) of this section, may not exceed 790 for the fiscal year 1978” for “may not exceed 865 for the fiscal year 1978”.

1977—Subsec. (d). Pub. L. 95–384, § 9(d), substituted “December 31, 1977, except that the President may assign an aggregate total of not to exceed eight additional defense attaches 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”.

1976—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 requirements, 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 be charged or reimbursed from funds 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 1976 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 advisory group, etc., to operate in a 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” for “Effective July 1, 1976”.

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).

Effective Date of 1985 Amendment

Transfer of Functions
For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Delegation of Functions
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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, and thereafter for the four-period\(^1\) beginning on October 1, 2000, 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, to major non-NATO allies on such southern and southeastern flank, and to the Philippines 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 50,000 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

\(^1\) So in original. Probably should be “four-year period.”
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 section in any fiscal year may not exceed $425,000,000.

(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.


AMENDMENTS

2002—Subsec. (c)(2). Pub. L. 107–228 substituted “major non-NATO allies on southern and southeastern flank”, for “and to the Philippines” for “and to major non-NATO allies on such southern and southeastern flank”.

2000—Subsec. (e)(2)(C). Pub. L. 106–280 substituted “50,000,000”, for “25,000,000”.

1999—Subsec. (b)(2). Pub. L. 106–113, § 1000(a)(7) [title XII, § 1211(b)], inserted “and thereafter for the four-period beginning on October 1, 2000,” after “October 1, 1996,”.

Subsec. (g)(1). Pub. L. 106–113, § 1000(a)(7) [title XII, § 1211(b)], substituted “$425,000,000” for “$350,000,000”.

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 purposes 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.


1992—Subsec. (a). Pub. L. 102–484, § 1313(4), 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” and inserting “the 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 and which either received Foreign Military Financing (FMF) assistance in fiscal year 1990 or 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(1), inserted “(1)” after “may transfer”.


1991—Subsec. (a). Pub. L. 100–202, § 1049(a)(1), struck out “during the fiscal years 1987 through 1991,” before “the President may transfer”.

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. 100–167, which is set out in a note below.

AVOIDING DUPLICATE AMENDMENTS

Section 1048(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 duplicate amendments enacted by section 1048(a) would not take effect, was repealed by Pub. L. 102–484, div. A, title X, §1053(x), Oct. 23, 1992, 106 Stat. 2592.

MODERNIZATION OF MILITARY CAPABILITIES OF CERTAIN COUNTRIES


“(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, 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 682(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(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 Co-
operation Act of 1969 [probably means section 841 of H.R. 3583, 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 ap-
proximates 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).

(4) MAJOR ILLICIT DRUG PRODUCING COUNTRIES
IN LATIN AMERICA AND THE CARIBBEAN.—

(a) 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
tional antinarcotics programs, conceived and
developed by the government of that country, by con-
ducting activities within that country and on the high
sea to prevent the production, processing, traf-
ficking, transportation, and consumption of illicit
narcotic or psychotropic [sic] drugs or other con-
trolled substances.

(b) USES OF EXCESS DEFENSE ARTICLES.—Excess de-
fense 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 sup-
port of antinarcotics activities.

(3) ROLE OF THE SECRETARY OF STATE.—The Sec-
retary of State shall determine the eligibility of
countries to receive excess defense articles under sub-
section (a)(2) and insure that any transfer is coordi-
nated with other antinarcotics enforcement programs
assisted by the United States Government.

(4) LIMITATION.—The aggregate value of excess de-
fense 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 mean-
ing given that term by section 644(g) [probably means
section 644(g) of Pub. L. 87-195, which is classified to
section 2603(g) of this title];

(2) the term ‘‘made available’’ means that a good
or service is treated as though it were designated a major non-
NATO ally (as defined in section 644(q) of the Foreign
Assistance Act of 1961 (22 U.S.C. 2751 et seq.));

(3) the term ‘‘major non-NATO ally’’ includes Aus-
tralia, 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.

[For delegation of functions of President under sec-
section 573 of Pub. L. 101-567, set out above, see Ex. Ord.
No. 12163, Sept. 29, 1979, 44 F.R. 26773, 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:

2288-43.
Pub. L. 100-202, §101(e) [title V, §382], Dec. 22, 1987, 101

§ 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 Presi-
dent is not required to notify the Congress of
such designation of those countries.

(Pub. L. 87-195, pt. II, §517, as added Pub. L.
1434.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), was in
the original ‘‘this Act’’, meaning Pub. L. 87-195, pt. IV, Sept.
19, 1961, 75 Stat. 424, as amended, known as the Foreign As-

cistance Act of 1961. For complete classification of this
Act to the Code, see Short Title note set out under sec-
tion 2381 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (a)(1), is Pub. L. 90-629, §10, 90 Stat. 629, as
amended, which is classified principally to chapter 39
of part II of this title.

The effective date of this section, referred to in sub-
sec. (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
amended, was added Pub. L. 101-231, §3, Dec. 13, 1989, 103 Stat. 1657,

3357; Pub. L. 102-583, §9(a), Nov. 2, 1992, 106 Stat. 3934;

502, related to modernization of counternarcotics capa-
cilities of certain Latin America and Caribbean coun-

DELEGATION OF FUNCTIONS

For delegation of functions of President under this
section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R.
26773, as amended, set out as a note under section 2381
of this title.

TREATMENT OF TAIWAN RELATING TO TRANSFERS OF
DEFENSE ARTICLES AND DEFENSE SERVICES

116 Stat. 1428, provided that: ‘‘Notwithstanding any
other provision of law, for purposes of the transfer or
possible transfer of defense articles or defense services
under the Arms Export Control Act (22 U.S.C. 2751 et
seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151
et seq.), or any other provision of law, Taiwan shall be
treated as though it were designated a major non-
NATO ally (as defined in section 644(q) of the Foreign
Assistance Act of 1961 (22 U.S.C. 2403(g))).’’

[For definitions of ‘‘defense article’’ and ‘‘defense
service’’ as used in section 1206 of Pub. L. 107-228, see
section 1002 of Pub. L. 107-228, set out as a note under
section 2351 of this title.]

PRESIDENTIAL DETERMINATIONS RELATING TO DESIGNA-
TIONS OF COUNTRIES AS MAJOR NON-NATO ALLIES

The following Presidential Determinations des-
ignated the countries listed as major non-NATO allies
of the United States for purposes of the Foreign Assist-
cance Act of 1961 (22 U.S.C. 2151 et seq.) and the Arms
Export Control Act (22 U.S.C. 2751 et seq.):

Determination No. 97-4, Nov. 12, 1996, 61 F.R.
59809.—

Jordan.


Section 2321m, Pub. L. 87–185, pt. II, § 520, as added Pub. L. 101–513, title V, § 436(l), Nov. 5, 1990, 104 Stat. 1994, 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. 87–185, pt. II, § 523, as added Pub. L. 101–513, title V, § 436(l), 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


PART III—FOREIGN MILITARY SALES


Section 2341, Pub. L. 87–185, pt. II, § 521, formerly § 514, as added Pub. L. 89–563, 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.


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, 2384(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 guaranties) 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 guarantees 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.


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 merging 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 collected” and substituted “have been or are used” for “are used” and “financing sales and guarantees, 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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

INCREASES IN MILITARY ASSISTANCE PROGRAMS; REPORTS TO CONGRESS ON PRESIDENTIAL DETERMINATIONS

Pub. L. 91–194, title I, §119, 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.


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.


ARMS RACES AND WEAPONS SYSTEMS RESTRAINTS; PROHIBITIONS AGAINST DIVERSION OF RESOURCES FOR ECONOMIC AND AGRICULTURAL DEVELOPMENT TO MILITARY PURPOSES


“(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 Food for Peace Act, as amended [7 U.S.C. 1691 et seq.]:

“(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.”


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.
§ 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 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.


(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.

Prior Provisions


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 programs of assistance shall be used to generate local currencies, not less than 50 percent of which shall be available to support activities consistent with the objective of sections 2151a through 2151d of this title, and administered by the agency primarily responsible for administering subchapter I of this chapter.”

1980—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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 41166, as amended, set out as a note under section 2381 of this title.

Assistance to Lebanon

Notwithstanding any other provision of law, any funds authorized to be appropriated to carry out 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) may not be obligated unless and until the President certifies to the appropriate congressional committees that—

(1) the armed forces of Lebanon have been deployed to the internationally recognized border between Lebanon and Israel; and

(2) the Government of Lebanon is effectively asserting its authority in the area in which such armed forces have been deployed.

(b) Requirement relating to funds withheld.—Notwithstanding any other provision of law, any funds withheld pursuant to subsection (a) may not be programmed in order to be used for a purpose other than for assistance to Lebanon unless and until the last month of the fiscal year in which the authority to obligate such funds lapses.

[For definition of "appropriate congressional committees" as used in section 1224 of Pub. L. 107–228, set out above, see section 3 of Pub. L. 107–228, set out as a note under section 2651 of this title.]

ASSISTANCE TO AFGHANISTAN


(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 (22 U.S.C. 2346 et seq.; 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, notwithstanding any other provision of law.

(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 1986.

REPORTS ON ECONOMIC CONDITIONS PREVAILING IN EGYPT, ISRAEL, TURKEY, AND PORTUGAL

Pub. L. 99–83, title XII, §1205, Aug. 8, 1985, 99 Stat. 277, 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.

SECURITY SUPPORTING ASSISTANCE PROGRAM FOR EGYPT

Section 9 of Pub. L. 95–92, as amended by Pub. L. 95–384, §2381–2(a), Sept. 23, 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."

§2346a. Authorization 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.

PRIOR PROVISIONS


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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

TERMINATION OF ASSISTANCE PROGRAMS TO SYRIA

“(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 Appropriations 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 as official expenses required to be incurred 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 for Syria under 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 thereafter (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.”

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 any 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 earmarked amount may be used to carry out this section.


CODIFICATION

Section was classified to section 2346d of this title prior to renumbering by Pub. L. 99–83.

PRIOR PROVISIONS


AMENDMENTS

§ 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.


PRIOR PROVISIONS


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.


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, 1967.”

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 2511–1 of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R.
56673, as amended, set out as a note under section 2381 of this title.

**ADDITIONAL CLAUSES**

Pub. L. 108–198, div. D, title V, § 536, Jan. 23, 2004, 118 Stat. 183, provided that: “Of the funds appropriated or otherwise made available by this Act or any subsequent Act for the ‘Economic Support Fund’, assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961 [22 U.S.C. 2346c(b)], except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act [22 U.S.C. 2420].

Similar provisions were contained in the following prior appropriation acts:


**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 or otherwise made available by this Act or any subsequent Act for the ‘Economic Support Fund’, assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961 [22 U.S.C. 2346c(b)], except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act [22 U.S.C. 2420]. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961 [22 U.S.C. 2346c(c), (e)].”


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

2005—Pub. L. 109–102 designated existing provisions as subsec. (a) and added subsec. (b).

1996—Pub. L. 104–144 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 government 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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

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.


AMENDMENTS


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 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.

1979—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


§ 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.


AMENDMENTS


§ 2347c. Exchange training; reciprocity agreement

(a) Attendance of foreign military personnel at professional military education institutions

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 2202(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 profes-
sional military education institutions and comparable institutions of foreign countries and international organizations.

(b) Attendance of foreign military and civilian defense personnel at flight training schools and programs

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.

(c) Post-undergraduate flying training and tactical leadership programs at training locations in Southwest Asia

(1) The President is authorized to enter into cooperative arrangements providing for the participation of foreign and United States military and civilian defense personnel in post-undergraduate flying training and tactical leadership programs at training locations in Southwest Asia without charge to participating foreign countries, and without charge to funds available to carry out this part (notwithstanding section 2392(d) of this title). Such training must satisfy common requirements with the United States for post-undergraduate flying and tactical leadership training.

(2) Cooperative arrangements under this subsection shall require an equitable contribution of support and services from each participating country. The President may waive the requirement for an equitable contribution of a participating foreign country if he determines that to do so is important to the national security interests of the United States.

(3) Costs incurred by the United States shall be charged to the current applicable appropriation accounts or funds of the participating United States Government agencies.


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 251–1 of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

AUTHORITY FOR EXCHANGE TRAINING THROUGH SPECIFIED PROFESSIONAL MILITARY EDUCATION INSTITUTION OUTSIDE UNITED STATES


“(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. 2347f) 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.


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 251–1 of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.


§ 2347f. Consultation requirement

The selection of foreign personnel for training under this part shall be made in consultation with the United States defense attaché to the relevant country.


§ 2347g. Records regarding foreign participants

(a) Development and maintenance of database

In order to contribute most effectively to the development of military professionalism in for-
eign countries, the Secretary of Defense shall develop and maintain a database containing records on each foreign military or defense ministry civilian participant in education and training activities conducted under this part after December 31, 2000. This record shall include the type of instruction received, the dates of such instruction, whether such instruction was completed successfully, and, to the extent practicable, a record of the person’s subsequent military or defense ministry career and current position and location.

(b) Annual list of foreign personnel

For the purposes of preparing the report required pursuant to section 2347h of this title, the Secretary of State may annually request the Secretary of Defense to provide information contained in the database, with respect to a list submitted to the Secretary of Defense by the Secretary of State, that contains the names of foreign personnel or military units. To the extent practicable, the Secretary of Defense shall provide, and the Secretary of State may take into account, the information contained in the database, if any, relating to the Secretary of State’s submission.

(c) Updating of database

If the Secretary of State determines and reports to Congress under section 2347h of this title that a foreign person identified in the database maintained pursuant to this section was involved in a violation of internationally recognized human rights, the Secretary of Defense shall ensure that the database is updated to contain such fact and all relevant information.


AMENDMENTS

2002—Pub. L. 107–228 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) and (c).

§ 2347h. Human rights report

(a) In general

Not later than March 1 of each year, the Secretary of State shall submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing, to the extent practicable, any involvement of a foreign military or defense ministry civilian participant in education and training activities under this part in a violation of internationally recognized human rights reported under section 2151n(d) of this title subsequent to such participation.

(b) Form

The report described in subsection (a) of this section shall be in unclassified form, but may include a classified annex.


PART VI—PEACEKEEPING OPERATIONS

§ 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 267d–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.


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.

DECLARATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

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 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**


**§ 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 2306(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.


**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).


1981—Subsec. (a). Pub. L. 97–113, § 114(a), substituted “$39,000,000 for the fiscal year 1982 and $18,000,000 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**


**DELEGATION OF FUNCTIONS**

For delegation of functions of President under this section, see Ex. Or. No. 12183, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2301 of this title.


Section, Pub. L. 97–195, 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.

§ 2348d. Data on costs incurred in support of United Nations peacekeeping operations

(a) United States costs

The President shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States Department of Defense during the preceding year in support of all United Nations Security Council resolutions as reported to the Congress pursuant to section 8079 of the Department of Defense Appropriations Act, 1998.

(b) United Nations member costs

The President shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such resolutions.

§ 2348g. 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 other source of financing available to it, may be used by Israel to carry out its undertaking to fulfill its commitments in the framework of the Camp David Peace Accords.

§ 2348h. Data on costs incurred in support of United Nations peacekeeping operations

(a) United States costs

The President shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States Department of Defense during the preceding year in support of all United Nations Security Council resolutions as reported to the Congress pursuant to section 8079 of the Department of Defense Appropriations Act, 1998.

(b) United Nations member costs

The President shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such resolutions.

§ 2348i. Waiver authorities

It is the sense of the Congress that the President should take all necessary measures consist-
ent 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 2303(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.


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

PART VIII—ANTITERRORISM ASSISTANCE

§ 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.


CODIFICATION


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”.

CODEFICATION

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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.


CODIFICATION


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.


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 2349aa of this title and Tables.


CODIFICATION


AMENDMENTS


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 not 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 and 1987, and provided that no shock bars or similar devices be provided under this part.

Subsec. (c), Pub. L. 104–164, §121(b)(3), 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)(3), 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 of offices of the Department 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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56763, as amended, set out as a note under section 2381 of this title.

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 $72,000,000 for fiscal year 2001, $73,000,000 for fiscal year 2002, and $61,200,000 for fiscal year 2003.

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

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

2002—Subsec. (a). Pub. L. 107-228 substituted "$73,000,000 for fiscal year 2002, and $61,200,000 for fiscal year 2003" for "and $73,000,000 for fiscal year 2002".

2000—Subsec. (a). Pub. L. 106-280 substituted "$72,000,000 for fiscal year 2001 and $73,000,000 for fiscal year 2002" for "$9,840,000 for fiscal year 1996 and $14,680,000 for fiscal year 1997".

1986—Subsec. (a). Pub. L. 99-399 substituted "$14,680,000 for the fiscal year 1997" for "$9,840,000 for the fiscal year 1996 and $14,680,000 for fiscal year 1997".

1984—Pub. L. 98-476, 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


Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.

Prior Provisions

A prior section 574 of Pub. L. 87-195 was renumbered section 574 and is classified to section 2349aa-4 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.) 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 2346c 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.


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 international 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.


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.
not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS
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”.

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 251–1 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.


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 251–1 of this title.

DELEGATION OF FUNCTIONS
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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 des-
ignated as major non-NATO allies for purposes of section 2350a(i)(3) \(^1\) 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.


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.

Section 2350a of title 10, referred to in subsec. (b)(2), was subsequently amended, and section 2350a(i)(3) no longer defines the term “major non-NATO ally.” However, such term is defined elsewhere in this section.

CODIFICATION


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. Section 575 of the Act was renumbered section 574 by section 121(d) of Pub. L. 104–164 without corresponding amendment to this section.

“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 2352a and 2352b of Title 18, Crimes and Criminal Procedure, amending section 2349aa–2 of this title, section 2339a of Title 18, and section 4990e of Title 49, Transportation; and enacting provisions set out as notes under section 2377 of this title and sections 2352d and 2359b 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 I of the Foreign Assistance Act of 1961 [22 U.S.C. 2292 et seq.] (relating to international disaster assistance).”

PART IX—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

§ 2349bb. Purposes

The purposes of assistance under this part are to halt the proliferation of nuclear, chemical, and biological weapons, and conventional weaponry, through support of activities designed—

(1) to enhance the nonproliferation and export control capabilities of friendly countries by providing training and equipment to detect, deter, monitor, interdict, and counter proliferation;

(2) to strengthen the bilateral ties of the United States with friendly governments by offering concrete assistance in this area of vital national security interest;

(3) to accomplish the activities and objectives set forth in sections 5853 and 5854 of this title, without regard to the limitation of those sections to the independent states of the former Soviet Union; and

(4) to promote multilateral activities, including cooperation with international organizations, relating to nonproliferation.


NONPROLIFERATION TECHNOLOGY ACQUISITION PROGRAMS FOR FRIENDLY FOREIGN COUNTRIES


“(a) IN GENERAL.—For the purpose of enhancing the nonproliferation and export control capabilities of friendly countries, of the amount authorized to be appropriated for fiscal year 2003—

(1) $10,000,000 for the procurement and provision of nuclear, chemical, and biological detection systems, including spectroscopic and pulse echo technologies; and

(2) $10,000,000 for the procurement and provision of x-ray systems capable of imaging sea-cargo containers.

“(b) REPORTS ON TRAINING PROGRAM.—

“(1) INITIAL REPORT.—Not later than March 31, 2003, the Secretary shall submit a report to the appropriate congressional committees setting forth his plans and budget for a multiyear training program to train foreign personnel in the utilization of the systems described in subsection (a);

“(2) SUBSEQUENT REPORTS.—Not later than March 31, 2004, and annually thereafter for the next three years, the Secretary shall submit a report to the appropriate congressional committees describing the progress, current status, and budget of that training program and of the provision of those systems.”

[For definitions of “Secretary” and “appropriate congressional committees” as used in section 1302 of Pub. L. 107–228, set out above, see section 3 of Pub. L. 107–228, set out as a note under section 2651 of this title.]

§ 2349bb–1. Authorization of assistance

Notwithstanding any other provision of law (other than section 2304 or section 2371 of this title), the President is authorized to furnish, on such terms and conditions as the President may determine, assistance in order to carry out the purposes of this part. Such assistance may include training services and the provision of funds, equipment, and other commodities related to the detection, deterrence, monitoring, interdiction, and prevention or countering of proliferation, the establishment of effective nonproliferation laws and regulations, and the apprehension of those individuals involved in acts of proliferation of such weapons.

DELEGATION OF FUNCTIONS
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2349bb–2. Transit interdiction
(a) Allocation of funds
In providing assistance under this part, the President shall ensure that, beginning in fiscal year 2007, not less than one-quarter of the total of such assistance is obligated for the purpose of enhancing the capabilities of friendly countries to detect and interdict proliferation-related shipments of cargo to non-State actors and States of proliferation concern.

(b) Priority to certain countries
Priority shall be given in the apportionment of the assistance described under subsection (a) of this section to any friendly country that has been determined by the Secretary of State to be a country frequently transited by proliferation-related shipments of cargo.

(c) Cooperative agreements
In order to promote cooperation regarding the interdiction of weapons of mass destruction and related materials and delivery systems, the President is authorized to conclude agreements, including reciprocal maritime agreements, with other countries to facilitate effective measures to prevent the transportation of such items to non-state actors and states of proliferation concern.

(d) Determination and notice to Congress
The Secretary of State shall notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate in writing not more than 30 days after making a determination that any friendly country has been determined to be a country eligible for priority consideration of any assistance under subsection (a). Such determination shall set forth the reasons for such determination, and may be submitted in classified and unclassified form, as necessary.


AMENDMENTS
2007—Subsec. (a). Pub. L. 109–472, §10(c)(1), substituted “shall ensure that, beginning in fiscal year 2007,” for “should ensure that”, “obligated” for “expended”, and “to non-State actors and States of proliferation concern” for “that originate from, and are destined for, other countries”.
Subsecs. (c), (d). Pub. L. 109–472, §10(c)(2), added subsecs. (c) and (d).

CHANGE OF NAME
Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

DELEGATION OF FUNCTIONS
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2349bb–2a. International nonproliferation export control training
(a) General authority
The President is authorized to furnish, on such terms and conditions consistent with this part (but whenever feasible on a reimbursable basis), education and training to appropriate military and civilian personnel of foreign countries for the purpose of enhancing the nonproliferation and export control capabilities of such personnel through their attendance in special courses of instruction conducted by the United States.

(b) Administration of courses
The Secretary of State shall have overall responsibility for the development and conduct of international nonproliferation education and training programs under this section, and may utilize other departments and agencies of the United States, as appropriate, to recommend personnel for the education and training and to administer specific courses of instruction.

(c) Purposes
Education and training activities conducted under this section shall be—
(1) of a technical nature, emphasizing techniques for detecting, deterring, monitoring, interdicting, and countering proliferation;
(2) designed to encourage effective and mutually beneficial relations and increased understanding between the United States and friendly countries; and
(3) designed to improve the ability of friendly countries to utilize their resources with maximum effectiveness, thereby contributing to greater self-reliance by such countries.

(d) Priority to certain countries
In selecting personnel for education and training pursuant to this section, priority should be given to personnel from countries determined by the Secretary of State to be countries frequently transited by proliferation-related shipments of cargo.


PRIOR PROVISIONS
A prior section 584 of Pub. L. 87–195 was renumbered section 585 and is classified to section 2349bb–3 of this title.

§ 2349bb–3. Limitations
The limitations contained in section 2349aa–2(a) and (d) of this title shall apply to this part.


PRIOR PROVISIONS
A prior section 585 of Pub. L. 87–195 was renumbered section 586 and is classified to section 2349bb–4 of this title.
§ 2349bb–4. Authorization of appropriations

(a) Authorization of appropriations

There are authorized to be appropriated to the President to carry out this part $162,000,000 for fiscal year 2003.

(b) Availability of funds

Funds made available under subsection (a) of this section may be used notwithstanding any other provision of law (other than section 2304 or 2371 of this title) and shall remain available until expended.

(c) Treatment of appropriations

Amounts made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, under “Nonproliferation, Antiterrorism, Demining, and Related Programs” and “Assistance for the Independent States of the Former Soviet Union” accounts for the activities described in subsection (d) of this section shall be considered to be made available pursuant to this part.

(d) Covered activities

The activities referred to in subsection (c) of this section are—

(1) assistance under the Nonproliferation and Disarmament Fund;

(2) assistance for science and technology centers in the independent states of the former Soviet Union;

(3) export control assistance; and

(4) export control and border assistance under part XI of subchapter I of this chapter.


REFERENCES IN TEXT


AMENDMENTS

2002—Subsec. (a). Pub. L. 107–228, § 1301(a)(1), substituted “$162,000,000 for fiscal year 2003” for “$129,000,000 for fiscal year 2001 and $142,000,000 for fiscal year 2002”.


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2349bb–5. Proliferation interdiction assistance

Consistent with section 2349bb–2 of this title, the President is authorized to provide assistance to friendly foreign countries for proliferation detection and interdiction activities and for developing complementary capabilities.


CODIFICATION

Section was enacted as part of the Department of State Authorities Act of 2006, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2349bb–6. Safeguarding and elimination of conventional arms

(a) In general

The Secretary of State is authorized to secure, remove, or eliminate stocks of man-portable air defense systems (MANPADS), small arms and light weapons, stockpiled munitions, abandoned ordnance, and other conventional weapons, including tactical missile systems (hereafter in this section referred to as “MANPADS and other conventional weapons”), as well as related equipment and facilities, located outside the United States that are determined by the Secretary to pose a proliferation threat.

(b) Elements

The activities authorized under subsection (a) may include the following:

(1) Humanitarian demining activities.

(2) The elimination or securing of MANPADS.

(3) The elimination or securing of other conventional weapons.

(4) Assistance to countries in the safe handling and proper storage of MANPADS and other conventional weapons.

(5) Cooperative programs with the North Atlantic Treaty Organization and other international organizations to assist countries in the safe handling and proper storage or elimination of MANPADS and other conventional weapons.

(6) The utilization of funds for the elimination or safeguarding of MANPADS and other conventional weapons.

(7) Activities to secure and safeguard MANPADS and other conventional weapons.

(8) Actions to ensure that equipment and funds, including security upgrades at locations for the storage or disposition of MANPADS and other conventional weapons and related equipment that are determined by the Secretary of State to pose a proliferation threat, continue to be used for authorized purposes.

(c) Rule of construction

Nothing in this section shall be construed to affect the authorities of the Secretary of Defense.


CODIFICATION

Section was enacted as part of the Department of State Authorities Act of 2006, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.
MAN-PORABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA

Pub. L. 112–81, div. A, title XII, § 1235, Dec. 31, 2011, 125 Stat. 1638, provided that:

(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. § 2349bb–6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

(1) IN GENERAL.—The Director of National Intelligence shall submit to the appropriate committees of Congress an assessment by the intelligence community that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States posed by man-portable air-defense systems that were in Libya as of March 19, 2011.

The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act (Dec. 31, 2011).

(2) ELEMENTS.—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector.

(D) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) and (C), and the current disposition and locations of such man-portable air-defense systems.

(E) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(F) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(G) An assessment of the threat posed to United States citizens and citizens of allies of the United States from unsecured man-portable air-defense systems (as defined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(H) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) NOTICE REGARDING DELAY OF SUBMITTAL.—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to the appropriate committees of Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submission of the assessment.

(c) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. § 2349bb–6), to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the assessment required by subsection (b) is submitted to the appropriate committees of Congress, the President shall submit to the appropriate committees of Congress a report setting forth the strategy required by paragraph (1).

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(I) An assessment of the effectiveness of efforts undertaken to date by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any other country or entity (as determined by the President) to reduce the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(II) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(III) A description of technologies currently available to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(V) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(VI) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

(C) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

Title 22—Foreign Relations and Intercourse
§ 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 non-governmental 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.


References in Text


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 include such parts. See section 222(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 2344(d)(P) of this title.

1978—Subsec. (b)(5). Pub. L. 95–424 substituted “section 2151” for “section 2161”.


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).


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


Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

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 Busi-
ness, 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.


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 2351 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.

DELEGAION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

REPORTS ON PARTICIPATION BY SMALL BUSINESSES IN PROCUREMENT CONTRACTS OF USAID


Title VI: Initial Report—Not later than 120 days after the date of the enactment of this Act [Sept. 30, 2002], the Administrator shall submit to the designated congressional committees a report that contains the following:

"(1) For each of the fiscal years 2000, 2001, and 2002:

"(A) The total number of the contracts that were awarded by the Agency to—

"(i) all small businesses;

"(ii) small business concerns owned and controlled by socially and economically disadvantaged individuals;

"(iii) small businesses concerns owned and controlled by women;

"(iv) small businesses participating in the program under section 8(a) of such Act [15 U.S.C. 637(a)]; and

"(v) qualified HUBZone small business concerns.

"(B) The percentage of all contracts awarded by the Agency that were awarded to the small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts.

"(C) Of all contracts awarded by the Agency for performance in the United States, the percentage of the contracts that were awarded to the small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts.

"(D) To the extent available—

"(i) the total number of grant and cooperative agreements that were made by the Agency to the small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A);

"(ii) the percentage of all grant and cooperative agreements awarded by the Agency that were awarded to small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts; and

"(iii) of all grant and cooperative agreements made by the Agency to entities in the United States, the percentage of the grant and cooperative agreements that were awarded to small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts.

"(E) To the extent available—

"(i) the total dollar amount of all subcontracts entered into with the small businesses in each category specified in clauses (i) through (v) of subparagraph (A) by the prime contractors for contracts entered into by the Agency; and

"(ii) the percentage of all contracts entered into by the Agency that were performed under subcontracts described in clause (i), as computed on the basis of dollar amounts.

"(2) An analysis of any specific industries or sectors that are underrepresented by small businesses in the awarding of contracts by the Agency and, to the extent such information is available, such analysis pertaining to the making of grants and cooperative agreements by the Agency.

"(3) A specific plan of outreach, including measurable achievement milestones, to increase the total number of contracts that are awarded by the Agency, and the percentage of all contracts awarded by the Agency (computed on the basis of dollar amount) that are awarded to—

"(A) all small businesses;

"(B) small business concerns owned and controlled by socially and economically disadvantaged individuals;

"(C) small business concerns owned and controlled by women;

"(D) small businesses participating in the program under section 8(a) of such Act (15 U.S.C. 637(a)); and

"(E) qualified HUBZone small business concerns, in order to meet the statutory and voluntary targets established by the Agency and the Small Business Administration, with a particular focus on the industries or sectors identified in paragraph (2).

"(4) Any other information the Administrator determines appropriate.

"(b) PLAN TO INCREASE SMALL BUSINESS CONTRACTING.—The plan required for the report under subsection (a)(3) shall include the following matters:

"(1) Proposals and milestones that apply to all contracts entered into by or on behalf of the Agency in Washington, D.C., and proposals and milestones that apply to all contracts entered into by or on behalf of the Agency by offices outside Washington, D.C.:

"(2) Proposals and milestones of the Agency to increase the amount of subcontracting to businesses described in such subsection (a)(3) by the prime contractors of the Agency.

"(3) With the milestones described in paragraph (2), a description of how the Administrator plans to use the failure of a prime contractor to meet goals as a ranking factor for evaluating any other submission from the contractor for future contracts by the Agency.

"(c) ANNUAL REPORTS.—Not later than January 31, 2004, January 31, 2005, and January 31, 2006, the Administrator shall submit to the designated congressional committees a report for the preceding fiscal year that contains a description of the percentage of total con-
tract and grant and cooperative agreement dollar amounts that were entered into by the Agency, and the total number of contracts and grants and cooperative agreements that were awarded by the Agency, to small businesses in each category specified in clauses (i) through (v) of subsection (a)(1)(A) during such fiscal year. The report for a fiscal year shall include, separately stated for contracts and grant and cooperative agreements entered into by the Agency, the percentage of the contracts and grant and cooperative agreements, respectively, that were awarded to small businesses in each such category, as computed on the basis of dollar amounts. The report shall also include a description of achievements toward measurable milestones for direct contracts of the Agency entered into by offices outside of Washington, D.C., and for subcontracting by prime contractors of the Agency.

“(d) Definitions.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the United States Agency for International Development.

“(2) AGENCY.—The term ‘Agency’ means the United States Agency for International Development.

“(3) DESIGNATED CONGRESSIONAL COMMITTEES.—The term ‘designated congressional committees’ means—

“(A) the Committee on International Relations (now Committee on Foreign Affairs) and the Committee on Small Business of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on Small Business (now Committee on Small Business and Entrepreneurship) of the Senate.”

OFFICE IN AGENCY FOR INTERNATIONAL DEVELOPMENT

For location of the Office of Small Business, provided in subsec. (b), in the United States Agency for International Development, see section 1–200(d) 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.

§ 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 Food for Peace Act

In providing for the procurement of any agricultural commodity or product thereof available
for disposition under the Food for Peace Act, 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 94, 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.


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 Food for Peace Act, as amended, referred to in subsec. (c), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

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 2346(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—

(A) the recipient is receiving direct economic assistance under this Act or is a recipient under the Food for Peace Act; or

(B) the recipient is eligible under the Geographic Code 94, which have attained a competitive capability in international markets for construction services or engineering services.

1985—Subsec. (g)(1), (2). 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).

Effective Date note under section 8701 of Title 7, Agriculture.


(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 subchapter 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.

References in Text


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 (§2349a 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 2346c and 2346aa–5 of this title.

Amendments

1965—Subsecs. (c), (d). Pub. L. 89–171 added subsecs. (c) and (d).

Deliberation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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 subchapter 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.

References in Text


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 (§2349a 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 2346c and 2346aa–5 of this title.

Amendments

1965—Subsecs. (c), (d). Pub. L. 89–171 added subsecs. (c) and (d).

Deliberation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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. 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.


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 2531 of this title and Tables.

Amendments


Effective Date of 1992 Amendment


Effective Date of 1982 Amendment


§ 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 633(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 purposes 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.


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 226(b) of Pub. L. 92–226, set out as a note under section 2346 of this title, and sections 2346c and 2348aa–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(b)(A), (B), redesignated existing provisions of subsec. (c) as par. (1), redesignated existing paras. (1), (2), and (3) as subpars. (A), (B), and (C), respectively, and in introductory provisions of par. (1) as so redesignated substituted “Except as provided in subsection (d) of this section, no” for “No”.


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. 95–421 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).

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


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


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.
§ 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 1335(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 chapters I to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subchapter I of title 41, 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 chapters I to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subchapter I of title 41 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 chapters I to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41 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 549(a) to (e) of title 40, that such property is not needed for donation pursuant to those subsections. 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.
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 2223(b) of Pub. L. 92–226, set out as a note under section 2246 of this title, and sections 2248c and 2234aa–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


REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 87–195, which is classified to title 22, subtitle A, part I, §2301 et seq. of this title. See section 2303 of title 22, subtitle A, part I.
$9,000,000 of the funds appropriated under section 2242 of this title with the funds appropriated under section 2297(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.


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 from 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.


1962—Pub. L. 87–656 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."


delegation of functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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 1601 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.

References in Text


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 (§2361 et seq.), VI (§2367 et seq.), and VIII (§2369a et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 2323(b) of Pub. L. 92–226, set out as a note under section 2246 of this title, and sections 2348c and 2348a–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.
§ 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 and of the requirements of the United States Government, shall be available pursuant to this chapter shall not, in any one year, exceed 5 per cent 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.

(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 programs the recipient will take reasonable precautions to assure 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 cent 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 manufacturer 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 Food for Peace Act, 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.


REFERENCES IN TEXT

This chapter, referred to in subssecs. (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.


(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I [22 U.S.C. 2161 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 United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government; and

(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 USAID 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 chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (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.—USAID 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)(3) is used for the purposes agreed upon pursuant to section (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter

AMENDMENTS


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 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.


1963—Pub. L. 88–205 redesignated existing provisions as subsec. (a) and added subsec. (b).

Effective Date of 2008 Amendment

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 46150.

SEPARATE ACCOUNTS FOR LOCAL CURRENCIES AND CASH TRANSFERS


(1) SUBTRACTIONS ACCOUNTS FOR LOCAL CURRENCIES.—

(A) In general.—(i) The Administrator of USAID shall—

(A) require that local currencies be deposited in a separate account established by that government; and

(ii) 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 USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(B) 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 part I or part II of the Foreign Assistance Act of 1961 (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.

(2) PROGRAMMING ACCOUNTABILITY.—USAID 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)(3) is used for the purposes agreed upon pursuant to section (a)(2).

(3) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter

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1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (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) REPORTING REQUIREMENT.—The USAID Administrator 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 chapter 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 (House Report No. 98–1159).

"(3) NOTIFICATION.—At least 15 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 regular notification procedures of the Committees on Appropriations.

Similar provisions were contained in the following prior appropriation acts:


§ 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.


(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 depositories: 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.


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 cur-
fers acquired without payment of dollars by the United States. See section 2396(a)(8) of this title.

DELEGATION OF FUNCTIONS
For delegation of functions of President under this section, see Ex. Ord. No. 12168, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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 chapter 39 (§ 2751 et seq.) of this title in order to meet the responsibilities 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 subsection prior to the use of such funds.


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 2351 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 2351 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


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. (1) 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 1961, required notification of the Speaker of the House and chairman of the Senate Committee on Foreign Relations, and substituted “security interests” for “security”; inserted paras. (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.


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.

EFFECTIVE DATE OF 1985 AMENDMENT


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.


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.


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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

ADMINISTRATION OF FUNDS


§ 2367. Termination expenses

(a) In general

Funds made available under this chapter and the Arms Export Control Act [22 U.S.C. 2751 et seq.], may remain available for obligation for a period not to exceed 8 months from the date of any termination of assistance under such chapter or Act for the necessary expenses of winding up programs related to such termination and may remain available until expended. Funds obligated under the authority of such chapter or Act prior to the effective date of the termination of assistance may remain available for expenditure for the necessary expenses of winding up programs related to such termination notwithstanding any provision of law restricting the expenditure of funds. In order to ensure the effectiveness of such assistance, 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.

(b) Liability to contractors

For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President is authorized to adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor that had been funded with assistance under such chapter or Act prior to the termination of assistance.
(c) Termination expenses

Amounts certified as having been obligated for assistance subsequently terminated by the President, or pursuant to any provision of law, shall continue to remain available and may be reobligated to meet any necessary expenses arising from the termination of such assistance.

(d) Guaranty programs

Provisions of this chapter or any other Act requiring the termination of assistance under this chapter or any other Act shall not be construed to require the termination of guarantee commitments that were entered into prior to the effective date of the termination of assistance.

(e) Relation to other provisions

Unless specifically made inapplicable by another provision of law, the provisions of this section shall be applicable to the termination of assistance pursuant to any provision of law.


REFERENCES IN TEXT

This chapter and such chapter, referred to in subsecs. (a), (b), and (d), were in the original references to this Act and such Act, respectively, 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 2751 of this title and Tables.

The Arms Export Control Act and such Act, respectively, meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 444, related to economic assistance subsequently terminated by the President, or pursuant to any provision of law, that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 2364(a)(3) of this title, but notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to such country or region for reconstruction or stabilization using funds described in paragraph (2).

(2) Funds described

The funds referred to in paragraph (1) are funds made available under any other provision of this chapter, and such transfer or reprogramming shall be subject to the procedures applicable to a notification under section 2394–1 of this title.

(3) Rule of construction

Nothing in this section shall be construed to provide authority to transfer funds between accounts or between Federal departments or agencies.

(b) Limitation

The authority contained in this section may be exercised only during fiscal years 2009, 2010, and 2011.


REFERENCES IN TEXT


PRIOR PROVISIONS


FINDINGS

"(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the "Coordinator") was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

"(2) In December 2005, the Coordinator's mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary's direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

"(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator's assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

"(4) The Department of Defense issued Directive 3000.65, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

"(5) The President's Fiscal Year 2009 Budget Request to Congress includes $248.6 million for a Civilian Stabilization Initiative that would vastly improve civilian partnership with United States Armed Forces in post-conflict stabilization situations, including by establishing an Active Response Corps of 250 persons, a Standby Response Corps of 2,000 persons, and a Civilian Response Corps of 2,000 persons."

RECONSTRUCTION AND STABILIZATION STRATEGY

"(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

"(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

"(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

"(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1)."

"(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

"(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

"(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations."

[For definition of "personnel" as used in section 1607 of Pub. L. 110–417, set out above, see section 1603 of Pub. L. 110–417, set out as a note under section 2734a of this title.]


EFFECTIVE DATE OF REPEAL

§ 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.


(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 subject 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 restrictions 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 conspir-
acy; 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 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.

\(1\) So in original. The comma probably should be a period.
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.


(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 Committee 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 Food for Peace Act, 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) Omitted.

(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 Food for Peace Act [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.


(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 Tlatelolco, 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.


**AMENDMENT OF SECTION**

Pub. L. 104–114, title II, § 204(d)(1), (2), Mar. 12, 1996, 110 Stat. 610, provided that on date on which President submits determination under section 606(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), (i) 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.


The Food for Peace Act, referred to in subsecs. (a)(1) and (t), is act July 18, 1961, ch. 609, 68 Stat. 454, which is classified principally to chapter 4 of § 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 2209**

References to part I of subchapter I of this chapter are deemed to include a reference to section 2209 of this title. See section 2209(d)(1) of this title.

**CITATION**

Subsec. (a)(2) of this section, which required the President to report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on actions taken to carry out this provision, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See also, page 26 of House Document No. 107–7.

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**


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 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. (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. (n). Pub. L. 97–113, § 734(b), substituted in subpar. (B) “foreign exchange 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.


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 September 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. (c). Pub. L. 94–328, §606, inserted proviso 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 with respect to sales, credits, and guarantees 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 the North Atlantic Treaty Organization.

Subsec. (k). Pub. L. 94–104 provided that the President determines 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 certifies 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 taking 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.

1972—Subsecs. (v) and (w). Pub. L. 92–226 added subsecs. (v) and (w).
without the express approval of Congress and included military assistance amounting in the aggregate to more than $100,000,000.

Sec. (t). 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 subsec. (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.


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. (m). Pub. L. 88–633, §301(g), substituted “during each fiscal year” for “‘during fiscal year 1964’” and “‘$500,000’” for “‘$1,000,000’”.

1962—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).

Amendment by Pub. L. 100–246 effective May 22, 2008, see section 4(b) of Pub. L. 100–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Effective Date of 1998 Amendment

Effective Date of 1985 Amendment

Effective Date of 1978 Amendment

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 guarantees under the Foreign Military Sales Act (section 2751 et seq. of this title) for fiscal year 1976.’”

Repeals

Delegation of Functions
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

Assistance and Sales to Argentina

Limitations on Assistance, Sales, Credits, and Export Licenses to Chile

“(b) Notwithstanding any other provision of law—

“(1) no assistance may be furnished under chapter 2, 4, 5, or 6 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2211 et seq., 2248 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 Credit 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

Effective Date of 2008 Amendment
Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.
“(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;

“(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 1981 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; and

“(B) the FMLN has rejected a plan for the settlement of the conflict which—

“(i) includes a proposal for an internationally monitored cease-fire; and

“(ii) has been accepted, within 15 days from its announcement, by the Government of El Salvador and is being compiled 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.

(1) 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 civilian 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.

(5) 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.

(b) 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.


(1) Definitions.—For purposes of this section—

‘(1) the term ‘United States assistance’ has the same meaning as is given to such term by section 620 (i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(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. 2761).

[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(d) 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. 97–293, Aug. 10, 1982, 96 Stat. 260, Pub. L. 96–53, 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 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


CUBAN PRESENCE IN AFRICA


‘(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 20, 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 UNDER SECTION 531(d) OF 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(b) 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 Turkey has made substantial progress in the observance of international obligations to effectuate the payment of such principal and interest, as a result of which Turkey is no longer in default with respect 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.

**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 214(a)(b) of this title]."

**Restrictions on Assistance to India**

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 214(a)(b) of this title]."

"(b) 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 214(a)(b) of this title]."

**Restrictions on Assistance to South Korea**

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 214(a)(b) of this title]."

"(b) 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 214(a)(b) of this title]."

**Restrictions on Assistance to Cyprus**

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 214(a)(b) of this title]."
used in the production of arms, ammunition, and implements of war or of strategic significance to the conduct of war, including petroleum products.

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:


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, foraid 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:


INTERDICTIO ON 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. 10491, 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 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.

§ 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 in 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,

(C) taken any other action (such as the imposition of discriminatory taxes or other actions) 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 devel-

1So in original. Probably should be “in”. "
opment 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 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 to 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.

(i) Certain claims for expropriation by the Government of Nicaragua

(1) Any action of the types set forth in subparagraphs (A), (B), and (C) of subsection (a)(1) of this section that was taken by the Government of Nicaragua during the period beginning on January 1, 1956, and ending on January 9, 2002, shall not be considered in implementing the prohibition under subsection (a) of this section unless the action has been presented in accordance with the procedure set forth in paragraph (2).

(2) An action shall be deemed presented for purposes of paragraph (1) if it is—

(A) in writing and received by the United States Department of State on or before 120 days after the date specified in paragraph (3) at—

(i) the headquarters of the United States Department of State in Washington, D.C.; or

(ii) the Embassy of the United States of America to Nicaragua.

(3) The date to which paragraph (2) refers is a date after December 8, 2004, that is specified by the Secretary of State, in the Secretary's discretion, in a notice published in the Federal Register.


REFERENCES IN TEXT


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.

AMENDMENTS


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. 30206, provides:

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. 2376 note], 161(c) [22 U.S.C. 2851a 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. 458], 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. 2865 note], 583(b)(1) and (b)(6) [108 Stat. 489, 490], 733 [22 U.S.C. 2770a] and 735(d) [22 U.S.C. 2370b–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. Any reference in this memorandum to any Act, order, determination, or delegation of authority as amended. 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, 1 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.

§ 2370c. Humanitarian assistance code of conduct

(a) In general

None of the funds made available for foreign operations, export financing, and related programs under the headings “Migration and Refugee Assistance”, “United States Emergency Refugee and Migration Assistance Fund”, “International Disaster and Famine Assistance”, or “Transition Initiatives” may be obligated to an organization that fails to adopt a code of conduct that provides for the protection of beneficiaries of assistance under any such heading from sexual exploitation and abuse in humanitarian relief operations.

(b) Consistency with United Nations principles

The code of conduct referred to in subsection (a) of this section shall, to the maximum extent practicable, be consistent with the six core principles of the United Nations Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises.

(c) Reports

Not later than 180 days after May 11, 2005, and not later than one year after May 11, 2005, the President shall transmit to the appropriate congressional committees a report on the implementation of this section.

(d) Effective Date

This section shall take effect 60 days after May 11, 2005, and shall apply to funds obligated after such date for fiscal year 2005 and any subsequent fiscal year.


COMPILED STATUTES OF THE UNITED STATES OF AMERICA

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

§ 2370c. Definitions

In sections 2370c to 2370c–2 of this title:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) Child soldier

Consistent with the provisions of the Optional Protocol to the Convention of the Rights of the Child, the term “child soldier”—

(A) means—

(i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;

(ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;

(iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces;

(iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(B) includes any person described in clauses (ii), (iii), or (iv) of subparagraph (A)
§ 2370c–1

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

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who is serving in any capacity, including in a support role such as a cook, porter, messenger, medec, guard, or sex slave.


REFERENCES IN TEXT

Sections 2370c to 2370c–2 of this title, referred to in text, was in the original “'this title’”, meaning title IV of Pub. L. 110–457, Dec. 23, 2008, 122 Stat. 5087, known as the Child Soldiers Prevention Act of 2008, which is classified principally to sections 2370c to 2370c–2 of this title. For complete classification of title IV to the Code, see Short Title of 2008 Amendment note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the Child Soldiers Prevention Act of 2008, and also as part of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

EFFECTIVE DATE

Pub. L. 110–457, title IV, § 407, Dec. 23, 2008, 122 Stat. 5091, provided that: “This title [enacting this section and sections 2370c–1 and 2370c–2 of this title, amending section 482 of this title, and enacting provisions set out as a note under section 2151 of this title], and the amendments made by this title, shall take effect 180 days after the date of the enactment of this Act [Dec. 23, 2008].”

§ 2370c–1. Prohibition

(a) In general

Subject to subsections (b), (c), and (d), the authorities contained in section 2321j, 2347, or 2763 of this title may not be used to provide assistance to, and no licenses for direct commercial sales of military equipment may be issued to, the government of a country that is clearly identified, pursuant to subsection (b), for the most recent year preceding the fiscal year in which the authorities or license would have been used or issued in the absence of a violation of sections 2370c to 2370c–2 of this title, as having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit and use child soldiers.

(b) Identification and notification to countries in violation of standards

(1) Publication of list of foreign governments

The Secretary of State shall include a list of the foreign governments that have violated the standards under sections 2370c to 2370c–2 of this title and are subject to the prohibition in subsection (a) in the report required under section 7107(b) of this title.

(2) Notification of foreign countries

The Secretary of State shall formally notify any government identified pursuant to subsection (a).

(c) National interest waiver

(1) Waiver

The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the national interest of the United States.

(2) Publication and notification

Not later than 45 days after each waiver is granted under paragraph (1), the President shall notify the appropriate congressional committees of the waiver and the justification for granting such waiver.

(d) Reinstatement of assistance

The President may provide to a country assistance otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that the government of such country—

(1) has implemented measures that include an action plan and actual steps to come into compliance with the standards outlined in subsection (b); and

(2) has implemented policies and mechanisms to prohibit and prevent future government or government-supported use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) Exception for programs directly related to addressing the problem of child soldiers or professionalization of the military

(1) In general

The President may provide assistance to a country for international military education, training, and nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10) otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that—

(A) the government of such country is taking reasonable steps to implement effective measures to demobilize child soldiers in its forces or in government-supported paramilitaries and is taking reasonable steps within the context of its national resources to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will directly support professionalization of the military.

(2) Limitation

The exception under paragraph (1) may not remain in effect for a country for more than 5 years.


REFERENCES IN TEXT

Sections 2370c to 2370c–2 of this title, referred to in subsecs. (a) and (b)(1), was in the original “'this title’”, meaning title IV of Pub. L. 110–457, Dec. 23, 2008, 122 Stat. 5087, known as the Child Soldiers Prevention Act of 2008, which is classified principally to sections 2370c to 2370c–2 of this title. For complete classification of title IV to the Code, see Short Title of 2008 Amendment note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the Child Soldiers Prevention Act of 2008, and also as part of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.
§ 2370c–2. Reports

(a) Investigation of allegations regarding child soldiers

United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) Information for annual Human Rights Reports

In preparing those portions of the annual Human Rights Report that relate to child soldiers under sections 2151n and 2304 of this title, the Secretary of State shall ensure that such reports include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) Annual report to Congress

If, during any of the 5 years following December 23, 2008, a country is notified pursuant to section 2370c–1(b)(2) of this title, or a waiver is granted pursuant to section 2370c–1(c)(1) of this title, the President shall submit a report to the appropriate congressional committees not later than June 15 of the following year. The report shall include—

(1) a list of the countries receiving notification that they are in violation of the standards under sections 2370c to 2370c–2 of this title;

(2) a list of any waivers or exceptions exercised under sections 2370c to 2370c–2 of this title;

(3) justification for any such waivers and exceptions; and

(4) a description of any assistance provided under sections 2370c to 2370c–2 of this title pursuant to the issuance of such waiver.


References in Text

Sections 2370c to 2370c–2 of this title, referred to in subsection (c), (2), (4), was in the original “this title”, meaning title IV of Pub. L. 110–457, Dec. 23, 2008, 122 Stat. 5087, known as the Child Soldiers Prevention Act of 2008, which is classified principally to sections 2370c to 2370c–2 of this title. For complete classification of title IV to the Code, see Short Title of 2008 Amendment note set out under section 2151 of this title and Tables.

Codification

Section was enacted as part of the Child Soldiers Prevention Act of 2008, and also as part of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Effective Date

Section effective 180 days after Dec. 23, 2008, see section 407 of Pub. L. 110–457, set out as a note under section 2370c of this title.

§ 2371. Prohibition on assistance to governments supporting international terrorism

(a) Prohibition

The United States shall not provide any assistance under this chapter, the Food for Peace Act [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) Recission

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.


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 2371 of this title.

The Food for Peace Act, referred to in subsec. (a), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

The 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. 491, 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.


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.


§2372a. Renewal, reissuance, etc., of export licenses to or for Argentina

Any export license referred to in section 2372(a) of this title which is issued initially on or before September 30, 1978 may from time to time thereafter be renewed, reissuanced 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.


REFERENCES IN TEXT


CONCLUSION

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 for-
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 cease-fire on Cyprus until an equitable negotiated settlement is reached.

(6) The United States shall use its influence to achieve the withdrawal of Turkish military 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.


REFERENCES IN TEXT
Section 2370(c) 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.

Section 620C of this Act was omitted. See Codification note set out as a note under section 301 of Title 3, The President.

Prior Provisions
Provisions similar to those in subsec. (e) of this section were contained in the following appropriation acts:


Amendments

Deligation of Functions
For delegation of congressional reporting functions of President under subsec. (c) of this section, see section 1 of Ex. Ord. No. 13313, July 31, 2005, 68 F.R. 46973, set out as a note under section 301 of Title 3, The President.

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 démarche 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 delimitation 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, 1968, 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 achieving [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. 100–202] 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.’’


§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 2375a(a) 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 at the request of 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.

(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 2151(b) of title 50, Appendix, or section 2797b of this title.

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 3806 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
The President may waive the prohibitions of section 572 shall be applicable to funds appropriated by Pub. L. 102–145, as amended, set out as a note under section 2381 of this title.

56673, as amended, set out as a note under section 2381 of this title.


Pub. L. 101–513, which directed the amendment of subsec. (d), was executed by substituting "April 1, 1990", for "April 1, 1991".


Henceforth, as appearing, and added par. (2).

Pub. L. 104–107, § 559(a)(2), added subsecs. (f) to (h).

Subsecs. (f) to (h). Pub. L. 104–107, § 559(a)(1), designated existing provisions as par. (1), substituted "military assistance" for "assistance" wherever appearing, and added par. (2).

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." 1983—Subsec. (d), Pub. L. 93–87, which directed the substitution of "September 30, 1994" for "September 30, 1993". See 1992 Amendment note below.


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


Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

Strategy for the United States Relationship with Pakistan


"(a) Congressional Findings.—Congress finds that:

"(1) A democratic, stable, and prosperous Pakistan that is a full and reliable partner in the struggle against the Taliban, al Qaeda, and other terrorist groups, and is a responsible steward of its nuclear weapons and technology, is vital to the national security of the United States.

"(2) Since September 11, 2001, the Government of Pakistan has been a critical ally and an important partner in removing the Taliban regime in Afghanistan and combating al Qaeda.

"(3) Pakistan has made great sacrifices in the shared struggle against al Qaeda-affiliated terrorist groups, engaging in military operations that have led to the deaths of hundreds of Pakistani security personnel and enduring acts of terrorism that have killed hundreds of Pakistani civilians.

"(4) Publicly-stated goals of the Government of Pakistan and the national interests of the United States are in close agreement in many areas, including—

"(A) curbing the proliferation of nuclear weapons technology;

"(B) combating poverty and corruption;

"(C) enabling effective government institutions, including public education;

"(D) promoting democracy and the rule of law, particularly at the national level;

"(E) addressing the continued presence of Taliban and other violent extremist forces throughout the country;

"(F) maintaining the authority of the Government of Pakistan in all parts of its national territory;

"(G) securing the borders of Pakistan to prevent the movement of militants and terrorists into other countries and territories; and

"(H) effectively dealing with violent extremism.

"(5) The opportunity exists for shared effort in helping to achieve cumulative goals with the Government of Pakistan, particularly—

"(A) increased United States assistance to Pakistan, as appropriate, to achieve progress in meeting the goals of subparagraphs (A) through (C) of paragraph (4);

"(B) increased commitment on the part of the Government of Pakistan to achieve the goals of paragraph (4)(D), particularly given continued concerns, based on the conduct of previous elections, regarding whether parliamentary elections scheduled for 2007 will be free, fair, and inclusive of all political parties and carried out in full accordance with internationally-recognized democratic norms; and

"(C) increased commitment on the part of the Government of Pakistan to take actions described in paragraph (4)(E), particularly given—

"(i) the continued operation of the Taliban’s Quetta shura, as noted by the North Atlantic Treaty Organization Supreme Allied Commander General James Jones in testimony before the Senate Foreign Relations Committee on September 21, 2006, and

"(ii) the continued operation of al Qaeda affiliates Lashkar-e Taiba and Jaish-e Muhammad, sometimes under different names, as demonstrated by the lack of meaningful action taken against Hafiz Muhammad Saeed, Maulana Masood Azhar, and other known leaders and members of such terrorist organizations; and

"(D) increased commitment on the part of the Government of the United States in regard to working with all elements of Pakistan society in helping to achieve the cumulative goals described in subparagraphs (A) through (H) of paragraph (4).

(b) Statements of Policy.—The following shall be the policy of the United States:

"(1) To maintain and deepen its friendship and long-term strategic relationship with Pakistan.

"(2) To work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan, and to end the use of Pakistan as a safe haven for terrorist groups, including those associated with al Qaeda or the Taliban.
To support robust funding for programs of the United States Agency for International Development and the Department of State that assist the Government of Pakistan in working toward the goals described in subsection (a)(4), as the Government of Pakistan demonstrates a clear commitment to building a moderate, democratic state.

(4) To work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection.

(5) To facilitate a just resolution of the dispute over the territory of Kashmir, to the extent that such facilitation is invited and welcomed by the Governments of Pakistan and India and by the people of Kashmir.

(6) To facilitate greater communication and cooperation between the Governments of Afghanistan and Pakistan for the improvement of bilateral relations and cooperation in combating terrorism in both countries.

(7) To work with the Government of Pakistan to dismantle existing proliferation networks and prevent the proliferation of nuclear technology.

(c) Strategy Relating to Pakistan.—

(1) Requirement for Report on Strategy.—Not later than 90 days after the date of the enactment of this Act [Aug. 3, 2007], the President shall transmit to the appropriate congressional committees a report that describes the long-term strategy of the United States to engage with the Government of Pakistan to achieve the goals described in subparagraphs (A) through (H) of subsection (a)(4) and to carry out the policies described in subsection (b).

(2) Form.—The report required by paragraph (1) shall be transmitted in unclassified form, but may include a classified annex, if necessary.

(d) Limitation on United States Security Assistance to Pakistan.—

(1) Limitation.—For fiscal year 2008, United States assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) or section 23 of the Arms Export Control Act (22 U.S.C. 2763) may not be provided to, and a license for any item controlled under the Arms Export Control Act (22 U.S.C. 2751 et seq.) may not be approved for, Pakistan until the President transmits to the appropriate congressional committees a report that contains a determination of the President that the Government of Pakistan—

(A) is committed to eliminating from Pakistani territory any organization such as the Taliban, al Qaeda, or any successor, engaged in military, insurgent, or terrorist activities in Afghanistan;

(B) is undertaking a comprehensive military, legal, economic, and political campaign to achieving the goal described in subparagraph (A); and

(C) is currently making demonstrated, significant, and sustained progress toward eliminating support or safe haven for terrorists.

(2) Memorandum of Justification.—The President shall include in the report required by paragraph (1) a memorandum of justification setting forth the basis for the President’s determination under paragraph (1).

(3) Form.—The report required by paragraph (1) and the memorandum of justification required by paragraph (2) shall be transmitted in unclassified form, but may include a classified annex, if necessary.

(e) Nuclear Proliferation.—

(1) Congressional Finding.—Congress finds that the maintenance by any country of a procurement or supply network for the illicit proliferation of nuclear and missile technologies would be inconsistent with that country being considered an ally of the United States.

(2) Sense of Congress.—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(f) Authorization of Appropriations.—

(1) In General.—There is authorized to be appropriated to the President such sums as may be necessary to provide assistance described in subsection (d)(1) for Pakistan for fiscal year 2008 in accordance with the requirements of subsection (d)(1).

(2) Other Funds.—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.

(3) Declaration of Policy.—Congress declares that the amount of funds appropriated pursuant to the authorization of appropriations under paragraph (1) and for subsequent fiscal years shall be determined by the extent to which the Government of Pakistan displays demonstrable progress in—

(A) preventing al Qaeda and other terrorist organizations from operating in the territory of Pakistan, including eliminating terrorist training camps or facilities, arresting members and leaders of terrorist organizations, and countering recruitment efforts;

(B) preventing the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan, including by arresting Taliban leaders, stopping cross-border incursions, and countering recruitment efforts; and

(C) implementing democratic reforms, including allowing free, fair, and inclusive elections at all levels of government in accordance with internationally-recognized democratic norms, and respecting the independence of the press and judiciary.

(4) Biennial Reports to Congress.—

(A) In General.—The Secretary of State shall submit to the appropriate congressional committees a biennial report describing in detail the extent to which the Government of Pakistan has displayed demonstrable progress in meeting the goals described in subparagraphs (A) through (C) of paragraph (3).

(B) Schedule for Submission.—The report required by subparagraph (A) shall be submitted not later than April 15 and October 15 of each year until October 15, 2009.

(C) Form.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex, if necessary.

[Determination of President of the United States, No. 86, October 15, 2009, 74 F.R. 56871, provided:]

(1) Congress finds that the President has made a determination, pursuant to section 2042(c)(1), of the Arms Export Control Act, that provision of assistance to Pakistan under the Act [22 U.S.C. 2751 et seq.] through April 1, 1991, is in the national interest of the United States, and therefore waive the prohibitions of section 689 of the Act (22 U.S.C. 2342) 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 President of the United States, No. 90–1, Jan. 15, 1985, 50 F.R. 63797.

Determination of President of the United States, No. 89–7, Nov. 18, 1988, 53 F.R. 49111.

Determination of President of the United States, No. 88–5, Jan. 15, 1988, 53 F.R. 3325.


Determination of President of the United States, No. 86–03, Nov. 25, 1985, 50 F.R. 50273.

Waiver of Sanctions

Sanctions contained in subsec. (e) waived in certain regards with respect to India by Determination of President of the United States, No. 2000–18, Mar. 16, 2000, 65 F.R. 16297, set out as a note under section 2799aa–1 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.


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 Functions


Delegation of authority concerning 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. 2378(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.


REFERENCES IN TEXT
This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 87–185, 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.

PRIOR PROVISIONS
Another section 620G of Pub. L. 87–195 was renumbered section 620J and is classified to section 2378a of this title.

DELEGATION OF FUNCTIONS
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56773, as amended, set out as a note under section 2381 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 deprecates 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.”

“ASSISTANCE” DEFINED

§ 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 237l 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.


REFERENCES IN TEXT
This chapter, referred to in subsec. (a)(1), was in the original “this Act”, meaning Pub. L. 87–185, 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
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56773, as amended, set out as a note under section 2381 of this title.

“ASSISTANCE” DEFINED
§ 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.


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.


CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2378b. Limitation on assistance to the Palestinian authority

(a) Limitation

Assistance may be provided under this chapter to the Hamas-controlled Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

(b) Certification

A certification described in subsection (a) is a certification transmitted by the President to Congress that contains a determination of the President that—

(1) no ministry, agency, or instrumentality of the Palestinian Authority is effectively controlled by Hamas, unless the Hamas-controlled Palestinian Authority has—

(A) publicly acknowledged the Jewish state of Israel’s right to exist; and

(B) committed itself and is adhering to all previous agreements and understandings with the United States Government, with the Government of Israel, and with the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the “Roadmap”); and

(2) the Hamas-controlled Palestinian Authority has made demonstrable progress toward—

(A) completing the process of purging from its security services individuals with ties to terrorism;

(B) dismantling all terrorist infrastructure within its jurisdiction, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthor-
ized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel’s security services; 
(C) halting all anti-American and anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing educational materials, including textbooks, with materials that promote peace, tolerance, and coexistence with Israel; 
(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and 
(E) ensuring the financial transparency and accountability of all government ministries and operations.
(e) Recertifications 
Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every six months thereafter—
(1) the President shall transmit to Congress a recertification that the conditions described in subsection (b) are continuing to be met; or 
(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.
(d) Congressional notification 
Assistance made available under this chapter to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications submitted pursuant to that section.
(e) National security waiver 
(1) In general 
Subject to paragraph (2), the President may waive subsection (a) with respect to—
(A) the administrative and personal security costs of the Office of the President of the Palestinian Authority; 
(B) the activities of the President of the Palestinian Authority to fulfill his or her duties as President, including to maintain control of the management and security of border crossings, to foster the Middle East peace process, and to promote democracy and the rule of law; and 
(C) assistance for the judiciary branch of the Palestinian Authority and other entities.
(2) Certification 
The President may only exercise the waiver authority under paragraph (1) after—
(A) consulting with, and submitting a written policy justification to, the appropriate congressional committees; and 
(B) certifying to the appropriate congressional committees that—
(i) it is in the national security interest of the United States to provide assistance otherwise prohibited under subsection (a); and 
(ii) the individual or entity for which assistance is proposed to be provided is not a member of, or effectively controlled by (as the case may be), Hamas or any other foreign terrorist organization.
(3) Report 
Not later than 10 days after exercising the waiver authority under paragraph (1), the President shall submit to the appropriate congressional committees a report describing how the funds provided pursuant to such waiver will be spent and detailing the accounting procedures that are in place to ensure proper oversight and accountability.
(4) Treatment of certification as notification of program change 
For purposes of this subsection, the certification required under paragraph (2)(B) shall be deemed to be a notification under section 2394-1 of this title and shall be considered in accordance with the procedures applicable to notifications submitted pursuant to that section.
(f) Definitions 
In this section:
(1) 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.
(2) Foreign terrorist organization 
The term “foreign terrorist organization” means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 1189(a) of title 8.
(3) Palestinian Authority 
The term “Palestinian Authority” means the interim Palestinian administrative organization that governs part of the West Bank and all of the Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council.
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 2513 of this title and Tables.

CHANGE OF NAME
Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

PALESTINIAN ANTI-TERRORISM ACT OF 2006
Pub. L. 109–446, Dec. 21, 2006, 120 Stat. 3318, provided that:
“SECTION 1. SHORT TITLE.
“This Act may be cited as the ‘Palestinian Anti-Terrorism Act of 2006’.
SEC. 3. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) Declaration of Policy.—It shall be the policy of the United States:

(1) to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the ‘Roadmap’);

(2) to oppose those organizations, individuals, and countries that support terrorism and violently reject a two-state solution to end the Israeli-Palestinian conflict;

(3) to promote the rule of law, democracy, the cessation of terrorism and incitement, and good governance in institutions and territories controlled by the Palestinian Authority; and

(4) to urge members of the international community to avoid or cease funding the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap.

(b) Oversight.

(1) [Amended section 2378a of this title.]

(2) [Enacted this section.]

(c) Previously Obligated Funds.—The provisions of section 620K of the Foreign Assistance Act of 1961 [22 U.S.C. 2378b(b)], as added by subsection (b), shall be applicable to the unexpended balances of funds obligated prior to the date of the enactment of this Act [Dec. 21, 2001].

SEC. 4. DESIGNATION OF TERRITORY CONTROLLED BY THE PALESTINIAN AUTHORITY AS TERRORIST SANCTUARY.

(a) In General.—Except as provided in subsection (b), a visa should not be issued to any alien who is an official of, under the control of, or serving as a representative of the Hamas-led Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 [22 U.S.C. 2378b(b)] (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority, the territory controlled by the Palestinian Authority should be deemed to be in use as a sanctuary for terrorists or terrorist organizations for purposes of section 6(j)(5) of the Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

(b) Exception.—The restriction under subsection (a) shall not apply to:

(1) the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization; and

(2) members of the Palestinian Legislative Council who are not members of Hamas or any other foreign terrorist organization.

SEC. 5. DENIAL OF VISAS FOR OFFICIALS OF THE PALESTINIAN AUTHORITY.

(a) In General.—Except as provided in subsection (b), a visa should not be issued to any alien who is an official of, under the control of, or serving as a representative of the Hamas-led Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 [22 U.S.C. 2378b(b)] (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) Exception.—The restriction under subsection (a) shall not apply to:

(1) the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization; and

(2) members of the Palestinian Legislative Council who are not members of Hamas or any other foreign terrorist organization.

SEC. 6. TRAVEL RESTRICTIONS ON OFFICIALS AND REPRESENTATIVES OF THE PALESTINIAN AUTHORITY AND THE PALESTINE LIBERATION ORGANIZATION STATIONED AT THE UNITED NATIONS IN NEW YORK CITY.

(a) In General.—Notwithstanding any other provision of law, and except as provided in subsection (b), the President should restrict the travel of officials and representatives of the Palestinian Authority and of the Palestine Liberation Organization, who are stationed at the United Nations in New York City to a 25-mile radius of the United Nations headquarters building during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 [22 U.S.C. 2378b(b)] (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) Exception.—The travel restrictions described in subsection (a) should not apply to the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization.

SEC. 7. PROHIBITION ON PALESTINIAN AUTHORITY REPRESENTATION IN THE UNITED STATES.

(a) Prohibition.—Notwithstanding any other provision of law, it shall be unlawful to establish or main-
tain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by, the Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 [22 U.S.C. 2378b(b)] (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

"(b) ENFORCEMENT.—

"(1) ATTORNEY GENERAL.—The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of subsection (a).

"(2) RELIEF.—Any district court of the United States having jurisdiction over persons or organizations described in subsection (a) occurring shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of subsection (a).

"(c) WAIVER.—Subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the establishment or maintaining of an office, headquarters, premises, or other facilities is vital to the national security interests of the United States.

"SEC. 8. INTERNATIONAL FINANCIAL INSTITUTIONS.

"(a) REQUIREMENT.—The President shall direct the United States Executive Director at each international financial institution to use the vote, voice, and influence of the United States to prohibit assistance to the Palestinian Authority (other than assistance described under subsection (b)) during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 [22 U.S.C. 2378b(b)] (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

"(b) EXCEPTIONS.—The prohibition on assistance described in subsection (a) shall not apply with respect to the following types of assistance:

"(1) Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.

"(2) Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful coexistence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations.

"(c) DEFINITION.—In this section, the term 'international financial institution' has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act [22 U.S.C. 262c(c)(2)].

"SEC. 9. DIPLOMATIC CONTACTS WITH PALESTINIAN TERROR ORGANIZATIONS.

"No funds authorized or available to the Department of State may be used for or by any officer or employee of the United States Government to negotiate with, members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization (except in emergency or humanitarian situations), unless and until the United States Government to ensure that other governments of the world, primarily, through Palestinian organizations, the promotion of democracy, human rights, freedom of the press, and non-violence among Palestinians, and peaceful coexistence and reconciliation between Israelis and Palestinians.

"(b) ANNUAL REPORT.—Not later than 60 days after the date of the enactment of this Act [Dec. 21, 2006], and annually thereafter for so long as the Fund remains in existence, the Secretary of State shall submit to the appropriate congressional committees a report on programs sponsored and proposed to be sponsored by the Fund.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $20,000,000 for fiscal year 2007 for purposes of the Fund.

"SEC. 11. REPORTING REQUIREMENT.

"Not later than 90 days after the date of the enactment of this Act [Dec. 21, 2006], and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that—

"(1) describes the steps that have been taken by the United States Government to ensure that other countries and international organizations, including multilateral development banks, do not provide direct assistance to the Palestinian Authority for any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 [22 U.S.C. 2378b(b)] (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority; and

"(2) identifies any countries and international organizations, including multilateral development banks, that are providing direct assistance to the Palestinian Authority during such a period, and describes the nature and amount of such assistance.

"SEC. 12. DEFINITIONS.

"In this Act:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on International Relations [now Committee on Foreign Affairs] 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.

"(2) PALESTINIAN AUTHORITY.—The term 'Palestinian Authority' has the meaning given the term in section 620K(e)(2) of the Foreign Assistance Act of 1961 [22 U.S.C. 2378b(e)(2)] (as added by section 2(b)(2) of this Act).

"ASSISTANCE FOR THE WEST BANK AND GAZA

Determination of President of the United States, No. 2007–20, June 1, 2007, 72 F.R. 34973, provided: Memorandum for the Secretary of State By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 550(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (FOAA; Public Law 109–102), as amended by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234), sections 620K(e) and 620L(b)(4) of the Foreign Assistance Act of 1961, as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446), and section 301 of title 3, United States Code, I hereby certify and report that: With respect to the provision of assistance for the administrative and personal security costs of the Office of the President of the Palestinian Authority; for the activities of the President of the Palestinian Authority to promote democracy, peaceful resolution of the Israeli-Palestinian conflict, and to fulfill his duties as President, including, among other things, to maintain control of the management and se-
§ 2378c. Limitation on assistance for the West Bank and Gaza

(a) Limitation

Assistance may be provided under this chapter to nongovernmental organizations for the West Bank and Gaza only during a period for which a determination is made by the President under subsection (b) or as provided by the Appropriations Resolution, 2007 (Public Law 110–5), to the Secretary of State.

(b) Exceptions

Subsection (a) shall not apply with respect to the Palestinian Legislative Council who the President determines are not members of Hamas or any other foreign terrorist organization, for the purposes of facilitating the attendance of such members in programs for the development of institutions of democratic governance, including enhancing the transparent and accountable operations of such institutions, and providing support for the Middle East peace process.

(4) Other types of assistance

Any other type of assistance if the President—

(A) determines that the provision of such assistance is in the national security interest of the United States; and

(B) not less than 30 days prior to the obligation of amounts for the provision of such assistance—

(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).

(c) Marking requirement

Assistance provided under this chapter to nongovernmental organizations for the West Bank and Gaza shall be marked as assistance from the United States Government unless the Secretary of State determines that such marking will endanger the lives or safety of persons delivering such assistance or would have an adverse effect on the implementation of that assistance.

(d) Congressional notification

Assistance made available under this chapter to nongovernmental organizations for the West Bank and Gaza may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 2994–1(a) of this title.

(e) Definitions

In this section:

(1) 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.

(2) Foreign terrorist organization

The term “foreign terrorist organization” means an organization designated as a foreign terrorist organization by the Secretary of State.

1 So in original. Probably should be capitalized.
State in accordance with section 1189(a) of title 8.


REFERENCES IN TEXT
This chapter, referred to in subsecs. (a), (c), 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.

CHANGE OF NAME
Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

DELEGATION OF FUNCTIONS
Functions of President under subsec. (b)(4)(B) of this section delegated to Secretary of State by Determination of President of the United States, No. 2007–20, June 1, 2007, 72 F.R. 34978, set out as a note under section 2378d of this title.

§ 2378d. Limitation on assistance to security forces

(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 unit of the security forces of a foreign country if the Secretary of State has credible information that such unit has committed a gross violation of human rights.

(b) Exception
The prohibition in subsection (a) shall not apply if the Secretary determines and reports to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations that the government of such country is taking effective steps to bring the responsible members of the security forces unit to justice.

(c) Duty to inform
In the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

(d) Credible information
The Secretary shall establish, and periodically update, procedures to—
(1) ensure that for each country the Department or State has a current list of all security force units receiving United States training, equipment, or other types of assistance;
(2) facilitate receipt by the Department of State and United States embassies of information from individuals and organizations outside the United States Government about gross violations of human rights by security force units;
(3) routinely request and obtain such information from the Department of Defense, the Central Intelligence Agency, and other United States Government sources;
(4) ensure that such information is evaluated and preserved;
(5) ensure that when vetting an individual for eligibility to receive United States training the individual’s unit is also vetted;
(6) seek to identify the unit involved when credible information of a gross violation exists but the identity of the unit is lacking; and
(7) make publicly available, to the maximum extent practicable, the identity of those units for which no assistance shall be furnished pursuant to subsection (a).


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 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, 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
2011—Subsec. (a). Pub. L. 112–74, §7034(k)(2), substituted “information” for “evidence” and “a gross violation” for “gross violations”.
Subsec. (b). Pub. L. 112–74, §7034(k)(3), substituted “steps” for “measures”.

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 en-
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.


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. 90–954 designated existing provisions as subsec. (a) and added subsec. (b).

1963—Pub. L. 88–205 provided that goods and professional services from private enterprises should be utilized on a contract basis, and that Federal agencies be utilized only when not competitive with private enterprises 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 functions of the Export-Import Bank under section 1904(e) of title 7.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out below.

AID OFFICE OF SECURITY


“(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. 3272), and section 103 of Public Law 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 Inspector 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 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. 106–429, § 101(a) [title V, § 576], Nov. 6, 2000, 114 Stat. 1900, 1900A–54, provided that: “The Agency for International Development shall submit to the Committees on Appropriations a proposed budget justification format that is consistent with the requirements of section 515 [114 Stat. 1900A–26], for each fiscal year. The Agency shall submit to the Committees on Appropriations a proposed budget justification format no later than November 15, 2000, or 30 days after the enactment of this Act [Nov. 6, 2000], whichever occurs later. The proposed format shall include how the Agency’s budget justification will address: (1) estimated levels of obligations for the current fiscal year and actual levels for the 2 previous fiscal years; (2) the President’s request for new budget authority and estimated carryover obligations for the budget year; (3) the disaggregation of budget data and staff levels by program and activity for each bureau, field mission, and central office; and (4) the need for a user-friendly, transparent budget narrative.”

Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 581], Nov. 29, 1999, 113 Stat. 1535, 1501A–116, provided that: “Beginning with the fiscal year 2001 budget, the Agency for International Development shall submit to the Committees on Appropriations a detailed budget for each fiscal year. The Agency shall submit to the Committees on Appropriations a proposed budget format no later than October 31, 1999, or 30 days after the enactment of this Act [Nov. 29, 1999], whichever occurs later. The proposed format shall include how the Agency’s budget submission will address: (1) estimated levels of obligations for the current fiscal year and actual levels for the two previous fiscal years; (2) the President’s request for new budget authority and estimated carryover obligations for the budget year; (3) the disaggregation of budget data by program and activity for each bureau, field mission, and central office; and (4) staff levels identified by program.”
materials that shall identify clearly and separately the under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the fiscal year for salaries and expenses related to administrative activities of the Agency for International Development.''

REORGANIZATION PLAN NO. 2 OF 1979

EXECUTIVE ORDER No. 10973
Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 4969, 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. 56673, eff. Oct. 1, 1979, set out below.
Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 4969, as amended, was superseded insofar as any provision therefor 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

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 2191 of this title), and section 501 of title 5 of the United States Code, and as President of the United States, it is hereby ordered as follows:

1–1. DEPARTMENT OF STATE
1–100. Delegation of Functions. (a) Exclusive of the functions otherwise delegated, or reserved to the President, by this order, Executive Order 12884 [22 U.S.C. 5812 note], Executive Order 11579 [22 U.S.C. 2191 note], and Executive Order 12757 [former 7 U.S.C. 1738 note], and subject to the provisions of such orders, there are hereby delegated to the Secretary of State (referred to in this Part as the 'Secretary') all functions conferred upon the President by:

(1) the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] ("Act");

((i) except that with respect to section 505(a) of the Act [22 U.S.C. 2151(a)], such functions only insofar as those functions relate to other provisions which may be required by the President or only insofar as they relate to certain:)

(ii) except that with respect to section 505(b) of the Act, such functions only insofar as those func-

tions pertain to countries that agree to the conditions set forth therein;


(3) section 8(d) of the Act of January 12, 1971 [22 U.S.C. 23211(d)];


(5) section 402(b)(2) of title 10, United States Code, which shall be exercised in consultation with the Secretary of Defense;

(6) the third proviso under the heading "Development Assistance" contained in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Public Law 105–277) [112 Stat. 2681–133];

(7) section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 [Public Law 100–461] [22 U.S.C. 5811 note];

(b) 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 the Treasury.

(c) The functions under section 304 [22 U.S.C. 7634], after consultation with the Secretary of State, the Secretary of Defense, and the Director of the Office of Management and Budget.

(d) The Secretary shall perform all public information functions abroad with respect to the foreign assistance, aid, and development programs of the United Nations.
States Government, to the extent such functions are not specifically assigned by statute to be performed by a different officer.

The Secretary may redelegate to any other officer or agency of the Executive branch functions delegated to the Secretary by this order to the extent such delegation is not otherwise prohibited by law.

1-2. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

1-200. United States Agency for International Development

(a) The United States Agency for International Development is an independent establishment within the Executive branch. Any reference in the Act to the agency primarily responsible for administering part I of the Act (22 U.S.C. 2151 et seq.), or to the Administrator of such agency, shall be deemed to be a reference to the United States Agency for International Development or to the Administrator of that agency, as appropriate.

(b) The United States Agency for International Development shall be headed by an Administrator appointed pursuant to section 62(a) of the Act (22 U.S.C. 2384(a)).

(c) The officers provided for in section 62(a) of the Act shall serve in the United States Agency for International Development.

(d) The Office of Small Business provided for in section 602(b) of the Act (22 U.S.C. 2352(b)) shall be in the United States Agency for International Development.

(e) To the extent practicable, the Administrator of the United States Agency for International Development will exercise functions relating to Foreign Service personnel in a manner that will assure maximum compatibility among agencies authorized by law to utilize the Foreign Service personnel system. To this end, the Administrator shall consult regularly with the Secretary of State.

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 692(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(1) of the Act [22 U.S.C. 2362(a), 2365(a), 2365(a), (d)(1), (h), 2376, 2388, 2389(3), 2391(a), 2394-1a, 2395(b), (d), (g), and 2396(1)].

(c) Those functions under section 634A of the Act (22 U.S.C. 2381-1), to the extent they relate to notifications to the Congress concerning changes in programs under chapters 2 and 5 of Part II of the Act (22 U.S.C. 2311 et seq., 2347 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 2389(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.


(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, 1989 (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) [Nov. 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. 2323b) 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

[Revoked by Ex. Ord. No. 13118, § 4, Mar. 31, 1999, 64 F.R. 16596]

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. 2362a);

(3) section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1754); and

(4) section 655(c) of the Act [former 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 92-225 (86 Stat. 29) and repealed by Section 12(b)(1) of Public Law 95-189 (87 Stat. 722) (22 U.S.C. 2321g).

(c) The functions under section 305 of the Act (22 U.S.C. 2223) delegated to the Secretary of the Treasury shall be exercised in consultation with the Secretary of State.

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. 2381(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)).


1-505. Trade and Development Agency. There is delegated to the Director of the Trade and Development Agency the functions conferred upon the President by section 665(d) of the Act (22 U.S.C. 2381(d)).


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 Secretary of State, the President shall be deemed to be allocated without any limitation the Secretary of State for carrying out the Act, including any funds appropriated or otherwise made available to the Secretary of State pursuant to express authorization of the same compensation and allowances authorized to the President by subsequent amendments to the Act, or other acts authorizing such funds, 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 the Department of State is authorized to administer pursuant to express reservation or delegation of authorities in a statute or in this or another Executive order.

1–703. Office of Management and Budget. In this order the Director of the Office of Management and Budget shall retain all authorities related to the implementation of his budgetary and policy coordination functions, including the authority to:

(a) request and receive information from any agency that is subject to this delegation;
(b) carry out all responsibilities associated with implementing the Government Performance and Results Act (Pub. L. 103–62, see Short Title of 1993 Amendment note set out under section 1101 of Title 31, Money and Finance), the Government Management Reform Act (Pub. L. 103–356, see Short Title of 1994 Amendment note set out under section 3301 of Title 31), and other comparable government-wide statutes dealing with management; and
(c) carry out all statutory budget and policy coordination responsibilities assigned to the Director of the Office of Management and Budget by statute or Executive order.

1–8. Funds. Funds described below that are appropriated or otherwise made available to the President shall be deemed to be allocated without any further action of the President, as follows: (a) Except as provided in subsections (b) and (c), there are allocated to the Secretary of Defense all funds made available for carrying out the Act, including any funds appropriated under the heading “Nonproliferation, Anti-Terrorism, Demining and Related Programs”.
(b) There are allocated to the Secretary of Defense all funds made available for carrying out chapters 2 and 5 of Part II of the Act (22 U.S.C. 2311 et seq., 2347 et seq.).
§ 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.

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


§ 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.


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)".

1968—Subsec. (b). Pub. L. 90–629, §45(b)(1), struck out "or sales" before "programs".

1966—Subsec. (c). Pub. L. 90–629, §45(b)(2), struck out "and sales" and "or sales" before "programs" and "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 "economic assistance and military assistance and sales programs and "military assistance (including civic action) or sales program" for "(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.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.
(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.

SNC. 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.

SNC. 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.

SNC. 4. Further coordination procedures. The Director for Mutual Security shall be responsible for assuring that the provisions of this order are carried out and that the United States representatives in each country shall perform their functions under this order in a manner which permits its integration with service programs.

SNC. 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. 10662, 10663, and 10144 of June 6, 1949, June 13, 1949, and July 21, 1950, respectively.

(c) Executive Orders Nos. 9857, 9862, 9864, 9914, 9944, 9960, 10238, 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


EXECUTIVE ORDER NO. 12066


§ 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.


REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE CERTAIN PARTS OF SUBCHAPTER

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 302(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


§ 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 the 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.


(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.

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 (§2349a et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to include such parts. See section 2322(b) of Pub. L. 92–226, set out as a note under section 2346 of this title, and sections 2348c and 2349a–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.


1980—Subsec. (g). Pub. L. 96–533 substituted in pars. (1) to (5) “Inspector General” for “Auditor General” wherever appearing; in par. (6), 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).


Subsec. (d)(5), (7). Pub. L. 91–175, §304(3), included provision section 290f of this title within provisions of this section.


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”, and struck out “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.


1963—Subsec. (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—Subsec. (d), (e). Pub. L. 87–565 redesignated subsec. (e) as (d), inserted “”, and programs being con-
ducted 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 268a of this title.

**Effective Date of 1978 Amendment**

**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 Employee] and enacting provisions set out as a note under this section] shall take effect on July 1, 1977."
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.


(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.


(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.

(j) Reemployment of annuitants under the Civil Service Retirement System and the Federal Employees' Retirement System

(1) To facilitate the assignment of persons to Iraq, Pakistan, and Afghanistan or to posts vacated by members of the Service assigned to Iraq, Pakistan, and Afghanistan, the Administrator of the United States Agency for International Development may waive the application of the provisions of section 8344 or 8468 of title 5 on a case-by-case basis for employment of an annuitant in a position in the United States Agency for International Development for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

(2) The authority of the Administrator under subparagraph (A) shall terminate on October 1, 2010. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

(2) The Administrator should prescribe procedures for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for a delegation of authority.

(3) An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5.


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 (§§ 2201 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 2302(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”.

1960—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 1065 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 4007 and 4008 of this title.

(g) which related to competency in foreign languages. 

(j) which related to appointment and compensation of an Inter-American Committee representative.

(k) which related to applicability, etc., of Foreign Service Retirement and Disability System. See sections 4007 and 4008 of this title.

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.

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.


Subsec. (d)(2). Pub. L. 99–241 substituted ''the assignment to such duty of more than twenty persons at any one time'' for ''more than thirty persons in the aggregate''.

Subsec. (d)(2). Pub. L. 99–241 substituted ''the assignment to such duty of more than twenty persons at any one time'' for ''more than thirty persons in the aggregate''.


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. 97–585, § 302(c)(1), substituted “one hundred and ten” for “seventy-six”.

Subsec. (c). Pub. L. 87–793, § 1001(k)(2), substituted “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.

SUBSIDIARY ACTS

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.


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.

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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.


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, 1969, 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 1784 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.

§ 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 inconsistent provision of law unless that provision of

1 So in original. Probably should be “any”.

EXTENSION OF AUTHORITY

law specifically states that it supersedes regulations issued under this section.


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. 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 (§2349a et seq.) of subchapter II of this chapter, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title, and sections 2348c of this 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, which may be paid to an employee under the standardized Government travel regulations, as the applicable rate prescribed in the standard 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, and contracts for such employment of retired military personnel with specialized research and development experience, 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 the Appendix to title 50, and regulations issued thereunder.


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

1979—Subsec. (a). Pub. L. 95–433 substituted “May 1” for “March 15”.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 503(b) of Pub. L. 95–53 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.

§ 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 2323 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 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.
requirements, or penalties in connection with claims or matters involving the U.S. Government, except as far 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 408 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.

§ 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.


**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**
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.


**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**
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.

**Delegation of Functions**
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R.

1 See References in Text note below.
§ 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;

(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.


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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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) 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) of that Act [22 U.S.C. 3902(a)(3)]), as the President shall determine to be appropriate.

(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.


1 See References in Text note below.
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 102(a)(3) of that Act, referred to in subsec. (b), and (c), was redesignated section 102(3) pursuant to Pub. L. 98–164, which struck out designation “(a)" and struck out subsec. (b) of section 102.

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.


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.

DELEGATION OF FUNCTIONS
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

FLAG AND GENERAL OFFICERS
Pub. L. 94–11, title I, §106, 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.

§ 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 sub-
chapter 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 sub-
chapter 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 assign
able under the Assignment of Claims Act of 1940, as amended (second and third paragraphs of 31 U.S.C. 203 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 approp
riate 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 facilities procured outside the United States may be accounted for exclusively on such certifica
tion 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) 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 re
quired 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 sub-
chapter 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 are disproportionate to the advantage to be gained.


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, 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 2515 of this title and Tables.

The Assignment of Claims Act of 1940, as amended, referred to in subsec. (e), means act Oct. 9, 1940, ch. 779, 54 Stat. 1029, which added the second and third pars. to subsec. 233 of former Title 31, Public Contracts. Section 233 of former Title 31 was repealed by Pub. L. 97–258, §5(b), Sept. 13, 1982, 96 Stat. 1986, and reenacted by the first section thereof as section 3727 of Title 31, Money and Finance. Such second and third pars. to section 15 of former Title 31, Public Contracts, Section 233 of former Title 31 was repealed by Pub. L. 97–258, §5(b), Sept. 13, 1982, 96 Stat. 1986, and was repealed 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. Section 15 of former Title 41 was amended generally by Pub. L. 103–355, title II, §2451, Oct. 13, 1994, 108 Stat. 3324, and was repealed and restated as section 6305 of Title 41, Public Contracts, by Pub. L. 111–150, §§13, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. Section 1782(a) of this title, referred to in subsec. (f), was repealed by Pub. L. 87–195, pt. III, §632(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 (§2341 et seq.), VI (§2348 et seq.), and VIII (§2348aa 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 2345 of this title, and sections 2346c and 2346ca–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. 100–555 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,”.


Subsec. (b). Pub. L. 94–329, §106(b)(4)(B), substituted “defense articles, or military education and training” for “‘and defense articles’.”

\(^1\) See References in Text note below.
§ 2393. Waiver of certain laws

(a) Contracts and expenditure of funds

Whenever the President determines it to be in the 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) of title 10, personnel of the Department of Defense may be assigned or detailed to any civil office to carry out this chapter.


References in Text

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 87–196, 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 Title note set out under section 2342 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 (§2396 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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

Executive Order No. 10784


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


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. 2283), it is hereby determined that, to the extent hereinafter indicated, the performance of functions authorized by this 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).

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 603(a) of the Foreign Assistance Act of 1961, as amended (the "Act"), 22 U.S.C. 2583(a), I hereby determine it to be in furtherance of the purposes of the Act (22 U.S.C. 2511 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 codifying 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.
AMENDMENTS

EFFECTIVE DATE
Section effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amend-
ment note under section 251 of this title.

DELEGATION OF FUNCTIONS
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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 Chair-
man 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 develop-
ment of developing countries, including but not limited to bilateral and multilateral assis-
tance, trade, debt, employment, food, energy, technology, population, oceans, environ-
ment, human settlements, natural resources, and participation in international agencies concerned with development;

(B) an assessment of the impact of such poli-
cies and programs on the well-being of the poor majority in developing countries in ac-
cecordance 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 assess-
ment 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 poli-
cies and programs on economic conditions in the United States, including but not limited to employment, wages, and working condi-
tions;

(2) the dollar value of all foreign assistance and guaranties by category and by country provided or made by the United States Gov-
ernment by any means to all foreign countries and international organizations—
(A) from 1946 to the fiscal year immedi-
ately preceding the fiscal year for which the report is required;

(B) as presented to Congress for the imme-
diate 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 follow-
ing the year in which the report is presented; and

(F) of any contract in excess of $100,000 ad-
ministered 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 commodi-
ties on credit terms theretofore made under the Food for Peace Act [7 U.S.C. 1691 et seq.] with respect to which there remains out-
standing 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 capac-
ity 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 spe-
cific 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 develop-
ment assistance, security assistance, inter-
national disaster assistance, refugee assistance, and international narcotics control assistance provided by each government of a country which is a member of the Organiza-
tion for Economic Cooperation and Develop-
ment or of the Organization of Petroleum Ex-
porting Countries;

(7) the percentage which each type of assist-
ance 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 para-
graph (6);

(8) the amount of all foreign currencies ac-
quired without payment of dollars on hand of each foreign country as of September 30 of the preceding fiscal year;

(9) the Development Coordination Commit-
tee’s operations pursuant to section 2399c(f) of this title;

(10) the aggregate dollar value and quantity of grant military assistance, military edu-
cation and training, and any other defense ar-
ticles and services furnished under this chap-
ter by the United States to each foreign coun-
try and international organization for the pre-
ceding 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, grant, credit, or guaranty.


REFERENCES IN TEXT

The Food for Peace Act, referred to in subsec. (a)(4), is act July 19, 1945, ch. 469, 69 Stat. 454, which is classified principally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to Title 7, see Short Title note set out under section 2293 of this title.

The Export-Import Bank Act of 1945, referred to in subsec. (a)(8), 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 subsec. (a)(5)(A), (10), (b)(1), was in the original “this Act”, meaning Pub. L. 87–185, 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 2293 of Title 22 and Tables.

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of chapter 1 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 2293a of this title.

AMENDMENTS


1981—Subsec. (a). Pub. L. 97–913, §738(1), substituted provision requiring information regarding American foreign policy and effectiveness of assistance to developing countries and provision directing the Chairman to transmit a report 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. 97–913, §738(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)(4). Pub. L. 97–913, §738(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, or 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. (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 2293a 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.

1974—Subsec. (d). Pub. L. 93–559 substituted “September” for “June” and “March” for “December”.

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 2203a of this title from report required by this section, and struck out 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 2778(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(b)(2), added subsecs. (g) and (h).


1962—Subsec. (a). Pub. L. 87–565, § 302(e), required reports to include information on progress under the freedom of navigation and nondiscrimination 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 2008 Amendment

Effective Date of 1985 Amendment

Effective Date of 1978 Amendment

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

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.

§ 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
amend, 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.

CONFOCATION

Section was formerly classified to section 2293b of this title.

AMENDMENTS


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).


EFFECTIVE DATE OF 1985 AMENDMENT


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.


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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.


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
For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2394b. HELP Commission
(a) Short title
This section may be cited as the “HELP Commission Act”.

(b) Findings
(1) The Congress finds that, despite the long-standing efforts and resources of the United States dedicated to helping needy people around the world, despair remains and in many areas is growing.

(2) Therefore, a commission should be established to bring together the best minds associated with development and humanitarian assistance to make a comprehensive review of—
(A) policy decisions, including why certain development projects are funded and others are not, successes, and best practices, including their applicability to other existing programs and projects;
(B) delivery obstacles, including the roles of United States agencies and other governmental and nongovernmental organizations;
(C) methodology, including whether the delivery of United States development assistance always represents best practices and whether it can be improved; and
(D) results, including measuring improvements in human capacity instead of in purely economic terms.

(3) An examination of these issues should present new approaches and ideas to ensure that United States development assistance reaches and benefits its intended recipients.

(c) Establishment of Commission; responsibilities
(1) There is established the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission (in this section referred to as the “Commission”).

(2) The Commission shall—
(A) identify the past and present objectives of United States development assistance, identify cases in which those objectives have been met, identify the beneficiaries of such assistance, and what percentage of the funds provided actually reached the intended beneficiaries;
(B) identify cases in which United States development assistance has been most successful, and analyze how such successes may be transferable to other countries or areas;
(C) study ways to expand educational opportunities and investments in people, and assess infrastructure needs;
(D) analyze how the United States could place conditions on governments in countries receiving United States development assistance, in light of and notwithstanding the objectives of the Millennium Challenge Account;
(E) analyze ways in which the United States can coordinate its development assistance programs with those of other donor countries and international organizations;
(F) analyze ways in which the safety of development assistance workers can be ensured, particularly in the midst of conflicts;
(G) compare the effectiveness of increased and open trade with development assistance, and analyze the advantages and disadvantages of such trade and whether such trade could be a more effective alternative to United States development assistance;
(H) analyze ways in which the United States can strengthen the capacity of indigenous nongovernmental organizations to be more effective in grassroots development;
(I) analyze ways in which decisions on providing development assistance can involve more of the people of the recipient countries;
(J) analyze ways in which results can be measured if United States development assistance is targeted to the least developed countries;
(K) recommend standards that should be set for “graduating” recipient countries from United States development assistance;
(L) analyze whether United States development assistance should be used as a means to achieve United States foreign policy objectives;
(M) analyze how the United States can evaluate the performance of its development assistance programs not only against economic indicators, but in other ways, including how to measure the success of United States development assistance in democratization efforts; and evaluate the existing foreign assistance framework to ascertain the degree of coordination, or lack thereof, of the disparate foreign development programs as administered by the various Federal agencies, to identify and assess the redundancies of programs and organizational structures engaged in foreign assistance, and to recommend revisions to authorizing legislation for foreign assistance that would seek to reconcile competing foreign policy and foreign aid goals; and
(N) study any other areas that the Commission considers necessary relating to United States development assistance.
(d) Membership

(1) The Commission shall be composed of 21 members as follows:

(A) Six members shall be appointed by the President, of whom at least two shall be representatives of nongovernmental organizations.

(B) Four members shall be appointed by the majority leader of the Senate, and three members shall be appointed by the minority leader of the Senate.

(C) Four members shall be appointed by the Speaker of the House of Representatives, and three members shall be appointed by the minority leader of the House of Representatives.

(D) The Administrator of the United States Agency for International Development shall serve as a member of the Commission, ex officio.

(2) Members under subparagraphs (A) through (C) of paragraph (1) shall be appointed for the life of the Commission.

(3) Members of the Commission shall be selected from among individuals noted for their knowledge and experience in foreign assistance, particularly development and humanitarian assistance.

(4) The appointments under paragraph (1) shall be made not later than 60 days after January 23, 2004.

(5) The President shall designate one of the members of the Commission not currently in Government service as the Chair of the Commission.

(6) In order to facilitate the workload of the Commission, the Commission shall divide the membership of the Commission into three subcommittees representing the different regions of the world to which the United States provides development assistance, the membership of each subcommittee to be proportional to the percentage of United States development assistance provided to the region represented by the subcommittee. Each subcommittee shall elect one of its members as Chair of the subcommittee.

(7)(A) Eleven members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission. The Commission shall meet at the call of the Chair.

(B) A majority of the members of each regional subcommittee shall constitute a quorum for purposes of transacting the business of the subcommittee. Each subcommittee shall meet at the call of the Chair of the subcommittee.

(8) Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(9) The Administrator of General Services shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a nonreimbursable basis) such administrative support services as the Commission may request to carry out this section.

(10)(A) Subject to subparagraph (B), members of the Commission shall serve without pay.

(B) Members of the Commission who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(11) Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the Commission.

(12)(A) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) To the extent or in the amounts provided in advance in appropriations Acts—

(i) the executive director shall be compensated at the rate payable for level V of the Executive Schedule under section 5316 of title 5; and

(ii) the Chairman of the Commission may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(e) Authority

(1) The Commission may, for the purpose of carrying out its functions under this section, hold hearings, sit and act at times and places in the United States and in countries that receive United States development assistance, take testimony, and receive evidence as the Commission considers advisable to carry out the purposes of this section.

(2) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable it to carry out the provisions of this section.

(5) The Members of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out the purposes of this section. Each trip must be approved by a majority of the Commission.

(6) Upon the request of the Commission, the head of any Federal department or agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its functions under this section. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.
(f) Report of Commission

(1) Not later than 2 years after the members of the Commission are appointed under subsection (d)(1) of this section, the Commission shall submit a report to the President, the Secretary of State, the Committee on Appropriations and the Committee on International Relations of the House of Representatives, and the Committee on Appropriations and the Committee on Foreign Relations of the Senate, setting forth its findings and recommendations under section 1(c)(2).

(2) The report may be submitted in classified form, together with a public summary of recommendations, if the classification of information would further the purposes of this section.

(3) Each member of the Commission may include the individual or dissenting views of the member.

(g) Applicability of other laws

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) Definition

In this section, the term “United States development assistance” means—

(1) assistance provided by the United States under chapters 1, 10, 11, and 12 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq., 2293 et seq., 2295 et seq., 2296 et seq.]; and

(2) assistance provided under any other provision of law to carry out purposes comparable to those set forth in the provisions referred to in paragraph (1).

(i) Authorization of appropriations

(1) There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

(2) Amounts authorized to be appropriated under subsection (a) of this section are authorized to remain available until expended, but not later than the date of termination of the Commission.

(j) Termination

The Commission shall terminate 30 days after the submission of its report under subsection (f) of this section.

(k) Annual report of President

(1) Not later than April 1, 2004, and April 1 of each third year thereafter, the President shall transmit to the Congress a report that analyzes, on a country-by-country basis, the impact and effectiveness of United States economic assistance furnished to each country during the preceding 3 fiscal years. The report shall include the following for each recipient country:

(A) An analysis of the impact of United States economic assistance during the preceding 3 fiscal years on economic development in that country, with a discussion of the United States interests that were served by the assistance. The analysis shall be done on a sector-by-sector basis to the extent possible and shall identify any economic policy reforms that were promoted by the assistance. The analysis shall—

1So in original. Probably should be "subsection".

(i) include a description, quantified to the extent practicable, of the specific objectives the United States sought to achieve in providing economic assistance for that country; and

(ii) specify the extent to which those objectives were not achieved, with an explanation of why they were not achieved.

(B) A description of the amount and nature of economic assistance provided by other donors during the preceding 3 fiscal years, set forth by development sector to the extent possible.

(C) A discussion of the commitment of the host government to addressing the country’s needs in each development sector, including a description of the resources devoted by that government to each development sector during the preceding 3 fiscal years.

(D) A description of the trends, both favorable and unfavorable, in each development sector.

(E) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(F) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or nongovernmental organizations.

(2) The report required by this section shall identify—

(A) each country in which United States economic assistance has been most successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in paragraph (1)(A)(i), were achieved; and

(B) each country in which United States economic assistance has been least successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in paragraph (1)(A)(i), were not achieved; and, for each such country, an explanation of why the assistance was not more successful and a specification of what the United States has done as a result.

(E) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(F) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or nongovernmental organizations.

(2) The report required by this section shall identify—

(A) each country in which United States economic assistance has been most successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in paragraph (1)(A)(i), were achieved; and

(B) each country in which United States economic assistance has been least successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in paragraph (1)(A)(i), were not achieved; and, for each such country, an explanation of why the assistance was not more successful and a specification of what the United States has done as a result.

(3) Information under paragraphs (1) and (2) for a fiscal year shall not be required with respect to a country for which United States economic assistance for the country for the fiscal year is less than $5,000,000.

(4) In this subsection, the term “United States economic assistance” means any bilateral economic assistance, from any budget functional category, that is provided by any department or agency of the United States to a foreign country, including such assistance that is intended—

(A) to assist the development and economic advancement of friendly foreign countries and peoples;

(B) to promote the freedom, aspirations, or sustenance of friendly peoples under oppressive rule by unfriendly governments;

(C) to promote international trade and foreign direct investment as a means of aiding economic growth;
(D) to save lives and alleviate suffering of foreign peoples during or following wars, natural disasters, or complex crises;

(E) to assist in recovery and rehabilitation of countries or peoples following disaster or war;

(F) to protect refugees and promote durable solutions to aid refugees;

(G) to promote sound environmental practices;

(H) to assist in development of democratic institutions and good governance by the people of foreign countries;

(I) to promote peace and reconciliation or prevention of conflict;

(J) to improve the technical capacities of governments to reduce production of and demand for illicit narcotics; and

(K) to otherwise promote through bilateral foreign economic assistance the national objectives of the United States.


REFERENCES IN TEXT
The Federal Advisory Committee Act, referred to in subsec. (g), 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.


CHANGING THE NAME
Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

ASSIGNMENT OF FUNCTIONS IMPLEMENTING THE HELP COMMISSION ACT
Memorandum of President of the United States, Dec. 8, 2004, 69 F.R. 78847, provided:
Memorandum for the Secretary of State (and) the Administrator of the United States Agency for International Development;
By the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3, United States Code:
1. The functions of the President under subsection 637(k) of the [Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004, and the Consolidated Appropriations Act, 2004, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

CHANGE OF NAME
Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

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By the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3, United States Code:
1. The functions of the President under subsection 637(k) of the [Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Division B, Public Law 108–199) (22 U.S.C. 2394b(k)) (the "Act") are assigned to the Secretary of State (Secretary).
2. The Administrator of the United States Agency for International Development shall provide support to assist the Secretary in the performance of functions assigned by this memorandum, and the heads of executive departments and agencies with information concerning assistance programs shall furnish promptly to the Secretary, consistent with applicable law, such information as the Secretary may request to assist in fulfillment of these responsibilities for the preparation of the report to which subsection 637(k) refers.
3. The Secretary shall coordinate the receipt by departments and agencies of requests from the HELP Commission under section 637(e) of the Act for information and their responses to such requests. Such departments and agencies shall provide relevant information and responses promptly. The Secretary shall ensure that such responses occur in a manner consistent with the President's constitutional authority to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.
4. Heads of executive departments and agencies shall assist the Secretary in the implementation of this memorandum.
5. The Secretary is authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH

§ 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, and 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 Government Accountability 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.

(l) Program oversight

The Administrator of the agency primarily responsible for administering subchapter I of this chapter may use funds made available under that subchapter to provide program and management oversight for activities that are funded under that subchapter and that are conducted in countries in which the agency does not have a field mission or office.

(m) Working capital fund

(1) There is established a working capital fund (in this subsection referred to as the “fund”) for the United States Agency for International Development (in this subsection referred to as the “Agency”) which shall be available without fiscal year limitation for the expenses of personal and nonpersonal services, equipment, and supplies for—

(A) International Cooperative Administrative Support Services; and

(B) rebates from the use of United States Government credit cards.

(2) The capital of the fund shall consist of—

(A) the fair and reasonable value of such supplies, equipment, and other assets pertaining to the functions of the fund as the Administrator determines,

(B) rebates from the use of United States Government credit cards, and

(C) any appropriations made available for the purpose of providing capital, minus related liabilities.

(3) The fund shall be reimbursed or credited with advance payments for services, equipment, or supplies provided from the fund from applicable appropriations and funds of the Agency, other Federal agencies and other sources authorized by section 2357 of this title at rates that will recover total expenses of operation, including accrual of annual leave and deprecia-
Section. Receipts from the disposal of, or payments for the loss or damage to, property held in the fund, rebates, reimbursements, refunds and other credits applicable to the operation of the fund may be deposited in the fund.

(4) At the close of each fiscal year the Administrator of the Agency shall transfer out of the fund to the miscellaneous receipts account of the Government Accountability Office such amounts as the Administrator determines to be in excess of the needs of the fund.

(5) The fund may be charged with the current value of supplies and equipment returned to the working capital of the fund by a post, activity, or agency, and the proceeds shall be credited to current applicable appropriations.


REFERENCES IN TEXT


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 2293(d)(1) of this title.

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2283

References to part I of subchapter I of this chapter are deemed to include a reference to section 2283 of this title. See section 2283(d)(1) of this title.

CODIFICATION


AMENDMENTS


1979—Subsec. (c). Pub. L. 96–53 substituted “Agency for International Development” for “Advisory Committee (4) on Voluntary Foreign Aid”.


1967—Subsec. (e). Pub. L. 90–137, § 302(1)(l), designated existing provisions as par. (1) and added par. (2).


REFERENCES TO \( g \) in original. Probably should be “be”.

\section{International agreements concerning debt relief; transmittal to Congressional committees}


(2) The Secretary of State shall transmit to such committees a copy of the text of any agree-
ment 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.


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 each House of Congress named as the Appropriations 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 in par. (1) provisions prior to repeal thereof by section 734(a)(1) of Pub. L. 97–113.

DEFINITION

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.

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 2515 of this title.

ACTIONS TO PROVIDE BILATERAL DEBT RELIEF


(a) CANCELLATION OF DEBT.—Subject to the availability of amounts provided in advance in appropriations Acts, the President shall cancel all amounts owed to the United States (or any agency of the United States) by any country eligible for debt reduction under this section, as a result of loans made or credits extended prior to June 30, 1999, under any of the provisions of law specified in subsection (b).

(b) PROVISIONS OF LAW.—The provisions of law referred to in subsection (a) are the following:


(2) The Arms Export Control Act (22 U.S.C. 2751 et seq.).


(4) Title I of the Agricultural Trade Development and Assistance Act of 1954 (now Food for Peace Act) (7 U.S.C. 1701 et seq.).

(5) The Act of March 11, 1941 (chapter 11; 55 Stat. 31; 22 U.S.C. 411 et seq.; commonly known as the ‘‘Lend-Lease Act’’).

(c) OTHER DEBT REDUCTION AUTHORITIES.—The authority provided in this section is in addition to any other debt relief authority and does not in any way limit such authority.

(d) ELIGIBLE COUNTRIES.—A country that is performing satisfactorily under an economic reform program shall be eligible for cancellation of debt under this section if—

(1) the country, as of December 31, 2000, is eligible to borrow from the International Development Association;

(2) the country, as of December 31, 2000, is not eligible to borrow from the International Bank for Reconstruction and Development; and

(3) (A) the country has outstanding public and publicly guaranteed debt, the net present value of which on December 31, 1996, was at least 150 percent of the average annual value of the exports of the country for the period 1994 through 1996; or

(B) the country has outstanding public and publicly guaranteed debt, the net present value of which, as of the date the President determines that the country is eligible for debt relief under this section, is at least 150 percent of the annual average value of the exports of the country; or

(ii) the country has outstanding public and publicly guaranteed debt, the net present value of which, as of the date the President determines that the country is eligible for debt relief under this section, is at least 250 percent of the annual fiscal revenues of the country, and has minimum ratios of exports to Gross Domestic Product of 30 percent, and of fiscal revenues to Gross Domestic Product of 15 percent.

(e) PRIORITY.—In carrying out subsection (a), the President should seek to leverage scarce foreign assistance and give priority to heavily indebted poor countries with demonstrated need and the capacity to use such relief effectively.

(f) EXCEPTIONS.—A country shall not be eligible for cancellation of debt under this section if the government of the country—

(1) has an excessive level of military expenditures;

(2) has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1) of the Export Administration Act of 1979 (30 U.S.C. 2405(j)(1)) or section 629(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

(3) is failing to cooperate on international narcotics control matters; or

(4) (including its military or other security forces), engages in a consistent pattern of gross violations of internationally recognized human rights.

(g) ADDITIONAL REQUIREMENT.—A country which is otherwise eligible to receive cancellation of debt under this section may receive such cancellation only if the country has committed, in connection with a social and economic reform program—

(1) to enable, facilitate, or encourage the implementation of policy changes and institutional reforms under economic reform programs, in a manner that ensures that such policy changes and institutional reforms are designed and adopted through transparent and participatory processes;

(2) to adopt an integrated development strategy of the type described in section 1624(a) of the International Financial Institutions Act (22 U.S.C. 262p-7) to support poverty reduction through economic growth, that includes monitorable poverty reduction goals;

(3) to take steps so that the financial benefits of debt relief are applied to programs to combat poverty (in particular through concrete measures to improve economic infrastructure, basic services in education, nutrition, and health, particularly treatment and prevention of the leading causes of mortality) and to redress environmental degradation;
"(4) to take steps to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth;

"(5) to implement transparent policy making and budget procedures, good governance, and effective anticorruption measures;

"(6) to broaden public participation and popular understanding of the principles and goals of poverty reduction, particularly through economic growth, and good governance; and

"(7) to promote the participation of citizens and nongovernmental organizations in the economic policy choices of the government.

"(b) Certain Prohibitions Inapplicable.—Except as the President may otherwise determine for reasons of national security, a cancellation of debt under this section shall not be considered to be assistance for purposes of any provision of law limiting assistance to a country. The authority to provide for cancellation of debt under this section may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(r)), or any similar provision of law.

"(i) Authorization of Appropriations.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of the cancellation of any debt under this section, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2000-2010, which shall remain available until expended.

"(j) Annual Reports to the Congress.—Not later than December 31 of each year, the President shall prepare and transmit to the Committees on Banking and Financial Services [now Committee on Financial Services [now Committee on Foreign Affairs] of the House of Representatives, and the Committees on Banking, Housing, and Urban Affairs, Foreign Relations, and Appropriations of the Senate a report, which shall be made available to the public, concerning the cancellation of debt under subsection (a), and a detailed description of debt relief provided by the United States as a member of the Paris Club of Official Creditors for the prior fiscal year."

[Pub. L. 101-382, title V, § 550, 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:


§ 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 administering 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, except that such vehicles shall not be regarded as employees 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 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 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, 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;
(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; 2

(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.

(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 utilized 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 2386(d)(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 of title 7 may be used to carry out the purposes of this chapter or other purposes for the purposes of this chapter or other purposes for which it is considered inadvisable to specify;

1 See References in Text note below.
2 See References in Text note below.
3 See References in Text note below.
ment 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 payment 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 Food for Peace Act, 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 Food for Peace Act, 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 equipment, 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 6303 of title 41 or other provisions of law requiring a specific authorization or specific appropriation for such public contracts.

(b) 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-4 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.


References in Text

This chapter, referred to in subs. (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 2391 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 Food for Peace Act, as amended, referred to in subsec. (f), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1942 of this title and amendments set out as a note under section 1945a of this title. For complete classification of this Act to the Code, see

*See References in Text note below.
Short Title note set out under section 1942 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 (§234aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts.

AMENDMENTS


2002—Subsec. (a)(17). Pub. L. 107–572 struck out par. (17) which read as follows: “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.”

1967—Subsec. (g). Pub. L. 90–137 inserted “or the Arms Export Control Act” after “subchapter II of this chapter” in introductory provisions.

1966—Subsec. (c). Pub. L. 90–202 substituted “$5,000,000” for “$3,000,000”.


1963—Subsec. (g)(2). Pub. L. 90–234 substituted “$502” for “$500”.


1977—Subsec. (a)(5). Pub. L. 95–424, § 565, 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 “$5,000”.

1976—Subsec. (a). Pub. L. 95–359, § 102(g)(1), struck out “(other than subpart I of subchapter I of this chapter)” after “under this chapter” in two places.

1975—Subsec. (d). Pub. L. 95–424, § 100(g)(2), struck out “(other than subpart I of subchapter I of this chapter)” after “under this chapter”.

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.”


1963—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.


1960—Subsec. (e). Pub. L. 88–205, § 302(b)(i), 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”.


CHANGE OF NAME


EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 7001 of Title 7, Agriculture.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 90–234 effective (1) on effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1966, or (2) 180 days after Jan. 2, 1966, whichever occurs first, see section 301(a) of Pub. L. 90–234, set out as a note under section 5701 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1985 AMENDMENT

§ 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 unused 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.


§ 2397. Administrative expenses


(b) There is authorized to be appropriated such amounts as may be necessary from time to time for administrative expenses which are incurred in connection with or in furtherance of the purposes of the Mutual Security Act of 1954, as amended, or for normal functions of the Department of State which relate to such functions.


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.

1979—Subsec. (a). Pub. L. 95–112 substituted “for each of the fiscal years 1979 and 1980, $45,000,000,” for “for the fiscal year 1979, $50,000,000, and for the fiscal year 1980, $50,000,000”.


1968—Subsec. (a). Pub. L. 91–175 substituted “fiscal year 1969,” and “$53,000,000,” for “1968,” and “$55,000,000,” 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 “$55,000,000,” for “1967,” and “$55,000,000,” respectively.


1960—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

§ 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. 653 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 democratically elected government and the assistance is otherwise consistent with sections 2191, 2391, 2379(f), 2371, and 2420 of this title.


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 2351 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 31 (§ 2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.


The Export-Import Bank Act of 1945, as amended, referred to in subsec. (a), is Pub. L. 87–171, 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.

AMENDMENTS

1987—Pub. L. 100–202 designated existing provisions as subsec. (a) and added subsec. (b).


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, § 688(b)] of Pub. L. 100–202 provides 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]."


So in original. Probably should be "democratically".
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 therefore 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.


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 2391 of this title and Tables.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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.


(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.

For the purpose of facilitating implementation of section 55365 of title 46, 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.


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.

Compensation


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”.


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 continue 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.


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.


AMENDMENTS


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;

(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.


(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 anticipated 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 informational 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.).

(2) with respect to nonexcess defense articles delivered from inventory to foreign 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 foreign 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

(4) with respect to a defense service, the services provided under part VIII of subchapter II of this chapter.

(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.).

The Atomic Energy Act of 1954, as amended, defined "value" as the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying 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 negoti-
tiated 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. 92–238 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. 90–197, §303(a), 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 1424 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 assistance or sales order", and struck out "as grant as -" after "international organizations".

1966—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 as -" 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 unnum -bered par. after par. (3) substituted "Military Assistance and sales programs" for "Military assistance pro -grams" and struck out "by the military assistance pro -gram" after "supplying agency".

1965—Subsec. (f). Pub. L. 88–205 inserted "including orientation".

1964—Pub. L. 88–205 substituted "as grant assistance after "international organizations".

**Effective Date of 1978 Amendment**


**Effective Date of 1972 Amendment**

Amendment by Pub. L. 92–238 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 2761 of this title.

**Transfer of Functions**

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**§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.


**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 Latin American Development Act, as amended, referred to in text, is Pub. L. 87–375, 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 1754 of this title and Tables.

**Amendments**

1965—Pub. L. 89–171 substituted "the Latin American Development Act, as amended" for "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.


**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.


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.


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


Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12183, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.


Effective Date of Repeal


§ 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.


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 of Repeal


Section, Pub. L. 91–672, § 7, Jan. 12, 1971, 84 Stat. 2654, 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.

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. 96-333 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

DELEGATION OF FUNCTIONS
For delegation of functions of President under this section, see Ex. Ord. No. 12183, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 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
"(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.

§ 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. 2655.)

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 that 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.


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

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.

1979—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 IV" and inserted in par. (2) "or assistance under part VI of subchapter II of this chapter" before ", the President includes".
§ 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.

(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


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 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, 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:

(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 among plenary votes cast by each member country with the vote cast by the United States, including a separate listing of all plenary votes cast by member countries of the United Nations in the General Assembly on resolutions specifically related to Israel that are opposed 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 agreements 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.


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 of the United Nations and the amount of United States assistance provided to such country in fiscal year 2000, was from the United Nations and the amount of United States assistance as defined in section 2291(e)(4) of this title, provided to such country in fiscal year 2000, was from the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:


§ 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 activities authorized by the United States and of such articles, services, and activities provided by the United States, excluding any activity that is 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 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.];

(2) were furnished with the financial assistance of the United States Government, including through loans and guarantees; or

(3) were licensed for export under section 38 of the Arms Export Control Act [22 U.S.C. 2778]
and, if so, a specification of those defense articles that were exported during the fiscal year covered by the report, including, in the case of defense articles that are firearms controlled under category I of the United States Munitions List, a statement of the aggregate dollar value and quantity of semiautomatic assault weapons, or spare parts for such weapons, the manufacture, transfer, or possession of which is unlawful under section 922 of title 18, that were licensed for export during the period covered by the report.

(c) Availability on Internet

All unclassified portions of such report shall be made available to the public on the Internet through the Department of State.


REFERENCES IN TEXT


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


AMENDMENTS

2002—Subsec. (b)(3). Pub. L. 107–228, § 1205(c), inserted before period at end "`, including, in the case of defense articles that are firearms controlled under category I of the United States Munitions List, a statement of the aggregate dollar value and quantity of semiautomatic assault weapons, or spare parts for such weapons, the manufacture, transfer, or possession of which is unlawful under section 922 of title 18, that were licensed for export during the period covered by the report`."

Subsecs. (c), (d). Pub. L. 107–228, § 1262(b), redesignated subsec. (d) as (c) and struck out heading and text of former subsec. (c). Text read as follows: "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.

2009—Subsec. (b)(3). Pub. L. 106–280 inserted before the period at end "and, if so, a specification of those defense articles that were exported during the fiscal year covered by the report".

1999—Subsec. (b). Pub. L. 106–113, § 1306(b), [title XIII, § 1306(a)(7)], reenacted heading without change and amended text generally. Prior to amendment, text read as follows: "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 or furnished by the United States, excluding that which is pursuant to activities reportable under title V of the National Security Act of 1947, 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 under any other authority of law or by sale under chapter 2 of the Arms Export Control Act; or

``(2) were licensed for export under section 38 of the Arms Export Control Act.""


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

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56763, as amended, set out as a note under section 2301 of this title.

§ 2416. Annual foreign military training report

(a) Annual report

(1) In general

Not later than January 31 of each year, the Secretary of Defense and the Secretary of State shall jointly prepare and submit to the appropriate congressional committees a report on all military training provided to foreign military personnel by the Department of Defense and the Department of State during the previous fiscal year and all such training proposed for the current fiscal year.

(2) Exception for certain countries

Paragraph (1) does not apply to any NATO member, Australia, Japan, or New Zealand, unless one of the appropriate congressional committees has specifically requested, in writ-
ing, inclusion of such country in the report. Such request shall be made not later than 90 calendar days prior to the date on which the report is required to be transmitted.

(b) Contents

The report described in subsection (a) of this section shall include the following:

(1) For each military training activity, the foreign policy justification and purpose for the activity, the number of foreign military personnel provided training and their units of operation, and the location of the training.

(2) For each country, the aggregate number of students trained and the aggregate cost of the military training activities.

(3) With respect to United States personnel, the operational benefits to United States forces derived from each military training activity and the United States military units involved in each activity.

(c) Form

The report described in subsection (a) of this section shall be in unclassified form but may include a classified annex.

(d) Availability on Internet

All unclassified portions of the report described in subsection (a) of this section shall be made available to the public on the Internet through the Department of State.

(e) Definition

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations and the Committee on International Relations of the House of Representatives; and

(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.


PRIOR PROVISIONS


EFFECTIVE DATE OF REPEAL


Section, Pub. L. 87–195, pt. III, § 659, as added Pub. L. 93–559, § 29(a), Dec. 30, 1974, 88 Stat. 1805, 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) of this title, 1 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;

1 See References in Text note below.
(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;

(7) with respect to assistance provided to customs authorities and personnel, including training, technical assistance and equipment, for customs law enforcement and the improvement of customs laws, systems and procedures.

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.

(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.


2 So in original. The word "or" probably should appear at end of par. (6).
Determination of 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.

§ 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, with special emphasis on economic sectors with significant United States export potential, such as energy, transportation, telecommunications, and environment.

(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.

(5) Contributions to costs
The Trade and Development Agency shall, to the maximum extent practicable, require corporations and other entities to—

(A) share the costs of feasibility studies and other project planning services funded under this section; and

(B) reimburse the Trade and Development Agency those funds provided under this section, if the corporation or entity concerned succeeds in project implementation.

(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 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 Government Accountability 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, $48,000,000 for fiscal year 2000 and such sums as may be necessary for each fiscal year thereafter.

(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 carrying out its program, provide, as appropriate, funds 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 262(2)(c) of this title.


1999—Subsec. (a). Pub. L. 106–158, § 5(a), substituted before period at end: “with special emphasis on economic sectors with significant United States export potential, such as energy, transportation, telecommunications, and environment”.


Subsec. (f)(1)(A). Pub. L. 106–158, § 5(c)(1), substituted "$77,000,000 for fiscal year 1995 and such sums as are necessary for fiscal year 1996”.

Subsec. (f)(2)(A). Pub. L. 106–158, § 5(c)(2), added subpar. (B) 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.

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).


1981—Pub. L. 97–113, §42(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).


1979—Pub. L. 96–53 substituted “$3,000,000” 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, in the fiscal year 1978” for “$3,000,000 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. 95–48 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 years 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 years 1975 and 1976.

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

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


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 2511 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

APPOINTMENT OF PRESENT DIRECTOR NOT AFFECTED

Section 2302(b) of title II of Pub. L. 102–549 provided that: “The enactment of this title [amending this section and section 501 of this title, section 334 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 2511 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


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 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 29, 1992.


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 2421a 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.

§ 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 benefitting poor communities or establishing environmentally sustainable patterns of rural development. Such projects should have measurable positive effects on indicators of human and environmental health.


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. 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 22(b) of Pub. L. 92–225, 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.

§ 2421c. Coordination

The President shall use the Trade Promotion Coordination Committee to coordinate activities under sections 2421a to 2421e of this title with other relevant activities of the United States Government.


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
§ 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. 2151 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., 2292 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.

References in Text
The Foreign Assistance Act of 1961, referred to in subsec. (a) and (b), is Pub. L. 87–165, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 10 of part I of the Act is classified generally to part X (§2292 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 2421a of this title and Tables.


§ 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.


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 Secretary of State shall promulgate such rules and regulations as he may deem necessary to carry out the provisions of this section.


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.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.


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


§ 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 President shall promulgate such rules and regulations as he may deem necessary for the efficient administration of such programs.

(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.

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. 99–9–39 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 1987 is authorized for other necessary operating expenses of that agency’’.


1981—Subsec. (a). Pub. L. 97–113 struck out from provision preceding par. (1) ‘‘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 ‘‘$283,800,000’’.

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. 96–933 substituted in provisions preceding par. (1) ‘‘1980’’ for ‘‘1979’’ and in par. (1) ‘‘$293,800,000’’ for ‘‘$263,000,000’’.

1978—Subsec. (a). Pub. L. 95–424 substituted in provisions preceding par. (1) ‘‘1979’’ for ‘‘1978’’ and in par. (1) ‘‘$263,000,000’’ for ‘‘$261,000,000’’.

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


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


Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§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.


§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, 1992—

(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 arti-
cles 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. 2111 et seq.], except that no funds 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.


(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.


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


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.


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.


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 8301 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 non-nuclear 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 safeguards 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.


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.

DELEGATION OF FUNCTIONS
Functions of President under this section delegated to Secretary of State by par. (1) of Memorandum of President of the United States, Mar. 23, 2007, 72 F.R. 18105, set out in a note under section 635 of Title 12, Banks and Banking.

§2429b. Transferred

CODIFICATION

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.


PRIOR PROVISIONS

§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.


PRIOR PROVISIONS


AMENDMENTS


EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

§ 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.


PRIOR PROVISIONS


DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

For delegation of functions of President under this section, see section 1 of Ex. Ord. No. 13345, July 8, 2004, 69 F.R. 41901, set out as a note under section 1738 of Title 7, Agriculture.

§ 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.


REFERENCES IN TEXT


§ 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.


PRIOR PROVISIONS


§ 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.


PRIOR PROVISIONS

§ 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.


Prior Provisions


(b) Contents of Agreements

(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 organizations of the beneficiary country,

(iii) local community development non-governmental 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 Government Accountability 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 report 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, 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.

Prior Provisions


§ 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.

Prior Provisions


AMENDMENTS


Effective Date of 2008 Amendment

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

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 population of developing countries have, over time, resulted in clearing of vast areas of forest 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.


PRIOR PROVISIONS

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 2431c(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 24311 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.


PRIOR PROVISIONS

CHANGE OF NAME
Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.
§ 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.


Prior Provisions


§ 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 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.


Prior Provisions


Amendments


Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

For delegation of functions of President under subsec. (b) of this section, see section 1 of Ex. Ord. No. 13345, July 8, 2004, 69 F.R. 41901, set out as a note under section 1738 of Title 7, Agriculture.

§ 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(a) 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(c) 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

(1) 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:

(A) The provisions relating to repayment of principal under section 2430d of this title.

(B) The provisions relating to interest on new obligations under section 2430e of this title.

(2) In addition to the application of the provisions relating to repayment of principal under section 2430d of this title to the reduction of debt under subsection (a)(1) of this section (in accordance with paragraph (1)(A) of this subsection), repayment of principal on a new obligation established under subsection (b) of this section may be made in the local currency of the beneficiary country and deposited in the Tropical Forest Fund of the country in the same manner as the provisions relating to payment of interest on new obligations under section 2430e of this title.

(d) Authorization of appropriations for fiscal years after fiscal year 2001

For the cost (as defined in section 661a(5) of title 2) for the reduction of any debt pursuant to this section or section 2431e of this title, there are authorized to be appropriated to the President the following:

(1) $50,000,000 for fiscal year 2002.

(2) $75,000,000 for fiscal year 2003.

(3) $100,000,000 for fiscal year 2004.

(4) $20,000,000 for fiscal year 2005.

(5) $25,000,000 for fiscal year 2006.

(6) $30,000,000 for fiscal year 2007.

(e) Use of funds to conduct program audits and evaluations

Of the amounts made available to carry out this subchapter for a fiscal year, $200,000 is authorized to be made available to carry out audits and evaluations of programs under this subchapter, including personnel costs associated with such audits and evaluations.

§ 2431e. Reduction of debt owed to United States as result of credits extended under title I of Food for Peace Act

(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 Food for Peace Act (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

(1) 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 Food for Peace Act [7 U.S.C. 1738c(a)(1)];

(A) The provisions relating to repayment of principal under section 605 of such Act [7 U.S.C. 1738d];

(B) The provisions relating to interest on new obligations under section 606 of such Act [7 U.S.C. 1738e].

(2) In addition to the application of the provisions relating to repayment of principal under section 605 of the Food for Peace Act [7 U.S.C. 1738d] to the reduction of debt under subsection (a)(1) of this section (in accordance with paragraph (1)(A) of this subsection), repayment of principal on a new obligation established under subsection (b) of this section may be made in the local currency of the beneficiary country and deposited in the Tropical Forest Fund of the country in the same manner as the provisions relating to payment of interest on new obligations under section 606 of such Act [7 U.S.C. 1738e].


REFERENCES IN TEXT

The Food for Peace Act, referred to in subsec. (a)(1), is act July 10, 1954, ch. 469, 68 Stat. 454, 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 1281 of Title 7 and Tables.

AMENDMENTS


2004—Subsec. (c). Pub. L. 108–323 designated existing provisions as par. (1), redesignated former pars. (2) and (3) as subs. (A) and (B), respectively, of par. (1), and added par. (2).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2301 of this title.

For delegation of functions of President under subsec. (a) of this section, see section 1 of Ex. Ord. No. 13345, July 8, 2004, 69 F.R. 41901, set out as a note under section 1738 of Title 7, Agriculture.

§ 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 be appropriated under sections 2431d(a)(2), 2431e(a)(2), and 2431d(d) 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 lesser 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 II) 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.

(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.

(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 by paragraph (1) in the same manner as such requirements apply to an administering body described by 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, 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(b) 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 and principal on new obligations undertaken by the beneficiary country under this subchapter.

(b) Requirements relating to operation of Fund

The following terms and conditions apply to the Fund in the same manner as such terms 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.

§ 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 and shall be the representative from the Department of State appointed under section 1738i(b)(1)(A) of title 7.

(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.

1 So in original. Probably should be “and”.

AMENDMENTS


SEC. 810. TROPICAL FOREST AGREEMENTS AND FUND

The Tropical Forest Agreements and Fund established under this chapter shall be known as the "Tropical Forest Fund".
§ 243ij 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.


DELIGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 243lj 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.