22 USC Ch. 32: FOREIGN ASSISTANCE

From Title 22—FOREIGN RELATIONS AND INTERCOURSE

CHAPTER 32—FOREIGN ASSISTANCE

SUBCHAPTER I—INTERNATIONAL DEVELOPMENT

PART I—DECLARATION OF POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

Sec.

2151. Congressional findings and declaration of policy.
2151–1. Development assistance policy.
2151–2. Actions to improve the international gender policy of the United States Agency for International Development.
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.
2151c–1. United States assistance to support educational services for displaced children.
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 Repealed.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. Repealed.
2151n. Human rights and development assistance.
2151n–1. Repealed.
2151n–2. Human Rights and Democracy Fund.
2151o. Repealed.
2151p. Environmental and natural resources.
2151p–1. Tropical forests.
2151q. Endangered species.
2151r. Sahel development program; planning.
2151s. Repealed.
2151t. Development assistance authority.
2151t–1. Establishment of program.
2151u. Private and voluntary organizations and cooperatives in overseas development.
2151v. Aid to relatively least developed countries.
2151w. Project and program evaluations.
2151x. Development and illicit narcotics production.
2151x–1. Assistance for agricultural and industrial alternatives to narcotics production.
2151x–2. Assistance in furtherance of narcotics control objectives of United States.
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.
2151z. Targeted assistance.
2151aa. Program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries.
2152. Assistance for victims of torture.
2152a, 2152b. Repealed or Transferred.
2152c. Programs to encourage good governance.
2152d. Assistance to foreign countries to meet minimum standards for the elimination of trafficking.
2152e. Program to improve building construction and practices in Latin American countries.
2152f. Assistance for orphans and other vulnerable children.
2152g. Annual report.
2152h. Assistance to provide safe water, sanitation, and hygiene.
2152i. Small Grants Program.
2152j. Statement of policy.

2152j–1. United States strategy to promote the participation of women in conflict prevention and peace building.
2152j–2. Training requirements regarding the participation of women in conflict prevention and peace building.
2152j–3. Consultation and collaboration.
2152j–4. Definitions.

Part II—Other Programs

SUBPART I—MULTILATERAL AND REGIONAL DEVELOPMENT PROGRAMS

2161 to 2165. Repealed.
2166. Regional development in Africa.
2167, 2168. Repealed.
2169. Multilateral, regional, and bilateral programs.

SUBPART II—AMERICAN SCHOOLS AND HOSPITALS ABROAD; PROTOTYPE DESALTING PLANTS

2171 to 2173. Repealed.
2174. American schools, libraries, and hospital centers abroad.
2175 to 2178. Repealed.
2179. Prototype desalting plant.
2180, 2180a. Repealed.

SUBPART III—SHELTER AND OTHER CREDIT GUARANTY PROGRAMS

2181. Policy.
2182. Authorization for worldwide shelter guarantees.
2182a. Agricultural and productive credit and self-help community development programs.
2183. General provisions.
2184. Trade credit insurance program for Central America.
2185. Trade credit insurance program for Poland.
2186. Loan guarantees to Israel program.

SUBPART IV—OVERSEAS PRIVATE INVESTMENT CORPORATION

2191. Congressional statement of purpose; creation and functions of Corporation.
2191a. Additional requirements.
2191b. Worker rights and human rights guidelines.
2192. Capital of the Corporation.
2193. Organization and management.
2194. Investment insurance and other programs.
2194a. Contract authority of Corporation; specific authorization in appropriation Acts required.
2194b. Enhancing private political risk insurance industry.
2195. Issuing authority, direct investment authority and reserves.
2196. Income and revenues.
2197. General provisions relating to insurance, guaranty, financing, and reinsurance programs.
2198. Definitions.
2199. General provisions and powers.
2200. Small business development in less developed friendly countries or areas; encouragement by other Federal departments, etc., of broadened participation by United States small business cooperatives and investors; project funding.
2200a. Report to Congress.
2200b. Prohibition on noncompetitive awarding of insurance contracts on OPIC supported exports.

SUBPART V—DISADVANTAGED CHILDREN IN ASIA

2201. Assistance to disadvantaged children in Asia.

SUBPART VI—DEVELOPMENT ASSISTANCE FOR MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES

Division A—Grant Assistance

2211. Findings and policy.
2211a. Authorization; implementation; targeted assistance.

2211b. Monitoring system.
2211c. Poverty measurement methods.
2211d. Additional authorities.

DIVISION B—CREDIT ASSISTANCE

2212. Development credits for micro, small, and medium-sized enterprises.

DIVISION C—UNITED STATES MICROFINANCE LOAN FACILITY

2213. United States Microfinance Loan Facility.

DIVISION D—MISCELLANEOUS PROVISIONS

2214. Report.
2214a. Definitions.

SUBPART VII—EVALUATION OF PROGRAMS

2216. Repealed.

SUBPART VIII—SOUTHEAST ASIA MULTILATERAL AND REGIONAL PROGRAMS

2217 to 2217b. Repealed.

SUBPART IX—UTILIZATION OF DEMOCRATIC INSTITUTIONS IN DEVELOPMENT

2218. Utilization of democratic institutions in development.

SUBPART X—PROGRAMS RELATING TO POPULATION GROWTH AND FAMILY PLANNING

2219, 2219a. Repealed.

SUBPART XI—FOOD PRODUCTION TARGETS AND REPORTS

2220. Repealed.

SUBPART XII—FAMINE PREVENTION AND FREEDOM FROM HUNGER

2220a. General provisions.
2220b. General authority.
2220c. Board for International Food and Agricultural Development.
2220d. Funds for programs and activities.
2220e. Presidential report to Congress.

PART III—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

2221. General authority.
2222. Authorization of appropriations.
2223. Indus Basin development.
2224. Repealed.
2225. Integration of women.
2226. Reports on international organizations.
2227. Withholding of United States proportionate share for certain programs of international organizations.
2228. International Muslim Youth Opportunity Fund.

PART IV—SUPPORTING ASSISTANCE

2241 to 2243. Repealed.

PART V—CONTINGENCIES

2261. Authorization of appropriations.
2262. Transferred.

Part VI—Central America Democracy, Peace, and Development Initiative.

2271. Statement of policy.
2272. Conditions on furnishing assistance.
2273. Peace process in Central America.
2274. Economic assistance coordination.
2275. Authorization of appropriations.
2276. "Central American countries" defined.

Part VII—Debt-for-Nature Exchanges

2281. "Debt-for-nature exchange" defined.
2282. Assistance for commercial debt exchanges.
2283. Eligible projects.
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 interdiction 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 eradications.
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. Annual certification procedures.
2291j–1. International drug control certification procedures.
2291k. Repealed.

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 to 2292q. 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.
2296e. Administrative authorities.
2296f. Definitions.

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.
2305. National Security Assistance Strategy.

Part II—Military Assistance

2311. General authority.
2312. Authorization of appropriations.
2313. Transferred.
2314. Furnishing of defense articles or related training or other defense service 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.
2323. Transfer of defense articles or services.

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.
2349a. Authorization and utilization of funds.
2349b. Waiver authorities.

Part VIII—Antiterrorism Assistance

2349aa. General authority.
2349aa–1. Purposes.
2349aa–2. Limitations.
2349aa–3. Repealed.
2349aa–4. Authorization of appropriations.
2349aa–5. Administrative authorities.
2349aa–6. Repealed.
2349aa–7. Coordination of all United States terrorism-related assistance to foreign countries.
2349aa–8. Prohibition on imports from and exports to Libya.
2349aa–9. Ban on importing goods and services from countries supporting terrorism.
2349aa–10. Antiterrorism assistance.

Part IX—Nonproliferation and Export Control Assistance

2349bb. Purposes.
2349bb–1. Authorization of assistance.
2349bb–2. Transit interdiction.
2349bb–2a. International nonproliferation export control training.
2349bb–3. Limitations.
2349bb–4. Authorization of appropriations.
2349bb–5. Proliferation interdiction assistance.
2349bb–6. Safeguarding and elimination of conventional arms.

SUBCHAPTER III—GENERAL AND ADMINISTRATIVE PROVISIONS

Part I—General Provisions

2351. Encouragement of free enterprise and private participation.
2352. Small business.
2353. Shipping on United States vessels.
2354. Procurement.
2355. Retention and use of certain items and funds.
2356. Patents and technical information.
2357. Furnishing of services and commodities.
2358. Foreign and domestic excess property.
2359. Repealed.
2360. Transfer of funds between accounts.
2361. Completion of plans and cost estimates.
2362. Use of foreign currencies.
2363. Accounting, valuation, reporting, and administration of foreign currencies.
2364. Special authorities.
2365. Contract authority.
2366. Availability of funds.
2367. Termination expenses.
2368. Assistance for a reconstruction and stabilization crisis.
2369. Repealed.
2370. Prohibitions against furnishing assistance.
2370a. Expropriation of United States property.
2370b. Humanitarian assistance code of conduct.
2370c. Definitions.
2370c–1. Prohibition.
2370c–2. Reports.
2371. Prohibition on assistance to governments supporting international terrorism.
2372. Repealed.
2372a. Renewal, reissuance, etc., of export licenses to or for Argentina.
2373. Eastern Mediterranean policy requirements.

2374. Repealed.
2375. Assistance to Pakistan.
2376. Nuclear non-proliferation policy in South Asia.
2377. Prohibition on assistance to countries that aid terrorist states.
2378. Prohibition on assistance to countries that provide military equipment to terrorist states.
2378–1. Prohibition on assistance to countries that restrict United States humanitarian assistance.
2378a. Depleted uranium ammunition.
2378b. Limitation on assistance to the Palestinian authority.
2378c. Limitation on assistance for the West Bank and Gaza.
2378c–1. Limitation on assistance to the West Bank and Gaza.
2378d. Limitation on assistance to security forces.

Part II—Administrative Provisions

2381. Exercise of functions.
2381a. Strengthened management practices.
2382. Coordination with foreign policy.
2383. Responsibilities of the Secretary of Defense; priorities in procurement, delivery, and allocation of military equipment.
2384. Statutory officers.
2385. Employment of personnel.
2385a. Unified personnel system.
2386. Experts, consultants, and retired officers.
2387. Detail of personnel to foreign governments.
2388. Detail of personnel to international organizations.
2389. Status and benefits of personnel assigned or detailed to foreign governments or international organizations.
2390. Terms of detail or assignment of personnel.
2391. Missions and staffs abroad.
2392. Government agencies.
2393. Waiver of certain laws.
2393a. Requests by Government Accountability Office and Congressional committees for documents and materials.
2394. Reports and information; definitions.
2394–1. Notification of program changes.
2394–1a. Classification of reports.
2394a. Extortion and illegal payments to officials of foreign countries receiving international security assistance.
2394b. HELP Commission.
2394c. Information on covered United States foreign assistance programs.
2395. General authorities.
2395a. International agreements concerning debt relief; transmittal to congressional committees.
2396. Availability of funds.
2396a. Property Management Fund.
2397. Administrative expenses.
2398. Assistance to countries pursuant to other statutes.
2399 to 2399a. Repealed or Transferred.
2399b. False claims and ineligible commodities.
2399c. Coordination of policies and programs.
2399d. Shipping differential.

Part III—Miscellaneous Provisions

2401. Effective date; identification of programs.
2402. Saving provisions.
2403. Definitions.
2404. Unexpended balances.
2405. Separability.
2406. Development programs for dependable fuel supplies.
2407. Special authorization for use of foreign currencies.
2408. Repealed.
2409. Use of United States Armed Forces.
2410, 2410a. Repealed.
2411. Limitation upon exercise of special authorities.
2412. Limitation on foreign assistance appropriations.
2413. Changes in allocation of foreign assistance.
2414. Presidential findings and determinations.
2414a. Annual report to Congress on voting practices at United Nations.
2415. Annual military assistance report.

2416. Annual foreign military training report.
2417 to 2419. Repealed.
2420. Police training prohibition.
2421. Trade and Development Agency.
2421a. Capital projects office within Agency for International Development.
2421b. Capital projects for poverty alleviation and environmental safety and sustainability.
2421c. Coordination.
2421d. Funding for capital projects.
2421e. Definitions.
2421f. Sustainability requirements for certain capital projects in connection with overseas contingency operations.
2422. Repealed.
2423. Exchanges of certain materials.
2424, 2425. Repealed.
2426. Discrimination against United States personnel.
2427. Operating expenses.
2428. Repealed.
2428a. Congressional declaration of policy toward Korea; transmittal of report to Speaker of the House and Congressional committees.
2428b. Special security assistance for modernization of Armed Forces of Korea.
2429, 2429a. Repealed.
2429a–1. Annual report on nuclear transfer activities.
2429a–2. Enforcement of nonproliferation treaties.
2429b. Transferred.

SUBCHAPTER III–A—ENTERPRISE FOR THE AMERICAS INITIATIVE

2430. Purpose.
2430a. Definitions.
2430b. Eligibility for benefits.
2430c. Reduction of certain debt.
2430d. Repayment of principal.
2430e. Interest on new obligations.
2430f. Enterprise for the Americas Funds.
2430g. Americas Framework Agreements.
2430h. Enterprise for the Americas Board.
2430i. Annual reports to Congress.

SUBCHAPTER IV—DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS

2431. Findings and purposes.
2431a. Definitions.
2431b. Establishment of Facility.
2431c. Eligibility for benefits.
2431d. Reduction of debt owed to United States as result of concessional loans under this chapter.
2431e. Reduction of debt owed to United States as result of credits extended under title I of Food for Peace Act.
2431f. Authority to engage in debt-for-nature swaps and debt buybacks.
2431g. Conservation Agreement.
2431h. Conservation Fund.
2431i. Board.
2431j. Consultations with Congress.
2431k. Annual reports to Congress.

SUBCHAPTER V—MIDDLE EAST ASSISTANCE

2441 to 2443. Repealed.

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.

(Pub. L. 87–195, pt. I, §101, formerly §102, Sept. 4, 1961, 75 Stat. 424; Pub. L. 87–565, pt. I, §101, Aug. 1, 1962, 76 Stat. 255; Pub. L. 88–205, pt. I, §101(c), Dec. 16, 1963, 77 Stat. 379; Pub. L. 89–171, pt. I, §101, Sept. 6, 1965, 79 Stat. 653; Pub. L. 89–583, pt. I, §101, Sept. 19, 1966, 80 Stat. 796; Pub. L. 90–137, pt. I, §101, Nov. 14, 1967, 81 Stat. 445; Pub. L. 93–189, §2(2), Dec. 17, 1973, 87 Stat. 714; Pub. L. 94–161, title III, §301, Dec. 20, 1975, 89 Stat. 855; Pub. L. 95–88, title I, §§101, 113(b), Aug. 3, 1977, 91 Stat. 533, 538; renumbered and amended Pub. L. 95–424, title I, §101, Oct. 6, 1978, 92 Stat. 937; Pub. L. 106–309, title II, §203(a), Oct. 17, 2000, 114 Stat. 1091.)

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

2000—Subsec. (a). Pub. L. 106–309 substituted "five principal goals" for "four principal goals" in introductory provisions of third paragraph and added par. (5).

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

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

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

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

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

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

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

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

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

1967—Pub. L. 90–137, in providing a new statement of policy, reaffirming basic foreign assistance principles, and recognizing new problems and need for new priorities, substituted five pars. concerned with (1) freedom, security, prosperity, aggression, subversion, ignorance, want, despair, and national security; (2) economic cooperation and trade among countries, etc. (a reenactment of former sixth par. less provision for resort to international law procedures in adjudication of issues among friendly countries in support of such economic cooperation, etc.); (3) seven principles pertaining to: self-help efforts and responsibility of the country, multilateral basis of involvement and cooperation, regional cooperation, food production and voluntary family planning, balance of payments, maximum dollar effectiveness, and coordination of overall assistance; (4) Permanent Peace in the Middle East; and (5) suspension of assistance after severance of diplomatic relations for former sixteen pars. relating to: (1) dignity and interdependence of man, and freedom; (2) resources development, living standards improvement, and aspirations for justice, education, etc., now covered in par. (1); (4) free economic institutions and flow of private investment capital; (5) investment guaranties; (6) economic cooperation and trade among countries, etc., as described for par. (2); (7) long-range continuity and disposal of surplus property and agricultural crops; (8) world peace, national security, and dangers of international communism; (9) countries sharing United States views on world crisis; (10) loan guarantees and related technical assistance and development program; (11) regional organizations for mutual assistance; (12) prohibition of assistance for short-term emergency 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 termination of assistance, now covered in section 2370(j) of this title; and (16) use of United States Armed Forces, now covered in section 2409 of this title.

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

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

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

1962—Pub. L. 87–565 declared distinctions made by foreign nations between American citizens because of race, color, or religion, relating to rights available to such citizens, to be repugnant to our principals, required in the administration of these funds, that consideration be given those countries sharing our world views and which do not divert their resources to military or propaganda efforts, supported by the Soviet Union or Communist China, against the United States or countries receiving aid under this chapter, that the highest emphasis be given to programs for loans or loan guarantees for use by organizations in making low-interest loans to individuals in friendly countries for the purchase of small farms, purchase of homes, aiding or establishing small businesses, purchase of

tools and equipment for an occupation or trade, or to obtain practical education in vocational skills, and to programs of technical assistance and development, each assisted country should be encouraged to recognize needs of the people in the preparation of national development programs, and declared that friendly nations are to be invited, where possible, to join in missions to consult with countries receiving assistance on the possibilities of joint action to assure effective development of economic development plans and effective use of assistance provided them, and that the President may request international financial institutions to assist in establishing such missions.

Effective Date of 1979 Amendment

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

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

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

Effective Date of 1978 Amendment

Pub. L. 95–424, title VI, §605, Oct. 6, 1978, 92 Stat. 961, 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 2019 Amendment

Pub. L. 115–442, §1, Jan. 14, 2019, 132 Stat. 5590, provided that: "This Act [enacting section 2151c–1 of this title and provisions set out as notes under sections 2151c and 2151c–1 of this title] may be cited as the 'Protecting Girls' Access to Education in Vulnerable Settings Act'."

Pub. L. 115–440, §1(a), Jan. 14, 2019, 132 Stat. 5580, provided that: "This Act [amending sections 2431 to 2431h and 2431k of this title, enacting provisions set out as notes under this section and section 2431b of this title and amending provisions set out as a note under this section] may be cited as the 'Tropical Forest Conservation Reauthorization Act of 2018'."

Pub. L. 115–428, §1, Jan. 9, 2019, 132 Stat. 5509, provided that: "This Act [enacting section 2151–2 of this title, amending sections 2211 to 2214a of this title, and enacting provisions set out as a note under section 2151–2 of this title] may be cited as the 'Women's Entrepreneurship and Economic Empowerment Act of 2018'."

Short Title of 2018 Amendment

Pub. L. 115–231, §1, Aug. 8, 2018, 132 Stat. 1632, provided that: "This Act [amending provisions set out as a note under this section] may be cited as the 'Zimbabwe Democracy and Economic Recovery Amendment Act of 2018'."

Pub. L. 115–141, div. S, title X, §1001, Mar. 23, 2018, 132 Stat. 1143, provided that: "This title [enacting section 2378c–1 of this title and enacting provisions set out as notes under section 2378c–1 of this title] may be cited as the 'Taylor Force Act'."

Short Title of 2017 Amendment

Pub. L. 115–68, §1, Oct. 6, 2017, 131 Stat. 1202, provided that: "This Act [enacting sections 2152j to 2152j–4 of this title] may be cited as the 'Women, Peace, and Security Act of 2017'."

Short Title of 2016 Amendment

Pub. L. 114–191, §1, July 15, 2016, 130 Stat. 666, provided that: "This Act [enacting section 2394c of this title and provisions set out as notes under section 2394c of this title] may be cited as the 'Foreign Aid Transparency and Accountability Act of 2016'."

Short Title of 2014 Amendment

Pub. L. 113–289, §1, Dec. 19, 2014, 128 Stat. 3283, provided that: "This Act [amending section 2152h of this title and provisions set out as a note under section 2152h of this title] may be cited as the 'Senator Paul Simon Water for the World Act of 2014'."

Short Title of 2010 Amendment

Pub. L. 111–166, §1, May 17, 2010, 124 Stat. 1186, provided 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

Pub. L. 110–457, title IV, §401, Dec. 23, 2008, 122 Stat. 5087, provided that: "This title [enacting sections 2370c to 2370c–2 of this title, amending section 4028 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'."

Pub. L. 110–417, [div. A], title XVI, §1601, Oct. 14, 2008, 122 Stat. 4652, provided that: "This title [enacting sections 2368, 2734, and 2734a of this title and provisions set out as notes under sections 2368 and 2734a of this title] may be cited as the 'Reconstruction and Stabilization Civilian Management Act of 2008'."

Short Title of 2007 Amendment

Pub. L. 110–53, title XX, §2001, Aug. 3, 2007, 121 Stat. 508, provided that: "This title [enacting section 6216 of this title, amending section 2228 of this title, enacting provisions set out as notes under this section and sections 2228, 2375, 2452c, 2656, 6204, 6216, and 7511 of this title and section 2000dd of Title 42, The Public Health and Welfare, and amending provisions set out as a note under section 2452 of this title] may be cited as the '9/11 Commission International Implementation Act of 2007'."

Pub. L. 109–472, §1(a), Jan. 11, 2007, 120 Stat. 3554, provided 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, 288f–2, 2321h, 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, enacting provisions set out as notes under section 2751 of this title and section 1714 of Title 8, and amending provisions 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, provided that: "This Act [enacting and amending provisions set out as notes under section 2152 of this title] may be cited as the 'Torture Victims Relief Reauthorization Act of 2005'."

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 'Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005'."

Short Title of 2004 Amendment

Pub. L. 108–484, §1, Dec. 23, 2004, 118 Stat. 3922, provided that: "This Act [enacting sections 2211 to 2211d, 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 provisions 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 'Microenterprise Results and Accountability Act of 2004'."

Short Title of 2003 Amendments

Pub. L. 108–179, §1, Dec. 15, 2003, 117 Stat. 2643, provided that: "This Act [enacting and amending provisions set out as notes under section 2152 of this title] may be cited as the 'Torture Victims Relief Reauthorization Act of 2003'."

Pub. L. 108–158, §1, Dec. 3, 2003, 117 Stat. 1949, provided that: "This Act [amending sections 2193, 2194, 2195, 2198, and 2200 of this title] may be cited as the 'Overseas Private Investment Corporation Amendments Act of 2003'."

Short Title of 2002 Amendments

Pub. L. 107–246, §1, Oct. 23, 2002, 116 Stat. 1511, provided that: "This Act [amending 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'."

Pub. L. 107–228, div. A, title VI, §661, Sept. 30, 2002, 116 Stat. 1405, provided that: "This subtitle [subtitle E (§§661–665) of title VI of div. A of Pub. L. 107–228, enacting 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'."

Pub. L. 107–228, div. B, title X, §1001, Sept. 30, 2002, 116 Stat. 1425, 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, provided that: "This Act [enacting section 2151b–1 of this title and enacting provisions set out as notes under this section and sections 2151b–1, 2517, 2656, and 6901 of this title, section 1701 of Title 50, War and National Defense, and preceding section 28101 of Title 49, Transportation] may be cited as the 'Assistance for International Malaria Control Act'."

Pub. L. 106–570, title I, §101, Dec. 27, 2000, 114 Stat. 3039, provided that: "This title [enacting section 2151b–1 of this title and provisions set out as a note under section 2151b–1 of this title] may be cited as the 'International Malaria Control Act of 2000'."

Pub. L. 106–373, §1, Oct. 27, 2000, 114 Stat. 1427, provided that: "This Act [amending sections 2220a to 2220c and 2220e of this title] may be cited as the 'Famine Prevention and Freedom From Hunger Improvement Act of 2000'."

Pub. L. 106–309, §1, Oct. 17, 2000, 114 Stat. 1078, provided that: "This Act [enacting sections 2152a to 2152c and 2462 of this title, amending this section and sections 287e–1, 2151–1, 2151f, 2151i, 2151aa, and 2395 of this title, and enacting provisions set out as notes under this section and sections 2151f, 2151i, 2152b, 2152c, 2462, and 2517 of this title and section 402 of Title 10, Armed Forces] may be cited as the 'Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000'."

Pub. L. 106–309, title I, §101, Oct. 17, 2000, 114 Stat. 1079, provided that: "This title [enacting sections 2152a and 2152b of this title, amending section 2151f of this title, and enacting provisions set out as notes under sections 2151f and 2152b of this title] may be cited as the 'Microenterprise for Self-Reliance Act of 2000'."

Pub. L. 106–309, title II, §201, Oct. 17, 2000, 114 Stat. 1090, provided that: "This title [enacting section 2152c of this title, amending this section and sections 2151–1 and 2151aa of this title, and enacting provisions set out as notes under section 2152c of this title] may be cited as the 'International Anti-Corruption and Good Governance Act of 2000'."

Pub. L. 106–309, title IV, §401(a), Oct. 17, 2000, 114 Stat. 1096, provided that: "This section [amending section 2151i of this title and enacting provisions set out as notes under section 2151i of this title] may be cited as the 'Support for Overseas Cooperative Development Act'."

Pub. L. 106–280, §1(a), Oct. 6, 2000, 114 Stat. 845, provided that: "This Act [enacting part IX (§2349bb et seq.) of subchapter II of this chapter and sections 2305, 2347f, and 2347g of this title, amending sections 2302, 2318, 2321h, 2321j, 2349aa–4, 2415, 2776, 2778, 2797, and 6723 of this title, and enacting provisions set out as notes under sections 2305, 2797, and 2797b of this title] may be cited as the 'Security Assistance Act of 2000'."

Pub. L. 106–264, title II, §201, Aug. 19, 2000, 114 Stat. 758, provided that: "This title [amending section 2151b of this title and enacting provisions set out as a note under section 2151b of this title] may be cited as the 'International Tuberculosis Control Act of 2000'."

Short Title of 1999 Amendments

Pub. L. 106–158, §1, Dec. 9, 1999, 113 Stat. 1745, provided that: "This Act [enacting section 4727a of Title 15, Commerce and Trade, amending sections 2191a, 2193, 2195, and 2421 of this title and section 4727 of Title 15, and enacting provisions set out as a note under section 2191a of this title] may be cited as the 'Export Enhancement Act of 1999'."

Pub. L. 106–113, div. B, §1000(a)(2) [title V, §596(a)], Nov. 29, 1999, 113 Stat. 1535, 1501A-123, provided that: "This section [enacting part XII of subchapter I of this chapter and amending sections 5812 and 5814 of this title] may be cited as the 'Silk Road Strategy Act of 1999'."

Pub. L. 106–113, div. B, §1000(a)(7) [div. B, title XII, §1201], Nov. 29, 1999, 113 Stat. 1536, 1501A-497, provided that: "This title [amending sections 2321h, 2321j, 2367, 2753, 2761, 2762, 2776, and 2779a of this title and section 301 of Title 13, Census, and enacting provisions set out as notes under section 2551 of this title, sections 1 and 301 of Title 13, and former section 2099 of the former Appendix to Title 50, War and National Defense] may be cited as the 'Security Assistance Act of 1999'."

Pub. L. 106–87, §1, Nov. 3, 1999, 113 Stat. 1301, provided that: "This Act [amending section 2152 of this title and provisions set out as a note under section 2152 of this title] may be cited as the 'Torture Victims Relief Reauthorization Act of 1999'."

Short Title of 1996 Amendment

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

Short Title of 1994 Amendments

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

Pub. L. 103–392, §1, Oct. 22, 1994, 108 Stat. 4098, provided that: "This Act [enacting section 2151t–1 of this title, amending sections 2191, 2195, and 2421 of this title and sections 4052 and 4728 of Title 15,

Commerce and Trade, and enacting provisions set out as a note under section 4701 of Title 15] may be cited as the 'Jobs Through Trade Expansion Act of 1994'."

Short Title of 1992 Amendments

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

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

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

Short Title of 1990 Amendment

Pub. L. 101–623, §1(a), Nov. 21, 1990, 104 Stat. 3350, provided that: "This Act [enacting section 2151x–1 of this title and section 3196 of Title 18, Crimes and Criminal Procedure, amending sections 2291c, 2321k, 2346c, and 2360 of this title and section 635 of Title 12, Banks and Banking, and enacting provisions set out as notes under sections 2291, 2291h, and 2360 of this title] may be cited as the 'International Narcotics Control Act of 1990'."

Short Title of 1989 Amendments

Pub. L. 101–240, §1(a), Dec. 19, 1989, 103 Stat. 2492, provided that: "This Act [enacting sections 262m–7, 262p–4g to 262p–4k, 262r to 262r–2, 262s–1, 262t, 283z–5 to 283z–8, 286e–12, 286kk, 2281 to 2286, and 7901 to 7908 of this title and section 3904a of Title 12, Banks and Banking, amending sections 262d, 262m–7, 262p–1, 262p–5, 262s–2, 282b, 283b, 283cc, 284b, 285b, 286b, 286e–9, 286k–1, 286s, 290g–2, 290i–3, and 290k–5 of this title and sections 635 and 635i–3 of Title 12, transferring former section 262q of this title to section 262s of this title, and former section 4722 of Title 15, Commerce and Trade, to section 262s–2 of this title, repealing sections 262i, 262m–6, 276c–3, 283i, 286b–1, and 286b–2 of this title, enacting provisions set out as notes under this section, sections 262d, 283z–6, 2291, and 7901 of this title, and sections 635, 3901, and 3904a of Title 12, amending provisions set out as a note under section 262l of this title, and repealing provisions set out as notes under sections 262g–2 and 283 of this title] may be cited as the 'International Development and Finance Act of 1989'."

Pub. L. 101–240, title VII, §701, Dec. 19, 1989, 103 Stat. 2521, provided that: "This title [enacting sections 2281 to 2286 and 7901 to 7908 of this title and provisions set out as a note under section 7901 of this title of this title] may be cited as the 'Global Environmental Protection Assistance Act of 1989'."

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

Pub. L. 101–222, §1(a), Dec. 12, 1989, 103 Stat. 1892, provided that: "This Act [amending sections 1732, 2364, 2371, 2753, 2776, 2778, and 2780 of this title and section 4605 of Title 50, War and National Defense, and enacting provisions set out as a note under section 2371 of this title] may be cited as the 'Anti-Terrorism and Arms Export Amendments Act of 1989'."

Short Title of 1988 Amendments

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

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

Short Title of 1986 Amendments

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

Pub. L. 99–529, §1, Oct. 24, 1986, 100 Stat. 3010, provided that: "This Act [enacting section 2151p–1 of this title, amending sections 290f, 2151b, 2151p, 2151q, 2222, 2291a, 2427, and 3929 of this title, and enacting

provisions set out as a note under section 290f of this title] may be cited as the 'Special Foreign Assistance Act of 1986'."

Short Title of 1985 Amendments

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

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

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

Short Title of 1983 Amendments

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

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

Short Title of 1981 Amendments

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

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

Short Title of 1980 Amendments

Pub. L. 96–533, §1, Dec. 16, 1980, 94 Stat. 3131, provided: "This Act [enacting sections 290h to 290h–9, 2226, 2346a, 2346b, 2769, and 2778a of this title, amending sections 2151a to 2151d, 2151n, 2151s, 2151u, 2151v, 2174, 2221, 2222, 2291a, 2292, 2292a, 2292l, 2304, 2311, 2312, 2318, 2321h to 2321j, 2346, 2347a, 2348a, 2354, 2364, 2367, 2370, 2384, 2394, 2399d, 2403, 2411, 2421, 2427, 2502, 2514, 2753, 2761 to 2765, 2771, 2776 to 2779, 2791, 2794, and 3510 of this title, sections 1712 and 1733 of Title 7, Agriculture, sections 5041 and 5045 of Title 42, The Public Health and Welfare, and section 4605 of Title 50, War and National Defense, repealing sections 2151q, 2346c to 2346e, and 2348b of this title, enacting provisions set out as notes under this section and sections 290h, 2151a, 2291a, 2293, 2370, and 3401 of this title, section 1522 of Title 8, Aliens and Nationality, and section 2667 of Title 10, Armed Forces, and repealing a provision set out as a note under section 2293 of this title] may be cited as the 'International Security and Development Cooperation Act of 1980'."

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

Short Title of 1979 Amendments

Pub. L. 96–92, §1, Oct. 29, 1979, 93 Stat. 701, provided that: "This Act [enacting sections 2346d, 2767, and 2768 of this title, amending sections 2261, 2291, 2291a, 2304, 2312, 2318, 2321h to 2321j, 2346 to 2346c, 2347a, 2348, 2348a, 2403, 2753, 2761, 2765, 2771, 2773, 2776, 2778, 2792, and 2794 of this title, and enacting

provisions set out as notes under this section and sections 2321h, 2346c, 2771, 2776, and 3302 of this title] may be cited as the 'International Security Assistance Act of 1979'."

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

Short Title of 1978 Amendments

Pub. L. 95–424, §1, Oct. 6, 1978, 92 Stat. 937, provided that: "This Act [enacting sections 2151–1, 2151t, 2151u, 2151v, 2151w, 2201, 2292l, 2335a, 2393a, 2394–1, 2394–1a and 2395a of this title, amending this section and sections 2151a, 2151a–1, 2151b, 2151c, 2151d, 2151e, 2151g, 2151h, 2151k, 2151n, 2151p, 2151q, 2151r, 2174, 2181, 2182, 2182a, 2183, 2213, 2220a, 2220d, 2221, 2222, 2292, 2292a, 2292i, 2292k, 2351, 2357, 2358, 2361, 2370, 2381a, 2384, 2394, 2395, 2396, 2397, 2399c, 2403, 2421, and 2427 of this title and sections 1703, 1706, 1727c, and 1727d of Title 7, Agriculture, repealing sections 2151f, 2151l, 2151m, 2151o, 2161, 2162, 2164, 2167, 2168, 2171, 2172, 2175, 2176, 2177, 2178, 2180, 2180a, 2211, 2212, 2213, 2216, 2217, 2217a, 2219, 2219a, 2220, 2224, 2271, 2281, 2292d, 2292g, 2368, 2369, 2408, 2410, 2415, 2416, 2417, 2418, and 2425 of this title, and enacting provisions set out as notes under this section and sections 2151v, 2151u, 2222, 2292d, and 2395 of this title and section 1711 of Title 7] may be cited as the 'International Development and Food Assistance Act of 1978'."

Pub. L. 95–384, §1, Sept. 26, 1978, 92 Stat. 730, provided that: "This Act [enacting sections 2348 to 2348c, 2373, 2417, 2428b, and 2766 of this title, amending sections 1754, 2261, 2291, 2291a, 2304, 2312, 2321b, 2321h to 2321j, 2346 to 2346c, 2347a, 2347b, 2360, 2372, 2413, 2429, 2429a, 2751, 2761, 2762, 2765, 2771, and 2776 of this title and section 4603 of Title 50, War and National Defense, repealing sections 2441 to 2443 of this title, and enacting provisions set out as notes under this section and sections 287c, 1754, 2291, 2311, 2346, 2346a, 2370, and 2751 of this title] may be cited as the 'International Security Assistance Act of 1978'."

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

Short Title of 1977 Amendments

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

Pub. L. 95–88, §1, Aug. 3, 1977, 91 Stat. 533, provided that: "This Act [enacting sections 2151o to 2151s, 2292k, and 2429b of this title and sections 1712, 1713, 1714, and 1727 to 1727f of Title 7, Agriculture, amending this section and sections 2151a, 2151b, 2151c, 2151d, 2151g, 2151h, 2151i, 2151k, 2151l, 2151m, 2151n, 2174, 2181, 2182, 2182a, 2183, 2222, 2225, 2292a, 2292h, 2357, 2370, 2384, 2385, 2386, 2399c, 2421, and 2427 of this title, section 5315 of Title 5, Government Organization and Employees, and sections 1427, 1431, 1692, 1702, 1703, 1706, 1711, 1721, 1722, 1723, 1726, 1731, and 1736b of Title 7, repealing section 2424 of this title, and enacting provisions set out as notes under this section and sections 2151b, 2151i, 2174, 2357, and 2384 of this title and sections 1702, 1708, and 1722 of Title 7] may be cited as the 'International Development and Food Assistance Act of 1977'."

Short Title of 1976 Amendment

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

Short Title of 1975 Amendment

Pub. L. 94–161, §1, Dec. 20, 1975, 89 Stat. 849, provided: "That this Act [redesignating as sections 2292c to 2292e former sections 2262, 2399–1a, and 2399–1b of this title, enacting sections 2151a–1, 2151d, 2151e, 2151n, 2220a to 2220e, 2292 to 2292b, 2292f, and 2425 to 2427 of this title and sections 1691a, 1711,

1726, and 1736f of Title 7, Agriculture, amending this section and sections 2151a, 2151b, 2151c, 2151h, 2151i, 2151k, 2169, 2174, 2181 to 2183, 2221, 2222, 2225, 2293, 2357 and 2421 of this title and sections 1691, 1703, 1706, 1709, 1721, 1736, 1736a, and 1736b of Title 7, repealing sections 2151d, 2151e, 2201, 2292, and 2399 of this title, and enacting provisions set out as a note under section 2220a of this title and as a note under section 1691a of Title 7] may be cited as the 'International Development and Food Assistance Act of 1975'."

Short Title of 1974 Amendments

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

Pub. L. 93–390, §1, Aug. 27, 1974, 88 Stat. 763, provided: "That this Act [amending sections 2191, 2194, 2195, 2197, 2199, 2200 and 2200a of this title] may be cited as the 'Overseas Private Investment Corporation Amendments Act of 1974'."

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

Short Title of 1973 Amendment

Pub. L. 93–189, §1, Dec. 17, 1973, 87 Stat. 714, provided: "That this Act [enacting sections 2151a to 2151l, 2303, 2399–1a, 2399–1b, 2399c, 2399d, 2431 to 2434 and 2794 of this title, amending this section and sections 285n, 1934, 2163, 2171, 2174, 2181, 2183, 2195, 2199, 2200, 2212, 2219a, 2221, 2222, 2261, 2291, 2291a, 2311, 2312, 2314, 2318, 2321b, 2321f, 2346a, 2367, 2370, 2385, 2394, and section 2397 of this title, repealing sections 2314a, 2319 to 2321, 2321e, 2321g, and 2346a, of this title, and enacting provisions set out as notes under this section and sections 1942, 2163, 2220, 2415, and 2431 of this title] may be cited as the 'Foreign Assistance Act of 1973'."

Short Title of 1972 Amendment

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

Short Title of 1971 Amendment

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

Short Title of 1969 Amendment

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

Short Title of 1968 Amendment

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

Short Title of 1967 Amendment

Pub. L. 90–137, §1, Nov. 14, 1967, 81 Stat. 445, 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

Pub. L. 89–583, §1, Sept. 19, 1966, 80 Stat. 795, 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

Pub. L. 89–171, §1, Sept. 6, 1965, 79 Stat. 653, provided: "That this Act [enacting sections 2166, 2399, 2399a and 2408 of this title, and amending this section and sections 2165, 2172, 2174, 2181 to 2184, 2212, 2221, 2222, 2242, 2261, 2311 to 2313, 2315 to 2320, 2355, 2362, 2363, 2370, 2382, 2384 to 2386, 2390, 2391, 2395 to 2398, 2403, and 2404 of this title, section 1707 of Title 7, Agriculture, and provisions set out as a note under this section] may be cited as the 'Foreign Assistance Act of 1965'."

Short Title of 1964 Amendment

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

Short Title of 1963 Amendment

Pub. L. 88–205, §1, Dec. 16, 1963, 77 Stat. 379, 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

Pub. L. 87–565, §1, Aug. 1, 1962, 76 Stat. 255, 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

Pub. L. 87–195, §1, as added by Pub. L. 87–329, title I, §111, Sept. 30, 1961, 75 Stat. 719, provided: "That this Act [enacting this chapter and sections 1613d and 1945 of this title, amending sections 276, 279a, 1041, 1112, 1136, 1148, 1157, 1754, 1783, 1925, 1951 and 1964 of this title, section 1704 of Title 7, Agriculture, and sections 1651 and 1701 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 276, 1613d, and 1925 of this title, and repealing sections 1750, 1750a, 1750b to 1753a, 1755 to 1759, 1760, 1761 to 1765, 1766a to 1766c, 1767a, 1768, 1781, 1782, 1784 to 1795, 1797, 1811, 1812 to 1817, 1841, 1851, 1852, 1854, 1870, 1871 to 1876, 1891 to 1896, 1897, 1920, 1921, 1923, 1924, 1926, 1927, 1929, 1931, 1933, 1935, 1936, 1939 to 1940a, 1941, 2051 to 2053, 2071 and 2072 of this title, Reorganization Plan No. 7 of 1953, and provisions set out as notes under sections 1753, 1783, 1922, 1928b, 1939 and 1951 of this title] may be cited as 'The Foreign Assistance Act of 1961'."

Pub. L. 87–195, pt. I, §101, Sept. 4, 1961, 75 Stat. 424, which provided that this subchapter should be cited as the "Act for International Development of 1961" was repealed by Pub. L. 88–205, pt. I, §101(b), Dec. 16, 1963, 77 Stat. 379.

Pub. L. 87–195, pt. V, §801, as added by Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 885, as amended by Pub. L. 115–440, §2(a), Jan. 14, 2019, 132 Stat. 5580, provided that: "This part [part V (§§801–813) of Pub. L. 87–195, enacting subchapter IV of this chapter] may be cited as the 'Tropical Forest and Coral Reef Conservation Act of 1998'."

Repeals

Pub. L. 87–195, pt. III, §642, Sept. 4, 1961, 75 Stat. 460, as amended by Pub. L. 89–171, pt. III, §303(a), Sept. 6, 1965, 79 Stat. 661, provided that:

"(a) There are hereby repealed—

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

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

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

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

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

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

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

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

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

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

United States Agency for International Development Deemed 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.

References to Tropical Forest Conservation Act of 1998

Pub. L. 115–440, §2(b), Jan. 14, 2019, 132 Stat. 5580, provided that: "Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the 'Tropical Forest Conservation Act of 1998' shall be deemed to be a reference to the 'Tropical Forest and Coral Reef Conservation Act of 1998'."

United States–Caribbean Strategic Engagement

Pub. L. 114–291, Dec. 16, 2016, 130 Stat. 1497, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'United States–Caribbean Strategic Engagement Act of 2016'.

"SEC. 2. STATEMENT OF POLICY.

"Congress declares that it is the policy of the United States to increase engagement with the governments of the Caribbean region and with civil society, including the private sector, in both the United States and the Caribbean, in a concerted effort to—

"(1) enhance diplomatic relations between the United States and the Caribbean region;

"(2) increase economic cooperation between the United States and the Caribbean region;

"(3) support regional economic, political, and security integration efforts in the Caribbean region;

"(4) encourage enduring economic development and increased regional economic diversification and global competitiveness;

"(5) reduce levels of crime and violence, curb the trafficking of illicit drugs, strengthen the rule of law, and improve citizen security;

"(6) improve energy security by increasing access to diverse, reliable, and affordable power;

"(7) advance cooperation on democracy and human rights at multilateral fora;

"(8) continue support for public health advances and cooperation on health concerns and threats to the Caribbean region; and

"(9) expand Internet access throughout the region, especially to countries lacking the appropriate infrastructure.

"SEC. 3. STRATEGY.

"Not later than 180 days after the date of the enactment of this Act [Dec. 16, 2016], the Secretary of State, in coordination with the Administrator of the United States Agency for International Development (USAID), shall submit to the appropriate congressional committees a multi-year strategy for United States engagement to support the efforts of interested nations in the Caribbean region that —

"(1) identifies Department of State and USAID priorities, in coordination with other executive branch agencies, for United States policy towards the Caribbean region;

"(2) outlines an approach to partner with governments of the Caribbean region to improve citizen security, reduce the trafficking of illicit drugs, strengthen the rule of law, and improve the effectiveness and longevity of the Caribbean Basin Security Initiative;

"(3) establishes a comprehensive, integrated, multi-year strategy to encourage efforts of the Caribbean region to implement regional and national strategies that improve energy security, by increasing access to all available sources of energy, including by taking advantage of the indigenous energy sources of the Caribbean and the ongoing energy revolution in the United States;

"(4) outlines an approach to improve diplomatic engagement with the governments of the Caribbean region, including with respect to human rights and democracy;

"(5) Describes [sic] how the United States can develop an approach to supporting Caribbean countries in efforts they are willing to undertake with their own resources to diversify their economies;

"(6) describes ways to ensure the active participation of citizens of the Caribbean in existing program[s] and initiatives administered by the Department of State's Bureau of Educational and Cultural Affairs; and

"(7) reflects the input of other executive branch agencies, as appropriate.

"SEC. 4. BRIEFINGS.

"The Secretary of State shall offer to the appropriate congressional committees annual briefings that review Department of State efforts to implement the strategy for United States engagement with the Caribbean region in accordance with section 3.

"SEC. 5. PROGRESS REPORT.

"Not later than 2 years after the submission of the strategy required under section 3, the President shall submit to the appropriate congressional committees a report on progress made toward implementing the strategy.

"SEC. 6. REPORTING COST OFFSET.

[Amended section 4001 of this title.]

"SEC. 7. DEFINITIONS.

"In this Act:

"(1) Appropriate congressional committees.—The term 'appropriate congressional committees' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(2) Caribbean region.—The term 'Caribbean region' means the Caribbean Basin Security Initiative beneficiary countries.

"(3) Security assistance.—The term 'security assistance' has the meaning given such term in section 502B(d)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(2))."

Support to Certain Governments for Border Security Operations

Pub. L. 114–92, div. A, title XII, §1226, Nov. 25, 2015, 129 Stat. 1056, as amended by Pub. L. 114–328, div. A, title XII, §1294, Dec. 23, 2016, 130 Stat. 2561; Pub. L. 115–91, div. A, title XII, §1279F, Dec. 12, 2017, 131 Stat. 1704; Pub. L. 115–232, div. A, title XII, §1213, Aug. 13, 2018, 132 Stat. 2025, provided that:

"(a) Authority to Provide Support.—

"(1) In general.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to provide support on a reimbursement basis as follows:

"(A) To the Government of Jordan for purposes of supporting and enhancing efforts of the armed forces of Jordan to increase security and sustain increased security along the border of Jordan with Syria and Iraq.

"(B) To the Government of Lebanon for purposes of supporting and enhancing efforts of the armed forces of Lebanon to increase security and sustain increased security along the border of Lebanon with Syria.

"(C) To the Government of Egypt for purposes of supporting and enhancing efforts of the armed forces of Egypt to increase security and sustain increased security along the border of Egypt with Libya.

"(D) To the Government of Tunisia for purposes of supporting and enhancing efforts of the armed forces of Tunisia to increase security and sustain increased security along the border of Tunisia with Libya.

"(E) To the Government of Oman for purposes of supporting and enhancing efforts of the armed forces of Oman to increase security and sustain increased security along the border of Oman with Yemen.

"(F) To the Government of Pakistan for purposes of supporting and enhancing efforts of the armed forces of Pakistan to increase security and sustain increased security along the border of Pakistan with Afghanistan.

"(2) FREQUENCY.—Support may be provided under this subsection on a quarterly basis.

"(b) FUNDS AVAILABLE FOR SUPPORT.—The following amounts made be used to provide support under the authority of subsection (a):

"(1) In fiscal year 2016, amounts authorized to be appropriated for fiscal year 2016 and available for reimbursement of certain coalition nations for support provided to United States military operations pursuant to section 1233 of the National Defense Authorization Act for fiscal year 2008 (Public Law 110–181; 122 Stat. 393).

"(2) In fiscal year 2016, amounts authorized to be appropriated for fiscal year 2016 for the Counterterrorism Partnerships Fund pursuant to section 1534 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for fiscal year 2015 (Public Law 113–291; 128 Stat. 3616).

"(3) In any fiscal year after fiscal year 2016, amounts authorized to be appropriated and available for Operation and Maintenance, Defense-Wide, and the Counter Islamic State of Iraq and the Levant Fund.

"(c) LIMITATIONS.—

"(1) LIMITATION ON AMOUNT.—The total amount of support provided under the authority of subsection (a) may not exceed $150,000,000 for any country specified in subsection (a) in any fiscal year.

"(2) SUPPORT TO THE GOVERNMENT OF LEBANON.—Support provided under the authority of subsection (a) to the Government of Lebanon may be used only for the armed forces of Lebanon, and may not be used for or to reimburse Hezbollah or any forces other than the armed forces of Lebanon.

"(3) PROHIBITION ON CONTRACTUAL OBLIGATIONS.—The Secretary of Defense may not enter into any contractual obligation to provide support under the authority of subsection (a).

"(4) DETERMINATION REQUIRED.—The Secretary of Defense may not provide support to a country specified in subsection (a) if the Secretary determines that the government of such country fails to increase security and sustain increased security along the border of the country as specified in subsection (a)(1).

"(d) NOTICE AND CERTIFICATION BEFORE EXERCISE.—Not later than 15 days before providing support under the authority of subsection (a) to a country that has not previously received such support, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the specified congressional committees a report that—

"(1) sets forth a full description of the support to be provided, including—

"(A) the purpose of such support;

"(B) the amount of support to be provided; and

"(C) the anticipated duration of the provision of such support; and

"(2) includes a certification that—

"(A) the recipient country has taken demonstrable steps to increase security along the border specified for such country in subsection (a); and

"(B) the provision of such support is in the interest of United States national security.

"(e) LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION.—No amount of reimbursement support under subsection (a)(1)(F) is authorized to be disbursed to the Government of Pakistan unless the Secretary of Defense certifies to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] that the following conditions are met:

"(1) The military and security operations of Pakistan pertaining to border security and ancillary activities for which reimbursement is sought have been coordinated with United States military representatives in advance of the execution of such operations and activities.

"(2) The goals and desired outcomes of each such operation or activity have been established and agreed upon in advance by the United States and Pakistan.

"(3) A process exists to verify the achievement of the goals and desired outcomes established in accordance with paragraph (2).

"(4) The Government of Pakistan is making an effort to actively coordinate with the Government of Afghanistan on issues relating to border security on the Afghanistan-Pakistan border.

"(f) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall submit to the specified congressional committees a report on reimbursements pursuant to subsection (a) during the preceding fiscal quarter that includes—

"(1) an identification of each country reimbursed;

"(2) the date of each reimbursement;

"(3) a description of any partner nation border security efforts for which reimbursement was provided;

"(4) an assessment of the value of partner nation border security efforts for which reimbursement was provided;

"(5) the total amounts of reimbursement provided to each partner nation in the preceding four fiscal quarters; and

"(6) such other matters as the Secretary considers appropriate.

"(g) SPECIFIED CONGRESSIONAL COMMITTEES.—In the section, the term 'specified congressional committees' means—

"(1) the congressional defense committees; and

"(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

"(h) EXPIRATION OF AUTHORITY.—No support may be provided under the authority of subsection (a) after December 31, 2021."

GIRLS COUNT

Pub. L. 114–24, June 12, 2015, 129 Stat. 314, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Girls Count Act of 2015'.

"SEC. 2. FINDINGS.

"Congress makes the following findings:

"(1) According to the United States Census Bureau's 2013 international figures, 1 person in 12, or close to 900,000,000 people, is a girl or young woman age 10 through 24.

"(2) The Census Bureau's data also illustrates that young people are the fastest growing segment of the population in developing countries.

"(3) Even though most countries do have birth registration laws, four out of ten babies born in 2012 were not registered worldwide. Moreover, an estimated 36 percent of children under the age of five worldwide (about 230,000,000 children) do not possess a birth certificate.

"(4) A nationally recognized proof of birth system is important to determining a child's citizenship, nationality, place of birth, parentage, and age. Without such a system, a passport, driver's license, or other identification card is difficult to obtain. The lack of such documentation can prevent girls and women from officially participating in and benefitting from the formal economic, legal, and political sectors in their countries.

"(5) The lack of birth registration among girls worldwide is particularly concerning as it can exacerbate the disproportionate vulnerability of women to trafficking, child marriage, and lack of access to health and education services.

"(6) A lack of birth registration among women and girls can also aggravate what, in many places, amounts to an already reduced ability to seek employment, participate in civil society, or purchase or inherit land and other assets.

"(7) Girls undertake much of the domestic labor needed for poor families to survive: carrying water, harvesting crops, tending livestock, caring for younger children, and doing chores.

"(8) Accurate assessments of access to education, poverty levels, and overall census activities are hampered by the lack of official information on women and girls. Without this rudimentary information, assessments of foreign assistance and domestic social welfare programs are difficult to gauge.

"(9) To help ensure that women and girls are considered in United States foreign assistance policies and programs, that their needs are addressed in the design, implementation, and evaluation of foreign assistance programs, and that women and girls have the opportunity to succeed, it is important that girls be counted and have access to birth certificates and other official documentation.

"SEC. 3. STATEMENT OF POLICY.

"It is the policy of the United States to—

"(1) encourage countries to support the rule of law and ensure girls and boys of all ages are able to fully participate in society, including by providing birth certifications and other official documentation;

"(2) enhance training and capacity-building in key developing countries, local nongovernmental organizations, and other civil society organizations, including faith-based organizations and organizations representing children and families in the design, implementation, and monitoring of

programs under this Act, to effectively address the needs of birth registries in countries where girls are systematically undercounted; and

"(3) incorporate into the design, implementation, and evaluation of policies and programs measures to evaluate the impact that such policies and programs have on girls.

"SEC. 4. UNITED STATES ASSISTANCE TO SUPPORT COUNTING OF GIRLS IN THE DEVELOPING WORLD.

"(a) AUTHORIZATION.—The Secretary and the Administrator are authorized to prioritize and advance ongoing efforts to—

"(1) support programs that will contribute to improved and sustainable Civil Registration and Vital Statistics Systems (CRVS) with a focus on birth registration;

"(2) support programs that build the capacity of developing countries' national and local legal and policy frameworks to prevent discrimination against girls in gaining access to birth certificates, particularly where this may help prevent exploitation, violence, and other abuse; and

"(3) support programs and key ministries, including, interior, youth, and education ministries, to help increase property rights, social security, home ownership, land tenure security, inheritance rights, access to education, and economic and entrepreneurial opportunities, particularly for women and girls.

"(b) COORDINATION WITH MULTILATERAL ORGANIZATIONS.—The Secretary and the Administrator are authorized to coordinate with the World Bank, relevant United Nations agencies and programs, and other relevant organizations to encourage and work with countries to enact, implement, and enforce laws that specifically collect data on girls and establish registration programs to ensure girls are appropriately counted and have the opportunity to be active participants in the social, legal, and political sectors of society in their countries.

"(c) COORDINATION WITH PRIVATE SECTOR AND CIVIL SOCIETY ORGANIZATIONS.—The Secretary and the Administrator are authorized to work with the United States, international, and local private sector and civil society organizations to advocate for the registration and documentation of all girls and boys in developing countries, in order to help prevent exploitation, violence, and other abuses and to help provide economic and social opportunities.

"SEC. 5. REPORT.

"The Secretary and the Administrator shall include in relevant evaluations and reports to Congress the following information:

"(1) To the extent practicable, a breakdown of United States foreign assistance beneficiaries by age, gender, marital status, location, and school enrollment status.

"(2) A description, as appropriate, of how United States foreign assistance benefits girls.

"(3) Specific information, as appropriate, on programs that address the particular needs of girls.

"SEC. 6. DEFINITIONS.

"In this Act:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the United States Agency for International Development.

"(2) FOREIGN ASSISTANCE.—The term 'foreign assistance' has the meaning given the term in section 634(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394(b)).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of State.

"SEC. 7. SUNSET.

"This Act shall expire on the date that is five years after the date of the enactment of this Act [June 12, 2015]."

MILITARY-TO-MILITARY ENGAGEMENT WITH THE GOVERNMENT OF BURMA

Pub. L. 113–291, div. A, title XII, §1253, Dec. 19, 2014, 128 Stat. 3571, provided that:

"(a) AUTHORIZATION.—The Department of Defense is authorized to provide the Government of Burma the following:

"(1) Consultation, education, and training on human rights, the laws of armed conflict, civilian control of the military, rule of law, and other legal matters.

"(2) Consultation, education, and training on English-language, humanitarian and disaster relief, and improvements to medical and health standards.

"(3) Courses or workshops on defense institution reform.

"(4) Observer status to bilateral or multilateral humanitarian assistance and disaster relief exercises.

"(5) Aid or support in the event of a humanitarian crisis or natural disaster.

"(b) ANNUAL REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 19, 2014], and each March 1 thereafter, the Secretary of Defense shall, in consultation with the

Secretary of State, submit to the appropriate committees of Congress a report on military-to-military engagement between the United States Armed Forces and the Burmese military.

"(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

"(A) A description of the military-to-military activities between the United States and Burma, and how engagement with the Burmese military supports the United States national security strategy and promotes reform in Burma.

"(B) A description of the objectives of the United States for developing the military-to-military relationship with the Burmese military, how the United States measures progress toward such objectives, and the implications of failing to achieve such objectives.

"(C) A description and assessment of the political, military, economic, and civil society reforms being undertaken by the Government of Burma, including those affecting—

"(i) individual freedoms and human rights of the Burmese people, including those of ethnic and religious minorities and internally displaced populations;

"(ii) the peaceful settlement of armed conflicts between the Government of Burma and ethnic minority groups in Burma;

"(iii) civilian control of the armed forces;

"(iv) constitutional and electoral reforms;

"(v) access for the purposes of human rights monitoring and humanitarian assistance to all areas in Burma, and cooperation with civilian authorities to investigate and resolve cases of human rights violations;

"(vi) governmental transparency and accountability; and

"(vii) respect for the laws of armed conflict and human rights, including with respect to child soldiers.

"(D) A description and assessment of relationships of the Government of Burma with unlawful or sanctioned entities.

"(3) FORM.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

"(4) SUNSET.—The requirement to submit additional reports under this subsection shall terminate at the end of the 5-year period beginning on the date of the enactment of this Act [Dec. 19, 2014].

"(c) RULE OF CONSTRUCTION.—No Department of Defense assistance to the Government of Burma is authorized by this Act [Pub. L. 113–291, see Tables for classification] except as provided in this section.

"(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

"(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives."

ASSESSING PROGRESS IN HAITI

Pub. L. 113–162, Aug. 8, 2014, 128 Stat. 1858, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Assessing Progress in Haiti Act of 2014'.

"SEC. 2. FINDINGS.

"Congress makes the following findings:

"(1) On January 12, 2010, a massive earthquake struck near the Haitian capital city of Port-au-Prince, leaving an estimated 220,000 people dead, including 103 United States citizens, 101 United Nations personnel, and nearly 18 percent of the nation's civil service, as well as 300,000 injured, 115,000 homes destroyed, and 1,500,000 people displaced.

"(2) According to the Post Disaster Needs Assessment conducted by the Government of Haiti, with technical assistance from the United Nations, the World Bank, the Inter-American Development Bank, the Economic Commission for Latin America and the Caribbean, and the European Commission, an estimated 15 percent of the population was directly affected by the disaster and related damages and economic losses totaled $7,804,000,000.

"(3) Even before the earthquake, Haiti had some of the lowest socioeconomic indicators and the second highest rate of income disparity in the world, conditions that have further complicated post-earthquake recovery efforts and, according to the World Bank, have significantly reduced the prospects of addressing poverty reduction through economic growth.

"(4) According to the World Food Programme, more than 6,700,000 people in Haiti (out of a population of about 10,000,000) are considered food insecure.

"(5) In October 2010, an unprecedented outbreak of cholera in Haiti resulted in over 500,000 reported cases and over 8,000 deaths to date, further straining the capacity of Haiti's public health sector and increasing the urgency of resettlement and water, sanitation, and hygiene (WASH) efforts.

"(6) The international community, led by the United States and the United Nations, mounted an unprecedented humanitarian response in Haiti, with donors pledging approximately $10,400,000,000 for humanitarian relief and recovery efforts, including debt relief, supplemented by $3,100,000,000 in private charitable contributions, of which approximately $6,400,000,000 has been disbursed and an additional $3,800,000,000 has been committed as of September 30, 2013.

"(7) The emergency response of the men and women of the United States Government, led by the United States Agency for International Development (USAID) and the United States Southern Command, as well as of cities, towns, individuals, businesses, and philanthropic organizations across the United States, was particularly swift and resolute.

"(8) Since 2010, a total of $1,300,000,000 in United States assistance has been allocated for humanitarian relief and $2,300,000,000 has been allocated for recovery, reconstruction, and development assistance in Haiti, including $1,140,000,000 in emergency appropriations and $95,000,000 that has been obligated specifically to respond to the cholera epidemic.

"(9) Of the $3,600,000,000 in United States assistance allocated for Haiti, $651,000,000 was apportioned to USAID to support an ambitious recovery plan, including the construction of a power plant to provide electricity for the new Caracol Industrial Park (CIP) in northern Haiti, a new port near the CIP, and permanent housing in new settlements in the Port-au-Prince, St-Marc, and Cap-HaiÃ¿AE4tien areas.

"(10) According to a recent report of the Government Accountability Office, as of June 30, 2013, USAID had disbursed 31 percent of its reconstruction funds in Haiti, the port project was 2 years behind schedule and USAID funding will be insufficient to cover a majority of the projected costs, the housing project has been reduced by 80 percent, and the sustainability of the power plant, the port, and the housing projects were all at risk.

"(11) GAO further found that Congress has not been provided with sufficient information to ensure that it is able to conduct effective oversight at a time when most funding remains to be disbursed, and specifically recommends that a periodic reporting mechanism be instituted to fill this information gap.

"(12) Donors have encountered significant challenges in implementing recovery programs, and nearly 4 years after the earthquake, an estimated 171,974 people remain displaced in camps, unemployment remains high, corruption is rampant, land rights remain elusive, allegations of wage violations are widespread, the business climate is unfavorable, and government capacity remains weak.

"(13) For Haiti to achieve stability and long term economic growth, donor assistance will have to be carefully coordinated with a commitment by the Government of Haiti to transparency, a market economy, rule of law, and democracy.

"(14) The legal environment in Haiti remains a challenge to achieving the goals supported by the international community.

"SEC. 3. STATEMENT OF POLICY.

"It is the policy of the United States to support the sustainable rebuilding and development of Haiti in a manner that—

"(1) promotes efforts that are led by and support the people and Government of Haiti at all levels so that Haitians lead the course of reconstruction and development of Haiti;

"(2) builds the long term capacity of the Government of Haiti and civil society in Haiti;

"(3) reflects the priorities and particular needs of both women and men so they may participate equally and to their maximum capacity;

"(4) respects and helps restore Haiti's natural resources, as well as builds community-level resilience to environmental and weather-related impacts;

"(5) provides timely and comprehensive reporting on goals and progress, as well as transparent post program evaluations and contracting data;

"(6) prioritizes the local procurement of goods and services in Haiti where appropriate; and

"(7) promotes the holding of free, fair, and timely elections in accordance with democratic principles and the Haitian Constitution.

"SEC. 4. SENSE OF CONGRESS.

"It is the sense of Congress that transparency, accountability, democracy, and good governance are integral factors in any congressional decision regarding United States assistance, including assistance to Haiti.

"SEC. 5. REPORT.

"(a) In General.—Not later than December 31, 2014, and annually thereafter through December 31, 2017, the Secretary of State shall submit to Congress a report on the status of post-earthquake recovery and development efforts in Haiti.

"(b) Contents.—The report required by subsection (a) shall include—

"(1) a summary of 'Post-Earthquake USG Haiti Strategy: Toward Renewal and Economic Opportunity', including any significant changes to the strategy over the reporting period and an

explanation thereof;

"(2) a breakdown of the work that the United States Government agencies other than USAID and the Department of State are conducting in the Haiti recovery effort, and the cost of that assistance;

"(3) an assessment of the progress of United States efforts to advance the objectives of the 'Post-Earthquake USG Haiti Strategy: Toward Renewal and Economic Opportunity' produced by the Department of State, compared to what remains to be achieved to meet specific goals, including—

"(A) a description of any significant changes to the Strategy over the reporting period and an explanation thereof;

"(B) an assessment of progress, or lack thereof, over the reporting period toward meeting the goals and objectives, benchmarks, and timeframes specified in the Strategy, including—

"(i) a description of progress toward designing and implementing a coordinated and sustainable housing reconstruction strategy that addresses land ownership, secure land tenure, water and sanitation, and the unique concerns of vulnerable populations such as women and children, as well as neighborhood and community revitalization, housing finance, and capacity building for the Government of Haiti to implement an effective housing policy;

"(ii) a description of United States Government efforts to construct and sustain the proposed port, as well as an assessment of the current projected timeline and cost for completion; and

"(iii) a description of United States Government efforts to attract and leverage the investments of private sector partners to the CIP, including by addressing any policy impediments;

"(C) a description of the quantitative and qualitative indicators used to evaluate the progress toward meeting the goals and objectives, benchmarks, and timeframes specified in the Strategy at the program level;

"(D) the amounts committed, obligated, and expended on programs and activities to implement the Strategy, by sector and by implementing partner at the prime and subprime levels (in amounts of not less than $25,000); and

"(E) a description of the risk mitigation measures put in place to limit the exposure of United States assistance provided under the Strategy to waste, fraud, and abuse;

"(4) a description of measures taken to strengthen, and United States Government efforts to improve, Haitian governmental and nongovernmental organizational capacity to undertake and sustain United States-supported recovery programs;

"(5) as appropriate, a description of United States efforts to consult and engage with Government of Haiti ministries and local authorities on the establishment of goals and timeframes, and on the design and implementation of new programs under the Post-Earthquake USG Haiti Strategy: Toward Renewal and Economic Opportunity;

"(6) a description of efforts by Haiti's legislative and executive branches to consult and engage with Haitian civil society and grassroots organizations on the establishment of goals and timeframes, and on the design and implementation of new donor-financed programs, as well as efforts to coordinate with and engage the Haitian diaspora;

"(7) consistent with the Government of Haiti's ratification of the United Nations Convention Against Corruption, a description of efforts of the Governments of the United States and Haiti to strengthen Government of Haiti institutions established to address corruption, as well as related efforts to promote public accountability, meet public outreach and disclosure obligations, and support civil society participation in anti-corruption efforts;

"(8) a description of efforts to leverage public-private partnerships and increase the involvement of the private sector in Haiti in recovery and development activities and coordinate programs with the private sector and other donors;

"(9) a description of efforts to address the particular needs of vulnerable populations, including internally displaced persons, women, children, orphans, and persons with disabilities, in the design and implementation of new programs and infrastructure;

"(10) a description of the impact that agriculture and infrastructure programs are having on the food security, livelihoods, and land tenure security of smallholder farmers, particularly women;

"(11) a description of mechanisms for communicating the progress of recovery and development efforts to the people of Haiti, including a description of efforts to provide documentation, reporting and procurement information in Haitian Creole;

"(12) a description of the steps the Government of Haiti is taking to strengthen its capacity to receive individuals who are removed, excluded, or deported from the United States; and

"(13) an assessment of actions necessary to be taken by the Government of Haiti to assist in fulfilling the objectives of the Strategy.

"SEC. 6. STRATEGY.

"(a) In General.—Not later than 180 days after the date of the enactment of this Act [Aug. 8, 2014], the Secretary of State, acting through the Assistant Secretary of State for Western Hemisphere

Affairs, shall coordinate and transmit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a three-year Haiti strategy based on rigorous assessments that—

"(1) identifies and addresses constraints to sustainable, broad-based economic growth and to the consolidation of responsive, democratic government institutions;

"(2) includes an action plan that outlines policy tools, technical assistance, and anticipated resources for addressing the highest-priority constraints to economic growth and the consolidation of democracy, as well as a specific description of mechanisms for monitoring and evaluating progress; and

"(3) identifies specific steps and verifiable benchmarks appropriate to provide direct bilateral assistance to the Government of Haiti.

"(b) Elements.—The strategy required under subsection (a) should address the following elements:

"(1) A plan to engage the Government of Haiti on shared priorities to build long-term capacity, including the development of a professional civil service, to assume increasing responsibility for governance and budgetary sustainment of governmental institutions.

"(2) A plan to assist the Government of Haiti in holding free, fair and timely elections in accordance with democratic principles.

"(3) Specific goals for future United States support for efforts to build the capacity of the Government of Haiti, including to–

"(A) reduce corruption;

"(B) consolidate the rule of law and an independent judiciary;

"(C) strengthen the civilian police force;

"(D) develop sustainable housing, including ensuring appropriate titling and land ownership rights;

"(E) expand port capacity to support economic growth;

"(F) attract and leverage the investments of private sector partners, including to the Caracol Industrial Park;

"(G) promote large and small scale agricultural development in a manner that reduces food insecurity and contributes to economic growth;

"(H) improve access to potable water, expand public sanitation services, reduce the spread of infectious diseases, and address public health crises;

"(I) restore the natural resources of Haiti, including enhancing reforestation efforts throughout the country; and

"(J) gain access to safe, secure, and affordable supplies of energy in order to strengthen economic growth and energy security.

"(c) Consultation.—In devising the strategy required under subsection (a), the Secretary should—

"(1) coordinate with all United States Government departments and agencies carrying out work in Haiti;

"(2) consult with the Government of Haiti, including the National Assembly of Haiti, and representatives of private and nongovernmental sectors in Haiti; and

"(3) consult with relevant multilateral organizations, multilateral development banks, private sector institutions, nongovernmental organizations, and foreign governments present in Haiti.

"(d) Briefings.—The Secretary of State, at the request of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, shall provide a quarterly briefing that reviews progress of the implementation of the strategy required under subsection (a)."

United States Security and Assistance Strategies in Africa

Pub. L. 113–66, div. A, title XII, §1206, Dec. 26, 2013, 127 Stat. 899, required (1) the Secretary of Defense, in coordination with the Secretary of State, to develop a strategic framework for United States counterterrorism assistance and cooperation in the Sahel and Maghreb regions of Africa, and submit a report to Congress not later than 180 days after Dec. 26, 2013; (2) the President to submit a strategy to support consolidation of security and governance gains in Somalia to Congress not later than 180 days after Dec. 26, 2013; (3) the Director of National Intelligence to submit a classified intelligence assessment of al-Shabaab to Congress not later than 90 days after Dec. 26, 2013; and (4) the President to designate a Government official for Africa export policy not later than 60 days after Dec. 26, 2013, and for the following three years, designate an existing senior United States Government official with existing interagency authority for export policy for Africa to coordinate among various United States Government agencies existing export strategies with the goal of significantly increasing United States exports to Africa in real dollar value.

Assistance to the Government of Jordan for Border Security Operations

Pub. L. 113–66, div. A, title XII, §1207, Dec. 26, 2013, 127 Stat. 902, provided for assistance to the Government of Jordan for border security operations, prior to repeal by Pub. L. 114–328, div. A, title XII,

§1241(d)(5)(B)(ii), Dec. 23, 2016, 130 Stat. 2504, effective 270 days after Dec. 23, 2016.

Support of Foreign Forces Participating in Operations To Disarm the Lord's Resistance Army

Pub. L. 113–66, div. A, title XII, §1208(a)–(f), Dec. 26, 2013, 127 Stat. 903, 904, provided for support of foreign forces participating in operations to disarm the Lord's Resistance Army and expired on Sept. 30, 2017.

Reports on Responsibility Within Department of State and the United States Agency for International Development for Contract Support for Overseas Contingency Operations

Pub. L. 112–239, div. A, title VIII, §850, Jan. 2, 2013, 126 Stat. 1854, provided that:

"(a) DoS and USAID Reports Required.—Not later than six months after the date of the enactment of this Act [Jan. 2, 2013], the Secretary of State and the Administrator of the United States Agency for International Development shall, in consultation with the Chief Acquisition Officer of the Department of State and the Chief Acquisition Officer of the United States Agency for International Development, respectively, each submit to the appropriate committees of Congress an assessment of Department of State and United States Agency for International Development policies governing contract support in overseas contingency operations.

"(b) Elements.—Each report under subsection (a) shall include the following:

"(1) A description and assessment of the roles and responsibilities of the officials, offices, and components of the Department of State or the United States Agency for International Development, as applicable, within the chain of authority and responsibility for policy, planning, and execution of contract support for overseas contingency operations.

"(2) Procedures and processes of the Department or Agency, as applicable, on the following in connection with contract support for overseas contingency operations:

"(A) Collection, inventory, and reporting of data.

"(B) Acquisition planning.

"(C) Solicitation and award of contracts.

"(D) Requirements development and management.

"(E) Contract tracking and oversight.

"(F) Performance evaluations.

"(G) Risk management.

"(H) Interagency coordination and transition planning.

"(3) Strategies and improvements necessary for the Department or the Agency, as applicable, to address reliance on contractors, workforce planning, and the recruitment and training of acquisition workforce personnel, including the anticipated number of personnel needed to perform acquisition management and oversight functions and plans for achieving personnel staffing goals, in connection with overseas contingency operations.

"(c) Comptroller General Report.—Not later than one year after the date of the enactment of this Act [Jan. 2, 2013], the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the efforts of the Department of State and the United States Agency for International Development in implementing improvements and changes identified under paragraphs (1) through (3) of subsection (b) in the reports required by subsection (a), together with such additional information as the Comptroller General considers appropriate to further inform such committees on issues relating to the reports required by subsection (a).

"(d) Appropriate Committees of Congress Defined.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

"(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives."

Global Security Contingency Fund

Pub. L. 112–81, div. A, title XII, §1207, Dec. 31, 2011, 125 Stat. 1625, as amended by Pub. L. 113–66, div. A, title XII, §1202, Dec. 26, 2013, 127 Stat. 893; Pub. L. 113–291, div. A, title XII, §1201, Dec. 19, 2014, 128 Stat. 3529; Pub. L. 115–91, div. A, title X, §1051(q)(2), title XII, §1206, Dec. 12, 2017, 131 Stat. 1565, 1645, 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 620J 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 or regions 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, or 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, or counterterrorism operations; or

"(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 the following:

"(A) Equipment, including routine maintenance and repair of such equipment.

"(B) Supplies.

"(C) With respect to amounts in the Fund appropriated or transferred into the Fund after the date of the enactment of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 [Dec. 19, 2014], small-scale construction not exceeding $750,000 on a per-project basis.

"(D) 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 635(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.—

"(1) In general.—Except as provided in paragraph (2), amounts in the Fund shall remain available until September 30, 2019, 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.

"(2) Exception.—Amounts appropriated and transferred to the Fund before the date of the enactment of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 [Dec. 19, 2014] shall remain available for obligation and expenditure after September 30, 2015, only for activities under programs commenced under subsection (b) before September 30, 2015.

"(j) Administrative Expenses.—Amounts in the Fund may be used for necessary administrative expenses in connection with the provision of assistance under this section.

"(k) 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.

"(l) Notices to Congress.—Not less than 30 days before initiating an activity under a program of assistance under subsection (b), the Secretary of State and the Secretary of Defense shall jointly submit to the specified congressional committees a notification that includes the following:

"(1) A notification of the intent to transfer funds into the Fund under subsection (f) or any other authority, including the original source of the funds.

"(2) A detailed justification for the total anticipated program for each country, including total anticipated costs and the specific activities contained therein.

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

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

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

"(m) Guidance and Processes for Exercise of Authority.—Not later than 15 days after the date on which guidance and processes for implementation of the authority in subsection (b) have been issued, the Secretary of State and the Secretary of Defense shall jointly submit a report to the specified congressional committees on such guidance and processes. The Secretary of State and Secretary of Defense shall jointly submit additional reports not later than 15 days after the date on which any future modifications to the guidance and processes for implementation of the authority in subsection (b) are issued.

"(n) 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.

"(o) Expiration.—The authority under this section may not be exercised after September 30, 2019. An activity under a program authorized by subsection (b) commenced before that date may be completed after that date, but only using funds available for fiscal years 2012 through 2019 and subject to the requirements contained in paragraphs (1) and (2) of subsection (i)."

[Pub. L. 115–91, §1206(2), which directed amendment of section 1207 of Pub. L. 112–81, set out above, by substituting "September 30, 2019" for "September 30, 2017" and "through 2019" for "through 2017" in subsec. (p), was executed by making the substitution in subsec. (o) to reflect the probable intent of Congress and the redesignation of subsec. (p) as (o) by section 1051(q)(2)(B) of Pub. L. 115–91.]

Lord's Resistance Army Disarmament and Northern Uganda Recovery

Pub. L. 112–81, div. A, title XII, §1206, Dec. 31, 2011, 125 Stat. 1624, which related to logistic support, supplies, and services for foreign forces in operations against the Lord's Resistance Army, was repealed by Pub. L. 113–66, div. A, title XII, §1208(g), Dec. 26, 2013, 127 Stat. 904.

Pub. L. 111–172, May 24, 2010, 124 Stat. 1209, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009'.

"SEC. 2. FINDINGS.

"Congress makes the following findings:

"(1) For over 2 decades, the Government of Uganda engaged in an armed conflict with the Lord's Resistance Army (LRA) in northern Uganda that led to the internal displacement of more

than 2,000,000 Ugandans from their homes.

"(2) The members of the Lord's Resistance Army used brutal tactics in northern Uganda, including mutilating, abducting and forcing individuals into sexual servitude and forcing a large number of children and youth in Uganda, estimated by the Survey for War Affected Youth to be over 66,000, to fight as part of the rebel force.

"(3) The Secretary of State has placed the Lord's Resistance Army on the Terrorist Exclusion list pursuant to section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), and LRA leader Joseph Kony has been designated a 'specially designated global terrorist' pursuant to Executive Order 13224 [listed in a table under section 1701 of Title 50, War and National Defense].

"(4) In late 2005, according to the United Nations Office for Coordination of Humanitarian Affairs, the Lord's Resistance Army shifted their primary base of operations from southern Sudan to northeastern Democratic Republic of Congo, and the rebels have since withdrawn from northern Uganda.

"(5) Representatives of the Government of Uganda and the Lord's Resistance Army began peace negotiations in 2006, mediated by the Government of Southern Sudan in Juba, Sudan, and signed the Cessation of Hostilities Agreement on August 20, 2006, which provided for hundreds of thousands of internally displaced people to return home in safety.

"(6) After nearly 2 years of negotiations, representatives from the parties reached the Final Peace Agreement in April 2008, but Joseph Kony, the leader of the Lord's Resistance Army, refused to sign the Final Peace Agreement in May 2008 and his forces launched new attacks in northeastern Congo.

"(7) According to the United Nations Office for the Coordination of Humanitarian Relief and the United Nations High Commissioner for Refugees, the new activity of the Lord's Resistance Army in northeastern Congo and southern Sudan since September 2008 has led to the abduction of at least 1,500 civilians, including hundreds of children, and the displacement of more than 540,000 people.

"(8) In December 2008, the military forces of Uganda, the Democratic Republic of Congo, and southern Sudan launched a joint operation against the Lord's Resistance Army's bases in northeastern Congo, but the operation failed to apprehend Joseph Kony, and his forces retaliated with a series of new attacks and massacres in Congo and southern Sudan, killing an estimated 900 people in 2 months alone.

"(9) Despite the refusal of Joseph Kony to sign the Final Peace Agreement, the Government of Uganda has committed to continue reconstruction plans for northern Uganda, and to implement those mechanisms of the Final Peace Agreement not conditional on the compliance of the Lord's Resistance Army.

"(10) Since 2008, recovery efforts in northern Uganda have moved forward with the financial support of 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

"(3) further supporting and encouraging efforts of the Government of Uganda and civil society to promote comprehensive reconstruction, transitional justice, and reconciliation in northern Uganda as affirmed in the Northern Uganda Crisis Response Act of 2004 (Public Law 108–283) and subsequent resolutions, including Senate Resolution 366, 109th Congress, agreed to February 2, 2006, Senate Resolution 573, 109th Congress, agreed to September 19, 2006, Senate Concurrent Resolution 16, 110th Congress, agreed to in the Senate March 1, 2007, and House Concurrent Resolution 80, 110th Congress, agreed to in the House of Representatives June 18, 2007.

"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. 2601), 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 schools;

"(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 programs 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 withhold non-humanitarian bilateral assistance to the Republic of Uganda if the Secretary determines that the Government of Uganda is not committed to reconstruction and reconciliation in the war-

affected areas of northern Uganda and is not taking proactive steps to ensure this process moves forward in a transparent and accountable manner.

"SEC. 7. ASSISTANCE FOR RECONCILIATION AND TRANSITIONAL JUSTICE IN NORTHERN UGANDA.

"(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 and fueling 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 Annexure to 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 body to investigate 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. 8. REPORT.

"(a) REPORT REQUIRED.—Not later than 1 year after the submission of the strategy required under section 4, the Secretary of State shall prepare and submit to the appropriate committees of Congress a report on the progress made toward the implementation of the strategy required under section 4 and a description and evaluation of the assistance provided under this Act toward the policy objectives described in section 3.

"(b) CONTENTS.—The report required under section (a) shall include—

"(1) a description and evaluation of actions taken toward the implementation of the strategy required under section 4;

"(2) a description of assistance provided under sections 5, 6, and 7;

"(3) an evaluation of bilateral assistance provided to the Republic of Uganda and associated programs in light of stated policy objectives;

"(4) a description of the status of the Peace Recovery and Development Plan for Northern Uganda and the progress of the Government of Uganda in fulfilling the steps outlined in section 6(b); and

"(5) a description of amounts of assistance committed, and amounts provided, to northern Uganda during the reporting period by the Government of Uganda and each donor country.

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

"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 5; 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

Pub. L. 110–417, [div. A], title XII, §1213, Oct. 14, 2008, 122 Stat. 4629, provided that:

"(a) In General.—The President shall establish and implement a strategy for United States-led Provincial Reconstruction Teams (PRTs), including embedded PRTs and Provincial Support Teams, in Iraq that ensures that such United States-led PRTs are—

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

"(2) 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).

"(c) 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

Pub. L. 110–53, title XX, §2021, Aug. 3, 2007, 121 Stat. 513, provided that:

"(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, nonprofit 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.

"(3) Notification to congressional committees.—The Secretary of State shall notify the appropriate congressional committees of the designation of an appropriate organization as the Foundation.

"(c) Grants for Projects.—

"(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.

"(3) 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.

"(d) 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).

"(e) 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.

"(f) RETENTION OF INTEREST.—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).

"(g) 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 (h).

"(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 and make available to the public 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. 110–53, set out below.]

Democratic Republic of the Congo Relief, Security, and Democracy Promotion

Pub. L. 109–456, Dec. 22, 2006, 120 Stat. 3384, provided that:

"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 ¼ 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 trade 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 Agricultural Trade Development and Assistance Act of 1954 [now Food for Peace Act] [7 U.S.C. 1691 et seq.] (68 Stat. 454, chapter 469), and the Arms Export Control Act (22 U.S.C. 2751 et seq.) for fiscal year 2006 and 2007, at least $52,000,000 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 OF THE DEMOCRATIC REPUBLIC OF THE CONGO.

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

"(1) the Government of the Democratic Republic of the Congo must be committed to achieving the policy objectives described in section 102 if the efforts of the United States and other members of the international community are to be effective in bringing relief, security, and democracy to the country;

"(2) the Government of the Democratic Republic of the Congo should immediately exercise control over and discipline its armed forces, stop the mass rapes at the hands of its armed forces, and hold those responsible for these acts accountable before an appropriate tribunal;

"(3) the Government of the Democratic Republic of the Congo, in collaboration with international aid agencies, should establish expert teams to assess the needs of the victims of rape and provide health, counseling, and social support services that such victims need; and

"(4) the international community, through the United Nations peacekeeping mission, humanitarian and development relief, and other forms of assistance, is providing a substantial amount of funding that is giving the Government of the Democratic Republic of the Congo an opportunity to make progress towards accomplishing the policy objectives described in section 102, but this assistance cannot continue in perpetuity.

"(b) TERMINATION OF ASSISTANCE.—It is the sense of Congress that the Secretary of State should withhold assistance otherwise available under this Act 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. 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 foreign country is taking actions to destabilize the Democratic Republic of the Congo.

"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 1460 (2003) and 1539 (2004);

"(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 these 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 150,000 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 5318A 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 nonproliferation 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 authorization of appropriations under subsection (g).

"(d) NOTIFICATION.—Not later than 15 days before each obligation of assistance under this section, and in accordance with the procedures under section 634A 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) DURATION.—The authority to provide assistance under this section shall expire on December 31, 2011.

"(g) 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 24, 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', take 'the necessary steps to prevent the commission of terrorist acts', and 'deny safe haven to those who finance, plan, support, or commit 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 [former] section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) [former 50 U.S.C. 4605(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 from across the political spectrum in Lebanon have mounted peaceful and democratic calls for the withdrawal of the Syrian Army from Lebanese soil.

"(11) Israel has withdrawn all of its armed forces from Lebanon in accordance with United Nations Security Council Resolution 425 (March 19, 1978), 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 Counsel 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 Scuds'.

"(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: 'Russia and Syria 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 26, 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 warned: '[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 23(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'.

"(30) Despite Article 23(1) of the United Nations Charter, Syria was elected on October 8, 2001, to a 2-year term as a nonpermanent member of the United Nations Security Council beginning January 1, 2002, and served as President of the Security Council during June 2002 and August 2003.

"(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'.

"(32) On April 13, 2003, Secretary of Defense Donald Rumsfeld charged that 'busloads' of Syrian fighters entered Iraq with 'hundreds of thousands of dollars' and leaflets offering rewards for dead American soldiers.

"(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.

"It is the sense of Congress that—

"(1) 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 offices and facilities in Syria, including the offices of Hamas, Hizballah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine—General Command;

"(2) the Government of Syria should—

"(A) immediately and unconditionally stop facilitating transit from Syria to Iraq 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;

"(3) the Government of Syria should immediately declare its commitment to completely withdraw its armed forces, including military, paramilitary, and security forces, from Lebanon, and set a firm timetable for such withdrawal;

"(4) 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 Hizballah and the Iranian Revolutionary Guards;

"(5) the Government of Syria should halt the development and deployment of medium- and long-range surface-to-surface missiles and cease the development and production of biological and chemical weapons;

"(6) the Governments of Lebanon and Syria should enter into serious unconditional bilateral negotiations 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 comes into full compliance 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 and will oppose multilateral assistance for 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 congressional 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 terrorists and 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 Hizballah 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.

"SEC. 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."

[For delegation of functions of President under section 5(b) of Pub. L. 108–175, set out above, see section 9 of Ex. Ord. No. 13338, May 11, 2004, 69 F.R. 26751, listed in a table under section 1701 of Title 50, War and National Defense.]

IRAQ RELIEF AND RECONSTRUCTION FUND

Pub. L. 109–234, title I, §1302(a), June 15, 2006, 120 Stat. 435, provided in part: "That notwithstanding section 2207(d) of Public Law 108–106 [set out below], requirements of section 2207 of Public Law 108–106 shall expire on October 1, 2008."

Pub. L. 108–106, title II, §§2207, 2208, Nov. 6, 2003, 117 Stat. 1231, as amended by section 574(a) of H.R. 4818, One Hundred Eighth Congress, as passed by the House of Representatives on July 15, 2004, and as enacted into law by Pub. L. 108–309, §135, Sept. 30, 2004, 118 Stat. 1143, provided that:

"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 3 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 of 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 IRAQI 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 (1) 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

Pub. L. 108–7, div. E, title V, §582, Feb. 20, 2003, 117 Stat. 214, provided that:

"(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. 2346 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) Report.—

"(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 contains [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, §564, 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:

Pub. L. 108–447, div. D, title V, §564, Dec. 8, 2004, 118 Stat. 3022.

Pub. L. 108–199, div. D, title V, §573, Jan. 23, 2004, 118 Stat. 199.

Pub. L. 107–115, title V, §587, Jan. 10, 2002, 115 Stat. 2173.

Assistance for Zimbabwe

Pub. L. 107–99, Dec. 21, 2001, 115 Stat. 962, as amended by Pub. L. 115–231, §§2–4, 6–8, Aug. 8, 2018, 132 Stat. 1632, 1634, provided that:

"SECTION 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, restore the rule of law, reconstruct and rebuild Zimbabwe, and come to terms with the past through a process of genuine reconciliation that acknowledges past human rights abuses and orders inquiries into disappearances, including the disappearance of human rights activists, such as Patrick Nabanyama, Itai Dzamara, and Paul Chizuze.

"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 International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, 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 private appropriation of public assets, 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.

"(6) In October 2016, the Government of Zimbabwe cleared a small hurdle in its longstanding public sector arrears with the IMF.

"(b) SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.—

"(1) BILATERAL DEBT RELIEF.—Upon receipt by the appropriate congressional committees of a certification described in subsection (d), the Secretary of the Treasury shall undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by any agency of the United States Government.

"(2) MULTILATERAL DEBT RELIEF AND OTHER FINANCIAL ASSISTANCE.—It is the sense of Congress that, 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 support efforts to reevaluate plans to restructure, rebuild, reschedule, or eliminate Zimbabwe's sovereign debt held by that bank and provide an analysis based on reasonable financial options to achieve those goals; 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 promote Zimbabwe's economic recovery and development, the stabilization of the Zimbabwean currency, and the viability of Zimbabwe's democratic institutions.

"(c) MULTILATERAL FINANCING RESTRICTION.—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.

"(4) 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;

"(3) provide for democracy and governance programs in Zimbabwe; and

"(4) identify and recover stolen public assets.

"(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, Australia, the United Kingdom, the African Union, the Southern African Development Community, 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:

Pub. L. 115–141, div. K, title VII, §7042(j)(1), Mar. 23, 2018, 132 Stat. 915.
Pub. L. 115–31, div. J, title VII, §7042(k)(1), May 5, 2017, 131 Stat. 671.
Pub. L. 114–113, div. K, title VII, §7042(k)(1), Dec. 18, 2015, 129 Stat. 2783.
Pub. L. 113–235, div. J, title VII, §7042(m)(1), Dec. 16, 2014, 128 Stat. 2644.
Pub. L. 113–76, div. K, title VII, §7042(n)(1), Jan. 17, 2014, 128 Stat. 532.
Pub. L. 112–74, div. I, title VII, §7043(j)(1), Dec. 23, 2011, 125 Stat. 1230.
Pub. L. 111–117, div. F, title VII, §7070(i)(1), Dec. 16, 2009, 123 Stat. 3388.
Pub. L. 111–8, div. H, title VII, §7070(e)(1), Mar. 11, 2009, 123 Stat. 902.
Pub. L. 110–161, div. J, title VI, §673, Dec. 26, 2007, 121 Stat. 2356.
Pub. L. 109–102, title V, §572, Nov. 14, 2005, 119 Stat. 2229.
Pub. L. 108–447, div. D, title V, §580, Dec. 8, 2004, 118 Stat. 3030.
Pub. L. 108–199, div. D, title V, §557, Jan. 23, 2004, 118 Stat. 190.
Pub. L. 108–7, div. E, title V, §556, Feb. 20, 2003, 117 Stat. 202.
Pub. L. 107–115, title V, §560, Jan. 10, 2002, 115 Stat. 2162.

REPORT ON RELATIONS WITH VIETNAM

Pub. L. 105–277, div. G, subdiv. B, title XXVIII, §2805, Oct. 21, 1998, 112 Stat. 2681–846, as amended by Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title II, §209(c)], Nov. 29, 1999, 113 Stat. 1536, 1501A-423, required the Secretary of State to submit a report, not later than 90 days after Oct. 21, 1998, and every 180 days thereafter during the period ending Sept. 30, 2001, regarding the Government of the Socialist Republic of Vietnam's cooperation in providing the fullest possible accounting of all unresolved cases of prisoners of war (POWs) or persons missing-in-action (MIAs), progress toward the release of all political and religious prisoners, including clergy, and cooperation with the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs.

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, urged 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

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

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

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

"(2) the rigorous enforcement of such laws.

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

"(1) Economic assistance.—The term 'economic assistance' means any assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except that such term does not include humanitarian assistance.

"(2) Military assistance or arms transfers.—The term 'military assistance or arms transfers' means—

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

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

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

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

Authority for Anticrime Assistance

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

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

"SECTION. 1. SHORT TITLE.

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

"SEC. 2. FINDINGS AND STATEMENT OF POLICY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, not less than $1,500,000 for each of the fiscal years 1995 through 1998 should be used to carry out subsection (a).

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

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

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

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

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

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

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

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

"SEC. 6. AFRICAN DEMOBILIZATION AND RETRAINING PROGRAM.

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

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

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

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

in subsection (a), if conditions permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"SEC. 9. REPORTING REQUIREMENT.

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

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

"SEC. 10. CONSULTATION REQUIREMENT.

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

"SEC. 11. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

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

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

WAIVER OF RESTRICTIONS FOR NARCOTICS-RELATED ECONOMIC ASSISTANCE

Pub. L. 104–164, title I, §133, July 21, 1996, 110 Stat. 1430, stated terms under which narcotics-related assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) could be provided for fiscal years 1996 and 1997.

Similar provisions were contained in the following prior acts:

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

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

"Appropriate Congressional Committees" Defined for Purposes of Pub. L. 102–583

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

Impact on Employment in United States

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

Internationally Recognized Worker Rights

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

Horn of Africa Recovery and Food Security

Pub. L. 102–274, Apr. 21, 1992, 106 Stat. 115, as amended by Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(R), June 18, 2008, 122 Stat. 1820, 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.

Peace Process in Liberia

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

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

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

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

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

"(b) Authorization of Limited Assistance.—The President is authorized to provide—

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

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

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

Suspension of Certain Programs and Activities Relating to the People's Republic of China

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

"(a) Suspensions.—

"(1) Overseas private investment corporation.—The Overseas Private Investment Corporation [now the United States International Development Finance Corporation] shall continue to suspend the issuance of any new insurance, reinsurance, guarantees, financing, or other financial support with respect to the People's Republic of China, unless the President makes a report under subsection (b)(1) or (2) of this section.

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

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

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

"(4) Crime control and detection instruments and equipment.—The issuance of any license under [former] section 6(k) of the Export Administration Act of 1979 [former 50 U.S.C. 4605(k)] for the export to the People's Republic of China of any crime control or detection instruments or equipment shall be suspended, unless the President makes a report under subsection (b)(1) or (2) of this section.

"(5) Export of satellites for launch by the people's republic of china.—Exports of any satellite of United States origin that is intended for launch from a launch vehicle owned by the People's Republic of China shall remain suspended, unless the President makes a report under subsection (b)(1) or (2) of this section.

"(6) Nuclear cooperation with the people's republic of china.—(A) Any—

"(i) application for a license under the Export Administration Act of 1979 [50 U.S.C. 4601 et seq.] for the export to the People's Republic of China for use in a nuclear production or utilization facility of any goods or technology which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978 [42 U.S.C. 2139a(c)], could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be 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 57b.(2) of the Atomic Energy Act of 1954 [42 U.S.C. 2077(b)(2)] shall not be given,

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

"(B) Subparagraph (A) applies until—

"(i) the President certifies to the Congress that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any nonnuclear-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 [former] section 5 of the Export Administration Act of 1979 [former 50 U.S.C. 4604], including—

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

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

"(B) The President shall oppose any liberalization by the Coordinating Committee of controls which is described in subparagraph (A)(ii), until the end of the 6-month period beginning on the date

of enactment of this Act [Feb. 16, 1990] or until the President makes a report under subsection (b)(1) or (2) of this section, whichever occurs first.

"(b) Termination of Suspensions.—A report referred to in subsection (a) is a report by the President to the Congress either—

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

"(A) lifting of martial law;

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

"(C) release of political prisoners;

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

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

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

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

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

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

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

"(A) political and economic developments in China;

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

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

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

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

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

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

Limitation on Assistance to Panamanian Defense Force

Pub. L. 100–456, div. A, title XIII, §1302, Sept. 29, 1988, 102 Stat. 2060, prohibited the President from using appropriated funds to provide assistance to the Panamanian Defense Force, with such limitation to cease to apply upon a certification of certain conditions by the President to Congress.

Codification of Policy Prohibiting Negotiations With the Palestine Liberation Organization

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

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

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

Obligation or Expenditure of Funds for Planning, etc., Mining of the Ports or Territorial Waters of Nicaragua

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

Prohibition on Certain Assistance to the Khmer Rouge in Kampuchea

Pub. L. 98–164, title X, §1005, Nov. 22, 1983, 97 Stat. 1058, 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. 100–461, title V, §564, Oct. 1, 1988, 102 Stat. 2268–40.

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

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

Final Accounting of Americans Missing in Action in Vietnam

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

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

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

Plan for Increased Minority Business Participation in Foreign Assistance Activities; Minority Resource Center Section as Implementing Administrative Unit; Functions, Duties, Etc., of Center

Pub. L. 95–88, title I, §133, Aug. 3, 1977, 91 Stat. 544, as amended by Pub. L. 96–53, title I, §123, Aug. 14, 1979, 93 Stat. 366; Pub. L. 97–113, title VII, §734(a)(6), Dec. 29, 1981, 95 Stat. 1560, provided that (1) the Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) was to prepare and transmit to the Congress, not later than 30 days after Aug. 3, 1977, a detailed plan for the establishment of a section on minority business within such agency; and (2) upon the enactment of the International Development Cooperation Act of 1979 (Aug. 14, 1979), the section on minority business so established was to be redesignated as the Minority Resource Center and was to be responsible for assisting economically and socially disadvantaged businesses.

Use of Accrued Foreign Currencies

Pub. L. 93–189, §40, Dec. 18, 1973, 87 Stat. 736, provided that: "Effective July 1, 1974, no amount of any foreign currency (including principal and interest from loan repayments) which accrues in connection with any sale for foreign currency under any provision of law may be used under any

agreement entered into after the date of the enactment of this Act [Dec. 17, 1973], or any revision or extension entered into after such date of any prior or subsequent agreement, to provide any assistance to any foreign country to procure equipment, materials, facilities, or services for the common defense, including internal security, unless such agreement is specifically authorized by legislation enacted after such date."

Religious Freedom and Persecution

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

Communist Regime in China

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

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

Definitions

Pub. L. 110–53, title XX, §2002, Aug. 3, 2007, 121 Stat. 508, 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."

Pub. L. 107–228, div. B, title X, §1002, Sept. 30, 2002, 116 Stat. 1425, provided that: "In this division [see Tables for classification]:

"(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 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g))."

Ex. Ord. No. 13595. Instituting a National Action Plan On Women, Peace, And Security

Ex. Ord. No. 13595, Dec. 19, 2011, 76 F.R. 80205, 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).

SEC. 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 areas:

(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 prospects 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 women's roles 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.

SEC. 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.

SEC. 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 of, 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.

SEC. 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.

EX. ORD. NO. 13600. ESTABLISHING THE PRESIDENT'S GLOBAL DEVELOPMENT COUNCIL

Ex. Ord. No. 13600, Feb. 9, 2012, 77 F.R. 8713, as amended by Ex. Ord. No. 13652, §7, Sept. 30, 2013, 78 F.R. 61819, 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*. To help protect national security and further American economic, humanitarian, and strategic interests in the world, it is the policy of the Federal Government to promote and elevate development as a core pillar of American power and chart a course for development, diplomacy, and defense to reinforce and complement one another. As stated in the 2010 National Security Strategy and the Presidential Policy Directive on Global Development, the successful pursuit of development is essential to advancing our national security objectives: security, prosperity, respect for universal values, and a just and sustainable international order. The effectiveness of this development policy will depend in large measure on how we engage with partners, beneficiaries of our development assistance, and stakeholders. We will use evidence-based decision-making in all areas of U.S. development policy and programs, and we commit to foster development expertise and learning worldwide.

SEC. 2. *Establishment*. There is established the President's Global Development Council (Council). The Council shall be established for administrative purposes within the United States Agency for International Development (USAID) subject to the foreign policy and budgetary guidance of the Secretary of State.

SEC. 3. *Membership*. The membership of the Council shall be as follows:

(a) The Council shall be composed of the officials described in paragraph (b) of this section and not more than 12 individuals from outside the Federal Government appointed by the President. Appointed members of the Council may serve as representatives of a variety of sectors, including, among others, institutions of higher education, non-profit and philanthropic organizations, civil society, and private industry.

(b) The Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the USAID Administrator, the Chief Executive Officer of the Millennium Challenge Corporation, the United States Trade Representative, and the Chief Executive Officer of the Overseas Private Investment Corporation [now the United States International Development Finance Corporation] shall serve as non-voting members of the Council and may designate, to perform the Council functions of the member, a senior-level official who is part of the member's department, agency, or office, and who is a full-time officer or employee of the Federal Government.

(c) The President shall designate a member of the Council to serve as Chair and another member to serve as Vice Chair. The Chair shall convene and preside at meetings of the Council, determine meeting agendas, and direct its work. The Vice Chair shall perform the duties of the Chair in the absence of the Chair and shall perform such other functions as the Chair may assign.

(d) The term of office of members appointed by the President from outside the Federal Government shall be 2 years, and such members shall be eligible for reappointment and may continue to serve after the expiration of their terms until the President appoints a successor. A member appointed to fill a vacancy shall serve only for the unexpired term of such vacancy.

SEC. 4. *Mission and Functions*. The Council shall advise and support the President, through the National Security Staff and the National Economic Council staff, in furtherance of the policy set forth in section 1 of this order. The Council shall meet regularly and shall:

(a) inform the policy and practice of U.S. global development policy and programs by providing advice to the President and other senior officials on issues including:

(i) innovative, scalable approaches to development with proven demonstrable impact, particularly on sustainable economic growth and good governance;

(ii) areas for enhanced collaboration between the Federal Government and public and private sectors to advance development policy;

(iii) best practices for and effectiveness of research and development in low and middle income economies; and

(iv) long-term solutions to issues central to strategic planning for U.S. development efforts;

(b) support new and existing public-private partnerships by:

(i) identifying key areas for enhanced collaboration and any barriers to collaboration; and

(ii) recommending concrete efforts that the private and public sectors together can take to promote economic development priorities and initiatives; and

(c) increase awareness and action in support of development by soliciting public input on current and emerging issues in the field of global development as well as bringing to the President's attention concerns and ideas that would inform policy options.

SEC. 5. *Administration of the Council*. (a) The heads of executive departments and agencies shall assist and provide information to the Council, consistent with applicable law, as may be necessary to carry out the functions of the Council.

(b) Funding and administrative support for the Council shall be provided by USAID to the extent permitted by law and within existing appropriations.

(c) The USAID Administrator shall appoint an Executive Director who shall be a Federal officer or employee of USAID and serve as a liaison to the Administrator and the Executive Office of the President and consult with relevant executive departments, agencies, and offices on administrative matters and activities pertaining to the Council.

(d) The members of the Council who are appointed from outside the Federal Government shall serve without compensation for their work on the Council. Members of the Council may, however, receive travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707).

(e) Insofar as the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App.), may apply to the Council, any functions of the President under FACA, except that of reporting to the Congress, shall be performed by the USAID Administrator in accordance with the guidelines issued by the Administrator of General Services.

SEC. 6. *Termination*. The Council shall terminate 2 years after the date of this order, unless renewed by the President.

SEC. 7. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or 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) 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.

[Reference to the National Security Staff deemed to be a reference to the National Security Council Staff, see Ex. Ord. No. 13657, set out as a note under section 3021 of Title 50, War and National Defense.]

EXTENSION OF TERM OF PRESIDENT'S GLOBAL DEVELOPMENT COUNCIL

Term of President's Global Development Council extended until Sept. 30, 2017, by Ex. Ord. No. 13708, Sept. 30, 2015, 80 F.R. 60271, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

Previous extension of term of the President's Global Development Council was contained in the following prior Executive Order:

Ex. Ord. No. 13652, Sept. 30, 2013, 78 F.R. 61817, extended term until Sept. 30, 2015.

EX. ORD. NO. 13623. PREVENTING AND RESPONDING TO VIOLENCE AGAINST WOMEN AND GIRLS GLOBALLY

Ex. Ord. No. 13623, Aug. 10, 2012, 77 F.R. 49345, 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) Recognizing that gender-based violence undermines not only the safety, dignity, and human rights of the millions of individuals who experience it, but also the public health, economic stability, and security of nations, it is the policy and practice of the executive branch of the United States Government to have a multi-year strategy that will more effectively prevent and respond to gender-based violence globally.

(b) Under the leadership of my Administration, the United States has made gender equality and women's empowerment a core focus of our foreign policy. This focus is reflected in our National Security Strategy, the Presidential Policy Directive on Global Development, and the 2010 U.S. Quadrennial Diplomacy and Development Review. Evidence demonstrates that women's empowerment is critical to building stable, democratic societies; to supporting open and accountable governance; to furthering international peace and security; to growing vibrant market economies; and to addressing pressing health and education challenges.

(c) Preventing and responding to gender-based violence is a cornerstone of my Administration's commitment to advance gender equality and women's empowerment. Such violence significantly hinders the ability of individuals to fully participate in, and contribute to, their communities—

economically, politically, and socially. It is a human rights violation or abuse; a public health challenge; and a barrier to civic, social, political, and economic participation. It is associated with adverse health outcomes, limited access to education, increased costs relating to medical and legal services, lost household productivity, and reduced income, and there is evidence it is exacerbated in times of crisis, such as emergencies, natural disasters, and violent conflicts.

(d) The executive branch multi-year strategy for preventing and responding to gender-based violence is set forth in the United States Strategy to Prevent and Respond to Gender-based Violence Globally (Strategy). The Strategy both responds to and expands upon the request in section 7061 of House conference report 112–331 accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Division I of Public Law 112–74), for the executive branch to develop a multi-year strategy to prevent and respond to violence against women and girls in countries where it is common.

SEC. 2. *Creating an Interagency Working Group*. There is established an Interagency Working Group (Working Group) to address gender-based violence, which shall coordinate implementation of the Strategy by the executive departments and agencies that are members of the Working Group (member agencies) in accordance with the priorities set forth in section 3 of this order.

(a) The Working Group shall be co-chaired by the Secretary of State and the Administrator of the United States Agency for International Development (Co-Chairs). In addition to the Co-Chairs, the Working Group shall consist of representatives from:

(i) the Department of the Treasury;
(ii) the Department of Defense;
(iii) the Department of Justice;
(iv) the Department of Labor;
(v) the Department of Health and Human Services;
(vi) the Department of Homeland Security;
(vii) the Office of Management and Budget;
(viii) the National Security Staff;
(ix) the Office of the Vice President;
(x) the Peace Corps;
(xi) the Millennium Challenge Corporation;
(xii) the White House Council on Women and Girls; and
(xiii) other executive departments, agencies, and offices, as designated by the Co-Chairs.

(b) Within 120 days of the date of this order, the Co-Chairs shall convene the first meeting of the Working Group to:

(i) establish benchmarks to implement the Strategy; and
(ii) determine a timetable for periodically reviewing those benchmarks.

(c) Within 18 months of the date of this order, the Working Group shall complete a progress report for submission to the Co-Chairs evaluating the U.S. Government's implementation of the Strategy.

(d) Within 3 years of the date of this order, the Working Group shall complete a final evaluation for submission to the Co-Chairs of the U.S. Government's implementation of the Strategy.

(e) Within 180 days of completing its final evaluation of the Strategy in accordance with subsection (d) of this section, the Working Group shall update or revise the Strategy to take into account the information learned and the progress made during and through the implementation of the Strategy.

(f) The activities of the Working Group shall, consistent with law, take due account of existing interagency bodies and coordination mechanisms and will coordinate with such bodies and mechanisms where appropriate in order to avoid duplication of efforts.

SEC. 3. *Strategy to Prevent and Respond to Gender-based Violence Globally*. Member agencies shall implement the Strategy to prevent and respond to gender-based violence globally based on the following priorities reflected in the Strategy:

(a) *Increasing Coordination of Gender-based Violence Prevention and Response Efforts Among U.S. Government Agencies and with Other Stakeholders*.

(i) Member agencies shall draw upon each other's expertise, responsibility, and capacity to provide a comprehensive and multi-faceted approach to issues relating to gender-based violence.

(ii) Member agencies shall deepen engagement and coordination with other governments; international organizations, including multilateral and bilateral actors; the private sector; and civil society organizations, such as representatives of indigenous and marginalized groups, foundations, community-based, faith-based, and regional organizations (including those that serve survivors), labor unions, universities, and research organizations. The Working Group shall consider a range of mechanisms by which these stakeholders may provide input to the U.S. Government on its role in preventing and responding to gender-based violence globally.

(b) *Enhancing Integration of Gender-based Violence Prevention and Response Efforts into Existing U.S. Government Work*. Member agencies shall more comprehensively integrate gender-based violence prevention and response programming into their foreign policy and foreign assistance efforts. This integration shall also build on current efforts that address gender-based violence, such as the U.S. National Action Plan on Women, Peace, and Security; the Global Health Initiative; the President's

Emergency Plan for AIDS Relief; the U.S. Government's work to counter trafficking in persons; and the U.S. Government's humanitarian response efforts. The Working Group shall coordinate these different efforts as they relate to gender-based violence to leverage the most effective programs and to avoid duplication.

(c) *Improving Collection, Analysis, and Use of Data and Research to Enhance Gender-based Violence Prevention and Response Efforts*. Member agencies shall work to promote ethical and safe research, data collection, and evidence-based analyses relating to different forms of gender-based violence and prevention and response efforts at the country and local level. This work will include the development of a research agenda that assesses agencies' research and data collection capabilities, needs, and gaps; builds upon existing data and research; and is coordinated with the work of other organizations that are prioritizing global gender-based violence research. Member agencies shall prioritize the monitoring and evaluation of gender-based violence prevention and response interventions to determine their effectiveness. Member agencies shall systematically identify and share best practices, lessons learned, and research within and across agencies. Member agencies, as appropriate, shall seek to develop public-private partnerships to support U.S. Government research initiatives and strategic planning efforts.

(d) *Enhancing or Expanding U.S. Government Programming that Addresses Gender-based Violence*. Consistent with the availability of appropriations, the U.S. Government shall support programming that provides a comprehensive and multi-sector approach to preventing and responding to gender-based violence; shall consider replicating or expanding successful programs; and shall assess the feasibility of a focused, coordinated, comprehensive, and multi-sector approach to gender-based violence in one or more countries.

Sec. 4. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

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

(ii) the 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.

[Reference to the National Security Staff deemed to be a reference to the National Security Council Staff, see Ex. Ord. No. 13657, set out as a note under section 3021 of Title 50, War and National Defense.]

Ex. Ord. No. 13677. Climate-Resilient International Development

Ex. Ord. No. 13677, Sept. 23, 2014, 79 F.R. 58231, as amended by Ex. Ord. No. 13693, §16(g), Mar. 19, 2015, 80 F.R. 15881, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to safeguard security and economic growth, protect the sustainability and long-term durability of U.S. development work in vulnerable countries, and promote sound decisionmaking and risk management, it is hereby ordered as follows:

Section 1. *Policy*. The world must reduce greenhouse gas emissions to prevent the most dangerous consequences of climate change. Even with increased efforts to curb these emissions, we must prepare for and adapt to the impacts of climate change. The adverse impacts of climate change, including sea-level rise, increases in temperatures, more frequent extreme precipitation and heat events, more severe droughts, and increased wildfire activity, along with other impacts of greenhouse gas emissions, such as ocean acidification, threaten to roll back decades of progress in reducing poverty and improving economic growth in vulnerable countries, compromise the effectiveness and resilience of U.S. development assistance, degrade security, and risk intranational and international conflict over resources.

Several Executive Orders have established a strong foundation for coordinated and consistent action to incorporate climate-resilience considerations into policies and procedures throughout the Federal Government. Executive departments and agencies (agencies) with international development programs must now build upon the recent progress made pursuant to these orders by systematically factoring climate-resilience considerations into international development strategies, planning, programming, investments, and related funding decisions, including the planning for and management of overseas facilities.

This order requires the integration of climate-resilience considerations into all United States international development work to the extent permitted by law. Dedicated U.S. climate-change adaptation funds are critical to managing the risks posed by climate-change impacts in vulnerable countries. Coping with the magnitude of the consequences of accelerating climate change also

requires enhanced efforts across the Federal Government's broader international development work. Consideration of current and future climate-change impacts will improve the resilience of the Federal Government's broader international development programs, projects, investments, overseas facilities, and related funding decisions. The United States will also promote a similar approach among relevant multilateral entities in which it participates.

By taking these steps and more fully considering current and future climate-change impacts, the United States will foster better decision-making processes and risk-management approaches, ensure the effectiveness of U.S. investments, and assist other countries in integrating climate-resilience considerations into their own development planning and implementation. Collectively, these efforts will help to better optimize broader international development work and lead to enhanced global preparedness for and resilience to climate change.

The international climate-resilience actions required by this order complement efforts by the Federal Government to reduce greenhouse gas emissions at home and globally. The more greenhouse gas emissions are reduced, the less need there will be to adapt to the impacts of a changing climate.

SEC. 2. *Incorporating Climate Resilience into International Development*. (a) Agencies with direct international development programs and investments shall:

(i) incorporate climate-resilience considerations into decisionmaking by:

(A) assessing and evaluating climate-related risks to and vulnerabilities in agency strategies, planning, programs, projects, investments, overseas facilities, and related funding decisions, using best-available climate-change data, tools, and information, including those identified or developed pursuant to sections 3 and 4 of this order; and

(B) as appropriate, adjusting strategies, planning, programs, projects, investments, and related funding decisions, including the planning for and management of overseas facilities, based on such assessments and evaluations;

(ii) collaborate with other agencies to share knowledge, data, tools, information, frameworks, and lessons learned in incorporating climate-resilience considerations into agency strategy, planning, programs, projects, investments, and related funding decisions, including the planning for and management of overseas facilities;

(iii) work with other countries, as appropriate, to identify climate risks and incorporate climate-resilience considerations into their international development assistance efforts;

(iv) when determining how to use resources, support efforts of vulnerable countries to integrate climate-resilience considerations into national, regional, and sectoral development planning and action; and

(v) monitor progress in integrating and promoting climate-resilient development considerations as required by this subsection.

(b) Agencies that participate in multilateral entities and other agencies with representation in multilateral development entities, including multilateral development banks and United Nations organizations, shall, as appropriate:

(i) work to encourage multilateral entities to:

(A) assess and evaluate climate-related risks to and vulnerabilities in their strategies, planning, programs, projects, investments, and related funding decisions, using best-available climate-change data, tools, and information; and

(B) adjust their strategies, planning, programs, projects, investments, and related funding decisions, as appropriate, based on such assessments and evaluations;

(ii) collaborate with multilateral entities and share with agencies and other stakeholders knowledge, data, tools, information, frameworks, and lessons learned from the multilateral entities in incorporating climate-resilience considerations into strategies, planning, programs, projects, investments, and related funding decisions;

(iii) encourage multilateral entities to support efforts of vulnerable countries to integrate climate-resilience considerations into national, regional, and sectoral development planning and action; and

(iv) monitor the efforts of multilateral entities in integrating climate-resilient development considerations as encouraged by this order.

SEC. 3. *Enhancing Data, Tools, and Information for Climate-Resilient International Development*. Agencies with direct international development programs and investments and those that participate in multilateral entities shall work together with science and security agencies and entities, through the Working Group on Climate-Resilient International Development established in section 4 of this order, to identify and develop, as appropriate, data, decision-support tools, and information to allow the screening for and incorporation of considerations of climate-change risks and vulnerabilities, as appropriate, in strategies, plans, programs, projects, investments, and related funding decisions, including the planning for and management of overseas facilities. In addition, such agencies shall coordinate efforts, including those undertaken pursuant to Executive Order 13653, to deliver information on climate-change impacts and make data, tools, and information available to decisionmakers in other countries, so as to build their capacity as information providers and users. United States participants in relevant multilateral entities shall share this information with the respective multilateral entity, as appropriate.

SEC. 4. *Working Group on Climate-Resilient International Development*. (a) *Establishment*. There is established a Working Group on Climate-Resilient International Development (Working Group) of the Council on Climate Preparedness and Resilience (Council) established by Executive Order 13653. The Secretary of the Treasury and the Administrator of the United States Agency for International Development, or their designees, shall co-chair the Working Group. Agencies with direct international development programs and investments, agencies that participate in multilateral entities, and science and security agencies and entities shall designate a representative from their respective agencies or entities to participate in the Working Group. Representatives from other agencies or entities may participate in the Working Group as determined by the Co-Chairs.

(b) *Mission and Function*.

(i) The Working Group shall:

(A) develop, for agencies with direct international development programs and investments, guidelines for integrating considerations of climate-change risks and climate resilience into agency strategies, plans, programs, projects, investments, and related funding decisions, including the planning for and management of overseas facilities;

(B) assess and identify, for agencies with direct international development programs and investments, existing climate-change data, tools, and information, as described in section 3 of this order, to help agencies assess climate risks and make decisions that incorporate climate-resilience considerations, such as through project screening. To the extent the Working Group identifies needs for new data, tools, and information, it shall work with relevant science and security agencies and entities to advance their development, as appropriate;

(C) identify approaches for adjusting strategies, planning, programs, projects, investments, and related funding decisions, including the planning for and management of overseas facilities, to respond to the findings of climate-risk assessments;

(D) facilitate the exchange of knowledge, data, tools, information, frameworks, and lessons learned in assessing climate risks to and incorporating climate-resilience considerations into strategies, planning, programs, projects, investments, and related funding decisions, including the planning for and management of overseas facilities, of agencies with direct international development programs and investments, including efforts referenced in section 3 of this order;

(E) work through existing channels to share best practices developed by the Working Group with other donor countries and multilateral entities to facilitate advancement of climate-resilient development policies;

(F) promote interagency collaboration, including through joint training; and

(G) develop, for agencies with direct international development programs and investments, methods for tracking and reporting on Federal Government progress in institutionalizing more climate-resilient development approaches, including performance metrics.

(ii) The Co-Chairs of the Council may designate additional Co-Chairs of the Working Group. The Co-Chairs of the Working Group may establish sub-working groups, as appropriate.

SEC. 5. *Implementation and Reporting of Progress*. (a) *Implementation*. To promote sustained focus on implementation, both at agency headquarters and in the field, the Working Group shall:

(i) establish a 2-year timeline, divided into 6-month intervals, to implement section 4(b)(i) of this order, setting forth specific goals to be accomplished and milestones to be achieved; and

(ii) analyze, at least annually, the Federal Government's progress in implementing this order and provide recommendations for priority areas for further implementation to the Council, Office of Management and Budget, National Security Council, Council on Environmental Quality, Office of Science and Technology Policy, and other agencies, offices, and entities, as appropriate.

(b) *Reporting*.

(i) Agencies with direct international development programs and investments shall report on and track progress in achieving the requirements identified in section 2(a) of this order, including accomplished and planned milestones, through the Federal Agency Planning process set forth in section 5 of Executive Order 13653. Once the Working Group has developed metrics and methodologies as required by section 4(b)(i)(G) of this order, agency reporting shall include an estimation of the proportion of each agency's direct international development programs and investments for which climate-risk assessments have been conducted, as well as an estimation of the proportion of the programs and investments for which climate risk was identified and acted upon.

(ii) Agencies that participate in multilateral entities shall report on the efforts of multilateral entities in integrating climate-resilient development considerations into their operations through the Federal Agency Planning process set forth in section 5 of Executive Order 13653. Where more than one agency is involved in the U.S. Government's participation in a multilateral entity, the lead agency for such participation shall be responsible for reporting, in coordination with the other agencies involved.

SEC. 6. *Climate-Change Mitigation*. As agencies incorporate climate-resilience considerations into international development work, they shall continue seeking opportunities to help international partners promote sustainable low-emissions development. The Federal Government has greatly increased the number and variety of international development initiatives focused on climate-change mitigation, including programs to promote clean energy, energy efficiency, and sustainable land-use

and forestry practices, as well as partnerships with more than two dozen countries to formulate and implement sustainable low-emissions development strategies. Within 1 year of the date of this order, and building on the full range of efforts the United States has undertaken to date, the National Security Council shall convene relevant agencies and entities to explore further mitigation opportunities in broader U.S. international development work and develop recommendations for further action.

SEC. 7. *Definitions*. As used in this order:

(a) "Adaptation" has the meaning provided in section 8(b) of Executive Order 13653: adjustment in natural or human systems in anticipation of or response to a changing environment in a way that effectively uses beneficial opportunities or reduces negative effects;

(b) "Direct international development programs and investments" refers to:

(i) bilateral, regional, and multilateral international development programs and investments over which agencies have primary programmatic and financial management responsibilities; or

(ii) the extension of official financing by agencies bilaterally to private sector investors to support international development;

(c) "Climate-change mitigation" refers to actions that reduce or enhance removals of greenhouse gas emissions;

(d) "Resilience" has the meaning provided in section 8(c) of Executive Order 13653: the ability to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from disruptions;

(e) "Agencies with direct international development programs and investments" means the Department of State, Department of Agriculture, Department of the Interior, United States Agency for International Development, Millennium Challenge Corporation, Overseas Private Investment Corporation [now United States International Development Finance Corporation], United States Trade and Development Agency, and other relevant agencies and entities, as determined by the Working Group Co-Chairs;

(f) "Science and security agencies and entities" means the Department of the Interior, Department of Energy, Office of Science and Technology Policy, National Oceanic and Atmospheric Administration, National Aeronautics and Space Administration, United States Global Change Research Program, Office of the Director of National Intelligence, and other relevant agencies and entities, as determined by the Working Group Co-Chairs; and

(g) "Agencies that participate in multilateral entities" means the Department of the Treasury, Department of State, and other relevant agencies and entities, as determined by the Working Group Co-Chairs.

SEC. 8. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

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

(ii) the 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 U.S. obligations under international agreements and applicable U.S. law, and shall be subject to the availability of appropriations.

(c) 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.

COORDINATION OF POLICIES AND PROGRAMS TO PROMOTE GENDER EQUALITY AND EMPOWER WOMEN AND GIRLS GLOBALLY

Memorandum of President of the United States, Jan. 30, 2013, 78 F.R. 7989, provided:

Memorandum for the Heads of Executive Departments and Agencies

Promoting gender equality and advancing the status of all women and girls around the world remains one of the greatest unmet challenges of our time, and one that is vital to achieving our overall foreign policy objectives. Ensuring that women and girls, including those most marginalized, are able to participate fully in public life, are free from violence, and have equal access to education, economic opportunity, and health care increases broader economic prosperity, as well as political stability and security.

During my Administration, the United States has made promoting gender equality and advancing the status of women and girls a central element of our foreign policy, including by leading through example at home. Executive Order 13506 of March 11, 2009, established the White House Council on Women and Girls to coordinate Federal policy on issues, both domestic and international, that particularly impact the lives of women and girls. This commitment to promoting gender equality is also reflected in the National Security Strategy of the United States, the Presidential Policy Directive on Global Development, and the 2010 U.S. Quadrennial Diplomacy and Development Review.

To elevate and integrate this strategic focus on the promotion of gender equality and the advancement of women and girls around the world, executive departments and agencies (agencies) have issued policy and operational guidance. For example, in March 2012, the Secretary of State issued *Policy Guidance on Promoting Gender Equality to Achieve our National Security and Foreign Policy Objectives*, and the United States Agency for International Development (USAID) Administrator released *Gender Equality and Female Empowerment Policy*. The Millennium Challenge Corporation issued *Gender Integration Guidelines* in March 2011 to ensure its existing gender policy is fully realized. My Administration has also developed a National Action Plan on Women, Peace, and Security, created pursuant to Executive Order 13595 of December 19, 2011, to strengthen conflict resolution and peace processes through the inclusion of women, and a Strategy to Prevent and Respond to Gender-based Violence Globally, implemented pursuant to Executive Order 13623 of August 10, 2012, to combat gender-based violence around the world. Improving interagency coordination and information sharing, and strengthening agency capacity and accountability will help ensure the effective implementation of these and other Government efforts to promote gender equality and advance the status of women and girls globally.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to further strengthen the capacity of the Federal Government to ensure that U.S. diplomacy and foreign assistance promote gender equality and advance the status of women and girls worldwide, I hereby direct the following:

SECTION 1. *Strengthening Capacity and Coordination to Promote Gender Equality and Advance the Status of Women and Girls Internationally*. (a) Enhancing U.S. global leadership on gender equality requires dedicated resources, personnel with appropriate expertise in advancing the status of women and girls worldwide, and commitment from senior leadership, as exemplified by the critical and historic role played by the Office of Global Women's Issues at the Department of State. To assure maximum coordination of efforts to promote gender equality and advance the status of women and girls, the Secretary of State (Secretary) shall designate a coordinator (Coordinator), who will normally also be appointed by the President as an Ambassador at Large (Ambassador at Large) subject to the advice and consent of the Senate. The Ambassador at Large, who shall report directly to the Secretary of State, shall lead the Office of Global Women's Issues at the Department of State and provide advice and assistance on issues related to promoting gender equality and advancing the status of women and girls internationally.

(b) The Ambassador at Large shall, to the extent the Secretary may direct and consistent with applicable law, provide guidance and coordination with respect to global policies and programs for women and girls, and shall lead efforts to promote an international focus on gender equality more broadly, including through diplomatic initiatives with other countries and partnerships and enhanced coordination with international and nongovernmental organizations and the private sector. To this end, the Ambassador at Large shall also, to the extent the Secretary may direct, assist in:

(i) implementing existing and developing new policies, strategies, and action plans for the promotion of gender equality and advancement of the status of women and girls internationally, and coordinating such actions with USAID and other agencies carrying out related international activities, as appropriate; and

(ii) coordinating such initiatives with other countries and international organizations, as well as with nongovernmental organizations.

(c) Recognizing the vital link between diplomacy and development, and the importance of gender equality as both a goal in itself and as a vital means to achieving the broader aims of U.S. development assistance, the Senior Coordinator for Gender Equality and Women's Empowerment at USAID shall provide guidance to the USAID Administrator in identifying, developing, and advancing key priorities for U.S. development assistance, coordinating, as appropriate, with other agencies.

(d) The Assistant to the President for National Security Affairs (or designee), in close collaboration with the Chair of the White House Council on Women and Girls (or designee) and the Ambassador at Large (or designee), shall chair an interagency working group to develop and coordinate Government-wide implementation of policies to promote gender equality and advance the status of women and girls internationally. The Working Group shall consist of senior representatives from the Departments of State, the Treasury, Defense, Justice, Agriculture, Commerce, Labor, Health and Human Services, Education, and Homeland Security; the Intelligence Community, as determined by the Director of National Intelligence; the United States Agency for International Development; the Millennium Challenge Corporation; the Peace Corps; the U.S. Mission to the United Nations; the Office of the United States Trade Representative; the Office of Management and Budget; the Office of the Vice President; the National Economic Council; and such other agencies and offices as the President may designate.

SEC. 2. *General Provisions*. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

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

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

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

(c) Upon designation as such by the Secretary, the Coordinator shall exercise the functions of the Ambassador at Large set forth in this memorandum.

(d) This memorandum 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.

(e) The Secretary of State is hereby authorized and directed to publish this memorandum in the Federal Register.

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 marshalling their own economic and human resources. The Congress recognizes that the magnitude of these efforts exceeds the resources of developing countries and therefore accepts that there will be a long-term need for wealthy countries to contribute additional resources for development purposes. The United States should take the lead in concert with other nations to mobilize such resources from public and private sources.

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

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

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

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

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

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

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

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

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

(Pub. L. 87–195, pt. I, §102, as added Pub. L. 95–424, title I, §101, Oct. 6, 1978, 92 Stat. 938; amended Pub. L. 96–53, title I, §104(a), Aug. 14, 1979, 93 Stat. 360; Pub. L. 99–83, title III, §301, Aug. 8, 1985, 99 Stat. 213; Pub. L. 106–309, title II, §203(b), Oct. 17, 2000, 114 Stat. 1092.)

References in Text

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

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Amendments

2000—Subsec. (b)(4)(G). Pub. L. 106–309, §203(b)(1), added subpar. (G).
Subsec. (b)(17). Pub. L. 106–309, §203(b)(2), added par. (17).
1985—Subsec. (b)(13) to (16). Pub. L. 99–83 added pars. (13) to (16).
1979—Subsec. (b)(5). Pub. L. 96–53, §104(a)(1), inserted applicability to energy development and production.
Subsec. (b)(7). Pub. L. 96–53, §104(a)(2), inserted applicability to promotion of development and production of energy.

Effective Date of 1985 Amendment

Pub. L. 99–83, title XIII, §1301, Aug. 8, 1985, 99 Stat. 280, 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.

§2151–2. Actions to improve the international gender policy of the United States Agency for International Development

(a) Gender analysis defined

In this section, the term "gender analysis"—

(1) means a socioeconomic analysis of available or gathered quantitative and qualitative information to identify, understand, and explain gaps between men and women which typically involves examining—

(A) differences in the status of women and men and their differential access to and control over assets, resources, education, opportunities, and services;

(B) the influence of gender roles, structural barriers, and norms on the division of time between paid employment, unpaid work (including the subsistence production and care for family members), and volunteer activities;

(C) the influence of gender roles, structural barriers, and norms on leadership roles and decision making; constraints, opportunities, and entry points for narrowing gender gaps and empowering women; and

(D) potential differential impacts of development policies and programs on men and women, including unintended or negative consequences; and

(2) includes conclusions and recommendations to enable development policies and programs to narrow gender gaps and improve the lives of women and girls.

(b) International development cooperation policy

It shall be the international development cooperation policy of the United States—

(1) to reduce gender disparities with respect to economic, social, political, educational, and cultural resources, wealth, opportunities, and services;

(2) to strive to eliminate gender-based violence and mitigate its harmful effects on individuals and communities including through efforts to develop standards and capacity to reduce gender-based violence in the workplace

and other places where women work;

(3) to support activities that secure private property rights and land tenure for women in developing countries, including—

(A) legal frameworks that give women equal rights to own, register, use, profit from, and inherit land and property;

(B) improving legal literacy to enable women to exercise the rights described in subparagraph (A); and

(C) improving the capacity of law enforcement and community leaders to enforce such rights;

(4) to increase the capability of women and girls to fully exercise their rights, determine their life outcomes, assume leadership roles, and influence decision-making in households, communities, and societies; and

(5) to improve the access of women and girls to education, particularly higher education opportunities in business, finance, and management, in order to enhance financial literacy and business development, management, and strategy skills.

(c) Actions

In order to advance the policy described in subsection (b), the Administrator of the United States Agency for International Development shall ensure that—

(1) strategies, projects, and activities of the Agency are shaped by a gender analysis;

(2) standard indicators are used to assess such strategies, projects, and activities, if applicable; and

(3) gender equality and female empowerment are integrated throughout the Agency's program cycle and related processes for purposes of strategic planning, project design and implementation, monitoring, and evaluation.

(Pub. L. 115–428, §3, Jan. 9, 2019, 132 Stat. 5511.)

Codification

Section was enacted as part of the Women's Entrepreneurship and Economic Empowerment Act of 2018, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Findings

Pub. L. 115–428, §2, Jan. 9, 2019, 132 Stat. 5509, provided that:

"Congress finds the following:

"(1) Because women make up the majority of the world's poor and gender inequalities prevail in incomes, wages, access to finance, ownership of assets, and control over the allocation of resources, women's entrepreneurship and economic empowerment is important to achieve inclusive economic growth at all levels of society.

"(2) Research shows that when women exert greater influence over household finances, economic outcomes for families improve, and childhood survival rates, food security, and educational attainment increase. Women also tend to place a greater emphasis on household savings which improves family financial resiliency.

"(3) A 2016 report by the McKinsey Global Institute estimated that achieving global gender parity in economic activity could add as much as $28,000,000,000,000 to annual global gross domestic product by 2025.

"(4) Lack of access to financial services that address gender-specific constraints impedes women's economic inclusion. Roughly 1,000,000,000 women around the world are currently left out of the formal financial system, which causes many women to rely on informal means of saving and borrowing that are riskier and less reliable.

"(5) Among other consequences, this lack of access hampers the success of women entrepreneurs, including women who are seeking to run or grow small and medium-sized enterprises. The International Finance Corporation has estimated that 70 percent of women-owned small and medium-sized enterprises in the formal sector are unserved or underserved in terms of access to financial services, resulting in a financing gap of $300,000,000,000 for women-owned small businesses.

"(6) Women's economic empowerment is inextricably linked to a myriad of other women's human rights that are essential to their ability to thrive as economic actors across the lifecycle, including—

"(A) living lives free of violence and exploitation;

"(B) achieving the highest possible standard of health and well-being;

"(C) enjoying full legal and human rights, such as access to registration, identification, and citizenship documents;

"(D) benefitting from formal and informal education;

"(E) equal protection of and access to land and property rights;

"(F) access to fundamental labor rights;

"(G) policies to address disproportionate care burdens; and

"(H) business and management skills and leadership opportunities.

"(7) Discriminatory legal and regulatory systems and banking practices are obstacles to women's access to capital and assets, including land, machinery, production facilities, technology,

and human resources. These barriers are often connected to a woman's marital status, which can determine whether she is able to inherit land or own property in her name. These constraints contribute to women frequently running smaller businesses, with fewer employees and lower asset values.

"(8) Savings groups primarily comprised of women are recognized as a vital entry point, especially for poor and very poor women, to formal financial services. There is a high demand for such groups to protect and grow the savings of women with formal financial institutions.

"(9) Evidence shows that, once a saving group is linked to a bank, the average savings per member increases between 40 to 100 percent and the average profit per member doubles. Investing in financial literacy, business leadership training, and mentorship are key elements to these outcomes.

"(10) United States support for microenterprise and microfinance development programs, which seek to reduce poverty in low-income countries by giving small loans to small-scale entrepreneurs without collateral, have been a useful mechanism to help families weather economic shocks, but many microcredit borrowers largely remain in poverty.

"(11) The vast majority of microcredit borrowers are women who would like to move up the economic ladder, but are held back by binding constraints that create a missing middle – large numbers of microenterprises, a handful of large firms or conglomerates, and very few small and medium-sized enterprises in between, which are critical to driving economic growth in developing countries.

"(12) According to the World Bank, small and medium-sized enterprises create 4 out of 5 new positions in emerging markets, but approximately 50 percent of formal small and medium-sized enterprises lack access to formal credit. The financing gap is even larger when micro and informal enterprises are taken into account. Overall, approximately 70 percent of all micro, small, and medium-sized enterprises in emerging markets lack access to credit."

§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 indigenously produced foodstuffs; and the undertaking of pilot or demonstration programs explicitly addressing the problem of malnutrition of poor and vulnerable people. In particular, the President is encouraged—

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

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

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

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

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

The Congress finds that the efforts of developing countries to enhance their national food security deserves encouragement as a matter of United States development assistance policy. Measures complementary to assistance for expanding food production in developing countries are needed to help assure that food becomes increasingly available on a regular basis to the poor in such countries. Therefore, United States bilateral assistance under this chapter and the 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 postharvest food losses, and improving food distribution.

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

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

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

(Pub. L. 87–195, pt. I, §103, as added Pub. L. 93–189, §2(3), Dec. 17, 1973, 87 Stat. 715; amended Pub. L. 93–559, §2, Dec. 30, 1974, 88 Stat. 1795; Pub. L. 94–161, title III, §302, Dec. 20, 1975, 89 Stat. 856; Pub. L. 95–88, title I, §102, Aug. 3, 1977, 91 Stat. 534; Pub. L. 95–424, title I, §103(a), Oct. 6, 1978, 92 Stat. 943; Pub. L. 96–53, title I, §101, Aug. 14, 1979, 93 Stat. 359; Pub. L. 96–533, title III, §301, Dec. 16, 1980, 94 Stat. 3145; Pub. L. 97–113, title III, §301(a), (c), Dec. 29, 1981, 95 Stat. 1531, 1532; Pub. L. 99–83, title III, §302, title X, §1001, Aug. 8, 1985, 99 Stat. 214, 270; Pub. L. 99–399, title XIII, §1304, Aug. 27, 1986, 100 Stat. 898; Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

References in Text

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

The 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. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

This chapter, referred to in subsec. (f), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, 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

2008—Subsecs. (e), (f). Pub. L. 110–246 substituted "Food for Peace Act" for "Agricultural Trade Development and Assistance Act of 1954".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective Date of 2008 Amendment

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

Delegation of Functions

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.

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

Pub. L. 96–533, title III, §316, Dec. 16, 1980, 94 Stat. 3149, 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.]

[For transfer of functions, personnel, assets, and liabilities of Overseas Private Investment Corporation to United States International Development Finance Corporation and treatment of related references, see sections 9683 and 9686(d) of this title.]

Reduction of Postharvest Losses of Food

Pub. L. 96–533, title III, §317, Dec. 16, 1980, 94 Stat. 3149, 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.

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

References in Text

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

Amendments

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

Effective Date of 1978 Amendment

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

§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 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) (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), 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 or research respecting abortions or involuntary sterilization

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

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

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

(g) Authorization of appropriations

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

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

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

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

(Pub. L. 87–195, pt. I, §104, as added Pub. L. 93–189, §2(3), Dec. 17, 1973, 87 Stat. 715; amended Pub. L. 93–559, §4(1), Dec. 30, 1974, 88 Stat. 1795; Pub. L. 94–161, title III, §304, Dec. 20, 1975, 89 Stat. 857; Pub. L. 95–88, title I, §103(a)–(c), Aug. 3, 1977, 91 Stat. 534; Pub. L. 95–424, title I, §104(a), Oct. 6, 1978, 92 Stat. 945; Pub. L. 96–53, title I, §102, Aug. 14, 1979, 93 Stat. 360; Pub. L. 96–533, title III, §302, Dec. 16, 1980, 94 Stat. 3145; Pub. L. 97–113, title III, §302, Dec. 29, 1981, 95 Stat. 1532; Pub. L. 98–473, title I, §101(1) [title V, §541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903; Pub. L. 99–83, title III, §§303–305(a), Aug. 8, 1985, 99 Stat. 214; Pub. L. 99–529, title I, §103, title IV, §404(1), Oct. 24, 1986, 100 Stat. 3011, 3019; Pub. L. 106–264, title I, §111(a), title II, §203, Aug. 19, 2000, 114 Stat. 751, 759; Pub. L. 108–25, title III, §§301(a)(1), 303(c), May 27, 2003, 117 Stat. 728, 737.)

References in Text

The Consolidated Appropriations Resolution, 2003, referred to in subsec. (c)(4), is Pub. L. 108–7, Feb. 20, 2003, 117 Stat. 11. Provisions under the heading "Child Survival and Health Programs Fund" in Pub. L. 108–7 appear at 117 Stat. 161 and are not classified to the Code.

This chapter, referred to in subsec. (e)(1), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

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

Amendments

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.

2000—Subsec. (c)(4) to (7). Pub. L. 106–264 added pars. (4) to (7).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

Effective Date of 1977 Amendment

Pub. L. 95–88, title I, §103(d), Aug. 3, 1977, 91 Stat. 535, 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. 56673, as amended, set out as a note under section 2381 of this title.

Findings

Pub. L. 106–264, title II, §202, Aug. 19, 2000, 114 Stat. 758, 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;

"(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

Pub. L. 99–83, title III, §305(b), Aug. 8, 1985, 99 Stat. 215, 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) $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.

(Pub. L. 106–570, title I, §103, Dec. 27, 2000, 114 Stat. 3039.)

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) [1] of this title and increased pursuant to paragraphs (1) through (3) of section 7673(d) [1] 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 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; and

(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..[2]

(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,,[2] 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) 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,,[2] 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 appropriate 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.

(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 [6]

(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;

(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)(I) 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;

(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.

(f) Annual report

(1) In general

Not later than February 15, 2014, and annually thereafter, 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 in an open, machine readable format, on the implementation of this section for the prior fiscal year.

(2) Report due in 2014

The report due not later than February 15, 2014, shall include the elements required by law prior to the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

(3) Report elements

Each report submitted after February 15, 2014, shall include the following:

(A) A description based on internationally available data, and where practicable high-quality country-based data, of the total global burden and need for HIV/AIDS prevention, treatment, and care, including—

(i) estimates by partner country of the global burden and need; and

(ii) HIV incidence, prevalence, and AIDS deaths for the reporting period.

(B) Reporting on annual targets across prevention, treatment, and care interventions in partner countries, including—

(i) a description of how those targets are designed to—

(I) ensure that the annual increase in new patients on antiretroviral treatment exceeds the number of annual new HIV infections;

(II) reduce the number of new HIV infections below the number of deaths among persons infected with HIV; and

(III) achieve an AIDS-free generation;

(ii) national targets across prevention, treatment, and care that are—

(I) established by partner countries; or

(II) where such national partner country-developed targets are unavailable, a description of progress towards developing national partner country targets; and

(iii) bilateral programmatic targets across prevention, treatment, and care, including—

(I) the number of adults and children to be directly supported on HIV treatment under United States-funded programs;

(II) the number of adults and children to be otherwise supported on HIV treatment under United States-funded programs; and

(III) other programmatic targets for activities directly and otherwise supported by United States-funded programs.

(C) A description, by partner country, of HIV/AIDS funding from all sources, including funding levels from partner countries, other donors, and the private sector, as practicable.

(D) A description of how United States-funded programs, in conjunction with the Global Fund, other donors, and partner countries, together set targets, measure progress, and achieve positive outcomes in partner countries.

(E) An annual assessment of outcome indicator development, dissemination, and performance for programs supported under this section, including ongoing corrective actions to improve reporting.

(F) A description and explanation of changes in related guidance or policies related to implementation of programs supported under this section.

(G) An assessment and quantification of progress over the reporting period toward achieving the targets set forth in subparagraph (B), including—

(i) the number, by partner country, of persons on HIV treatment, including specifically—

(I) the number of adults and children on HIV treatment directly supported by United States-funded programs; and

(II) the number of adults and children on HIV treatment otherwise supported by United States-funded programs;

(ii) HIV treatment coverage rates by partner country;

(iii) the net increase in persons on HIV treatment by partner country;

(iv) new infections of HIV by partner country;

(v) the number of HIV infections averted;

(vi) antiretroviral treatment program retention rates by partner country, including—

(I) performance against annual targets for program retention; and

(II) the retention rate of persons on HIV treatment directly supported by United States-funded programs; and

(vii) a description of supportive care.

(H) A description of partner country and United States-funded HIV/AIDS prevention programs and policies, including—

(i) an assessment by country of progress towards targets set forth in subparagraph (B), with a detailed description of the metrics used to assess—

(I) programs to prevent mother to child transmission of HIV/AIDS, including coverage rates;

(II) programs to provide or promote voluntary medical male circumcision, including coverage rates;

(III) programs for behavior-change; and

(IV) other programmatic activities to prevent the transmission of HIV;

(ii) antiretroviral treatment as prevention; and

(iii) a description of any new preventative interventions or methodologies.

(I) A description of the goals, scope, and measurement of program efforts aimed at women and girls.

(J) A description of the goals, scope, and measurement of program efforts aimed at orphans, vulnerable children, and youth.

(K) A description of the indicators and milestones used to assess effective, strategic, and appropriately timed country ownership, including—

(i) an explanation of the metrics used to determine whether the pace of any transition to such ownership is appropriate for that country, given that country's level of readiness for such transition;

(ii) an analysis of governmental and local nongovernmental capacity to sustain positive outcomes;

(iii) a description of measures taken to improve partner country capacity to sustain positive outcomes where needed; and

(iv) for countries undergoing a transition to greater country ownership, a description of strategies to assess and mitigate programmatic and financial risk and to ensure continued quality of care for essential services.

(L) A description, globally and by partner country, of specific efforts to achieve and incentivize greater programmatic and cost effectiveness, including—

(i) progress toward establishing common economic metrics across prevention, care and treatment with partner countries and the Global Fund;

(ii) average costs, by country and by core intervention;

(iii) expenditure reporting in all program areas, supplemented with targeted analyses of the cost-effectiveness of specific interventions; and

(iv) import duties and internal taxes imposed on program commodities and services, by country.

(M) A description of partnership framework agreements with countries, and regions where applicable, including—

(i) the objectives and structure of partnership framework agreements with countries, including—

(I) how these agreements are aligned with national HIV/AIDS plans and public health strategies and commitments of such countries; and

(II) how these agreements incorporate a role for civil society; and

(ii) a description of what has been learned in advancing partnership framework agreements with countries, and regions as applicable, in terms of improved coordination and collaboration, definition of clear roles and responsibilities of participants and signers, and implications for how to further strengthen these agreements with mutually accountable measures of progress.

(N) A description of efforts and activities to engage new partners, including faith-based, locally-based, and United States minority-serving institutions.

(O) A definition and description of the differentiation between directly and otherwise supported activities, including specific efforts to clarify programmatic attribution and contribution, as well as timelines for dissemination and implementation.

(P) A description, globally and by country, of specific efforts to address co-infections and co-morbidities of HIV/AIDS, including—

(i) the number and percent of people in HIV care or treatment who started tuberculosis treatment; and

(ii) the number and percentage of eligible HIV positive patients starting isoniazid preventative therapy.

(Q) A description of efforts by partner countries to train, employ, and retain health care workers, including efforts to address workforce shortages.

(R) A description of program evaluations completed during the reporting period, including whether all completed evaluations have been published on a publically available Internet website and whether any completed evaluations did not adhere to the common evaluation standards of practice published under paragraph (4).

(4) Common evaluation standards

Not later than February 1, 2014, the Global AIDS Coordinator shall publish on a publically available Internet website the common evaluation standards of practice referred to in paragraph (3)(R).

(5) Partner country defined

In this subsection, the term "partner country" means a country with a minimum United States Government investment of HIV/AIDS assistance of at least $5,000,000 in the prior fiscal 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, this section, 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.

(Pub. L. 87–195, pt. I, §104A, as added Pub. L. 108–25, title III, §301(a)(2), May 27, 2003, 117 Stat. 728; amended Pub. L. 110–293, title III, §301(a)–(e), July 30, 2008, 122 Stat. 2945–2953; Pub. L. 113–56, §5, Dec. 2, 2013, 127 Stat. 650.)

References in Text

Section 7672(a)(3) of this title and section 7673(d) of this title, referred to in subsec. (b)(1)(A)(ii)(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.

The PEPFAR Stewardship and Oversight Act of 2013, referred to in subsec. (f)(2), is Pub. L. 113–56, Dec. 2, 2013, 127 Stat. 648. For complete classification of this Act to the Code, see Short Title of 2013 Amendment note set out under section 7601 of this title and Tables.

This chapter, referred to in subsec. (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

2013—Subsec. (f). Pub. L. 113–56 amended subsec. (f) generally. Prior to amendment, subsec. (f) related to annual reports on the implementation of this section.

2008—Subsec. (a). Pub. L. 110–293, §301(a)(1), inserted "Central Asia, Eastern Europe, Latin America" after "Caribbean,".

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.

Subsec. (d)(1)(A). Pub. L. 110–293, §301(c)(1)(A), inserted "and multiple concurrent sexual partnering," after "casual sexual partnering" and substituted "male and female condoms" for "condoms".

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 "opportunistic 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). Pub. L. 110–293, §301(c)(5)(A), substituted "Related and coordinated activities" for "Related activities" in heading.

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. (f)(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.

Submission of Annual Report

Pub. L. 113–76, div. K, title III, Jan. 17, 2014, 128 Stat. 477, provided in part: "That the annual report required by section 104(A)(f) [probably should be "104A(f)"] of the Foreign Assistance Act of 1961 [22 U.S.C. 2151b–2(f)] shall also be submitted hereafter to the Committees on Appropriations".

[1] *See References in Text note below.*

[2] *So in original.*

[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.*

[6] *So in original. The word "and" probably should not appear.*

§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 its continued existence has on those countries that had 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) treatment 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 reporting and recording 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.

(Pub. L. 87–195, pt. I, §104B, as added Pub. L. 108–25, title III, §302(a), May 27, 2003, 117 Stat. 734; amended Pub. L. 110–293, title III, §302(a)–(e), July 30, 2008, 122 Stat. 2957–2959.)

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 tuberculosis 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).

Subsec. (h)(5), (6). Pub. L. 110–293, §302(e)(2), (3), added par. (5) and redesignated former par. (5) as (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.

§2151b–4. Assistance to combat malaria

(a) Finding

Congress finds that malaria kills more people annually than any other communicable disease except tuberculosis, that more than 90 percent of all malaria cases are in sub-Saharan Africa, and that children and women are particularly at risk. Congress recognizes that there are cost-effective tools to decrease the spread of malaria and that malaria is a curable disease if promptly diagnosed and adequately treated.

(b) Policy

It is a major objective of the foreign assistance program of the United States to provide assistance for the prevention, control, treatment, and cure of malaria.

(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 malaria.

(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, the Department of Health and Human Services (the Centers for Disease Control and Prevention and the National Institutes of Health), and other organizations with respect to the development and implementation of a comprehensive malaria control program.

(Pub. L. 87–195, pt. I, §104C, as added Pub. L. 108–25, title III, §303(a), May 27, 2003, 117 Stat. 736; amended Pub. L. 110–293, title III, §303(a), July 30, 2008, 122 Stat. 2960.)

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.

§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.

(c) Assistance to promote sustainable, quality basic education

(1) Definitions

In this subsection:

(A) Basic education

The term "basic education" includes—

(i) measurable improvements in literacy, numeracy, and other basic skills development that prepare an individual to be an active, productive member of society and the workforce;

(ii) workforce development, vocational training, and digital literacy informed by real market needs and opportunities and that results in measurable improvements in employment;

(iii) programs and activities designed to demonstrably improve—

(I) early childhood, preprimary education, primary education, and secondary education, which can be delivered in formal or nonformal education settings; and

(II) learning for out-of-school youth and adults; and

(iv) capacity building for teachers, administrators, counselors, and youth workers that results in measurable improvements in student literacy, numeracy, or employment.

(B) Communities of learning

The term "communities of learning" means a holistic approach to education and community engagement in which schools act as the primary resource center for delivery of a service to the community at large, leveraging and maximizing the impact of other development efforts and reducing duplication and waste.

(C) Gender parity in basic education

The term "gender parity in basic education" means that girls and boys have equal access to quality basic education.

(D) Marginalized children and vulnerable groups

The term "marginalized children and vulnerable groups" includes girls, children affected by or emerging from armed conflict or humanitarian crises, children with disabilities, children in remote or rural areas (including those who lack access to safe water and sanitation), religious or ethnic minorities, indigenous peoples, orphans and children affected by HIV/AIDS, child laborers, married adolescents, and victims of trafficking.

(E) National education plan

The term "national education plan" means a comprehensive national education plan developed by partner country governments in consultation with other stakeholders as a means for wide-scale improvement of the country's education system, including explicit, credible strategies informed by effective practices and standards to achieve quality universal basic education.

(F) Nonformal education

The term "nonformal education" means organized educational activities outside the established formal system, whether operating separately or as an important feature of a broader activity, that are intended to provide students with measurable improvements in literacy, numeracy, and other basic skills development that prepare an individual to be an active, productive member of society and the workforce.

(G) Partner country

The term "partner country" means a developing country that participates in or benefits from basic education programs under this subsection pursuant to the prioritization criteria described in paragraph (4), including level of need, opportunity for impact, and the availability of resources.

(H) Relevant Executive branch agencies and officials

The term "relevant Executive branch agencies and officials" means the Department of State, the United States Agency for International Development, the Department of the Treasury, the Department of Labor, the Department of Education, the Department of Agriculture, and the Department of Defense, the Chief Executive Officer of the Millennium Challenge Corporation, the National Security Advisor, and the Director of the Peace Corps.

(I) Sustainability

The term "sustainability" means, with respect to any basic education program that receives funding pursuant to this section, the ability of a service delivery system, community, partner, or beneficiary to maintain, over time, such basic education program without the use of foreign assistance.

(2) Policy

In carrying out this section, it shall be the policy of the United States to work with partner countries, as appropriate, other donors, multilateral institutions, the private sector, and nongovernmental and civil society

organizations, including faith-based organizations and organizations that represent teachers, students, and parents, to promote sustainable, quality basic education through programs and activities that—

(A) take into consideration and help respond to the needs, capacities, and commitment of developing countries to achieve measurable improvements in literacy, numeracy, and other basic skills development that prepare an individual to be an active, productive member of society and the workforce;

(B) strengthen educational systems, promote communities of learning, as appropriate, expand access to safe learning environments, including by breaking down specific barriers to basic education for women and girls, ensure continuity of education, including in conflict settings, measurably improve teacher skills and learning outcomes, and support the engagement of parents in the education of their children to help partner countries ensure that all children, including marginalized children and other vulnerable groups, have access to and benefit from quality basic education;

(C) promote education as a foundation for sustained economic growth and development within a comprehensive assistance strategy that places partner countries on a trajectory toward graduation from assistance provided under this section with clearly defined benchmarks of success that are used as requirements for related procurement vehicles, such as grants, contracts, and cooperative agreements;

(D) monitor and evaluate the effectiveness and quality of basic education programs in partner countries; and

(E) promote United States values, especially respect for all persons and freedoms of religion, speech, and the press.

(3) Principles

In carrying out the policy referred to in paragraph (2), the United States shall be guided by the following principles of aid effectiveness:

(A) Alignment

Assistance provided under this section to support programs and activities under this subsection shall be aligned with and advance United States foreign policy and economic interests.

(B) Country ownership

To the greatest extent practicable, assistance provided under this section to support programs and activities under this subsection should be aligned with and support the national education plans and country development strategies of partner countries, including activities that are appropriate for and meet the needs of local and indigenous cultures.

(C) Coordination

(i) In general

Assistance provided under this section to support programs and activities under this subsection should be coordinated with and leverage the unique capabilities and resources of local and national governments in partner countries, other donors, multilateral institutions, the private sector, and nongovernmental and civil society organizations, including faith-based organizations and organizations that represent teachers, students, and parents.

(ii) Multilateral programs and initiatives

Assistance provided under this section to support programs and activities under this subsection should be coordinated with and support proven multilateral education programs and financing mechanisms, which may include the Global Partnership for Education, that demonstrate commitment to efficiency, effectiveness, transparency, and accountability.

(D) Efficiency

The President shall seek to improve the efficiency and effectiveness of assistance provided under this section to support programs and activities under this subsection by coordinating the related efforts of relevant Executive branch agencies and officials.

(E) Effectiveness

Programs and activities supported under this subsection—

(i) shall be consistent with the policies and principles set forth in this subsection;

(ii) shall be designed to achieve specific, measurable goals and objectives that are directly related to the provision of basic education (as defined in this section); and

(iii) shall include appropriate targets, metrics, and indicators that—

(I) move a country along the path to graduation from assistance provided under this subsection; and

(II) can be applied with reasonable consistency across such programs and activities to measure progress and outcomes.

(F) Transparency and accountability

Programs and activities supported under this subsection shall be subject to rigorous monitoring and evaluation, which may include impact evaluations, the results of which shall be made publically available in a fully searchable, electronic format.

(4) Priority and other requirements

The President shall ensure that assistance provided under this section to support programs and activities under this subsection is aligned with the foreign policy and economic interests of the United States and, subject to such alignment, priority is given to developing countries in which—

(A) there is the greatest need and opportunity to expand access to basic education and to improve learning outcomes, including for marginalized and vulnerable groups, particularly women and girls to ensure gender parity in basic education, or populations affected by conflict or crisis;

(B) such assistance can produce a substantial, measurable impact on children and educational systems; and

(C) there is the greatest opportunity to reduce childhood and adolescence exposure to or engagement in violent extremism or extremist ideologies.

(Pub. L. 87–195, pt. I, §105, as added Pub. L. 93–189, §2(3), Dec. 17, 1973, 87 Stat. 715; amended Pub. L. 93–559, §5, Dec. 30, 1974, 88 Stat. 1796; Pub. L. 94–161, title III, §305, Dec. 20, 1975, 89 Stat. 858; Pub. L. 95–88, title I, §104, Aug. 3, 1977, 91 Stat. 535; Pub. L. 95–424, title I, §105, Oct. 6, 1978, 92 Stat. 947; Pub. L. 96–53, title I, §§103, 122, Aug. 14, 1979, 93 Stat. 360, 366; Pub. L. 96–533, title III, §303, Dec. 16, 1980, 94 Stat. 3145; Pub. L. 97–113, title III, §303, Dec. 29, 1981, 95 Stat. 1532; Pub. L. 99–83, title III, §306, title XII, §1211(a)(1), Aug. 8, 1985, 99 Stat. 215, 279; Pub. L. 99–440, title II, §201(a), Oct. 2, 1986, 100 Stat. 1094; Pub. L. 99–631, §1(b)(1), Nov. 7, 1986, 100 Stat. 3519; Pub. L. 101–513, title V, §562(d)(1), Nov. 5, 1990, 104 Stat. 2031; Pub. L. 115–56, div. A, §3, Sept. 8, 2017, 131 Stat. 1130.)

Amendments

2017—Subsec. (c). Pub. L. 115–56 added subsec. (c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective Date of 1986 Amendment

Pub. L. 99–631, §1(c), Nov. 7, 1986, 100 Stat. 3519, provided that: "The amendments made by subsections (a) and (b) [amending this section and sections 2151n, 2346d, 5001, 5012 to 5016, 5019, 5034, 5035, 5039, 5053, 5056, 5059, 5062 to 5064, 5067 to 5072, 5081, 5082, 5091, 5092, 5095, 5100, 5101, and 5112 of this title] shall be deemed to have taken effect upon the enactment of the Comprehensive Anti-Apartheid Act of 1986 [Oct. 2, 1986]."

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

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

Pub. L. 115–442, §6, Jan. 14, 2019, 132 Stat. 5592, provided that: "The Secretary and the Administrator shall include in the report required under section 7 of the READ Act (division A of Public Law 115–56; 22 U.S.C. 2151c note) a description of any primary or secondary educational services supported by programs for natural or manmade disaster relief or response that specifically address the needs of displaced girls."

Reinforcing Education Accountability in Development

Pub. L. 115–56, div. A, Sept. 8, 2017, 131 Stat. 1129, provided that:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) Short Title.—This Act [div. A of Pub. L. 115–56] may be cited as the 'Reinforcing Education Accountability in Development Act' or the 'READ Act'.

"(b) Table of Contents.—[Omitted.]

"SEC. 2. DEFINITIONS.

"(a) Appropriate Congressional Committees.—In this Act, the term 'appropriate congressional committees' means—

"(1) the Committee on Appropriations of the Senate;

"(2) the Committee on Foreign Relations of the Senate;

"(3) the Committee on Appropriations of the House of Representatives; and

"(4) the Committee on Foreign Affairs of the House of Representatives.

"(b) Other Definitions.—In this Act, the terms 'basic education', 'marginalized children and vulnerable groups', 'national education plan', 'partner country', and 'relevant Executive branch agencies and officials' have the meanings given such terms in section 105(c) of the Foreign Assistance Act of 1961 [22 U.S.C. 2151c(c)], as added by section 3.

"SEC. 3. ASSISTANCE TO PROMOTE SUSTAINABLE, QUALITY BASIC EDUCATION.

[Amended this section.]

"SEC. 4. COMPREHENSIVE INTEGRATED UNITED STATES STRATEGY TO PROMOTE BASIC EDUCATION.

"(a) Strategy Required.—Not later than one year after the date of the enactment of this Act [Sept. 8, 2017], the President shall submit to the appropriate congressional committees a comprehensive United States strategy to be carried out during the following five fiscal years to promote quality basic education in partner countries by—

"(1) seeking to equitably expand access to basic education for all children, particularly marginalized children and vulnerable groups; and

"(2) measurably improving the quality of basic education and learning outcomes.

"(b) Requirement To Consult.—In developing the strategy required under subsection (a), the President shall consult with—

"(1) the appropriate congressional committees;

"(2) relevant Executive branch agencies and officials;

"(3) partner country governments; and

"(4) local and international nongovernmental organizations, including faith-based organizations and organizations representing students, teachers, and parents, and other development partners engaged in basic education assistance programs in developing countries.

"(c) Public Comment.—The President shall provide an opportunity for public comment on the strategy required under subsection (a).

"(d) ELEMENTS.—The strategy required under subsection (a)—

"(1) shall be developed and implemented consistent with the principles set forth in section 105(c) of the Foreign Assistance Act of 1961 [22 U.S.C. 2151c(c)], as added by section 3; and

"(2) shall seek—

"(A) to prioritize assistance provided under this subsection to countries that are partners of the United States and whose populations are most in need of improved basic education, as determined by indicators such as literacy and numeracy rates;

"(B) to build the capacity of relevant actors in partner countries, including in government and in civil society, to develop and implement national education plans that measurably improve basic education;

"(C) to identify and replicate successful interventions that improve access to and quality of basic education in conflict settings and in partner countries;

"(D) to project general levels of resources needed to achieve stated program objectives;

"(E) to develop means to track implementation in partner countries and ensure that such countries are expending appropriate domestic resources and instituting any relevant legal, regulatory, or institutional reforms needed to achieve stated program objectives;

"(F) to leverage United States capabilities, including through technical assistance, training, and research; and

"(G) to improve coordination and reduce duplication among relevant Executive branch agencies and officials, other donors, multilateral institutions, nongovernmental organizations, and governments in partner countries.

"SEC. 5. IMPROVING COORDINATION AND OVERSIGHT.

"(a) SENIOR COORDINATOR OF UNITED STATES INTERNATIONAL BASIC EDUCATION ASSISTANCE.—There is established within the United States Agency for International Development a Senior Coordinator of United States International Basic Education Assistance (referred to in this section as the 'Senior Coordinator'). The Senior Coordinator shall be appointed by the President, shall be a current USAID employee serving in a career or noncareer position in the Senior Executive Service or at the level of a Deputy Assistant Administrator or higher, and shall serve concurrently as the Senior Coordinator.

"(b) DUTIES.—

"(1) IN GENERAL.—The Senior Coordinator shall have primary responsibility for the oversight and coordination of all resources and activities of the United States Government relating to the promotion of international basic education programs and activities.

"(2) SPECIFIC DUTIES.—The Senior Coordinator shall—

"(A) facilitate program and policy coordination of international basic education programs and activities among relevant Executive branch agencies and officials, partner governments, multilateral institutions, the private sector, and nongovernmental and civil society organizations;

"(B) develop and revise the strategy required under section 4;

"(C) monitor, evaluate, and report on activities undertaken pursuant to the strategy required under section 4; and

"(D) establish due diligence criteria for all recipients of funds provided by the United States to carry out activities under this Act and the amendments made by this Act.

"(c) OFFSET.—In order to eliminate duplication of effort and activities and to offset any costs incurred by the United States Agency for International Development in appointing the Senior Coordinator under subsection (a), the President shall, after consulting with appropriate congressional committees, eliminate a position within the United States Agency for International Development (unless otherwise authorized or required by law) that the President determines to be necessary to fully offset such costs and eliminate duplication.

"SEC. 6. MONITORING AND EVALUATION OF PROGRAMS.

"The President shall seek to ensure that programs carried out under the strategy required under section 4 shall—

"(1) apply rigorous monitoring and evaluation methodologies to determine if programs and activities provided under this subsection [sic] accomplish measurable improvements in literacy, numeracy, or other basic skills development that prepare an individual to be an active, productive member of society and the workforce;

"(2) include methodological guidance in the implementation plan and support systemic data collection using internationally comparable indicators, norms, and methodologies, to the extent practicable and appropriate;

"(3) disaggregate all data collected and reported by age, gender, marital status, disability, and location, to the extent practicable and appropriate;

"(4) include funding for both short- and long-term monitoring and evaluation to enable assessment of the sustainability and scalability of assistance programs; and

"(5) support the increased use and public availability of education data for improved decision making, program effectiveness, and monitoring of global progress.

"SEC. 7. TRANSPARENCY AND REPORTING TO CONGRESS.

"(a) ANNUAL REPORT ON THE IMPLEMENTATION OF STRATEGY.—Not later than 180 days after the end of each fiscal year during which the strategy developed pursuant to section 4(a) is carried out, the President shall—

"(1) submit a report to the appropriate congressional committees that describes the implementation of such strategy; and

"(2) make the report described in paragraph (1) available to the public.

"(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

"(1) a description of the efforts made by relevant Executive branch agencies and officials to implement the strategy developed pursuant to section 4, with a particular focus on the activities carried out under the strategy;

"(2) a description of the extent to which each partner country selected to receive assistance for basic education meets the priority criteria specified in section 105(c) of the Foreign Assistance Act [22 U.S.C. 2151c(c)], as added by section 3; and

"(3) a description of the progress achieved over the reporting period toward meeting the goals, objectives, benchmarks, and timeframes specified in the strategy developed pursuant to section 4 at the program level, as developed pursuant to monitoring and evaluation specified in section 6, with particular emphasis on whether there are demonstrable student improvements in literacy, numeracy, or other basic skills development that prepare an individual to be an active, productive member of society and the workforce."

§2151c–1. United States assistance to support educational services for displaced children

(a) In general

The Secretary of State and the Administrator of the United States Agency for International Development are authorized to prioritize and advance ongoing efforts to support programs that—

(1) provide safe primary and secondary education for displaced children;

(2) build the capacity of institutions in countries hosting displaced people to prevent discrimination against displaced children, especially displaced girls, who seek access to such education; and

(3) help increase the access of displaced children, especially displaced girls, to educational, economic, and entrepreneurial opportunities, including through the governmental authorities responsible for educational or youth services in such host countries.

(b) Coordination with multilateral organizations

The Secretary and the Administrator are authorized to coordinate with the World Bank, appropriate agencies of the United Nations, and other relevant multilateral organizations to work with governments in other countries to collect relevant data, disaggregated by age and gender, on the ability of displaced people to access education and participate in economic activity, in order to improve the targeting, monitoring, and evaluation of related assistance efforts.

(c) Coordination with private sector and civil society organizations

The Secretary and the Administrator are authorized to work with private sector and civil society organizations to promote safe primary and secondary education for displaced children.

(Pub. L. 115–442, §5, Jan. 14, 2019, 132 Stat. 5591.)

CODIFICATION

Section was enacted as part of the Protecting Girls' Access to Education in Vulnerable Settings Act, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

FINDINGS

Pub. L. 115–442, §2, Jan. 14, 2019, 132 Stat. 5590, provided that: "Congress finds the following:

"(1) As of June 2018, more than 68,000,000 people have been displaced by disasters and conflicts around the world, the highest number recorded since the end of World War II, of which more than 25,000,000 people are refugees.

"(2) More than half of the population of refugees are children and, according to the United Nations High Commissioner for Refugees, nearly 4,000,000 school-aged refugee children lack access to primary education.

"(3) Education offers socioeconomic opportunities, psychological stability, and physical protection for displaced people, particularly for women and girls, who might otherwise be vulnerable to severe forms of trafficking in persons (as such term is defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)), child marriage, sexual exploitation, or economic disenfranchisement.

"(4) Displaced children face considerable barriers to accessing educational services and, because the duration of such displacement is, on average, 26 years, such children may spend the

entirety of their childhood without access to such services.

"(5) Despite the rising need for educational services, as of 2016, less than two percent of humanitarian aid was directed toward educational services."

Statement of Policy

Pub. L. 115–442, §4, Jan. 14, 2019, 132 Stat. 5591, provided that: "It is the policy of the United States to—

"(1) partner with and encourage other countries, public and private multilateral institutions, and nongovernmental and civil society organizations, including faith-based organizations and organizations representing parents and children, to support efforts to ensure that displaced children have access to safe primary and secondary education;

"(2) work with donors to enhance training and capacity-building for the governments of countries hosting significant numbers of displaced people to design, implement, and monitor programs to effectively address barriers to such education; and

"(3) coordinate with the governments of countries hosting significant numbers of displaced people to—

"(A) promote the inclusion of displaced children into the educational systems of such countries; and

"(B) in circumstances in which such inclusion is difficult, develop innovative approaches to providing safe primary and secondary educational opportunities, such as encouraging schools to permit children to be educated by extending the hours of schooling or expanding the number of teachers."

§2151d. Development of indigenous energy resources

(a) Congressional statement of findings

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

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

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

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

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

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

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

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

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

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

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

(c) Administrative coordination of planning and implementation of programs

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

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

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

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

(2) programs of research into, and evaluation of, the process of economic development in less developed countries and areas, into the factors affecting the relative success and costs of development activities, and into the means, techniques, and such other aspects of development assistance as the President may determine in order to render such assistance of increasing value and benefit;

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

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

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

(e) Authorization of appropriations

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

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

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

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

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

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Prior Provisions

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

Amendments

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

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.

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

Prior Provisions

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

Amendments

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

Effective Date of 1978 Amendment

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

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.

§2151f. Transferred

Codification

Section, Pub. L. 87–195, pt. I, §108, as added Pub. L. 98–151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972 and amended, which related to microenterprise development credits, was renumbered section 256 of Pub. L. 87–195 by Pub. L. 108–484, §4(a), (b), Dec. 23, 2004, 118 Stat. 3926, 3927, and transferred to section 2212 of this title.

Prior Provisions

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

§2151g. Transfer of funds

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

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

References in Text

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

Amendments

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

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

of funds made available for section 2427(a)(1) of this title.

Effective Date of 1978 Amendment

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

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.

(Pub. L. 87–195, pt. I, §110, as added Pub. L. 93–189, §2(3), Dec. 17, 1973, 87 Stat. 716; amended Pub. L. 94–161, title III, §307, Dec. 20, 1975, 89 Stat. 859; Pub. L. 95–88, title I, §106, Aug. 3, 1977, 91 Stat. 535; Pub. L. 95–424, title I, §112(b), Oct. 6, 1978, 92 Stat. 949; Pub. L. 99–83, title XII, §1211(a)(3), Aug. 8, 1985, 99 Stat. 279.)

References to Sections 2151a Through 2151d Deemed To Include Section 2293

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

Amendments

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

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

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

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

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

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

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1978 Amendment

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

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 development, high priority shall be given to increasing the use of funds made available under this chapter for technical and capital assistance in the development and use of cooperatives in the less developed countries which will enable and encourage

greater numbers of the poor to help themselves toward a better life. 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 low income people and micro-entrepreneurs to save and to 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.

(Pub. L. 87–195, pt. I, §111, as added Pub. L. 93–189, §2(3), Dec. 17, 1973, 87 Stat. 716; amended Pub. L. 94–161, title III, §308, Dec. 20, 1975, 89 Stat. 859; Pub. L. 95–88, title I, §107(a), Aug. 3, 1977, 91 Stat. 535; Pub. L. 96–53, title I, §122, Aug. 14, 1979, 93 Stat. 366; Pub. L. 106–309, title IV, §401(c)(2), Oct. 17, 2000, 114 Stat. 1097.)

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

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).

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

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

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

Effective Date of 1979 Amendment

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

Effective Date of 1977 Amendment

Pub. L. 95–88, title I, §107(b), Aug. 3, 1977, 91 Stat. 536, 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)."

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

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

§2151k. Integrating women into national economies; report

(a) Particular programs, projects, and activities

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

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

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

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

(c) Funds for United Nations Decade for Women

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

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

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Amendments

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

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

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

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

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

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

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

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

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

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.

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

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

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

Effective Date of Repeal

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

§2151n. Human rights and development assistance

(a) Violations barring assistance; assistance for needy people

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

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

In determining whether this standard is being met with regard to funds allocated under subchapter I of this chapter, the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives may require the Administrator primarily responsible for administering subchapter I of this chapter to submit in writing information demonstrating that such assistance will directly benefit the needy people in such

country, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 2367 of this title.

(b) [1] Protection of children from exploitation

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

(c) Factors considered

In determining whether or not a government falls within the provisions of subsection (a) 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)—

(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 [2] Jewish people, and acts of violence against, or vandalism of [2] 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 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.

(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) 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.

(g) Child marriage status

(1) In general

The report required under subsection (d) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country.

(2) Defined term

In this subsection, the term "child marriage" means the marriage of a girl or boy who is—

(A) younger than the minimum age for marriage under the laws of the country in which such girl or boy is a resident; or

(B) younger than 18 years of age, if no such law exists.

(Pub. L. 87–195, pt. I, §116, as added Pub. L. 94–161, title III, §310, Dec. 20, 1975, 89 Stat. 860; amended Pub. L. 95–88, title I, §111, Aug. 3, 1977, 91 Stat. 537; Pub. L. 95–105, title I, §109(a)(2), Aug. 17, 1977, 91 Stat. 846; Pub. L. 95–424, title I, §109, Oct. 6, 1978, 92 Stat. 947; Pub. L. 96–53, title I, §106, title V, §504(a), Aug. 14, 1979, 93 Stat. 362, 378; Pub. L. 96–533, title III, §305, title VII, §701(a), Dec. 16, 1980, 94 Stat. 3147, 3156; Pub. L. 97–113, title III, §306, Dec. 29, 1981, 95 Stat. 1533; Pub. L. 98–164, title X, §1002(a), Nov. 22, 1983, 97 Stat. 1052; Pub. L. 99–440, title II, §202, Oct. 2, 1986, 100 Stat. 1095; Pub. L. 99–631, §1(b)(2), Nov. 7, 1986, 100 Stat. 3519; Pub. L. 100–204, title I, §127(1), Dec. 22, 1987, 101 Stat. 1342; Pub. L. 101–513, title V, §§562(d)(3), 599D, Nov. 5, 1990, 104 Stat. 2031, 2066; Pub. L. 103–149, §4(a)(3)(B), Nov. 23, 1993, 107 Stat. 1505; Pub. L. 103–236, title I, §162(e)(1), Apr. 30, 1994, 108 Stat. 405; Pub. L. 103–437, §9(a)(6), Nov. 2, 1994, 108 Stat. 4588; Pub. L. 104–319, title II, §201(a), Oct. 19, 1996, 110 Stat. 3866; Pub. L. 105–277, div. G, subdiv. B, title XXII, §2216, Oct. 21, 1998, 112 Stat. 2681–815; Pub. L. 105–292, title I, §102(d)(1), title IV, §421(a), title V, §501(b), Oct. 27, 1998, 112 Stat. 2794, 2809, 2811; Pub. L. 106–113, div. B, §§1000(a)(2) [title V, §597], 1000(a)(7) [div. A, title VIII, §806(a)], Nov. 29, 1999, 113 Stat. 1535, 1536, 1501A-126, 1501A-471; Pub. L. 106–386, div. A, §104(a), Oct. 28, 2000, 114 Stat. 1471; Pub. L. 107–228, div. A, title VI, §§665(a), 683(a), Sept. 30, 2002, 116 Stat. 1406, 1410; Pub. L. 108–332, §6(a)(1), Oct. 16, 2004, 118 Stat. 1285; Pub. L. 111–166, §2(1), May 17, 2010, 124 Stat. 1186; Pub. L. 113–4, title XII, §1207(b)(1), Mar. 7, 2013, 127 Stat. 141; Pub. L. 115–254, div. F, title VI, §1470(j)(1), Oct. 5, 2018, 132 Stat. 3516.)

Amendment of Subsections (a), (b), and (c)

Pub. L. 115–254, div. F, title VI, §1470(j)(1), (w), Oct. 5, 2018, 132 Stat. 3516, 3519, provided that, effective at the end of the transition period, as defined in section 9681 of this title, this section is amended as follows:

(1) in subsection (a), by inserting ", and no support may be provided under subchapter II of chapter 103 of this title," after "subchapter I of this chapter";

(2) in the first subsection (b) relating to information to Congressional committees for realization of assistance for needy people; concurrent resolution terminating assistance, by inserting "or subchapter II of chapter 103 of this title" after "allocated under subchapter I of this chapter", "or the Chief Executive Officer of the United States International Development Finance Corporation, as applicable," after "administering subchapter I of this chapter", "or support" after "the assistance", and "or support" after "such assistance" in three places;

(3) in the second subsection (b) relating to protection of children from exploitation, by inserting "under subchapter I of this chapter, and no support may be provided under subchapter II of chapter 103 of this title," after "provided"; and

(4) in subsection (c), by striking "under subchapter I of this chapter, the Administrator" and inserting "under subchapter I of this chapter, or support provided under subchapter II of chapter 103 of this title, the Administrator, or the Chief Executive Officer of the United States International Development Finance Corporation, as applicable,".

See 2018 Amendment notes below.

References in Text

Subchapter II of chapter 103 of this title, referred to in subsec. (a), subsec. (b) relating to information to Congressional committees for realization of assistance for needy people; concurrent resolution terminating assistance, subsec. (b) relating to protection of children from exploitation, and subsec. (c), was in the original title II of the Better Utilization of Investments Leading to Development Act of 2018, meaning title II of div. F of Pub. L. 115–254, Oct. 5, 2018, 132 Stat. 3492, which enacted subchapter II of chapter 103 of this title. For complete classification of title II to the Code, see Tables.

Section 2(a) of the Genocide Convention Implementation Act of 1987, referred to in subsec. (d)(8), probably means section 2(a) of the Genocide Convention Implementation Act of 1987 (the Proxmire Act), Pub. L. 100–606, Nov. 4, 1988, 102 Stat. 3045, which enacted chapter 50A (§1091 et seq.) of Title 18, Crimes and Criminal Procedure.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

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

Amendments

2018—Subsec. (a). Pub. L. 115–254, §1470(j)(1)(A), inserted ", and no support may be provided under subchapter II of chapter 103 of this title," after "subchapter I of this chapter".

Subsec. (b). Pub. L. 115–254, §1470(j)(1)(C), in second subsec. (b) relating to protection of children from exploitation, inserted "under subchapter I of this chapter, and no support may be provided under subchapter II of chapter 103 of this title," after "provided".

Pub. L. 115–254, §1470(j)(1)(B), in first subsec. (b) relating to information to Congressional committees for realization of assistance for needy people; concurrent resolution terminating assistance, inserted "or subchapter II of chapter 103 of this title" after "allocated under subchapter I of this chapter", "or the Chief Executive Officer of the United States International Development Finance Corporation, as applicable," after "administering subchapter I of this chapter", "or support" after "the assistance", and "or support" after "such assistance" wherever appearing.

Subsec. (c). Pub. L. 115–254, §1470(j)(1)(C), substituted "under subchapter I of this chapter, or support provided under subchapter II of chapter 103 of this title, the Administrator, or the Chief Executive Officer of the United States International Development Finance Corporation, as applicable," for "under subchapter I of this chapter, the Administrator".

2013—Subsec. (g). Pub. L. 113–4 added subsec. (g).

2010—Subsec. (d)(12). Pub. L. 111–166 added par. (12).

2004—Subsec. (d)(8) to (11). Pub. L. 108–332 added par. (8) and redesignated former pars. (8) to (10) as (9) to (11), respectively.

2002—Subsec. (d)(9). Pub. L. 107–228, §665(a), added par. (9).

Subsec. (d)(10). Pub. L. 107–228, §683(a), added par. (10).

2000—Subsec. (f). Pub. L. 106–386 amended subsec. (f) generally, substituting present provisions for provisions listing information required for report under subsec. (d) of this section, providing for consultation with human rights and other appropriate nongovernmental organizations in compiling data for required information, and defining "trafficking" and "victims of trafficking" for purposes of subsection.

1999—Subsec. (d)(8). Pub. L. 106–113, §1000(a)(7) [div. A, title VIII, §806(a)], added par. (8).

Subsec. (f). Pub. L. 106–113, §1000(a)(2) [title V, §597], added subsec. (f).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subsec. (e)(1). Pub. L. 101–513, §562(d)(3), inserted ", part X of this subchapter," after "available under this part" and "or under part X of this subchapter, except that funds made available under part X

of this subchapter may only be used under this subsection with respect to countries in sub-Saharan Africa" before period at end of first sentence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective Date of 2018 Amendment

Amendment by Pub. L. 115–254 effective at the end of the transition period, as defined in section 9681 of this title, see section 1470(w) of Pub. L. 115–254, set out as a note under section 905 of Title 2, The Congress.

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 2304 and 6412 of this title] shall apply beginning with the first report under sections 116(d) and 502B(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. 6312(b) [6412(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 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of this title.

Effective Date of 1986 Amendment

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

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

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.

Annual Report 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 XXI, §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 502B(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 502B(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

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

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

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

Report on Human Rights to Committees on Appropriations

Pub. L. 102–391, title V, §511(b), Oct. 6, 1992, 106 Stat. 1658, as amended by Pub. L. 106–429, §101(a) [title V, §590], Nov. 6, 2000, 114 Stat. 1900, 1900A-59, provided that: "The Secretary of State shall also transmit the report required by section 116(d) of the Foreign Assistance Act of 1961 [22 U.S.C. 2151n(d)] to the Committees on Appropriations each year by the date specified in that section: *Provided*, That each such report submitted pursuant to such section shall (1) include a review of each country's commitment to children's rights and welfare as called for by the Declaration of the World Summit for Children; [(2) Repealed. Pub. L. 106–429, §101(a) [title V, §590], Nov. 6, 2000, 114 Stat. 1900, 1900A-59;] (3) describe the extent to which indigenous people are able to participate in decisions affecting their lands, cultures, traditions and the allocation of natural resources, and assess the extent of protection of their civil and political rights."

Report on Impact on Foreign Relations of United States of Reports on Human Rights Practices of Foreign Governments

Pub. L. 96–53, title V, §504(b), Aug. 14, 1979, 93 Stat. 378, which required Secretary of State to report by Nov. 15, 1979, foreign relations impact made by reports of human rights violations of foreign governments, was repealed by Pub. L. 97–113, title VII, §734(a)(3), Dec. 29, 1981, 95 Stat. 1560.

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

[2] *So in original. Probably should be followed by a comma.*

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

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

§2151n–2. Human Rights and Democracy Fund

(a) Establishment of Fund

There is established a Human Rights and Democracy Fund (in this section referred to as the "Fund") to be administered by the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(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). 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".

(Pub. L. 107–228, div. A, title VI, §664, Sept. 30, 2002, 116 Stat. 1406.)

References in Text

The Foreign Assistance Act of 1961, referred to in subsec. (c)(1), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 4 of part II of the Act is classified generally to part IV (§2346 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 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

Pub. L. 107–228, div. A, title VI, §662, Sept. 30, 2002, 116 Stat. 1405, provided that: "The purposes of this subtitle [subtitle E (§§661–665) of title VI of div. A of Pub. L. 107–228, see Short Title of 2002 Amendments note set out under section 2151 of this title] are the following:

"(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.]

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

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

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

§2151p. Environmental and natural resources

(a) Congressional statement of findings

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

(b) Assistance authority and emphasis

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

(c) Implementation considerations applicable to programs and projects

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

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

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

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

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

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

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

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

Amendments

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

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

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

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

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

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

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.

Defending Economic Livelihoods and Threatened Animals

Pub. L. 115–353, Dec. 21, 2018, 132 Stat. 5070, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Defending Economic Livelihoods and Threatened Animals Act' or the 'DELTA Act'.

"SEC. 2. FINDINGS.

"Congress finds the following:

"(1) The greater Okavango River Basin, which ranges from the highland plateau of Angola to northeastern Namibia and northern Botswana, and also provides critical natural resources that sustain wildlife in Zambia and Zimbabwe, is the largest freshwater watershed in southern Africa.

"(2) The greater Okavango River Basin is the main source of water and livelihoods for over 1 million people, and the effective management and protection of this critical watershed will help advance important conservation and economic growth objectives for Angola, Botswana, Namibia, local communities, and the broader region.

"(3) The greater Okavango River Basin is home to the largest remaining elephant population in the world, as well as other threatened wildlife species.

"(4) Poaching and trafficking of threatened wildlife species in the greater Okavango River Basin has increased in recent years, and has the potential to undermine regional stability by disrupting local governance and management of resources, and supplanting key economic opportunities for community members.

"(5) Governments in the region have taken important steps to coordinate through existing conservation frameworks to combat trafficking, ensure responsible resource management, support local livelihoods, and protect threatened wildlife species.

"SEC. 3. SENSE OF CONGRESS.

"It is the sense of Congress that it is in the interest of the United States to engage, as appropriate, with the Governments of Angola, Botswana, Namibia, and neighboring countries, and in partnership with donors, regional organizations, nongovernmental organizations, local communities, and the private sector, to advance conservation efforts and promote economic growth and stability in the greater Okavango River Basin and neighboring watersheds and conservation areas.

"SEC. 4. STATEMENT OF POLICY.

"It is the policy of the United States to promote inclusive economic growth through conservation and biodiversity programs that facilitate transboundary cooperation, improve water and natural resource management, and build local capacity to protect and preserve threatened wildlife species in the greater Okavango River Basin and neighboring watersheds and conservation areas.

"SEC. 5. STRATEGY.

"(a) IN GENERAL.—The Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, shall seek, as appropriate, to work with the Governments of Angola, Botswana, Namibia, and neighboring countries, and in partnership with donors, regional organizations, nongovernmental organizations, local communities, and the private sector, to develop a strategy to—

"(1) create and advance a cooperative framework to promote responsible natural resource, water, and wildlife management practices in the greater Okavango River Basin;

"(2) protect traditional migration routes of elephants and other threatened wildlife species;

"(3) combat wildlife poaching and trafficking;

"(4) address human health and development needs of local communities; and

"(5) catalyze economic growth in such countries and across the broader region.

"(b) ELEMENTS.—The strategy established pursuant to subsection (a) shall—

"(1) promote cooperative and responsible water, natural resource, and wildlife management policies and practices within and among the countries of Angola, Botswana, and Namibia, with a particular focus on the greater Okavango River Basin and the critical headwaters located in Angola;

"(2) protect and restore wildlife habitats and traditional migratory patterns of elephants and other threatened species;

"(3) combat wildlife poaching and trafficking in Angola, Botswana, Namibia, and those areas of Zambia and Zimbabwe that border Angola, Botswana, or Namibia, including within regional and national parks and reserves, by building the capacity of the governments of such countries, local law enforcement, community leaders, and park rangers to detect, disrupt, and prosecute poachers and traffickers;

"(4) promote conservation as a foundation for inclusive economic growth and development within a comprehensive assistance strategy that places Angola, Botswana, and Namibia on a trajectory toward graduation from the need for United States foreign assistance;

"(5) identify opportunities and mechanisms to leverage regional organizations, nongovernmental organizations, and public-private partnerships to contribute to support the implementation of the strategy;

"(6) establish monitoring and evaluation mechanisms, including measurable goals, objectives, and benchmarks of success, that are included in grants, contracts, and cooperative agreements to ensure the effective use of United States foreign assistance; and

"(7) coordinate with and build the capacity of regional conservation frameworks in order to advance regional conservation objectives.

"SEC. 6. UNITED STATES SUPPORT.

"(a) IN GENERAL.—The Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, are authorized to prioritize and advance ongoing efforts to—

"(1) promote inclusive economic growth and development through responsible water and natural resource management and wildlife protection activities in the greater Okavango River Basin;

"(2) provide technical assistance to governments and local communities in Angola, Botswana, and Namibia to create a policy-enabling environment for such responsible water and natural resource management and wildlife protection activities; and

"(3) build the capacity of local law enforcement, park rangers, and community leaders to combat wildlife poaching and trafficking.

"(b) Coordination and Integration With Regional Conservation Frameworks.—The Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, shall coordinate assistance provided by Department of State, the United States Agency for International Development, and such other relevant Federal agencies with existing regional conservation frameworks in order to ensure regional integration of conservation, wildlife trafficking, and water management initiatives, to prevent duplication of efforts, and to advance regional conservation objectives.

"(c) Coordination With Private Sector.—The Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, are authorized to work with the private sector and nongovernmental organizations to leverage public and private capital to promote responsible resource management, combat wildlife poaching and trafficking, and support inclusive economic growth and local livelihoods in the greater Okavango River Basin.

"(d) Monitoring and Evaluation.—The Secretary and the Administrator shall establish monitoring and evaluation mechanisms, to include measurable goals, objectives, and benchmarks, to ensure the effective use of United States foreign assistance to achieve the objectives of this section.

"SEC. 7. REPORT.

"(a) In General.—Not later than 1 year after the date of the enactment of this Act [Dec. 21, 2018], the Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, shall submit to the appropriate congressional committees a report on the implementation of this Act.

"(b) Matters To Be Included.—The report required under subsection (a) shall include a description of the strategy required by section 5, including—

"(1) the monitoring and evaluation plans and indicators used to measure performance under the strategy;

"(2) any legislative impediments to meeting the objectives of such strategy;

"(3) the extent to which Angola, Botswana, and Namibia have demonstrated a commitment and willingness to cooperate to advance efforts described in section 5(b);

"(4) progress made to date in meeting the objectives of such strategy;

"(5) efforts to coordinate, deconflict, and streamline conservation programs in order to maximize resource effectiveness;

"(6) the extent to which Angola, Botswana, and Namibia and other government[s] in the region are investing resources to advance conservation initiatives; and

"(7) the extent to which other funding sources, including through private sector investment and other investment by Angola, Botswana, and Namibia, have been identified to advance conservation initiatives.

"SEC. 8. DEFINITIONS.

"In this Act:

"(1) Administrator.—The term 'Administrator' means the Administrator of the United States Agency for International Development.

"(2) Appropriate congressional committees.—The term 'appropriate congressional committees' 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.

"(3) Secretary.—The term 'Secretary' means the Secretary of State."

Clean Water for the Americas Partnership

Pub. L. 107–228, div. A, title VI, subtitle D, Sept. 30, 2002, 116 Stat. 1402, provided that:

"SEC. 641. SHORT TITLE.

"This subtitle may be cited as the 'Clean Water for the Americas Partnership Act of 2002'.

"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 (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), 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 providers, suppliers, advisers, and others with a direct interest in accelerating development of water projects in the region.

"(c) FUNCTIONS.—Members of the Committee shall act as field advisers and may form specialized working groups to provide in-country training and technical assistance, and shall serve as a source of technical support to resolve barriers to project development.

"SEC. 649. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated 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 program pursuant to section 643, the President shall submit a report to the appropriate congressional committees 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 legislation 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 specified 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 appropriate 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 committees" 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, destruction, and loss of tropical forests in developing countries, which pose a serious threat to development and the environment. Tropical forest destruction and loss—

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

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

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

(b) Priorities

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

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

(2) in seeking opportunities to coordinate public and private development and investment activities which affect forests in developing countries.

(c) Assistance to developing countries

In providing assistance to developing countries, the President shall do the following:

(1) Place a high priority on conservation and sustainable management of tropical forests.

(2) To the fullest extent feasible, engage in dialogues and exchanges of information with recipient countries—

(A) which stress the importance of conserving and sustainably managing forest resources for the long-term economic benefit of those countries, as well as the irreversible losses associated with forest destruction, and

(B) which identify and focus on policies of those countries which directly or indirectly contribute to deforestation.

(3) To the fullest extent feasible, support projects and activities—

(A) which offer employment and income alternatives to those who otherwise would cause destruction and loss of forests, and

(B) which help developing countries identify and implement alternatives to colonizing forested areas.

(4) To the fullest extent feasible, support training programs, educational efforts, and the establishment or strengthening of institutions which increase the capacity of developing countries to formulate forest policies, engage in relevant land-use planning, and otherwise improve the management of their forests.

(5) To the fullest extent feasible, help end destructive slash-and-burn agriculture by supporting stable and productive farming practices in areas already cleared or degraded and on lands which inevitably will be settled, with special emphasis on demonstrating the feasibility of agroforestry and other techniques which use technologies and methods suited to the local environment and traditional agricultural techniques and feature close consultation with and involvement of local people.

(6) To the fullest extent feasible, help conserve forests which have not yet been degraded, by helping to increase production on lands already cleared or degraded through support of reforestation, fuelwood, and other sustainable forestry projects and practices, making sure that local people are involved at all stages of project design and implementation.

(7) To the fullest extent feasible, support projects and other activities to conserve forested watersheds and rehabilitate those which have been deforested, making sure that local people are involved at all stages of project design and implementation.

(8) To the fullest extent feasible, support training, research, and other actions which lead to sustainable and more environmentally sound practices for timber harvesting, removal, and processing, including reforestation, soil conservation, and other activities to rehabilitate degraded forest lands.

(9) To the fullest extent feasible, support research to expand knowledge of tropical forests and identify alternatives which will prevent forest destruction, loss, or degradation, including research in agroforestry, sustainable management of natural forests, small-scale farms and gardens, small-scale animal husbandry, wider application of adopted traditional practices, and suitable crops and crop combinations.

(10) To the fullest extent feasible, conserve biological diversity in forest areas by—

(A) supporting and cooperating with United States Government agencies, other donors (both bilateral and multilateral), and other appropriate governmental, intergovernmental, and nongovernmental organizations in efforts to identify, establish, and maintain a representative network of protected tropical forest ecosystems on a worldwide basis;

(B) whenever appropriate, making the establishment of protected areas a condition of support for activities involving forest clearance or degradation; and

(C) helping developing countries identify tropical forest ecosystems and species in need of protection and establish and maintain appropriate protected areas.

(11) To the fullest extent feasible, engage in efforts to increase the awareness of United States Government agencies and other donors, both bilateral and multilateral, of the immediate and long-term value of tropical forests.

(12) To the fullest extent feasible, utilize the resources and abilities of all relevant United States Government agencies.

(13) Require that any program or project under this part significantly affecting tropical forests (including projects involving the planting of exotic plant species)—

(A) be based upon careful analysis of the alternatives available to achieve the best sustainable use of the land, and

(B) take full account of the environmental impacts of the proposed activities on biological diversity,

as provided for in the environmental procedures of the Agency for International Development.

(14) Deny assistance under this part for—

(A) the procurement or use of logging equipment, unless an environmental assessment indicates that all timber harvesting operations involved will be conducted in an environmentally sound manner which minimizes forest destruction and that the proposed activity will produce positive economic benefits and sustainable forest management systems; and

(B) actions which significantly degrade national parks or similar protected areas which contain tropical forests or introduce exotic plants or animals into such areas.

(15) Deny assistance under this part for the following activities unless an environmental assessment indicates that the proposed activity will contribute significantly and directly to improving the livelihood of the rural poor and will be conducted in an environmentally sound manner which supports sustainable development:

(A) Activities which would result in the conversion of forest lands to the rearing of livestock.

(B) The construction, upgrading, or maintenance of roads (including temporary haul roads for logging or other extractive industries) which pass through relatively undegraded forest lands.

(C) The colonization of forest lands.

(D) The construction of dams or other water control structures which flood relatively undegraded forest lands.

(d) PVOs and other nongovernmental organizations

Whenever feasible, the President shall accomplish the objectives of this section through projects managed by private and voluntary organizations or international, regional, or national nongovernmental organizations which are active in the region or country where the project is located.

(e) Country analysis requirements

Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of—

(1) the actions necessary in that country to achieve conservation and sustainable management of tropical forests, and

(2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.

(f) Annual report

Each annual report required by section 2394(a) of this title shall include a report on the implementation of this section.

(Pub. L. 87–195, pt. I, §118, as added Pub. L. 99–529, title III, §301(3), Oct. 24, 1986, 100 Stat. 3014.)

Prior Provisions

A prior section 118 of Pub. L. 87–195, pt. I, was renumbered section 117 and is classified to section 2151p of this title.

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) 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) for activities for which assistance was provided in fiscal years prior to fiscal year 1987.

(d) Country analysis requirements

Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of—

(1) the actions necessary in that country to conserve biological diversity, and

(2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.

(e) Local involvement

To the fullest extent possible, projects supported under this section shall include close consultation with and involvement of local people at all stages of design and implementation.

(f) PVOs and other nongovernmental organizations

Whenever feasible, the objectives of this section shall be accomplished through projects managed by appropriate private and voluntary organizations, or international, regional, or national nongovernmental organizations, which are active in the region or country where the project is located.

(g) Actions by AID

The Administrator of the Agency for International Development shall—

(1) cooperate with appropriate international organizations, both governmental and nongovernmental;

(2) look to the World Conservation Strategy as an overall guide for actions to conserve biological diversity;

(3) engage in dialogues and exchanges of information with recipient countries which stress the importance of conserving biological diversity for the long-term economic benefit of those countries and which identify and focus on policies of those countries which directly or indirectly contribute to loss of biological diversity;

(4) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity;

(5) whenever possible, enter into long-term agreements in which the recipient country agrees to protect ecosystems or other wildlife habitats recommended for protection by relevant governmental or nongovernmental organizations or as a result of activities undertaken pursuant to paragraph (6), and the United States agrees to provide, subject to obtaining the necessary appropriations, additional assistance necessary for the establishment and maintenance of such protected areas;

(6) support, as necessary and in cooperation with the appropriate governmental and nongovernmental organizations, efforts to identify and survey ecosystems in recipient countries worthy of protection;

(7) cooperate with and support the relevant efforts of other agencies of the United States Government, including the United States Fish and Wildlife Service, the National Park Service, the Forest Service, and the Peace Corps;

(8) review the Agency's environmental regulations and revise them as necessary to ensure that ongoing and proposed actions by the Agency do not inadvertently endanger wildlife species or their critical habitats, harm protected areas, or have other adverse impacts on biological diversity (and shall report to the Congress within a year after October 24, 1986, on the actions taken pursuant to this paragraph);

(9) ensure that environmental profiles sponsored by the Agency include information needed for conservation of biological diversity; and

(10) deny any direct or indirect assistance under this part for actions which significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas.

(h) Annual reports

Each annual report required by section 2394(a) of this title shall include, in a separate volume, a report on the implementation of this section.

(Pub. L. 87–195, pt. I, §119, as added Pub. L. 98–164, title VII, §702, Nov. 22, 1983, 97 Stat. 1045; amended Pub. L. 99–529, title III, §302, Oct. 24, 1986, 100 Stat. 3017; Pub. L. 101–167, title V, §533(d)(4)(A), Nov. 21, 1989, 103 Stat. 1227.)

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Prior Provisions

A prior section 2151q, Pub. L. 87–195, pt. I, §119, as added Pub. L. 95–88, title I, §114, Aug. 3, 1977, 91 Stat. 538; amended Pub. L. 95–424, title I, §111, Oct. 6, 1978, 92 Stat. 948; Pub. L. 96–53, title I, §§104(c), 107, Aug. 14, 1979, 93 Stat. 362, related to renewable and unconventional energy technologies, prior to repeal by Pub. L. 96–533, title III, §304(g), Dec. 16, 1980, 94 Stat. 3147.

Amendments

1989—Subsec. (b). Pub. L. 101–167 inserted ", notwithstanding section 2420 of this title," after "subchapter I of this chapter".

1986—Subsec. (c). Pub. L. 99–529 added subsec. (c) and struck out former subsec. (c) which read as follows: "The Administrator of the Agency for International Development, in conjunction with the Secretary of State, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, and the heads of other appropriate Government agencies, shall develop a United States strategy, including specific policies and programs, to protect and conserve biological diversity in developing countries."

Subsec. (d). Pub. L. 99–529 added subsec. (d) and struck out former subsec. (d) which read as follows: "Each annual report required by section 2394(a) of this title shall include, in a separate volume, a report on the implementation of this subsection. Not later than one year after November 22, 1983, the President shall submit a comprehensive report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate on the United States strategy to protect and conserve biological diversity in developing countries."

Subsecs. (e) to (h). Pub. L. 99–529 added subsecs. (e) to (h).

Short Title

For short title of title VII of Pub. L. 98–164, which enacted this section and amended section 2452 of this title, as the "International Environment Protection Act of 1983", see section 701 of Pub. L. 98–164, set out as a Short Title of 1983 Amendment note under section 2151 of this title.

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.

Increased International Cooperation To Protect Biological Diversity

Pub. L. 100–530, Oct. 25, 1988, 102 Stat. 2651, provided that Congress supports United States efforts, consistent with 22 U.S.C. 2151q(g), to initiate discussions to develop an international agreement to preserve biological diversity and calls upon the President to continue exerting United States leadership in order to achieve the earliest possible negotiation of an international convention to conserve biological diversity, and directed the President to submit a report to Congress on progress toward goal of negotiating such convention not later than one year after Oct. 25, 1988.

§2151r. Sahel development program; planning

(a) Congressional support

The Congress reaffirms its support of the initiative of the United States Government in undertaking consultations and planning with the countries concerned, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations, toward the development and support of a comprehensive long-term African Sahel development program.

(b) Presidential authorization

The President is authorized to develop a long-term comprehensive development program for the Sahel and other drought-stricken nations in Africa.

(c) Presidential guidelines

In developing this long-term program, the President shall—

(1) consider international coordination for the planning and implementation of such program;

(2) seek greater participation and support by African countries and organizations in determining development priorities; and

(3) begin such planning immediately.

(Pub. L. 87–195, pt. I, §120, formerly pt. III, §639B, as added Pub. L. 93–189, §20, Dec. 17, 1973, 87 Stat. 725; renumbered pt. I, §494B and amended Pub. L. 94–161, title I, §101(5), (7), Dec. 20, 1975, 89 Stat. 850; renumbered pt. I, §120 and amended Pub. L. 95–88, title I, §115(1), (2), Aug. 3, 1977, 91 Stat. 539; Pub. L. 95–424, title V, §502(d)(1), Oct. 6, 1978, 92 Stat. 959.)

Codification

Section was formerly classified to sections 2292e and 2399–1b of this title.

Amendments

1978—Subsec. (d). Pub. L. 95–424 struck out subsec. (d) authorizing appropriations for development of a long-term African Sahel development program.

1977—Pub. L. 95–88, §115(2), substituted "Sahel" for "African" in section catchline.

1975—Pub. L. 94–161, §101(7)(A), struck out "Sahel" after "African" in section catchline.

Subsec. (a). Pub. L. 94–161, §101(7)(B), (C), designated existing provisions as subsec. (a) and substituted "Congress reaffirms its support of" for "Congress supports".

Subsecs. (b) to (d). Pub. L. 94–161, §101(7)(D), added subsecs. (b) to (d).

Effective Date of 1978 Amendment

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

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.

§2151s. Repealed. Pub. L. 101–513, title V, §562(d)(5), Nov. 5, 1990, 104 Stat. 2031

Section, Pub. L. 87–195, pt. I, §121, as added Pub. L. 95–88, title I, §115(3), Aug. 3, 1977, 91 Stat. 539; amended Pub. L. 96–53, title I, §108, Aug. 14, 1979, 93 Stat. 363; Pub. L. 96–533, title III, §306, Dec. 16, 1980, 94 Stat. 3147; Pub. L. 97–113, title III, §308, Dec. 29, 1981, 95 Stat. 1535; Pub. L. 99–83, title VIII, §809, Aug. 8, 1985, 99 Stat. 263, related to Sahel development program.

§2151t. Development assistance authority

(a) Authority of President to furnish assistance

In order to carry out the purposes of this part, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to countries and areas through programs of grant and loan assistance, bilaterally or through regional, multilateral, or private entities.

(b) Authority of President to make loans; terms and conditions

The President is authorized to make loans payable as to principal and interest in United States dollars on such terms and conditions as he may determine, in order to promote the economic development of countries and areas, with emphasis upon assisting long-range plans and programs designed to develop economic resources and increase productive capacities. The President shall determine the interest payable on any loan. In making loans under this part, the President shall consider the economic circumstances of the borrower and other relevant factors, including the capacity of the recipient country to repay the loan at a reasonable rate of interest, except that loans may not be made at a rate of interest of less than 3 per centum per annum commencing not later than ten years 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.

(Pub. L. 87–195, pt. I, §122, as added Pub. L. 95–424, title I, §102(a), (b)(1), (c)(1), (d), Oct. 6, 1978, 92 Stat. 940, 941.)

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Prior Provisions

Subsec. (b) of this section consists of provisions formerly contained in subsections (b), (c), and (d) of section 2161 of this title. Subsec. (e) of this section consists of provisions formerly contained in section 2164 of this title.

Effective Date

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

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.

(Pub. L. 103–392, title V, §501, Oct. 22, 1994, 108 Stat. 4103.)

References in Text

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. 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 2346 of this title, and sections 2348c and 2349aa–5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Codification

Section was enacted as part of the Jobs Through Trade Expansion Act of 1994, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2151u. Private and voluntary organizations and cooperatives in overseas development

(a) Congressional finding of importance of participation by private and voluntary organizations

The Congress finds that the participation of rural and urban poor people in their countries' development can be assisted and accelerated in an effective manner through an increase in activities planned and carried out by private and voluntary organizations and cooperatives. Such organizations and cooperatives, embodying the American spirit of self-help and assistance to others to improve their lives and incomes, constitute an important means of mobilizing private American financial and human resources to benefit poor people in developing countries. The Congress declares that it is in the interest of the United States that such organizations and cooperatives expand their overseas development efforts without compromising their private and independent nature. The Congress further declares that the financial resources of such organizations and cooperatives should be supplemented by the contribution of public funds for the purpose of undertaking development activities in accordance with the principles set forth in section 2151–1 of this title and, if necessary and determined on a case-by-case basis, for the purpose of sharing the cost of developing programs related to such activities. The Congress urges the Administrator of the agency primarily responsible for administering subchapter I of this chapter, in implementing programs authorized under subchapter I of this chapter, to draw on the resource of private and voluntary organizations and cooperatives to plan and carry out development activities and to establish simplified procedures for the development and approval of programs to be carried out by such private and voluntary organizations and cooperatives as have demonstrated a capacity to undertake effective development activities.

(b) Payment of transportation charges on shipments by American National Red Cross and United States voluntary agencies

In order to further the efficient use of United States voluntary contributions for development, relief, and rehabilitation of friendly peoples, the President is authorized to use funds made available for the purposes of this part and part X of this subchapter to pay transportation charges on shipments by the American National Red Cross and by United States voluntary agencies registered with the Agency for International Development.

(c) Reimbursement for transportation charges

Reimbursement under this section may be provided for transportation charges on shipments from United States ports, or in the case of excess or surplus property supplied by the United States from foreign ports, to ports of entry abroad or to points of entry abroad in cases (1) of landlocked countries, (2) where ports cannot be used effectively

because of natural or other disturbances, (3) where carriers to a specified country are unavailable, or (4) where a substantial savings in costs or time can be effected by the utilization of points of entry other than ports.

(d) Arrangements with receiving country for free entry of shipments and for availability of local currency to defray transportation costs

Where practicable, the President shall make arrangements with the receiving country for free entry of such shipments and for the making available by the country of local currencies for the purpose of defraying the transportation costs of such shipments from the port or point of entry of the receiving country to the designated shipping point of the consignee.

(e) Continuation of support for programs in countries antedating prohibitions on assistance; national interest considerations; report to Congress

Prohibitions on assistance to countries contained in this chapter or any other Act shall not be construed to prohibit assistance by the agency primarily responsible for administering subchapter I of this chapter in support of programs of private and voluntary organizations and cooperatives already being supported prior to the date such prohibition becomes applicable. The President shall take into consideration, in any case in which statutory prohibitions on assistance would be applicable but for this subsection, whether continuation of support for such programs is in the national interest of the United States. If the President continues such support after such date, he shall prepare and transmit, not later than one year after such date, to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report setting forth the reasons for such continuation.

(f) Funds for private and voluntary organizations

For each of the fiscal years 1986 through 1989, funds in an amount not less than thirteen and one half percent of the aggregate amount appropriated for that fiscal year to carry out sections 2151a(a), 2151b(b), 2151b(c), 2151c, 2151d, 2151s,[1] and 2292 of this title shall be made available for the activities of private and voluntary organizations, and the President shall seek to channel funds in an amount not less than 16 percent of such aggregate amount for the activities of private and voluntary organizations. Funds made available under part IV of subchapter II of this chapter for the activities of private and voluntary organizations may be considered in determining compliance with the requirements of this subsection.

(g) Repealed. Pub. L. 105–277, div. A, §101(d) [title II], Oct. 21, 1998, 112 Stat. 2681–150, 2681-156

(h) Promotion of democratic cooperatives

The Congress recognizes that, in addition to their role in social and economic development, cooperatives provide an opportunity for people to participate directly in democratic decisionmaking. Therefore, assistance under this part shall be provided to rural and urban cooperatives which offer large numbers of low- and middle-income people in developing countries an opportunity to participate directly in democratic decisionmaking. Such assistance shall be designed to encourage the adoption of self-help, private sector cooperative techniques and practices which have been successful in the United States.

(Pub. L. 87–195, pt. I, §123, as added Pub. L. 95–424, title I, §102(e), Oct. 6, 1978, 92 Stat. 941; amended Pub. L. 96–53, title I, §121, Aug. 14, 1979, 93 Stat. 366; Pub. L. 96–533, title III, §307, Dec. 16, 1980, 94 Stat. 3147; Pub. L. 97–113, title III, §309, Dec. 29, 1981, 95 Stat. 1535; Pub. L. 99–83, title III, §§309, 310, Aug. 8, 1985, 99 Stat. 215; Pub. L. 101–513, title V, §562(d)(6), Nov. 5, 1990, 104 Stat. 2031; Pub. L. 105–277, div. A, §101(d) [title II], Oct. 21, 1998, 112 Stat. 2681–150, 2681-156.)

References in Text

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

Section 2151s of this title, referred to in subsec. (f), was repealed by Pub. L. 101–513, title V, §562(d)(5), Nov. 5, 1990, 104 Stat. 2031.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Amendments

1998—Subsec. (g). Pub. L. 105–277 struck out subsec. (g) which read as follows: "After December 31, 1984, funds made available to carry out section 2151a(a), 2151b(b), 2151b(c), 2151c, 2151d, 2292, or 2293 of this title may not be made available for programs of any United States private and voluntary organization which does not obtain at least 20 percent of its total annual financial support for its international activities from sources other than the United States Government, except that this restriction does not apply with respect to programs which, as of that date, are receiving financial

support from the agency primarily responsible for administering subchapter I of this chapter. The Administrator of the agency primarily responsible for administering subchapter I of this chapter may, on a case-by-case basis, waive the restriction established by this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency primarily responsible for administering subchapter I of this chapter."

1990—Subsec. (b). Pub. L. 101–513, §562(d)(6)(A), inserted "and part X of this subchapter" after "this part".

Subsec. (g). Pub. L. 101–513, §562(d)(6)(B), substituted "2292, or 2293" for "2191s, or 2292".

1985—Subsec. (e). Pub. L. 99–83, §309(a), substituted "one year" for "thirty days".

Subsec. (f). Pub. L. 99–83, §309(b)(1), substituted "1986 through 1989" for "1982, 1983, and 1984".

Pub. L. 99–83, §309(b)(2), which directed the substitution of "thirteen and one half" for "twelve" was executed by making the substitution for "12" as the probable intent of Congress because "twelve" did not appear in text.

Pub. L. 99–83, §309(b)(3), inserted provisions relating to funds for determining compliance with subsec. (f).

Subsec. (h). Pub. L. 99–83, §310, added subsec. (h).

1981—Subsecs. (f), (g). Pub. L. 97–113, §309, added subsecs. (f) and (g).

1980—Subsec. (a). Pub. L. 96–533, §307(1), (2), provided for contribution of public funds to private and voluntary organizations and cooperatives for purpose of sharing cost of developing programs related to development activities and encouraged establishment of simplified procedures for development of programs to be carried out by such entities having a capacity for undertaking effective development programs.

Subsec. (e). Pub. L. 96–533, §307(3), added subsec. (e).

1979—Subsec. (b). Pub. L. 96–53 substituted "Agency for International Development" for "Advisory Committee on Voluntary Foreign Aid".

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Effective Date

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

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.

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 repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108–7, div. E, title V, §502(a), Feb. 20, 2003, 117 Stat. 180.

Pub. L. 107–115, title V, §502(a), Jan. 10, 2002, 115 Stat. 2139.

Pub. L. 106–429, §101(a) [title II], Nov. 6, 2000, 114 Stat. 1900, 1900A-8.

Pub. L. 106–113, div. B, §1000(a)(2) [title II], Nov. 29, 1999, 113 Stat. 1535, 1501A-68.

Pub. L. 105–277, div. A, §101(d) [title II], Oct. 21, 1998, 112 Stat. 2681–150, 2681-156.

Pub. L. 105–118, title II, Nov. 26, 1997, 111 Stat. 2390.

Pub. L. 104–208, div. A, title I, §101(c) [title II], Sept. 30, 1996, 110 Stat. 3009–121, 3009-126.

Pub. L. 104–107, title II, Feb. 12, 1996, 110 Stat. 708.

Pub. L. 103–306, title II, Aug. 23, 1994, 108 Stat. 1612.

Pub. L. 103–87, title II, Sept. 30, 1993, 107 Stat. 935.

Pub. L. 102–391, title II, Oct. 6, 1992, 106 Stat. 1642.

Pub. L. 101–513, title II, Nov. 5, 1990, 104 Stat. 1987.

Pub. L. 101–167, title II, Nov. 21, 1989, 103 Stat. 1204.
Pub. L. 100–461, title II, Oct. 1, 1988, 102 Stat. 2268–9.
Pub. L. 100–202, §101(e) [title II], Dec. 22, 1987, 101 Stat. 1329–131, 1329-139.
Pub. L. 99–500, §101(f) [title II], Oct. 18, 1986, 100 Stat. 1783–213, 1783-218, and Pub. L. 99–591, §101(f) [title II], Oct. 30, 1986, 100 Stat. 3341–214, 3341-218.
Pub. L. 99–190, §101(i) [title II], Dec. 19, 1985, 99 Stat. 1291, 1296.
Pub. L. 98–473, title I, §101(1) [title II], Oct. 12, 1984, 98 Stat. 1884, 1889; repealed by Pub. L. 105–277, div. A, §101(d) [title II], Oct. 21, 1998, 112 Stat. 2681–150, 2681-156.

Shipment of Humanitarian Assistance

Pub. L. 108–199, div. D, title V, §534(f), Jan. 23, 2004, 118 Stat. 182, provided that: "During fiscal year 2004 and each fiscal year thereafter, of the amounts made available by the United States Agency for International Development to carry out the provisions of section 123(b) of the Foreign Assistance Act of 1961 [this section], funds may be made available to nongovernmental organizations for administrative costs necessary to implement a program to obtain available donated space on commercial ships for the shipment of humanitarian assistance overseas."

Similar provisions were contained in the following prior appropriation acts:
Pub. L. 108–7, div. E, title V, §534(g), Feb. 20, 2003, 117 Stat. 194.
Pub. L. 107–206, title I, §602, Aug. 2, 2002, 116 Stat. 859.

Study and Report Concerning Use of Private and Voluntary Organizations, Cooperatives, and Private Sector

Pub. L. 99–83, title III, §311, Aug. 8, 1985, 99 Stat. 216, provided that:

"(a) Study.—The Administrator of the Agency for International Development shall undertake a comprehensive study of additional ways to provide development assistance through nongovernmental organizations, including United States and indigenous private and voluntary organizations, cooperatives, the business community, and other private entities. Such study shall include—

"(1) an analysis of the percentage of development assistance allocated to governmental and nongovernmental programs;

"(2) an analysis of structural impediments, within both the United States and foreign governments, to additional use of nongovernmental programs; and

"(3) an analysis of the comparative economic benefits of governmental and nongovernmental programs.

"(b) Report.—The Administrator shall report the results of this study to the Congress no later than September 30, 1986."

African Development Foundation

Pub. L. 95–424, title I, §122, Oct. 6, 1978, 92 Stat. 954, as amended by Pub. L. 97–113, title VII, §734(a)(5), Dec. 29, 1981, 95 Stat. 1560, provided that:

"(a) The Congress declares that the United States should place higher priority on the formulation and implementation of policies and programs to enable the people of African nations to develop their potential, fulfill their aspirations, and enjoy better, more productive lives. In furtherance of these objectives, the Congress finds that additional support is needed for community-based self-help activities in Africa and that an African Development Foundation, organized to further the purposes set forth in section 123 of the Foreign Assistance Act of 1961 [this section], can complement current United States development programs in Africa.

"(b) [Repealed. Pub. L. 97–113, title VII, §734(a)(5), Dec. 29, 1981, 95 Stat. 1560.]"

[African Development Foundation changed to United States African Development Foundation by Pub. L. 113–76, div. K, title III, Jan. 17, 2014, 128 Stat. 482. See section 290h–1 of this title.]

[1] *See References in Text note below.*

§2151v. Aid to relatively least developed countries

(a) Characterization of least developed countries

Relatively least developed countries (as determined on the basis of criteria comparable to those used for the United Nations General Assembly list of "least developed countries") are characterized by extreme poverty, very limited infrastructure, and limited administrative capacity to implement basic human needs growth strategies. In such countries special measures may be necessary to insure the full effectiveness of assistance furnished under subchapter I of this chapter.

(b) Assistance on grant basis

For the purpose of promoting economic growth in these countries, the President is authorized and encouraged to make assistance under this part available on a grant basis to the maximum extent that is consistent with the

attainment of United States development objectives.

(c) Waiver of principal and interest on prior liability

(1) The Congress recognizes that the relatively least developed countries have virtually no access to private international capital markets. Insofar as possible, prior assistance terms should be consistent with present grant assistance terms for relatively least developed countries. Therefore, notwithstanding section 2370(r) of this title and section 321 of the International Development and Food Assistance Act of 1975 but subject to paragraph (2) of this subsection, the President on a case-by-case basis, taking into account the needs of the country for financial resources and the commitment of the country to the development objectives set forth in sections 2151 and 2151–1 of this title—

(A) may permit a relatively least developed country to place amounts, which would otherwise be paid to the United States as payments on principal or interest on liability incurred by that country under subchapter I of this chapter (or any predecessor legislation) into local currency accounts (in equivalent amounts of local currencies as determined by the official exchange rate for United States dollars) for use by the relatively least developed country, with the concurrence of the Administrator of the agency primarily responsible for administering subchapter I of this chapter, for activities which are consistent with section 2151–1 of this title; and

(B) may waive interest payments on liability incurred by a relatively least developed country under subchapter I of this chapter (or any predecessor legislation) if the President determines that that country would be unable to use for development purposes the equivalent amounts of local currencies which could be made available under subparagraph (A).

(2) The aggregate amount of interest waived and interest and principal paid into local currency accounts under this subsection in any fiscal year may not exceed the amount approved for such purpose in an Act appropriating funds to carry out this part for that fiscal year, which amount may not exceed the amount authorized to be so approved by the annual authorizing legislation for development assistance programs. Amounts due and payable during fiscal year 1981 to the United States from relatively least developed countries on loans made under this subchapter (or any predecessor legislation) are authorized to be approved for use, in accordance with the provisions of paragraph (1) of this subsection, in an amount not to exceed $10,845,000.

(3) In exercising the authority granted by this subsection, the President should act in concert with other creditor countries.

(d) Waiver of requirement of contribution

The President may on a case-by-case basis waive the requirement of section 2151h(a) of this title for financial or "in kind" contributions in the case of programs, projects, or activities in relatively least developed countries.

(e) Waiver of time limitations on aid

Section 2151h(b) of this title shall not apply with respect to grants to relatively least developed countries.

(Pub. L. 87–195, pt. I, §124, as added Pub. L. 95–424, title I, §112(a)(1), Oct. 6, 1978, 92 Stat. 948; amended Pub. L. 96–53, title I, §109, Aug. 14, 1979, 93 Stat. 363; Pub. L. 96–533, title III, §308, Oct. 16, 1980, 94 Stat. 3147.)

References in Text

Section 321 of the International Development and Food Assistance Act of 1975, referred to in subsec. (c)(1), is section 321 of Pub. L. 94–161, Dec. 20, 1975, 89 Stat. 868, which is set out as a note under section 2220a of this title.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Amendments

1980—Subsec. (c)(2). Pub. L. 96–533 substituted "fiscal year 1981" and "$10,845,000" for "fiscal year 1980" and "$18,800,000", respectively.

1979—Subsec. (c)(2). Pub. L. 96–53 inserted provisions respecting use of funds due and payable during fiscal year 1980 to the United States.

Effective Date of 1979 Amendment

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

Effective Date

Pub. L. 95–424, title I, §112(a)(2), Oct. 6, 1978, 92 Stat. 949, provided that: "The authority granted by section 124(c) of the Foreign Assistance Act of 1961 [subsec. (c) of this section] shall not become effective until October 1, 1979."

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

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, §572, Oct. 1, 1988, 102 Stat. 2268–44, provided that during fiscal years 1990 and 1991, President could use authority of paragraphs (A) and (B) of subsection (c)(1) of this section with respect to such aggregate amounts of principal and interest payable during each of those fiscal years as President determined, or at any time after Sept. 30, 1989, President could, if he determined it was in national interest to do so, use authority of those paragraphs with respect to such aggregate amounts of outstanding principal and interest payable at any time after that date, and that such authority could be exercised with respect to specified countries, and be exercised notwithstanding subsection (c)(2) of this section.

§2151w. Project and program evaluations

(a) The Administrator of the agency primarily responsible for administering subchapter I of this chapter is directed to improve the assessment and evaluation of the programs and projects carried out by that agency under this part. The Administrator shall consult with the appropriate committees of the Congress in establishing standards for such evaluations.

(b) Repealed. Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560.

(Pub. L. 87–195, pt. I, §125, as added Pub. L. 95–424, title I, §113, Oct. 6, 1978, 92 Stat. 950; amended Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560.)

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Amendments

1981—Subsec. (b). Pub. L. 97–113 struck out subsec. (b) which required an annual Presidential report on actions taken by the international financial institutions and the United Nations Development Program to improve the evaluation of their own programs.

Effective Date

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

§2151x. Development and illicit narcotics production

(a) Congressional statement of findings

The Congress recognizes that illicit narcotics cultivation is related to overall development problems and that the vast majority of all individuals employed in the cultivation of illicit narcotics reside in the developing countries and are among the poorest of the poor in those countries and that therefore the ultimate success of any effort to eliminate illicit narcotics production depends upon the availability of alternative economic opportunities for those individuals, upon other factors which assistance under this part could address, as well as upon direct narcotics control efforts.

(b) Program planning priorities; resource utilization

(1) In planning programs of assistance under this part, and part X of this subchapter, and under part IV of subchapter II of this chapter for countries in which there is illicit narcotics cultivation, the agency primarily responsible for administering subchapter I of this chapter should give priority consideration to programs which would help reduce illicit narcotics cultivation by stimulating broader development opportunities.

(2) The agency primarily responsible for administering subchapter I of this chapter may utilize resources for activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

(c) Administrative requirements

In furtherance of the purposes of this section, the agency primarily responsible for administering subchapter I of this chapter shall cooperate fully with, and share its expertise in development matters with, other agencies of the United States Government involved in narcotics control activities abroad.

(Pub. L. 87–195, pt. I, §126, as added Pub. L. 96–53, title I, §110, Aug. 14, 1979, 93 Stat. 363; amended Pub. L. 99–83, title VI, §603, Aug. 8, 1985, 99 Stat. 228; Pub. L. 101–513, title V, §562(d)(7), Nov. 5, 1990, 104 Stat. 2031.)

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Amendments

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

1985—Subsec. (b). Pub. L. 99–83 designated existing provisions as par. (1), inserted reference to part IV of subchapter II of this chapter, and added par. (2).

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date

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

§2151x–1. Assistance for agricultural and industrial alternatives to narcotics production

(a) Waiver of restrictions

For the purpose of reducing dependence upon the production of crops from which narcotic and psychotropic drugs are derived, the President may provide assistance to a foreign country under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) and chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund) to promote the production, processing, or the marketing of products or commodities, notwithstanding any other provision of law that would otherwise prohibit the provision of assistance to promote the production, processing, or the marketing of such products or commodities.

(b) Effective date

Subsection (a) applies with respect to funds made available for fiscal year 1991 or any fiscal year thereafter.

(Pub. L. 101–623, §6, Nov. 21, 1990, 104 Stat. 3355.)

References in Text

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 1 of part I and chapter 4 of part II of the Act are classified generally to part I (§2151 et seq.) of subchapter I and part IV (§2346 et seq.) of subchapter II, respectively, of this chapter. For provisions deeming references to part I of subchapter I to include a reference to section 2293 of this title, see section 2293(d)(1) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Codification

Section was enacted as part of the International Narcotics Control Act of 1990, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2151x–2. Assistance in furtherance of narcotics control objectives of United States

(a) Waiver of certain restrictions

For the purpose of reducing dependence upon the production of crops from which narcotic and psychotropic drugs are derived, the President may provide economic assistance for a country which, because of its coca production, is a major illicit drug producing country (as defined in section 481(i)(2) [1] of the Foreign Assistance Act

of 1961 (22 U.S.C. 2291(i)(2))) to promote the production, processing, or the marketing of products which can be economically produced in such country, notwithstanding the provisions of law described in subsection (b) of this section.

(b) Description of restrictions waived

The provisions of law made inapplicable by subsection (a) are any other provisions of law that would otherwise restrict the use of economic assistance funds with respect to the production, processing, or marketing of agricultural commodities (or the products thereof) or other products, including sections 521, 546, and 547 (but excluding section 510) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, and comparable provisions of subsequent Acts appropriating funds for foreign operations, export financing, and related programs.

(c) "Economic assistance" defined

As used in this section, the term "economic assistance" means assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) and assistance under chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund).

(Pub. L. 101–624, title XV, §1544, Nov. 28, 1990, 104 Stat. 3695.)

References in Text

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, referred to in subsec. (b), is Pub. L. 101–167, Nov. 21, 1989, 103 Stat. 1195. Sections 510, 521, 546, and 547 of that Act are not classified to the Code.

The Foreign Assistance Act of 1961, referred to in subsecs. (a) and (c), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 1 of part I and chapter 4 of part II of the Act are classified generally to part I (§2151 et seq.) of subchapter I and part IV (§2346 et seq.) of subchapter II, respectively, of this chapter. For provisions deeming references to part I of subchapter I to include a reference to section 2293 of this title, see section 2293(d)(1) of this title. Subsec. (i) of section 481 of the Act was redesignated (e) by Pub. L. 102–583, §6(b)(3), Nov. 2, 1992, 106 Stat. 4932. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Codification

Section was enacted as part of the Agricultural Development and Trade Act of 1990, and also as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

[1] *See References in Text note below.*

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

The Administrator of the agency primarily responsible for administering subchapter I of this chapter shall conduct an annual review of bilateral concessional loan balances and shall determine and identify those countries whose financial resources make possible accelerated loan repayments. In particular, European countries that were recipients of concessional loans by predecessor agencies to the agency primarily responsible for administering subchapter I of this chapter shall be contacted to negotiate accelerated repayments. The criteria used by the Administrator in making these determinations shall be established in conjunction with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Pub. L. 87–195, pt. I, §127, as added Pub. L. 96–53, title V, §508(a), Aug. 14, 1979, 93 Stat. 379.)

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.

Effective Date

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

Negotiating Efforts Concerning Accelerated Loan Repayments To Be Included in Annual Reports on Foreign Assistance for 1980 and 1981

Pub. L. 96–53, title V, §508(b), Aug. 14, 1979, 93 Stat. 379, which related to loan repayment provisions in reports, was repealed by Pub. L. 97–113, title VII, §734(a)(3), Dec. 29, 1981, 95 Stat. 1560.

§2151z. Targeted assistance

(a) Determination of target populations and strengthening United States assistance

The President shall use poverty measurement standards, such as those developed by the International Bank for Reconstruction and Development, and other appropriate measurements in determining target populations for United States development assistance, and shall strengthen United States efforts to assure that a substantial percentage of development assistance under this part directly improves the lives of the poor majority, with special emphasis on those individuals living in absolute poverty.

(b) Ultimate beneficiaries of activities

To the maximum extent possible, activities under this part that attempt to increase the institutional capabilities of private organizations or governments, or that attempt to stimulate scientific and technological research, shall be designed and monitored to ensure that the ultimate beneficiaries of these activities are the poor majority.

(Pub. L. 87–195, pt. I, §128, as added Pub. L. 97–377, title I, §101(b)(2), Dec. 21, 1982, 96 Stat. 1832; amended Pub. L. 99–83, title III, §312(a), Aug. 8, 1985, 99 Stat. 216.)

Amendments

1985—Pub. L. 99–83, in amending section generally, designated existing provisions as subsec. (a), substituted provisions setting overall guidelines and principles for determination of target populations and strengthening United States assistance, for provisions relating to Presidential responsibility in carrying out this part in fiscal year 1983 for targeting assistance for those living in absolute poverty, and added subsec. (b).

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

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, 1983, on Implementation of Section

Pub. L. 97–377, title I, §101(b)(2), Dec. 21, 1982, 96 Stat. 1832, provided in part: "That within six months after the date of approval of this joint resolution [Dec. 21, 1982], the Administrator of the Agency for International Development shall report to Congress on the implementation of this provision [this section], the types of projects determined to meet these requirements, and the effect on the overall United States foreign assistance program."

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

(a) Establishment of program

(1) In general

Not later than 150 days after October 21, 1998, the Secretary of the Treasury, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, is authorized to establish a program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries.

(2) Role of Secretary of State

The Secretary of State shall provide foreign policy guidance to the Secretary to ensure that the program established under this subsection is effectively integrated into the foreign policy of the United States.

(b) Conduct of program

(1) In general

In carrying out the program established under subsection (a), the Secretary shall provide economic and financial technical assistance to foreign governments and foreign central banks of developing and transitional countries by providing advisers with appropriate expertise to advance the enactment of laws and establishment of administrative procedures and institutions in such countries to promote macroeconomic and fiscal stability, efficient resource allocation, transparent and market-oriented processes and sustainable private sector growth.

(2) Additional requirements

To the extent practicable, such technical assistance shall be designed to establish—

(A) tax systems that are fair, objective, and efficiently gather sufficient revenues for governmental operations;

(B) debt issuance and management programs that rely on market forces;

(C) budget planning and implementation that permits responsible fiscal policy management;

(D) commercial banking sector development that efficiently intermediates between savers and investors; and

(E) financial law enforcement to protect the integrity of financial systems, financial institutions, and government programs.

(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), 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), the Secretary shall have the following administrative authorities:

(1) The Secretary may provide allowances and benefits under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) to any officer or employee of any agency of the United States Government performing functions under this section outside the United States.

(2)(A) The Secretary may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out this section, including any advance to the United States Government by any country or international organization for the procurement of commodities, supplies, or services.

(B) Such funds shall be available for obligation and expenditure for the purposes for which such funds were authorized, in accordance with authority granted in this section or under authority governing the activities of the agency of the United States Government to which such funds are allocated or transferred.

(3) Appropriations for the purposes of or pursuant to this section, and allocations to any agency of the United States Government from other appropriations for functions directly related to the purposes of this section, shall be available for—

(A) contracting with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management;

(B) the purchase and hire of passenger motor vehicles, except that passenger motor vehicles may be purchased only—

(i) for use in foreign countries; and

(ii) if the Secretary or the Secretary's designee has determined that the vehicle is necessary to accomplish the mission;

(C) the purchase of insurance for official motor vehicles acquired for use in foreign countries;

(D)(i) the rent or lease outside the United States, not to exceed 5 years, of offices, buildings, grounds, and quarters, including living quarters to house personnel, consistent with the relevant interagency housing board policy, and payments therefor in advance;

(ii) maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government outside the United States; and

(iii) costs of insurance, fuel, water, and utilities for such properties;

(E) expenses of preparing and transporting to their former homes or places of burial the remains of foreign participants or members of the family of foreign participants, who may die while such participants are away from their homes participating in activities carried out with funds covered by this section;

(F) notwithstanding any other provision of law, transportation and payment of per diem in lieu of subsistence to foreign participants engaged in activities of the program under this section while such participants are away from their homes in countries other than the United States, at rates not in excess of those prescribed by the standardized Government travel regulations;

(G) expenses in connection with travel of personnel outside the United States, including travel expenses of dependents (including expenses during necessary stop-overs while engaged in such travel), and transportation of personal effects, household goods, and automobiles of such personnel when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting automobiles to and from a place of storage, and the cost of storing automobiles of such personnel when it is in the public interest or more economical to authorize storage; and

(H) grants to, and cooperative agreements and contracts with, any individual, corporation, or other body of persons, nonprofit organization, friendly government or government agency, whether within or without the United States, and international organizations, as the Secretary determines is appropriate to carry out the purposes of this section.

(4) Whenever the Secretary determines it to be consistent with the purposes of this section, the Secretary is authorized to furnish services and commodities on an advance-of-funds basis to any friendly country or international organization that is not otherwise prohibited from receiving assistance under this chapter. Such advances may be credited to the currently applicable appropriation, account, or fund of the Department of the Treasury and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used.

(e) Issuance of regulations

The Secretary is authorized to issue such regulations with respect to personal service contractors as the Secretary deems necessary to carry out this section.

(f) Rule of construction

Nothing in this section shall be construed to infringe upon the powers or functions of the Secretary of State (including the powers or functions described in section 4802 of this title) or of any chief of mission (including the powers or functions described in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)).

(g) Termination of assistance

The Secretary shall conclude assistance activities for a recipient foreign government or foreign central bank under the program established under subsection (a) if the Secretary, after consultation with the appropriate officers of the United States, determines that such assistance has resulted in the enactment of laws or the establishment of institutions in that country that promote fiscal stability and administrative procedures, efficient resource allocation, transparent and market-oriented processes and private sector growth in a sustainable manner.

(h) Report

(1) In general

Not later than 3 months after October 21, 1998, and every 6 months thereafter, the Secretary shall prepare and submit to the appropriate congressional committees a report on the conduct of the program established under this section during the preceding 6-month period.

(2) Definition

In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(i) Definitions

In this section:

(1) Developing or transitional country

The term "developing or transitional country" means a country eligible to receive development assistance under this part.

(2) International financial institution

The term "international financial institution" means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Asian Development Bank, the African Development Bank, the African Development Fund, the Inter-American Development Bank, the Inter-American Investment Corporation, the European Bank for Reconstruction and Development, and the Bank for Economic Cooperation and Development in the Middle East and North Africa.

(3) Secretary

The term "Secretary" means the Secretary of the Treasury.

(4) Technical assistance

The term "technical assistance" includes—

(A) the use of short-term and long-term expert advisers to assist foreign governments and foreign central banks for the purposes described in subsection (b)(1);

(B) training in the recipient country, the United States, or elsewhere for the purposes described in subsection (b)(1);

(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) who has been designated to participate in activities under such program.

(j) Authorization of appropriations

(1) In general

There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1999.

(2) Availability of amounts

Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(Pub. L. 87–195, pt. I, §129, as added Pub. L. 105–277, div. A, §101(d) [title V, §589(a)], Oct. 21, 1998, 112 Stat. 2681–150, 2681-205; amended Pub. L. 106–309, title II, §204, Oct. 17, 2000, 114 Stat. 1092.)

References in Text

The Foreign Service Act of 1980, referred to in subsec. (d)(1), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended. Chapter 9 of title I of the Foreign Service Act of 1980 is classified generally to subchapter IX (§4081 et seq.) of chapter 52 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

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

Codification

Another section 129 of Pub. L. 87–195 was renumbered section 130 and is classified to section 2152 of this title.

Amendments

2000—Subsec. (b)(3). Pub. L. 106–309 added par. (3).

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), for the purpose of enabling such providers to provide the services described in paragraph (1).

(Pub. L. 87–195, pt. I, §130, formerly §129, as added Pub. L. 105–320, §4(a), Oct. 30, 1998, 112 Stat. 3017; renumbered §130, Pub. L. 106–87, §6(a), Nov. 3, 1999, 113 Stat. 1302.)

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

Pub. L. 109–165, §2, Jan. 10, 2006, 119 Stat. 3574, provided that: "It is the policy of the United States —

"(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

Pub. L. 105–320, Oct. 30, 1998, 112 Stat. 3016, as amended by Pub. L. 106–87, §6(b), Nov. 3, 1999, 113 Stat. 1302; Pub. L. 108–179, §§2(a), 3(a), Dec. 15, 2003, 117 Stat. 2643; Pub. L. 109–165, §§3, 4, Jan. 10, 2006, 119 Stat. 3574, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Torture Victims Relief Act of 1998'.

"SEC. 2. FINDINGS.

"Congress makes the following findings:

"(1) The American people abhor torture by any government or person. The existence of torture creates a climate of fear and international insecurity that affects all people.

"(2) Torture is the deliberate mental and physical damage caused by governments to individuals to destroy individual personality and terrorize society. The effects of torture are long term. Those effects can last a lifetime for the survivors and affect future generations.

"(3) By eliminating the leadership of their opposition and frightening the general public, repressive governments often use torture as a weapon against democracy.

"(4) Torture survivors remain under physical and psychological threats, especially in communities where the perpetrators are not brought to justice. In many nations, even those who treat torture survivors are threatened with reprisals, including torture, for carrying out their ethical duty to provide care. Both the survivors of torture and their treatment providers should be accorded protection from further repression.

"(5) A significant number of refugees and asylees entering the United States have been victims of torture. Those claiming asylum deserve prompt consideration of their applications for political asylum to minimize their insecurity and sense of danger. Many torture survivors now live in the United States. They should be provided with the rehabilitation services which would enable them to become productive members of our communities.

"(6) The development of a treatment movement for torture survivors has created new opportunities for action by the United States and other nations to oppose state-sponsored and other acts of torture.

"(7) There is a need for a comprehensive strategy to protect and support torture victims and their treatment providers, together with overall efforts to eliminate torture.

"(8) By acting to heal the survivors of torture and protect their families, the United States can help to heal the effects of torture and prevent its use around the world.

"SEC. 3. DEFINITION.

"As used in this Act, the term 'torture' has the meaning given the term in section 2340(1) of title 18, United States Code, and includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

"SEC. 4. FOREIGN TREATMENT CENTERS.

"(a) Amendments to the Foreign Assistance Act of 1961.—[Enacted this section.]

"(b) Funding.—

"(1) Authorization of appropriations.—Of the amounts authorized to be appropriated for fiscal years 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 President to carry out section 130 of such Act [this section] $12,000,000 for fiscal year 2006 and $13,000,000 for fiscal year 2007.

"(2) Availability of funds.—Amounts appropriated pursuant to this subsection shall remain available until expended.

"(c) Effective Date.—The amendment made by subsection (a) shall take effect October 1, 1998.

"SEC. 5. DOMESTIC TREATMENT CENTERS.

"(a) Assistance for Treatment of Torture Victims.—The Secretary of Health and Human Services may provide grants to programs in the United States to cover the cost of the following services:

"(1) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

"(2) Social and legal services for victims of torture.

"(3) Research and training for health care providers outside of treatment centers, or programs for the purpose of enabling such providers to provide the services described in paragraph (1).

"(b) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 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:

"(1) FISCAL YEAR 1999.—For fiscal year 1999, $3,000,000.

"(2) FISCAL YEAR 2000.—For fiscal year 2000, $3,000,000.

"(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

"(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

"(1) request the Fund—

"(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

"(B) to encourage the development of new such centers and programs;

"(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

"(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

"SEC. 7. SPECIALIZED TRAINING FOR FOREIGN SERVICE OFFICERS.

"(a) IN GENERAL.—The Secretary of State shall provide training for foreign service officers with respect to—

"(1) the identification of torture;

"(2) the identification of the surrounding circumstances in which torture is most often practiced;

"(3) the long-term effects of torture upon a victim;

"(4) the identification of the physical, cognitive, and emotional effects of torture, and the manner in which these effects can affect the interview or hearing process; and

"(5) the manner of interviewing victims of torture so as not to retraumatize them, eliciting the necessary information to document the torture experience, and understanding the difficulties victims often have in recounting their torture experience.

"(b) GENDER-RELATED CONSIDERATIONS.—In conducting training under subsection (a)(4) or (5), gender-specific training shall be provided on the subject of interacting with women and men who are victims of torture by rape or any other form of sexual violence."

[Pub. L. 108–179, §2(b), Dec. 15, 2003, 117 Stat. 2643, provided that: "The amendment made by subsection (a) [amending section 5(b)(1) of Pub. L. 105–320, set out above] shall take effect October 1, 2003."]

[Pub. L. 108–179, §3(b), Dec. 15, 2003, 117 Stat. 2643, provided that: "The amendment made by subsection (a) [amending section 4(b)(1) of Pub. L. 105–320, set out above] shall take effect October 1, 2003."]

§2152a. Repealed. Pub. L. 108–484, §8(a), Dec. 23, 2004, 118 Stat. 3931

Section, Pub. L. 87–195, pt. I, §131, as added Pub. L. 106–309, title I, §105, Oct. 17, 2000, 114 Stat. 1082; amended Pub. L. 108–31, §3, June 17, 2003, 117 Stat. 776, related to microenterprise development grant assistance.

§2152b. Transferred

CODIFICATION

Section, Pub. L. 87–195, pt. I, §132, as added Pub. L. 106–309, title I, §107(a), Oct. 17, 2000, 114 Stat. 1086, which related to United States Microfinance Loan Facility, was renumbered section 257 of Pub. L. 87–195 by Pub. L. 108–484, §5(a), (b), Dec. 23, 2004, 118 Stat. 3927, and transferred to section 2213 of this title.

§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

(ii) section 907 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.

(b) Specific projects and activities

The programs established pursuant to subsection (a) 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) 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 nongovernmental 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.

(d) Repealed. Pub. L. 112–74, div. I, title VII, §7034(n), Dec. 23, 2011, 125 Stat. 1217

(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.

(Pub. L. 87–195, pt. I, §133, as added Pub. L. 106–309, title II, §205(a), Oct. 17, 2000, 114 Stat. 1092; amended Pub. L. 107–228, div. A, title VI, §672(a), Sept. 30, 2002, 116 Stat. 1407; Pub. L. 112–74, div. I, title VII, §7034(n), Dec. 23, 2011, 125 Stat. 1217.)

References in Text

The Support for East European Democracy (SEED) Act of 1989, referred to in subsecs. (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.

Section 907 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, referred to in subsec. (a)(4)(B)(ii), is section 907 of Pub. L. 102–511, which is set out as a note under section 5812 of this title.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Amendments

2011—Subsec. (d). Pub. L. 112–74 struck out subsec. (d) which related to biennial reports.

2002—Subsec. (d). Pub. L. 107–228, §672(a)(1), substituted "Biennial reports" for "Annual report" in heading.

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).

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.

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

Pub. L. 106–309, title II, §202, Oct. 17, 2000, 114 Stat. 1090, provided that:

"(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 Tables for classification] and United States leadership was instrumental in the passage of the Organization for Economic Cooperation and Development (OECD) Convention on Combatting 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 2151 of this title] is to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to improve transparency and accountability at all levels of government and throughout the private sector."

Deadline for Initial Report

Pub. L. 106–309, title II, §205(b), Oct. 17, 2000, 114 Stat. 1094, required transmission of the initial annual report under former 22 U.S.C. 2152c(d)(1) not later than 180 days after Oct. 17, 2000.

§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.

(Pub. L. 87–195, pt. I, §134, as added Pub. L. 106–386, div. A, §109, Oct. 28, 2000, 114 Stat. 1481; amended Pub. L. 108–193, §6(f), Dec. 19, 2003, 117 Stat. 2883; Pub. L. 110–457, title I, §103(b), Dec. 23, 2008, 122 Stat. 5046.)

References in Text

The Support for East European Democracy (SEED) Act of 1989, referred to in subsec. (b), 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 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

2008—Subsec. (a)(2). Pub. L. 110–457 inserted ", including investigation of individuals and entities that may be involved in trafficking in persons involving sexual exploitation" before semicolon at end.

2003—Subsec. (b). Pub. L. 108–193 inserted at end "Assistance may be provided under this section notwithstanding section 2420 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.

§2152e. Program to improve building construction and practices in Latin American countries

(a) In general

The President, acting through the Administrator of the United States Agency for International Development, is authorized, under such terms and conditions as the President may determine, to carry out a program to improve building construction codes and practices in Ecuador, El Salvador, and other Latin American countries (in this section referred to as the "program").

(b) Program description

(1) In general

The program shall be in the form of grants to, or contracts with, organizations described 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 Mechanical Engineers, the American Society of Civil 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.

(Pub. L. 107–228, div. A, title VI, §688, Sept. 30, 2002, 116 Stat. 1413.)

CODIFICATION

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 [1] 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) [2] 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) [2] 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.

(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 [3] 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).

(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.

(Pub. L. 87–195, pt. I, §135, as added Pub. L. 109–95, §3, Nov. 8, 2005, 119 Stat. 2113.)

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. 2951.

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.

The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, referred to in subsec. (e)(2)(D), is Pub. L. 108–25, May 27, 2003, 117 Stat. 711, as amended, which is classified principally to chapter 83 (§7601 et seq.) of this title. Section 102 of the Act enacted section 7612 of this title and amended section 2651a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7601 of this title and Tables.

Findings

Pub. L. 109–95, §2, Nov. 8, 2005, 119 Stat. 2111, provided 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 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 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 is leaving many orphans 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 orphans 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 403(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 to provide increased levels of 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 through United States and indigenous private voluntary organizations, including faith-based organizations, will provide greater protection 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."

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.

"(b) Consultation.—The strategy described in subsection (a) should be developed in consultation with the Special Advisor for Assistance to Orphans and Vulnerable Children (appointed pursuant to section 135(e)(1) of the Foreign Assistance Act of 1961 [22 U.S.C. 2152f(e)(1)] (as added by section 3 of this Act)) and with employees of the field missions of the United States Agency for International Development to ensure that the strategy—

"(1) will not impede the efficiency of implementing assistance programs for orphans and vulnerable children; and

"(2) addresses the specific needs of indigenous populations.

"(c) Content.—The strategy required by subsection (a) shall include—

"(1) the identity of each agency or department of the Federal Government that is providing assistance for orphans and vulnerable children in foreign countries;

"(2) 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 or nongovernmental entities;

"(3) 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;

"(4) an analysis of additional coordination mechanisms or procedures that could be implemented to carry out the purposes of such section;

"(5) 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

"(6) 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.]

[1] *So in original. Probably should be "living in".*

[2] *See References in Text note below.*

[3] *So in original. Probably should be "express".*

§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.

(Pub. L. 109–95, §5, Nov. 8, 2005, 119 Stat. 2117.)

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.

Codification

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, sanitation, and hygiene

(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), the President is authorized to furnish assistance for programs in developing countries to provide affordable and equitable access to safe water, sanitation, and hygiene.

(c) Activities supported

Assistance provided under subsection (b) 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.

(e) Coordination and oversight

(1) USAID Global Water Coordinator

(A) Designation

The Administrator of the United States Agency for International Development (referred to in this paragraph as "USAID") or the Administrator's designee, who shall be a current USAID employee serving in a career or non-career position in the Senior Executive Service or at the level of a Deputy Assistant Administrator or higher, shall serve concurrently as the USAID Global Water Coordinator (referred to in this subsection as the "Coordinator").

(B) Specific duties

The Coordinator shall—

(i) provide direction and guidance to, coordinate, and oversee the projects and programs of USAID authorized under this section;

(ii) lead the implementation and revision, not less frequently than once every 5 years, of USAID's portion of the Global Water Strategy required under subsection (j);

(iii) seek—

(I) to expand the capacity of USAID, subject to the availability of appropriations, including through the designation of a lead subject matter expert selected from among USAID staff in each high priority country designated pursuant to subsection (h);

(II) to implement such programs and activities;

(III) to take advantage of economies of scale; and

(IV) to conduct more efficient and effective projects and programs;

(iv) coordinate with the Department of State and USAID staff in each high priority country designated pursuant to subsection (h) to ensure that USAID activities and projects, USAID program planning and budgeting documents, and USAID country development strategies reflect and seek to implement—

(I) the safe water, sanitation, and hygiene objectives established in the strategy required under subsection (j), including objectives relating to the management of water resources; and

(II) international best practices relating to—

(aa) increasing access to safe water and sanitation;

(bb) conducting hygiene-related activities; and

(cc) ensuring appropriate management of water resources; and

(v) develop appropriate benchmarks, measurable goals, performance metrics, and monitoring and evaluation plans for USAID projects and programs authorized under this section.

(2) Department of State Special Coordinator for Water Resources

(A) Designation

The Secretary of State or the Secretary's designee, who shall be a current employee of the Department of State serving in a career or non-career position in the Senior Executive Service or at the level of a Deputy Assistant Secretary or higher, shall serve concurrently as the Department of State Special Advisor for Water Resources (referred to in this paragraph as the "Special Advisor").

(B) Specific duties

The Special Advisor shall—

(i) provide direction and guidance to, coordinate, and oversee the projects and programs of the Department of State authorized under this section;

(ii) lead the implementation and revision, not less than every 5 years, of the Department of State's portion of the Global Water Strategy required under subsection (j);

(iii) prioritize and coordinate the Department of State's international engagement on the allocation, distribution, and access to global fresh water resources and policies related to such matters;

(iv) coordinate with United States Agency for International Development and Department of State staff in each high priority country designated pursuant to subsection (h) to ensure that United States diplomatic efforts related to safe water, sanitation, and hygiene, including efforts related to management of water resources and watersheds and the resolution of intra- and trans-boundary conflicts over water resources, are consistent with United States national interests; and

(v) represent the views of the United States Government on the allocation, distribution, and access to global fresh water resources and policies related to such matters in key international fora, including key diplomatic, development-related, and scientific organizations.

(3) Additional nature of duties and restriction on additional or supplemental compensation

The responsibilities and specific duties of the Administrator of the United States Agency for International Development (or the Administrator's designee) and the Secretary of State (or the Secretary's designee) under paragraph (2) or (3), respectively, shall be in addition to any other responsibilities or specific duties assigned to such individuals. Such individuals shall receive no additional or supplemental compensation as a result of carrying out such responsibilities and specific duties under such paragraphs.

(f) Priorities and criteria for maximum impact and long-term sustainability

The Administrator of the United States Agency for International Development shall ensure that the Agency for International Development's projects and programs authorized under this section are designed to achieve maximum impact and long-term sustainability by—

(1) prioritizing countries on the basis of the following clearly defined criteria and indicators, to the extent sufficient empirical data are available—

(A) the proportion of the population using an unimproved drinking water source;

(B) the total population using an unimproved drinking water source;

(C) the proportion of the population without piped water access;

(D) the proportion of the population using shared or other unimproved sanitation facilities;

(E) the total population using shared or other unimproved sanitation facilities;

(F) the proportion of the population practicing open defecation;

(G) the total number of children younger than 5 years of age who died from diarrheal disease;

(H) the proportion of all deaths of children younger than 5 years of age resulting from diarrheal disease;

(I) the national government's capacity, capability, and commitment to work with the United States to improve access to safe water, sanitation, and hygiene, including—

(i) the government's capacity and commitment to developing the indigenous capacity to provide safe water and sanitation without the assistance of outside donors; and

(ii) the degree to which such government—

(I) identifies such efforts as a priority; and

(II) allocates resources to such efforts;

(J) the availability of opportunities to leverage existing public, private, or other donor investments in the water, sanitation, and hygiene sectors, including investments in the management of water resources; and

(K) the likelihood of making significant improvements on a per capita basis on the health and educational opportunities available to women as a result of increased access to safe water, sanitation, and hygiene, including access to appropriate facilities at primary and secondary educational institutions seeking to ensure that communities benefitting from such projects and activities develop the indigenous capacity to provide safe water and sanitation without the assistance of outside donors;

(2) prioritizing and measuring, including through rigorous monitoring and evaluating mechanisms, the extent to which such project or program—

(A) furthers significant improvements in—

(i) the criteria set forth in subparagraphs (A) through (H) of paragraph (1);

(ii) the health and educational opportunities available to women as a result of increased access to safe water, sanitation, and hygiene, including access to appropriate facilities at primary and secondary educational institutions; and

(iii) the indigenous capacity of the host nation or community to provide safe water and sanitation without the assistance of outside donors;

(B) is designed, as part of the provision of safe water and sanitation to the local community—

(i) to be financially independent over the long term, focusing on local ownership and sustainability;

(ii) to be undertaken in conjunction with relevant public institutions or private enterprises;

(iii) to identify and empower local individuals or institutions to be responsible for the effective management and maintenance of such project or program; and

(iv) to provide safe water or expertise or capacity building to those identified parties or institutions for the purposes of developing a plan and clear responsibilities for the effective management and maintenance of such project or program;

(C) leverages existing public, private, or other donor investments in the water, sanitation, and hygiene sectors, including investments in the management of water resources;

(D) avoids duplication of efforts with other United States Government agencies or departments or those of other nations or nongovernmental organizations;

(E) coordinates such efforts with the efforts of other United States Government agencies or departments or those of other nations or nongovernmental organizations directed at assisting refugees and other displaced individuals; and

(F) involves consultation with appropriate stakeholders, including communities directly affected by the lack of access to clean water, sanitation or hygiene, and other appropriate nongovernmental organizations; and

(3) seeking to further the strategy required under subsection (j) after 2018.

(g) Use of current and improved empirical data collection and review of new standardized indicators

(1) In general

The Administrator of the United States Agency for International Development is authorized to use current and improved empirical data collection—

(A) to meet the health-based prioritization criteria established pursuant to subsection (f)(1); and

(B) to review new standardized indicators in evaluating progress towards meeting such criteria.

(2) Consultation and notice

The Administrator shall—

(A) regularly consult with the appropriate congressional committees; and

(B) notify such committees not later than 30 days before using current or improved empirical data collection for the review of any new standardized indicators under paragraph (1) for the purposes of carrying out this section.

(h) Designation of high priority countries

(1) Initial designation

Not later than October 1, 2015, the President shall—

(A) designate, on the basis of the criteria set forth in subsection (f)(1) not fewer than 10 countries as high priority countries to be the primary recipients of United States Government assistance authorized under this section during fiscal year 2016; and

(B) notify the appropriate congressional committees of such designations.

(2) Annual designations

(A) In general

Except as provided in subparagraph (B), the President shall annually make new designations pursuant to the criteria set forth in paragraph (1).

(B) Designations after fiscal year 2018

Beginning with fiscal year 2019, designations under paragraph (1) shall be made—

(i) based upon the criteria set forth in subsection (f)(1); and

(ii) in furtherance of the strategy required under subsection (j).

(i) Targeting of projects and programs to areas of greatest need

(1) In general

Not later than 15 days before the obligation of any funds for water, sanitation, or hygiene projects or programs pursuant to this section in countries that are not ranked in the top 50 countries based upon the WASH Needs Index, the Administrator of the United States Agency for International Development shall notify the appropriate congressional committees of the planned obligation of such funds.

(2) Defined term

In this subsection and in subsection (j), the term "WASH Needs Index" means the needs index for water, sanitation, or hygiene projects or programs authorized under this section that has been developed using the

criteria and indicators described in subparagraphs (A) through (H) of subsection (f)(1).

(j) Global Water Strategy

(1) In general

Not later than October 1, 2017, October 1, 2022, and October 1, 2027, the President, acting through the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other Federal departments and agencies, as appropriate, shall submit a single government-wide Global Water Strategy to the appropriate congressional committees that provides a detailed description of how the United States intends—

(A) to increase access to safe water, sanitation, and hygiene in high priority countries designated pursuant to subsection (h), including a summary of the WASH Needs Index and the specific weighting of empirical data and other definitions used to develop and rank countries on the WASH Needs Index;

(B) to improve the management of water resources and watersheds in such countries; and

(C) to work to prevent and resolve, to the greatest degree possible, both intra- and trans-boundary conflicts over water resources in such countries.

(2) Agency-specific plans

The Global Water Strategy shall include an agency-specific plan—

(A) from the United States Agency for International Development that describes specifically how the Agency for International Development will—

(i) carry out the duties and responsibilities assigned to the Global Water Coordinator under subsection (e)(1);

(ii) ensure that the Agency for International Development's projects and programs authorized under this section are designed to achieve maximum impact and long-term sustainability, including by implementing the requirements described in subsection (f); and

(iii) increase access to safe water, sanitation, and hygiene in high priority countries designated pursuant to subsection (h);

(B) from the Department of State that describes specifically how the Department of State will—

(i) carry out the duties and responsibilities assigned to the Special Coordinator for Water Resources under subsection (e)(2); and

(ii) ensure that the Department's activities authorized under this section are designed—

(I) to improve management of water resources and watersheds in countries designated pursuant to subsection (h); and

(II) to prevent and resolve, to the greatest degree possible, both intra- and trans-boundary conflicts over water resources in such countries; and

(C) from other Federal departments and agencies, as appropriate, that describes the contributions of the departments and agencies to implementing the Global Water Strategy.

(3) Individualized plans for high priority countries

For each high priority country designated pursuant to subsection (h), the Administrator of the United States Agency for International Development shall—

(A) develop a costed, evidence-based, and results-oriented plan that—

(i) seeks to achieve the purposes of this section; and

(ii) meets the requirements under subsection (f); and

(B) include such plan in an appendix to the Global Water Strategy required under paragraph (1).

(4) First time access reporting requirement

The Global Water Strategy shall specifically describe the target percentage of funding for each fiscal year covered by such strategy to be directed toward projects aimed at providing first-time access to safe water and sanitation.

(5) Performance indicators

The Global Water Strategy shall include specific and measurable goals, benchmarks, performance metrics, timetables, and monitoring and evaluation plans required to be developed by the Administrator of the United States Agency for International Development pursuant to subsection (e)(1)(B)(v).

(6) Consultation and best practices

The Global Water Strategy shall—

(A) be developed in consultation with the heads of other appropriate Federal departments and agencies; and

(B) incorporate best practices from the international development community.

(k) Definitions

In this section—

(1) 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; and

(2) the term "long-term sustainability" refers to the ability of a service delivery system, community, partner, or beneficiary to maintain, over time, any water, sanitation, or hygiene project that receives funding pursuant to the amendments made by the Senator Paul Simon Water for the World Act of 2014.

(Pub. L. 87–195, pt. I, §136, formerly §135, as added Pub. L. 109–121, §5(a), Dec. 1, 2005, 119 Stat. 2536; amended Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820; renumbered §136 and amended Pub. L. 113–289, §§3–6(a), Dec. 19, 2014, 128 Stat. 3283–3288.)

References in Text

The Food for Peace Act, referred to in subsec. (d), 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 1691 of Title 7 and Tables.

The Senator Paul Simon Water for the World Act of 2014, referred to in subsec. (k)(2), is Pub. L. 113–289, Dec. 19, 2014, 128 Stat. 3283, which amended this section and provisions set out as a note under this section. For complete classification of this Act to the Code, see Short Title of 2014 Amendment note set out under section 2151 of this title and Tables.

Amendments

2014—Pub. L. 113–289, §3(2)(A), substituted ", sanitation, and hygiene" for "and sanitation" in section catchline.

Subsec. (b). Pub. L. 113–289, §3(2)(B), substituted ", sanitation, and hygiene" for "and sanitation".

Subsec. (e). Pub. L. 113–289, §4, added subsec. (e).

Subsecs. (f) to (i). Pub. L. 113–289, §5, added subsecs. (f) to (i).

Subsecs. (j), (k). Pub. L. 113–289, §6(a), added subsecs. (j) and (k).

2008—Subsec. (d). Pub. L. 110–246 substituted "Food for Peace Act" for "Agricultural Trade Development and Assistance Act of 1954".

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.

Water for the Poor

Pub. L. 109–121, Dec. 1, 2005, 119 Stat. 2533, as amended by Pub. L. 113–289, §6(c), Dec. 19, 2014, 128 Stat. 3290, provided that:

"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 stability, 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-privation 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) and spending 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 accelerate and expand international efforts to achieve the goal of cutting in half by 2015 the proportion of people who are unable to reach or to 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 on World Water Day, 22 March 2005' 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, 263 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.

"It is the policy of the United States—

"(1) to increase the percentage of water and sanitation assistance targeted toward countries designated as high priority countries under section 6(f) of this Act;

"(2) 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;

"(3) 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;

"(4) 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;

"(5) 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;

"(6) to promote country and local ownership of safe water and sanitation programs, to the extent appropriate;

"(7) to promote community-based approaches in the provision of affordable and equitable access to safe water and sanitation, including the involvement of civil society;

"(8) to mobilize and leverage the financial and technical capacity of businesses, governments, nongovernmental organizations, and civil society in the form of public-private alliances;

"(9) to encourage reforms and increase the capacity of foreign governments to formulate and implement policies that expand access to safe water and sanitation in an affordable, equitable, and sustainable manner, including integrated strategic planning; and

"(10) to protect the supply and availability of safe water through sound environmental management, including preventing the destruction and degradation of ecosystems and watersheds.

"SEC. 4. SENSE OF CONGRESS.

"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) Conforming Amendment.—[Amended section 1704 of Title 7, Agriculture.]

"[SEC. 6. Repealed. Pub. L. 113–289, §6(c), Dec. 19, 2014, 128 Stat. 3290.]

"SEC. 7. MONITORING REQUIREMENT.

"The Secretary of State and the Administrator of the United States Agency for International Development shall monitor the implementation of assistance under section 135 of the Foreign Assistance Act of 1961 [this section], as added by section 5(a) of this Act, to ensure that the assistance is reaching its intended targets and meeting the intended purposes of assistance.

"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. 262r(c)]) 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."

§2152i. Small Grants Program

(a) In general

A Small Grants Program (SGP) shall be established within the United States Agency for International Development (USAID) to provide small grants, cooperative agreements, and other assistance mechanisms and agreements of not more than $2,000,000 for the purpose of carrying out the provisions of chapters 1 and 10 of part I [22 U.S.C. 2151 et seq., 2293 et seq.] and chapter 4 of part II [22 U.S.C. 2346 et seq.] of the Foreign Assistance Act of 1961: *Provided*, That the SGP established pursuant to this section shall replace the function served previously by the Development Grants Program established under section 674 of division J, of Public Law 110–161, which is hereby abolished.

(b) Eligibility

Awards from the SGP shall only be made to eligible entities as described in the joint explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(c) Proposals

Awards made pursuant to the authority of this section shall be provided through—

(1) unsolicited applications received and evaluated pursuant to USAID policy regarding such proposals;

(2) an open and competitive process; or

(3) as otherwise allowable under Federal Acquisition Regulations and USAID procurement policies.

(d) Funding

(1) Of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq., 2346 et seq.], not less than $45,000,000 shall be made available for the SGP within USAID's Local Sustainability Office of the Bureau for Economic Growth, Education and Environment to carry out this subsection.

(2) Other than to meet the requirements of this section, funds made available to carry out this section may not be allocated in the report required by section 653(a) of the Foreign Assistance Act of 1961 [22 U.S.C. 2413(a)] to meet any other specifically designated funding levels contained in this Act: *Provided*, That such funds may be attributed to any such specifically designated funding level after the award of funds under this section, if applicable.

(3) Funds made available under this section shall remain available for obligation until September 30, 2019.

(e) Management

(1) Not later than 120 days after December 16, 2014, the USAID Administrator shall issue guidance to implement this section: *Provided*, That such guidance shall include the requirements contained in the joint explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(2) Upon selection of a mission pursuant to the procedures required by paragraph (1), such selected mission may be allocated the full estimated cost of the multi-year program: *Provided*, That such allocations shall be subject to the regular notification procedures of the Committees on Appropriations.

(3) In addition to funds otherwise available for such purposes, up to 20 percent of the funds made available to carry out this section may be used by USAID for administrative expenses, and other necessary support associated with managing and strengthening relationships with entities under the SGP.

(f) Report

Not later than 120 days after December 16, 2014, and after consultation with the appropriate congressional committees, the Administrator shall submit a report to such committees describing the guidance to implement the SGP.

(Pub. L. 113–235, div. J, title VII, §7080, Dec. 16, 2014, 128 Stat. 2682; Pub. L. 114–113, div. K, title VII, §7034(q)(3), Dec. 18, 2015, 129 Stat. 2768.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsecs. (a) and (d)(1), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Chapters 1 and 10 of part I and chapter 4 of part II of the Act are classified generally to parts I (§2151 et seq.) and X (§2293 et seq.) of subchapter I and part IV (§2346 et seq.) of subchapter II, respectively, of chapter 32 of this title. 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.

Section 674 of division J, of Public Law 110–161, referred to in subsec. (a), is not classified to the Code.

Section 4 (in the matter preceding division A of this consolidated Act), referred to in subsecs. (b) and (e)(1), is section 4 of Pub. L. 113–235, Dec. 16, 2014, 128 Stat. 2132, which is not classified to the Code.

This Act, referred to in subsec. (d)(1), (2), is div. J of Pub. L. 113–235, Dec. 16, 1214, 128 Stat. 2573, known as the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015. For complete classification of div. J to the Code, see Tables.

Codification

Section was enacted as part of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015, and also as part of the Consolidated and Further Continuing Appropriations Act, 2015, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Amendments

2015—Subsecs. (b), (c). Pub. L. 114–113, §7034(q)(3)(A), substituted "Awards" for "Grants".

Subsec. (c)(3). Pub. L. 114–113, §7034(q)(3)(B)–(D), added par. (3).

Subsec. (e)(3). Pub. L. 114–113, §7034(q)(3)(E), substituted "20" for "12" and "administrative expenses, and other necessary support associated with managing and strengthening" for "administrative and oversight expenses associated with managing".

Renaming of Small Grants Program as Local Works

Pub. L. 115–141, div. K, title VII, §7034(p)(1), Mar. 23, 2018, 132 Stat. 897, provided that: "The 'Small Grants Program' established pursuant to section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) [22 U.S.C. 2152i] shall hereafter be referred to as 'Local Works'."

Definitions

Pub. L. 115–141, div. K, title VII, §7034(p)(3), Mar. 23, 2018, 132 Stat. 898, provided that: "For the purposes of section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) [22 U.S.C. 2152i], 'eligible entities' shall be defined as small local, international, and United States-based nongovernmental organizations, educational institutions, and other small entities that have received less than a total of $5,000,000 from USAID [United States Agency for International Development] over the previous 5 fiscal years: *Provided*, That departments or centers of such educational institutions may be considered individually in determining such eligibility."

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 115–31, div. J, title VII, §7034(p)(2), May 5, 2017, 131 Stat. 653.

Pub. L. 114–113, div. K, title VII, §7034(q)(4), Dec. 18, 2015, 129 Stat. 2768.

Pub. L. 115–141, div. K, title VII, §7034(r)(5), Mar. 23, 2018, 132 Stat. 898, provided that: "In this Act [div. K of Pub. L. 115–141, 132 Stat. 833, see Tables for classification], the term 'USAID' means the United States Agency for International Development."

Similar provisions were contained in the following prior appropriations act:

Pub. L. 115–31, div. J, title VII, §7034(r)(5), May 5, 2017, 131 Stat. 654.

Pub. L. 113–235, div. J, title VII, §7034(t)(1), Dec. 16, 2014, 128 Stat. 2627, provided that: "Unless otherwise defined in this Act [div. J of Pub. L. 113–235, 128 Stat. 2573, see Tables for classification], for purposes of this Act the term 'appropriate congressional committees' shall mean the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives."

§2152j. Statement of policy

It shall be the policy of the United States to promote the meaningful participation of women in all aspects of overseas conflict prevention, management, and resolution, and post-conflict relief and recovery efforts, reinforced through diplomatic efforts and programs that—

(1) integrate the perspectives and interests of affected women into conflict-prevention activities and strategies;

(2) encourage partner governments to adopt plans to improve the meaningful participation of women in peace and security processes and decision-making institutions;

(3) promote the physical safety, economic security, and dignity of women and girls;

(4) support the equal access of women to aid distribution mechanisms and services;

(5) collect and analyze gender data for the purpose of developing and enhancing early warning systems of conflict and violence;

(6) adjust policies and programs to improve outcomes in gender equality and the empowerment of women; and

(7) monitor, analyze, and evaluate the efforts related to each strategy submitted under section 2152j–1 of this title and the impact of such efforts.

(Pub. L. 115–68, §4, Oct. 6, 2017, 131 Stat. 1203.)

Codification

Section was enacted as part of the Women, Peace, and Security Act of 2017, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2152j–1. United States strategy to promote the participation of women in conflict prevention and peace building

(a) Requirement

Not later than one year after October 6, 2017, and again four years thereafter, the President, in consultation with the heads of the relevant Federal departments and agencies, shall submit to the appropriate congressional committees and make publicly available a single government-wide strategy, to be known as the Women, Peace, and Security Strategy, that provides a detailed description of how the United States intends to fulfill the policy objectives in section 2152j of this title. The strategy shall—

(1) support and be aligned with plans developed by other countries to improve the meaningful participation of women in peace and security processes, conflict prevention, peace building, transitional processes, and decisionmaking institutions; and

(2) include specific and measurable goals, benchmarks, performance metrics, timetables, and monitoring and evaluation plans to ensure the accountability and effectiveness of all policies and initiatives carried out under the strategy.

(b) Specific plans for departments and agencies

Each strategy under subsection (a) shall include a specific implementation plan from each of the relevant Federal departments and agencies that describes—

(1) the anticipated contributions of the department or agency, including technical, financial, and in-kind contributions, to implement the strategy; and

(2) the efforts of the department or agency to ensure that the policies and initiatives carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

(c) Coordination

The President should promote the meaningful participation of women in conflict prevention, in coordination and consultation with international partners, including, as appropriate, multilateral organizations, stakeholders, and other relevant international organizations, particularly in situations in which the direct engagement of the United States Government is not appropriate or advisable.

(d) Sense of Congress

It is the sense of Congress that the President, in implementing each strategy submitted under subsection (a), should—

(1) provide technical assistance, training, and logistical support to female negotiators, mediators, peace builders, and stakeholders;

(2) address security-related barriers to the meaningful participation of women;

(3) encourage increased participation of women in existing programs funded by the United States Government that provide training to foreign nationals regarding law enforcement, the rule of law, or professional military education;

(4) support appropriate local organizations, especially women's peace building organizations;

(5) support the training, education, and mobilization of men and boys as partners in support of the meaningful participation of women;

(6) encourage the development of transitional justice and accountability mechanisms that are inclusive of the experiences and perspectives of women and girls;

(7) expand and apply gender analysis, as appropriate, to improve program design and targeting; and

(8) conduct assessments that include the perspectives of women regarding new initiatives in support of peace negotiations, transitional justice and accountability, efforts to counter violent extremism, or security sector reform.

(Pub. L. 115–68, §5, Oct. 6, 2017, 131 Stat. 1203.)

Codification

Section was enacted as part of the Women, Peace, and Security Act of 2017, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2152j–2. Training requirements regarding the participation of women in conflict prevention and peace building

(a) Foreign Service

The Secretary of State, in conjunction with the Administrator of the United States Agency for International Development, shall ensure that all appropriate personnel (including special envoys, members of mediation or negotiation teams, relevant members of the civil service or Foreign Service, and contractors) responsible for or deploying to countries or regions considered to be at risk of, undergoing, or emerging from violent conflict obtain training, as appropriate, in the following areas, each of which shall include a focus on women and ensuring meaningful participation by women:

(1) Conflict prevention, mitigation, and resolution.

(2) Protecting civilians from violence, exploitation, and trafficking in persons.

(3) International human rights law and international humanitarian law.

(b) Department of Defense

The Secretary of Defense shall ensure that relevant personnel receive training, as appropriate, in the following areas:

(1) Training in conflict prevention, peace processes, mitigation, resolution, and security initiatives that specifically addresses the importance of meaningful participation by women.

(2) Gender considerations and meaningful participation by women, including training regarding—

(A) international human rights law and international humanitarian law, as relevant; and

(B) protecting civilians from violence, exploitation, and trafficking in persons.

(3) Effective strategies and best practices for ensuring meaningful participation by women.

(Pub. L. 115–68, §6, Oct. 6, 2017, 131 Stat. 1204.)

Codification

Section was enacted as part of the Women, Peace, and Security Act of 2017, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2152j–3. Consultation and collaboration

(a) In general

The Secretary of State and the Administrator of the United States Agency for International Development may establish guidelines or take other steps to ensure overseas United States personnel of the Department of State or the United States Agency for International Development, as the case may be, consult with appropriate stakeholders, including local women, youth, ethnic, and religious minorities, and other politically under-represented or marginalized populations, regarding United States efforts to—

(1) prevent, mitigate, or resolve violent conflict; and

(2) enhance the success of mediation and negotiation processes by ensuring the meaningful participation of women.

(b) Collaboration and coordination

The Secretary of State should work with international, regional, national, and local organizations to increase the meaningful participation of women in international peacekeeping operations, and should promote training that provides international peacekeeping personnel with the substantive knowledge and skills needed to ensure effective physical security and meaningful participation of women in conflict prevention and peace building.

(Pub. L. 115–68, §7, Oct. 6, 2017, 131 Stat. 1205.)

Codification

Section was enacted as part of the Women, Peace, and Security Act of 2017, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2152j–4. Definitions

In sections 2152j to 2152j–4 of this title:

(1) Appropriate congressional committees

The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the of the [1] House of Representatives.

(2) Relevant Federal departments and agencies

The term "relevant Federal departments and agencies" means—

(A) the United States Agency for International Development;

(B) the Department of State;

(C) the Department of Defense;

(D) the Department of Homeland Security; and

(E) any other department or agency specified by the President for purposes of sections 2152j to 2152j–4 of this title.

(3) Stakeholders

The term "stakeholders" means non-governmental and private sector entities engaged in or affected by conflict prevention and stabilization, peace building, protection, security, transition initiatives, humanitarian response, or related efforts.

(Pub. L. 115–68, §9, Oct. 6, 2017, 131 Stat. 1206.)

Codification

Section was enacted as part of the Women, Peace, and Security Act of 2017, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

[1] *So in original.*

Part II—Other Programs

Subpart I—Multilateral and Regional Development Programs

§§2161, 2162. Repealed. Pub. L. 95–424, title I, §102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2161, Pub. L. 87–195, pt. I, §201, Sept. 4, 1961, 75 Stat. 426; Pub. L. 87–565, pt. I, §102, Aug. 1, 1962, 76 Stat. 256; Pub. L. 88–205, pt. I, §102(a), Dec. 16, 1963, 77 Stat. 380; Pub. L. 88–633, pt. I, §101, Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89–583, pt. I, §102(a), Sept. 19, 1966, 80 Stat. 796; Pub. L. 90–137, pt. I, §102(a), (b), Nov. 14, 1967, 81 Stat. 447; Pub. L. 90–554, pt. I, §101(a), Oct. 8, 1968, 82 Stat. 960, related to the establishment by the President of the Development Loan Fund. See section 2151(b) of this title.

Section 2162, Pub. L. 87–195, pt. I, §202, Sept. 4, 1961, 75 Stat. 426; Pub. L. 88–205, pt. I, §102(b), Dec. 16, 1963, 77 Stat. 380; Pub. L. 89–583, pt. I, §102(b), Sept. 19, 1966, 80 Stat. 796; Pub. L. 90–137, pt. I, §102(c), Nov. 14, 1967, 81 Stat. 447; Pub. L. 90–554, pt. I, §101(b), Oct. 8, 1968, 82 Stat. 960; Pub. L. 91–175, pt. I, §101(a), Dec. 30, 1969, 83 Stat. 805; Pub. L. 92–226, pt. I, §101(a), Feb. 7, 1972, 86 Stat. 21, related to authorization of appropriations, availability of funds, and encouragement of development through private enterprise.

Effective Date of Repeal

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

§2163. Repealed. Pub. L. 93–189, §3(b), Dec. 17, 1973, 87 Stat. 717

Section, Pub. L. 87–195, pt. I, §203, Sept. 4, 1961, 75 Stat. 427; Pub. L. 91–175, pt. I, §101(b), Dec. 30, 1969, 83 Stat. 805; Pub. L. 92–226, pt. I, §101(b), Feb. 7, 1972, 86 Stat. 21; Pub. L. 93–189, §3(a), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–559, §6, Dec. 30, 1974, 88 Stat. 1796, authorized use of not more than 50 per centum of dollar receipts scheduled to be paid during each of the fiscal years 1974 and 1975 from loans made under this subchapter and predecessor foreign assistance legislation for making loans under part I of this subchapter for each such fiscal year, and disposition of dollar receipts paid on and after July 1, 1975.

Effective Date of Repeal

Repeal effective July 1, 1975, see section 3(b) of Pub. L. 93–189.

§2164. Repealed. Pub. L. 95–424, title I, §102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section, Pub. L. 87–195, pt. I, §204, Sept. 4, 1961, 75 Stat. 427, related to the establishment, duties and appointment of officers of the Development Loan Committee. The provisions of this section were redesignated as subsec. (e) of section 2151t of this title by section 102(d)(1), (2) of Pub. L. 95–424.

Effective Date of Repeal

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

§2165. Repealed. Pub. L. 92–226, pt. I, §101(d), Feb. 7, 1972, 86 Stat. 21

Section, Pub. L. 87–195, pt. I, §205, Sept. 4, 1961, 75 Stat. 427; Pub. L. 89–171, pt. I, §102(a), Sept. 6, 1965, 79 Stat. 653; Pub. L. 89–583, pt. I, §102(c), Sept. 19, 1966, 80 Stat. 797; Pub. L. 90–137, pt. I, §102(d), Nov. 14, 1967, 81 Stat. 447, provided for use of international lending organizations.

§2166. Regional development in Africa

The President is requested to seek and to take appropriate action, in cooperation and consultation with African and other interested nations and with international development organizations, to further and assist in the advancement of African regional development institutions, including the African Development Bank, with the view toward promoting African economic development.

(Pub. L. 87–195, pt. I, §206, as added Pub. L. 89–171, pt. I, §102(b), Sept. 6, 1965, 79 Stat. 653.)

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.

African Assistance Policy; Presidential Report to Congress

Pub. L. 93–559, §49, Dec. 30, 1974, 88 Stat. 1816, which related to Presidential review and report on African assistance policy, was repealed by Pub. L. 97–113, title VII, §734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

Portuguese African Territories of Angola, Mozambique, and Guinea-Bissau: Independence Policy

Pub. L. 93–559, §50, Dec. 30, 1974, 88 Stat. 1816, as amended by Pub. L. 97–113, title VII, §734(a)(8), Dec. 29, 1981, 95 Stat. 1560, provided that:

"(a)(1) Congress finds that the Government of Portugal's recognition of the right to independence of the African territories of Angola, Mozambique, and Guinea-Bissau marks a significant advance toward the goal of self-determination for all the peoples of Africa, without which peace on the continent is not secure.

"(2) Congress finds that progress toward independence for the Portuguese African territories will have a significant impact on the international organizations and the community of nations.

"(3) Congress commends the Portuguese Government's initiatives on these fronts as evidence of a reaffirmation of that Government's support for her obligations under both the United Nations Charter and the North Atlantic Treaty Organization.

"(b) Therefore, Congress calls upon the President and the Secretary of State to take the following actions designed to make clear United States support for a peaceful and orderly transition to independence in the Portuguese African territories:

"(1) An official statement should be issued of United States support for the independence of Angola, Mozambique and Guinea-Bissau, and of our desire to have good relations with the future governments of the countries.

"(2) It should be made clear to the Government of of Portugal that we view the efforts toward a peaceful and just settlement of the conflict in the African territories as consistent with Portugal's obligations under the North Atlantic Treaty Organization partnership.

"(3) The United States should encourage United Nations support for a peaceful transition to independence, negotiated settlement of all differences, and the protection of human rights of all citizens of the three territories.

"(4) The United States should open a dialog with potential leaders of Angola, Mozambique, and Guinea-Bissau and assure them of our commitment to their genuine political and economic independence.

"(5) The economic development needs of the three territories will be immense when independence is achieved. Therefore, it is urged that the United States Agency for International Development devote attention to assessing the economic situation in Angola, Mozambique, and Guinea-Bissau and be ready to cooperate with the future governments in providing the kind of

assistance that will help make their independence viable. In addition, the United States Government should take the initiative among other donors, both bilateral and multilateral, in seeking significant contribution of development assistance for the three territories.

"(6) In light of the need of Angola, Mozambique, and Guinea-Bissau for skilled and educated manpower, a priority consideration should be given to expanding current United States programs of educational assistance to the territories as a timely and substantive contribution to their independence.

"(c) [Repealed. Pub. L. 97–113, title VII, §734(a)(8), Dec. 29, 1981, 95 Stat. 1560.]"

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, §10(3), Mar. 31, 1999, 64 F.R. 16598.

§§2167, 2168. Repealed. Pub. L. 95–424, title I, §102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2167, Pub. L. 87–195, pt. I, §207, as added Pub. L. 90–137, pt. I, §102(e), Nov. 14, 1967, 81 Stat. 448, related to placement of emphasis on democratic institutions, agriculture, education, public health and other needs, in the furnishing of development assistance.

Section 2168, Pub. L. 87–195, pt. I, §208, as added Pub. L. 90–137, pt. I, §102(e), Nov. 14, 1967, 81 Stat. 448, related to the taking into account, in determining to what extent United States should furnish assistance, of country's own efforts to aid itself.

Effective Date of Repeal

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

§2169. Multilateral, regional, and bilateral programs

(a) Multilateral programs

The Congress recognizes that the planning and administration of development assistance by, or under the sponsorship of the United Nations, multilateral lending institutions, and other multilateral organizations may contribute to the efficiency and effectiveness of that assistance through participation of other donors in the development effort, improved coordination of policies and programs, pooling of knowledge, avoidance of duplication of facilities and manpower, and greater encouragement of self-help performance.

(b) Regional programs

It is further the sense of the Congress (1) that where problems or opportunities are common to two or more countries in a region, in such fields as agriculture, education, transportation, communications, power, watershed development, disease control, and establishment of development banks, these countries often can more effectively resolve such problems and exploit such opportunities by joining together in regional organizations or working together on regional programs, (2) that assistance often can be utilized more efficiently in regional programs than in separate country programs, and (3) that to the maximum extent practicable consistent with the purposes of this chapter assistance under this chapter should be furnished so as to encourage less developed countries to cooperate with each other in regional development programs.

(c) Federal funds to multilateral lending institutions and multilateral organizations for loans to foreign countries; increase

It is the sense of the Congress that the President should increase, to the extent practicable, the funds provided by the United States to multilateral lending institutions and multilateral organizations in which the United States participates for use by such institutions and organizations in making loans to foreign countries.

(Pub. L. 87–195, pt. I, §209, as added Pub. L. 90–137, pt. I, §102(e), Nov. 14, 1967, 81 Stat. 449; amended Pub. L. 92–226, pt. I, §101(c), Feb. 7, 1972, 86 Stat. 21; Pub. L. 94–161, title III, §311(1), Dec. 20, 1975, 89 Stat. 860; Pub. L. 106–429, §101(a) [title VIII, §804], Nov. 6, 2000, 114 Stat. 1900, 1900A-67.)

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 Initiation of International Consultations; Report by President to Congress

Pub. L. 95–481, title VI, §610, Oct. 18, 1978, 92 Stat. 1602, provided that: "The President shall initiate wide international consultations beginning with the member nations of the Organization of Economic Cooperation and Development (OECD), designed to develop a viable standard governing the allocation of development assistance for the production and export of commodities. Such consultations shall relate to commodities which are in surplus in the world market and if produced for export would cause substantial harm to producers of the same, similar or competing products. Not later than one year after the enactment of this Act [Oct. 18, 1978] the President shall report to the President of the Senate, the Speaker of the House of Representatives, and the Chairmen of the House and Senate Appropriations Committees on the progress made in carrying out this section."

Policy With Respect to Countries Most Seriously Affected by Food Shortages; Presidential Reports to Congress

Pub. L. 93–559, §55(a), Dec. 30, 1974, 88 Stat. 1819, provided that: "The United Nations has designated thirty-two countries as 'Most Seriously Affected' by the current economic crisis. These are countries without the internal food production capability or the foreign exchange availability to secure food to meet their immediate food requirements. The Congress calls upon the President and Secretary of State to take the following actions designed to mobilize appropriate resources to meet the food emergency:

"(1) Review and make appropriate adjustments in the level of programming of our food and fertilizer assistance programs with the aim of increasing to the maximum extent feasible the volume of food and fertilizer available to those countries most seriously affected by current food shortages.

"(2) Call upon all traditional and potential new donors of food, fertilizer, or the means of financing these commodities to immediately increase their participation in efforts to address the emergency food needs of the developing world.

"(3) Make available to these most seriously affected countries the maximum feasible volume of food commodities, with appropriate regard to the current domestic price and supply situations.

"(4) Maintain regular and full consultation with the appropriate committees of the Congress and report to the Congress and the Nation on steps which are being taken to help meet this food emergency. In accordance with this provision, the President shall report to the Congress on a global assessment of food needs for fiscal year 1975, specifying expected food grain deficits and currently planned programming of food assistance, and steps which are being taken to encourage other countries to increase their participation in food assistance or the financing of food assistance. Such report should reach the Congress promptly and should be supplemented quarterly for the remainder of fiscal year 1975.

"(5) The Congress directs that during the fiscal year ending June 30, 1975, not more than 30 percent of concessional food aid should be allocated to countries other than those which are most seriously affected by current food shortages, unless the President demonstrates to the appropriate Committees of the Congress that the use of such food assistance is solely for humanitarian food purposes.

"(6) The Congress calls upon the President to proceed with the implementation of resolutions and recommendations adopted by the World Food Conference. The Congress believes that it is incumbent upon the United States to take a leading role in assisting in the development of a viable and coherent world food policy which would begin the task of alleviating widespread hunger and suffering prevalent in famine-stricken nations. The President shall report to the Congress within 120 days of enactment of this Act [Dec. 30, 1974] on the implementation of the resolutions and the extent to which the United States is participating in the implementation of resolutions adopted at the World Food Conference."

SUBPART II—AMERICAN SCHOOLS AND HOSPITALS ABROAD; PROTOTYPE DESALTING PLANTS

§§2171, 2172. Repealed. Pub. L. 95–424, title I, §102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2171, Pub. L. 87–195, pt. I, §211, Sept. 4, 1961, 75 Stat. 427; Pub. L. 87–565, pt. I, §103(a), Aug. 1, 1962, 76 Stat. 256; Pub. L. 89–583, pt. I, §103(a), Sept. 19, 1966, 80 Stat. 797; Pub. L. 90–554, pt. I, §102(a), Oct. 8, 1968, 82 Stat. 960; Pub. L. 93–189, §4(1), Dec. 17, 1973, 87 Stat. 717, related to general authority of President to furnish assistance and considerations to be taken into account.

Section 2172, Pub. L. 87–195, pt. I, §212, Sept. 4, 1961, 75 Stat. 428; Pub. L. 87–565, pt. I, §103(b), Aug. 1, 1962, 76 Stat. 256; Pub. L. 88–205, pt. I, §103(a), Dec. 16, 1963, 77 Stat. 381; Pub. L. 88–633, pt. I, §102(b), Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89–171, pt. I, §103(a), Sept. 6, 1965, 79 Stat. 654; Pub. L. 89–583, pt. I, §103(b), Sept. 19, 1966, 80 Stat. 797; Pub. L. 90–137, pt. I, §103(b), Nov. 14, 1967, 81 Stat. 449; Pub. L. 90–554, pt. I, §102(b), Oct. 8, 1968, 82 Stat. 960; Pub. L. 91–175, pt. I, §102, Dec. 30, 1969, 83 Stat. 805; Pub. L. 92–226, pt. I, §102(a), Feb. 7, 1972, 86 Stat. 22, related to authorization of appropriations.

Effective Date of Repeal

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

§2173. Repealed. Pub. L. 87–565, pt. I, §103(c), Aug. 1, 1962, 76 Stat. 256

Section, Pub. L. 87–195, pt. I, §213, Sept. 4, 1961, 75 Stat. 428, related to peaceful use of atomic energy outside United States. See section 2171 of this title.

§2174. American schools, libraries, and hospital centers abroad

(a) Assistance for schools and libraries

The President is authorized to furnish assistance, on such terms and conditions as he may specify, to schools and libraries outside the United States founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States.

(b) Assistance for hospital centers

The President is authorized, notwithstanding the provisions of the Mutual Defense Assistance Control Act of 1951 [22 U.S.C. 1611 et seq.], to furnish assistance, on such terms and conditions as he may specify, to institutions referred to in subsection (a) of this section, and to hospital centers for medical education and research outside the United States, founded or sponsored by United States citizens.

(c) Authorization of appropriations

(1) To carry out the purposes of this section, there are authorized to be appropriated to the President $35,000,000 for fiscal year 1986 and $35,000,000 for fiscal year 1987.

(2) Amounts appropriated under paragraph (1) are authorized to remain available until expended.

(d) Pediatric plastic and reconstructive surgery centers

Notwithstanding the provisions of subsection (b), funds appropriated under this section may be used for assistance to centers for pediatric plastic and reconstructive surgery established by Children's Medical Relief International, except that assistance may not be furnished for the domestic operations of any such center located in the United States, its territories or possessions.

(Pub. L. 87–195, pt. I, §214, Sept. 4, 1961, 75 Stat. 428; Pub. L. 88–205, pt. I, §103(b), Dec. 16, 1963, 77 Stat. 381; Pub. L. 88–633, pt. I, §102(c), Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89–171, pt. I, §103(b), Sept. 6, 1965, 79 Stat. 654; Pub. L. 89–583, pt. I, §103(c), Sept. 19, 1966, 80 Stat. 798; Pub. L. 90–137, pt. I, §103(c), Nov. 14, 1967, 81 Stat. 450; Pub. L. 90–554, pt. I, §102(c), Oct. 8, 1968, 82 Stat. 960; Pub. L. 91–175, pt. I, §103, Dec. 30, 1969, 83 Stat. 805; Pub. L. 92–226, pt. I, §102(b), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93–189, §4(2), Dec. 17, 1973,

87 Stat. 717; Pub. L. 94–161, title III, §311(2), Dec. 20, 1975, 89 Stat. 861; Pub. L. 95–88, title I, §116(a), Aug. 3, 1977, 91 Stat. 539; Pub. L. 95–424, title I, §114, Oct. 6, 1978, 92 Stat. 950; Pub. L. 96–53, title I, §111, Aug. 14, 1979, 93 Stat. 363; Pub. L. 96–533, title IV, §401, Dec. 16, 1980, 94 Stat. 3149; Pub. L. 97–113, title V, §501, Dec. 29, 1981, 95 Stat. 1538; Pub. L. 99–83, title IV, §401, Aug. 8, 1985, 99 Stat. 217.)

References in Text

The Mutual Defense Assistance Control Act of 1951, referred to in subsec. (b), is act Oct. 26, 1951, ch. 575, 65 Stat. 644, as amended, which was classified generally to chapter 20A (§1611 et seq.) of this title prior to its supersedure by former section 4619(e) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

Amendments

1985—Subsec. (c). Pub. L. 99–83 amended subsec. (c) generally, designating existing provisions as pars. (1) and (2) and substituting provisions authorizing appropriations of $35,000,000 for fiscal years 1986 and 1987 for provisions authorizing appropriations of $20,000,000 for fiscal years 1982 and 1983.

1981—Subsec. (c). Pub. L. 97–113 substituted appropriations of $20,000,000 for fiscal years 1982 and 1983, for appropriation of $30,000,000 for fiscal year 1981.

1980—Subsec. (c). Pub. L. 96–533 substituted appropriations authorization of $30,000,000 for the fiscal year 1981 for such authorization of $25,000,000 for the fiscal year 1980.

1979—Subsec. (c). Pub. L. 96–53 extended authorization of appropriations from fiscal year 1979 to fiscal year 1980.

1978—Subsec. (c). Pub. L. 95–424 substituted "$25,000,000 for the fiscal year 1979, which amount is" for "for the fiscal year 1977, $25,000,000, and for the fiscal year 1978, $25,000,000, which amounts are".

Subsecs. (d) to (f). Pub. L. 95–424 struck out subsec. (d) relating to authorization of appropriations, and subsec. (e) relating to submission of recommendations to Congress by the Secretary of State concerning assistance, and redesignated former subsec. (f) as (d).

1977—Subsec. (c). Pub. L. 95–88, §116(a)(1), struck out provisions authorizing appropriations of $19,000,000 for each of the fiscal years 1974 and 1975 and $25,000,000 for fiscal year 1976 and inserted provisions authorizing an appropriation of $25,000,000 for fiscal year 1978.

Subsec. (d). Pub. L. 95–88, §116(a)(2), struck out provisions authorizing appropriations of $6,500,000 for each of the fiscal years 1974 and 1975 and an appropriation of $7,000,000 for fiscal year 1976 and inserted provisions authorizing an appropriation of $7,000,000 for fiscal year 1978.

Subsec. (f). Pub. L. 95–88, §116(a)(3), added subsec. (f).

1975—Subsec. (c). Pub. L. 94–161, §311(2)(A), authorized appropriation of $25,000,000 for fiscal years 1976 and 1977.

Subsec. (d). Pub. L. 94–161, §311(2)(B), authorized additional appropriation of $7,000,000 for fiscal years 1976 and 1977.

1973—Subsec. (c). Pub. L. 93–189 substituted provisions authorizing appropriations for the fiscal years 1974 and 1975, for provisions authorizing appropriations for the fiscal years 1972 and 1973 and directing that any amounts appropriated for the fiscal year 1970 be available for expenditure solely in accordance with the allocations set forth on pages 25 and 26 of House Report No. 91–611 and on page 23 of Senate Report No. 91–603.

Subsec. (d). Pub. L. 93–189 substituted provisions authorizing the appropriation in fiscal years 1974 and 1975 of $6,500,000 in foreign currencies which the Secretary of the Treasury determines to be in excess to the normal requirements of the United States, for provisions authorizing the appropriation for the purposes of subsec. (b) of this section, in addition to funds otherwise available for such purposes, for the fiscal year 1970, of $3,000,000 in foreign currencies which the Secretary of the Treasury determines to be in excess of the normal requirement of the United States and directing that foreign currencies thus appropriated be available for expenditure solely in accordance with the allocation set forth on page 23 of Senate Report No. 91–603.

Subsec. (e). Pub. L. 93–189 added subsec. (e).

1972—Subsec. (c). Pub. L. 92–226 authorized appropriations of $30,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $25,900,000 for fiscal year 1970, and $12,900,000 for fiscal year 1971.

1969—Subsec. (c). Pub. L. 91–175, §103(1), substituted authorization of $25,900,000 for the fiscal year 1970 and $12,900,000 for the fiscal year 1971, for sum of $14,600,000 for the fiscal year 1969, and inserted provision making amounts appropriated under this subsection for the fiscal year 1970 available for expenditure solely in accordance with the allocations set forth on pages 25 and 26 of House Report No. 91–611 and on page 23 of Senate Report No. 91–603.

Subsec. (d). Pub. L. 91–175, §103(2), (3), substituted authorization of $3,000,000 for fiscal year 1970, for sum of $5,100,000 for fiscal year 1969, and inserted provision making foreign currencies appropriated under this subsection available for expenditure solely in accordance with the allocation set forth on page 23 of Senate Report No. 91–603.

1968—Subsec. (c). Pub. L. 90–554, §102(c)(1), substituted authorization of $14,600,000 for fiscal year 1969, for sum of $14,000,000 for fiscal year 1968.

Subsec. (d). Pub. L. 90–554, §102(c)(2), substituted authorization of $5,100,000 for fiscal year 1969, for sum of $2,986,000 for fiscal year 1968.

1967—Subsec. (c). Pub. L. 90–137, §103(c)(1), substituted authorization of $14,000,000 for fiscal year 1968 for sum of $10,989,000 for fiscal year 1967.

Subsec. (d). Pub. L. 90–137, §103(c)(2), substituted authorization of $2,986,000 for fiscal year 1968 for sum of $1,000,000 for fiscal year 1967.

1966—Subsec. (b). Pub. L. 89–583, §103(c)(1), substituted "to institutions referred to in subsection (a) of this section, and to hospital centers for medical education and research outside the United States, founded or sponsored by United States citizens" for "to hospitals outside the United States founded or sponsored by United States citizens and serving as centers for medical education and research".

Subsec. (c). Pub. L. 89–583, §103(c)(2), substituted authorization of $10,989,000 for fiscal year 1967 for sum of $7,000,000 for fiscal year 1966.

Subsec. (d). Pub. L. 89–583, §103(c)(3), added subsec. (d).

1965—Subsec. (b). Pub. L. 89–171, §103(b)(1), substituted "medical education and research" for "medical treatment, education, and research".

Subsec. (c). Pub. L. 89–171, §103(b)(2), substituted "1966, $7,000,000" for "1965, $18,000,000".

1964—Subsec. (c). Pub. L. 88–633 substituted "1965, $18,000,000" for "1964, $19,000,000" and struck out "Of the sums authorized to be appropriated under this subsection, not to exceed $2,200,000 shall be available for direct dollar costs in carrying out subsection (b) of this section and $4,700,000 shall be available solely for the purchase of foreign currencies accruing to the United States Government under any Act."

1963—Subsec. (a). Pub. L. 88–205, §103(b)(1), substituted "furnish" for "use, in addition to other funds available for such purposes, funds made available for the purpose of section 2171 of this title for".

Subsec. (b). Pub. L. 88–205, §103(b)(2), substituted "to furnish" for "foreign currencies accruing to the United States Government under any Act, for purposes of subsection (a) of this section and for", and struck out "to use" before "notwithstanding".

Subsec. (c). Pub. L. 88–205, §103(b)(3), added subsec. (c).

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

Effective Date of 1977 Amendment

Pub. L. 95–88, title I, §116(b), Aug. 3, 1977, 91 Stat. 539, provided that: "The amendment made by subsection (a)(3) [amending this section] shall not apply to funds appropriated before the date of enactment of this Act [Aug. 3, 1977]."

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.

§2175. Repealed. Pub. L. 95–424, title I, §102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section, Pub. L. 87–195, pt. I, §215, Sept. 4, 1961, 75 Stat. 428, related to loans to small farmers.

Effective Date of Repeal

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

§2175a. Repealed. Pub. L. 97–113, title VII, §734(a)(8), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 93–559, §3, Dec. 30, 1974, 88 Stat. 1795, imposed a ceiling on aid to South Vietnam for procurement of fertilizers. See section 2370(f) of this title.

§§2176 to 2178. Repealed. Pub. L. 95–424, title I, §102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2176, Pub. L. 87–195, pt. I, §216, Sept. 4, 1961, 75 Stat. 429; Pub. L. 88–633, pt. I, §102(d), Oct. 7, 1964, 78 Stat. 1009, related to payment by the United States of transportation charges of the American Red Cross and United States voluntary nonprofit relief agencies.

Section 2177, Pub. L. 87–195, pt. I, §217, as added Pub. L. 88–633, pt. I, §102(e), Oct. 7, 1964, 78 Stat. 1009, related to a determination of the feasibility of establishing programs for the furnishing to less developed countries of used tools, machinery, etc., to be donated by private enterprise.

Section 2178, Pub. L. 87–195, pt. I, §218, as added Pub. L. 90–137, pt. I, §103(a), Nov. 14, 1967, 81 Stat. 450, related to the demonstration of the use of fish and other protein concentrates as a means of reducing nutritional deficiencies in less developed countries.

Effective Date of Repeal

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

§2179. Prototype desalting plant

(a) Assistance in development

In furtherance of the purposes of subchapter I of this chapter and for the purpose of improving existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advanced concepts which will contribute materially to low-cost desalination in all countries, including the United States, the President, if he determines it to be feasible, is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and necessary appurtenances to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the President deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of the water treatment and desalting facilities of the dual-purpose project.

(b) Terms and conditions

Any agreement entered into under subsection (a) of this section shall include such terms and conditions as the President deems appropriate to insure, among other things, that all information, products, uses, processes, patents, and other developments obtained or utilized in the development of this prototype plant will be available without further cost to the United States for the use and benefit of the United States throughout the world, and to insure that the United States, its officers, and employees have a permanent right to review data and have access to such plant for the purpose of observing its operations and improving science and technology in the field of desalination.

(c) Contracts

In carrying out the provisions of this section, the President may enter into contracts with public or private agencies and with any person without regard to section 3324(a) and (b) of title 31 and section 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.

(Pub. L. 87–195, pt. I, §219, as added Pub. L. 91–175, pt. I, §104, Dec. 30, 1969, 83 Stat. 806.)

References in Text

Act of July 11, 1969, referred to in subsec. (g), is Pub. L. 91–43, July 11, 1969, 83 Stat. 45, which is not classified to the Code.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

In subsec. (c), "section 3324(a) and (b) of title 31 and section 6101 of title 41" substituted for "sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529 and 41 U.S.C. 5)" on authority of Pub. L. 97–258, §4(b), Sept. 13, 1982, 96 Stat. 1067, which Act enacted Title 31, Money and Finance, and Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Change of Name

Office of Water Research and Technology formed through merger of Office of Saline Water and Office of Water Resources Research by order of Secretary of the Interior, Ord. No. 2966, July 26, 1974.

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.

§§2180, 2180a. Repealed. Pub. L. 95–424, title I, §102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2180, Pub. L. 87–195, pt. I, §220, as added Pub. L. 91–175, pt. I, §104, Dec. 30, 1969, 83 Stat. 807, related to programs for peaceful communications using television, etc., for educational, health, etc., purposes.

Section 2180a, Pub. L. 87–195, pt. I, §220A, as added Pub. L. 92–226, pt. I, §102(c), Feb. 7, 1972, 86 Stat. 22, related to assistance in the reopening of the Suez Canal.

Effective Date of Repeal

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

SUBPART III—SHELTER AND OTHER CREDIT GUARANTY PROGRAMS

§2181. Policy

The Congress recognizes that shelter, including essential urban development services, is among the most fundamental of human needs. Shelter for most people in the developing countries consists largely of domestic materials assembled by local labor. While recognizing that most financing for such shelter must come from domestic resources, the Congress finds that carefully designed programs involving United States capital and expertise can increase the availability of domestic financing for improved shelter and related services for low-income people by demonstrating to local entrepreneurs and institutions that providing low-cost shelter can be financially viable. The Congress reaffirms, therefore, that the United States should continue to assist developing countries in marshalling resources for low-cost shelter. Particular attention should be given to programs which will support pilot projects for low-cost shelter or which will have a maximum demonstration impact on local institutions and national policy. The Congress declares that the long run goal of all such programs should be to develop domestic construction capabilities and to stimulate local credit institutions to make available domestic capital and other management and technological resources required for effective low-cost shelter programs and policies.

(Pub. L. 87–195, pt. I, §221, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 807; amended Pub. L. 92–226, pt. I, §103(a), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93–189, §5(1), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–559, §7(1), Dec. 30, 1974, 88 Stat. 1796; Pub. L. 94–161, title III, §311(3), Dec. 20, 1975, 89 Stat. 861; Pub. L. 95–88, title I, §117(a)(1), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95–424, title I, §115(a), Oct. 6, 1978, 92 Stat. 950; Pub. L. 98–473, title I, §101(1) [title V, §541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903.)

Codification

Amendment by Pub. L. 98–473 is based on section 311(a) of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, which was enacted into permanent law by Pub. L. 98–473.

Prior Provisions

A prior section 221 of Pub. L. 87–195, pt. I, Sept. 4, 1961, 75 Stat. 429, as amended by Pub. L. 87–565, pt. I, §104(a), Aug. 1, 1962, 76 Stat. 256; Pub. L. 88–205, pt. I, §104(a), Dec. 16, 1963, 77 Stat. 381; Pub. L. 88–633, pt. I, §103(a), Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89–171, pt. I, §104(a), (b), Sept. 6, 1965, 79 Stat. 654; Pub. L. 89–583, pt. I, §104(a), Sept. 19, 1966, 80 Stat. 798; Pub. L. 90–137, pt. I, §104(a), Nov. 14, 1967, 81 Stat. 450; Pub. L. 90–554, pt. I, §103, Oct. 8, 1968, 82 Stat. 960, related to general authority for foreign investment guaranties by the President, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 807.

Amendments

1984—Pub. L. 98–473 substituted ", including essential urban development services, is" for "requirements are" after "The Congress recognizes that shelter" and, in the remainder of the section substituted "shelter" for "housing" wherever appearing.

1978—Pub. L. 95–424 generally revised the statement of policy to clarify that in developing countries, financing, materials and labor for most housing must be obtained from local sources, while United States capital and technical expertise can increase the availability of housing and related services for low-income people by demonstrating financial viability of credit systems for low-cost housing.

1977—Pub. L. 95–88 struck out provisions that the total face amount of guaranties issued under this section outstanding at any one time not exceed $430,000,000 and added section 2182(c) of this title to the enumeration of sections setting out the conditions under which guaranties shall be issued.

1975—Pub. L. 94–161 substituted "$430,000,000" for "$355,000,000".

1974—Pub. L. 93–559 substituted "$355,000,000" for "$305,000,000".

1973—Pub. L. 93–189 substituted "$305,000,000" for "$205,000,000".

1972—Pub. L. 92–226 substituted "$205,000,000" for "$130,000,000".

Effective Date of 1978 Amendment

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

Use of Funds From Sale of Notes for Discharge of Liabilities Under Guaranties; Transfer of Funds and Cancellation of Notes and Interest

Pub. L. 90–249, title I, §120, Jan. 2, 1968, 81 Stat. 941, provided that: "Hereafter, none of the funds obtained or authorized to be obtained from the sale of notes under authority of paragraph 111(c)(2) of the Economic Cooperation Act of 1948 [section 1509(c)(2) of this title] or paragraph 413(b)(4)(F) of the Mutual Security Act of 1954 [section 1933(b)(4)(F) of this title] may be used for the purposes of discharging liabilities under any guaranties (exclusive of informational media guaranties) issued under sections 221(b) and 224 of the Foreign Assistance Act of 1961 [subsec. (b) of this section and section 2184 of this title], sections 202(b) and 413(b)(4) of the Mutual Security Act of 1954 [sections 1872(b) and 1933(b)(4) of this title] and section 111(b)(3) of the Economic Cooperation Act of 1948 [section 1509(b)(3) of this title]. Any portion of the funds in the reserve established pursuant to section 222(e) of the Foreign Assistance Act of 1961 [section 2182(e) of this title] which are attributable to the funds realized from the sale of notes specified in the preceding sentence shall be transferred to the general fund of the Treasury. The Secretary of the Treasury shall cancel all such notes and sums owing and unpaid thereon, including interest to date of cancellation."

§2182. Authorization for worldwide shelter guarantees

(a) Authorization to issue guarantees to eligible investors

To carry out the policy of section 2181 of this title, the President is authorized to issue guaranties to eligible investors (as defined in section 2198(c) of this title) assuring against losses incurred in connection with loans made for projects meeting the criteria set forth in section 2181 of this title. The total principal amount of guaranties issued under this subpart or heretofore issued under prior housing guaranty authorities, which are outstanding at any one time, shall not exceed $2,558,000,000. The authority of this section shall continue through September 30, 1992. The President may issue regulations from time to time with regard to the terms and conditions upon which such guaranties shall be issued and the eligibility of lenders.

(b) Emphasis on certain activities

Activities carried out under this section shall emphasize—

(1) projects which provide improved home sites to poor families on which to build shelter, and related services;

(2) projects comprised of expandable core shelter units on serviced sites;

(3) slum upgrading projects designed to conserve and improve existing shelter;

(4) shelter projects for low-income people designed for demonstration or institution building purposes; and

(5) community facilities and services in support of projects authorized under this section to improve the shelter occupied by the poor.

(c) Use of solar energy technology

In issuing guaranties under this section with respect to projects in a country which require the use or conservation of energy, the President shall give consideration to the use of solar energy technologies, where such technologies are economically and technically feasible. Technologies which may be used include solar hot water systems, solar heating and cooling, passive solar heating, biomass conversion, photovoltaic and wind applications, and community-scale solar thermal applications.

(k) [1] Minimum annual program levels

The total principal amount of guaranties issued under this section for each of the fiscal years 1986 and 1987 shall be comparable to the total principal amount of such guaranties issued for fiscal year 1984, subject to the dollar limitations on the issuance of guaranties under this section which are contained in subsection (a) and in appropriation Acts.

(Pub. L. 87–195, pt. I, §222, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 807; amended Pub. L. 94–161, title III, §311(4), Dec. 20, 1975, 89 Stat. 861; Pub. L. 95–88, title I, §117(a)(2), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95–424, title I, §115(a), Oct. 6, 1978, 92 Stat. 950; Pub. L. 96–53, title I, §112(a), Aug. 14, 1979, 93 Stat. 363; Pub. L. 97–113, title III, §310(a), Dec. 29, 1981, 95 Stat. 1535; Pub. L. 98–473, title I, §101(1) [title V, §541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903; Pub. L. 99–83, title III, §313(a)–(c), Aug. 8, 1985, 99 Stat. 216, 217; Pub. L. 100–202, §101(e) [title II, §201], Dec. 22, 1987, 101 Stat. 1329–131, 1329-142; Pub. L. 101–167, title II, Nov. 21, 1989, 103 Stat. 1205; Pub. L. 101–302, title II, May 25, 1990, 104 Stat. 224; Pub. L. 101–513, title II, Nov. 5, 1990, 104 Stat. 1989.)

Codification

Amendment by Pub. L. 98–473 is based on section 311(b) of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, which was enacted into permanent law by Pub. L. 98–473.

Prior Provisions

A prior section 222 of Pub. L. 87–195, pt. I, Sept. 4, 1961, 75 Stat. 430, as amended by Pub. L. 87–565, pt. I, §104(b), Aug. 1, 1962, 76 Stat. 257; Pub. L. 88–205, pt. I, §104(b)–(f), Dec. 16, 1963, 77 Stat. 381, 382; Pub. L. 89–171, pt. I, §104(c), Sept. 6, 1965, 79 Stat. 654; Pub. L. 89–583, pt. I, §104(b), Sept. 19, 1966, 80 Stat. 798; Pub. L. 90–137, pt. I, §104(b), Nov. 14, 1967, 81 Stat. 451, contained general provisions concerning foreign investment guaranties, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 807.

Amendments

1990—Subsec. (a). Pub. L. 101–513 substituted "1992" for "1991".

Pub. L. 101–302 substituted "$2,558,000,000" for "$2,158,000,000".

1989—Subsec. (a). Pub. L. 101–167 substituted "1991" for "1990".

1987—Subsec. (a). Pub. L. 100–202 substituted "1990" for "1988".

1985—Subsec. (a). Pub. L. 99–83, §313(a), (b), substituted "$2,158,000,000" for "$1,958,000,000" and "1988" for "1986".

Subsec. (k). Pub. L. 99–83, §313(c), added subsec. (k).

1984—Subsec. (a). Pub. L. 98–473 substituted "$1,958,000,000" for "$1,718,000,000" and "1986" for "1984".

1981—Subsec. (a). Pub. L. 97–113 increased limitation on total principal amount of outstanding guarantees to $1,718,000,000 from $1,555,000,000 and extended termination date for exercise of guarantee authority to Sept. 30, 1984, from Sept. 30, 1982.

1979—Subsec. (a). Pub. L. 96–53 substituted "$1,555,000,000" for "$1,180,000,000", and "through September 30, 1982" for "until September 30, 1980".

1978—Pub. L. 95–424 amended section generally to provide a new consolidated section which provides a single authorization for the worldwide housing guarantee program, a new list of the types of programs to be emphasized, increased the worldwide authorization to $1,180,000,000, and encourages officials and governments in developing countries to consider the use of solar energy in housing projects.

1977—Subsec. (c). Pub. L. 95–88 inserted "or under section 2181 of this title" after "Latin American housing guaranty authority repealed by the Foreign Assistance Act of 1969" and substituted "$1,030,000,000" for "$600,000,000".

1975—Subsec. (c). Pub. L. 94–161 substituted "$600,000,000" for "$550,000,000".

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

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.

[1] *So in original. No subsecs. (d) to (j) have been enacted.*

§2182a. Agricultural and productive credit and self-help community development programs

(a) Financing pilot programs; scope

It is the sense of the Congress that in order to stimulate the participation of the private sector in the economic development of less-developed countries, the authority conferred by this section should be used to establish pilot programs to encourage private banks, credit institutions, similar private lending organizations, cooperatives, and private nonprofit development organizations to make loans on reasonable terms to organized groups and individuals residing in a community for the purpose of enabling such groups and individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. Agricultural credit and assistance for self-help community development projects should include, but not be limited to, material and such projects as wells, pumps, farm machinery, improved seed, fertilizer, pesticides, vocational training, food industry development, nutrition projects, improved breeding stock for farm animals, sanitation facilities, and looms and other handicraft aids.

(b) Guaranties; percentage limitation

To carry out the purposes of subsection (a), the agency primarily responsible for administering subchapter I of this chapter is authorized to issue guaranties, on such terms and conditions as it shall determine, to private lending institutions, cooperatives, and private nonprofit development organizations assuring against loss of not to exceed 50 per centum of the portfolio of such loans made by any lender to organized groups or individuals residing in a community to enable such groups or individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. In no event shall the liability of the United States exceed 75 per centum of any one loan.

(c) Total and individual amount of guaranties

The total face amount of guaranties issued under this section outstanding at any one time shall not exceed $20,000,000. Not more than 10 per centum of such sum shall be provided for any one institution, cooperative, or organization.

(d) Inter-American Foundation consultations

The Inter-American Foundation shall be consulted in developing criteria for making loans eligible for guaranty coverage in Latin America under this section.

(e) Guaranty reserve

Not to exceed $3,000,000 of the guaranty reserve established under section 2183(b) of this title shall be available to make such payments as may be necessary to discharge liabilities under guaranties issued under this section or any guaranties previously issued under section 2200 of this title.

(f) Administrative and operating expenses; funds

Funds held by the Overseas Private Investment Corporation pursuant to section 2196 of this title may be available for meeting necessary administrative and operating expenses for carrying out the provisions of this section through June 30, 1976.

(g) Transfer of Overseas Private Investment Corporation's obligations and assets

The Overseas Private Investment Corporation shall, upon enactment of this subsection, transfer to the agency primarily responsible for administering subchapter I of this chapter all obligations, assets, and related rights and responsibilities arising out of, or related to the predecessor program provided for in section 2200 of this title.

(h) Termination of authority

The authority of this section shall continue through September 30, 1988.

(i) Excess foreign currencies; use

Notwithstanding the limitation in subsection (c) of this section, foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States may be utilized to carry out the purposes of this section, including the discharge of liabilities under this subsection. The authority conferred by this subsection shall be in addition to authority conferred by any other provision of law to implement guaranty programs utilizing excess local currency.

(Pub. L. 87–195, pt. I, §222A, as added Pub. L. 93–559, §8(a)(2), Dec. 30, 1974, 88 Stat. 1796; amended Pub. L. 95–88, title I, §117(b)(1), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95–424, title I, §115(b), title V, §502(d)(1), Oct. 6, 1978, 92 Stat. 951, 959; Pub. L. 96–53, title I, §112(b), Aug. 14, 1979, 93 Stat. 364; Pub. L. 97–438, Jan. 8, 1983, 96 Stat. 2286; Pub. L. 98–473, title I, §101(1) [title V, §541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903; Pub. L. 99–83, title III, §313(d), Aug. 8, 1985, 99 Stat. 217; Pub. L. 106–113, div. B, §1000(a)(2) [title V, §586(h)(3)], Nov. 29, 1999, 113 Stat. 1535, 1501A-120.)

References in Text

Section 2200 of this title, referred to in subsecs. (e) and (g), was in the original a reference to section 240 of this Act, meaning section 240 of Pub. L. 87–195, as added by section 105 of Pub. L. 91–175, which was repealed by section 8(b) of Pub. L. 93–559, and was replaced by this section. Another section 240 of Pub. L. 87–195, as added by section 9 of Pub. L. 95–268, was enacted Apr. 24, 1978, and is classified to section 2200 of this title.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

Amendment by Pub. L. 106–113, div. B, §1000(a)(2) [title V, §586(h)(3)], Nov. 29, 1999, 113 Stat. 1535, 1501A-120, directing repeal of subsec. (d) of this section did not become effective pursuant to section 1000(a)(2) [title V, §586] of div. B of Pub. L. 106–113, formerly set out as an Abolition of the Inter-American Foundation note under section 290f of this title.

Amendment by Pub. L. 98–473 is based on section 312 of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, which was enacted into permanent law by Pub. L. 98–473.

Amendments

1985—Subsec. (h). Pub. L. 99–83 substituted "1988" for "1986".

1984—Subsec. (a). Pub. L. 98–473 struck out "in Latin America," after "economic development of less-developed countries" and "in not more than six Latin American countries" after "establish pilot programs".

Subsec. (b). Pub. L. 98–473 struck out "in not more than five Latin American countries" after "nonprofit development organizations".

Subsec. (h). Pub. L. 98–473 substituted "1986" for "1983".

1983—Subsec. (h). Pub. L. 97–438 substituted "1983" for "1982".

1979—Subsec. (a). Pub. L. 96–53, §112(b)(1), substituted "six" for "five".

Subsec. (c). Pub. L. 96–53, §112(b)(2), substituted "$20,000,000" for "$15,000,000".

Subsec. (h). Pub. L. 96–53, §112(b)(3), substituted "through September 30, 1982" for "until September 30, 1979".

1978—Subsec. (h). Pub. L. 95–424, §115(b), substituted "September 30, 1979" for "September 30, 1978".

Subsec. (j). Pub. L. 95–424, §502(d)(1), struck out subsec. (j) relating to a Presidential report to Congress on the results of the program established under this section.

1977—Subsec. (h). Pub. L. 95–88 substituted "September 30, 1978" for "December 31, 1977".

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

Transfer of Functions

For transfer of functions, personnel, assets, and liabilities of the Overseas Private Investment Corporation and of non-Development Credit Authority guaranty programs of the United States Agency for International Development to the United States International Development Finance Corporation and treatment of related references, see sections 9683 and 9686(d) of this title.

§2183. General provisions

(a) Fees; determination by President; reduction

A fee shall be charged for each guaranty issued under section 2182 or 2182a of this title in an amount to be determined by the President. In the event the fee to be charged for such type of guaranty is reduced, fees to be paid under existing contracts for the same type of guaranty may be similarly reduced.

(b) Accumulated and existing fees; expenditure of fees; revolving fund account; investments; use of investment income

The amount of $50,000,000 of fees accumulated under prior investment guaranty provisions repealed by the Foreign Assistance Act of 1969, together with all fees collected in connection with guaranties issued under section 2182 of this title or under prior housing guaranty authorities, shall be available for meeting necessary administrative and operating expenses of carrying out the provisions of section 2182 of this title and administering housing guaranties heretofore authorized under this subpart and under prior housing guaranty provisions repealed by the Foreign Assistance Act of 1969 (including, but not limited to expenses pertaining to personnel, supplies, and printing), subject to such limitations as may be imposed in annual appropriation Acts; for meeting management and custodial costs incurred with respect to currencies or other assets acquired under guaranties made pursuant to section 2182 of this title or heretofore pursuant to this subpart or prior Latin American and other housing guaranty authorities repealed by the Foreign Assistance Act of 1969; and to pay the cost of investigating and adjusting (including costs of arbitration) claims under such guaranties; and shall be available for expenditure in discharge of liabilities under such guaranties until such time as all such property has been disposed of and all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of this subsection. Fees collected in connection with guaranties issued under section 2182a of this title shall likewise be available to meet similar expenses, costs, or liabilities incurred in connection with the programs authorized by that section. All of the foregoing fees referred to in this section together with earnings thereon and other income arising from guaranty operations under this subpart shall be held in a revolving fund account maintained in the Treasury of the United States. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments shall be credited to such account and may be used for the purposes cited in this section.

(c) Priorities of funds for guaranty payments

Any payments made to discharge liabilities under guaranties issued under section 2182 of this title or heretofore under this subpart or under prior Latin American or other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, shall be paid first out of fees referred to in subsection (b) (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).

(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), the Administrator of the agency primarily responsible for administering subchapter I of this chapter may, to the extent that reserves are not sufficient, borrow from time to time from the Treasury, except that—

(i) the Administrator may exercise the authority to borrow under this paragraph only to such extent or in such amounts as are provided in advance in appropriation Acts; and

(ii) the amount borrowed under this paragraph which is outstanding at any one time may not exceed $100,000,000.

(B) Any such borrowing shall bear interest at a rate determined by the Secretary of the Treasury, taking into account the current average market yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury shall make loans under this paragraph and for such purpose may borrow on the credit of the United States in accordance with subchapter I of chapter 31 of title 31.

(f) Agency determination of maximum rate of interest

In the case of any loan investment guaranteed under section 2182 of this title, the agency primarily responsible for administering subchapter I of this chapter shall prescribe the maximum rate of interest allowable to the eligible investor, which maximum rate shall not exceed by more than 1 per centum the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development. The maximum allowable rate of interest under this subsection shall be prescribed by the agency as of the date the project covered by the investment is officially authorized and, prior to the execution of the contract, the agency may amend such rate at its discretion, consistent with the provisions of this subsection.

(g) Guaranties under prior acts

Housing guaranties committed, authorized, or outstanding heretofore under this subpart or under prior housing guaranty authorities repealed by the Foreign Assistance Act of 1969 shall continue subject to provisions of law originally applicable thereto and fees collected hereafter with respect to such guaranties shall be available for the purposes specified in subsection (b).

(h) Fraud or misrepresentation

No payment may be made under any guaranty issued pursuant to this subpart for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

(i) Repealed. Pub. L. 95–424, title I, §115(i), Oct. 6, 1978, 92 Stat. 952

(j) Guaranties for housing projects; percentage requirement for families with income below median income

Guaranties shall be issued under section 2182 of this title only for housing projects which are coordinated with and complementary to any development assistance being furnished under part I of this subchapter and which are specifically designed to demonstrate the feasibility and suitability of particular kinds of housing or of financial or other institutional arrangements. Of the aggregate face value of housing guaranties hereafter issued under this subpart, not less than 90 per centum shall be issued for housing suitable for families with income below the median income (below the median urban income for housing in urban areas) in the country in which the housing is located.

(Pub. L. 87–195, pt. I, §223, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 808; amended Pub. L. 92–226, pt. I, §103(b) Feb. 7, 1972, 86 Stat. 22; Pub. L. 93–189, §5(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–559, §§7(2), 8(a)(3)–(5), Dec. 30, 1974, 88 Stat. 1796, 1797; Pub. L. 94–161, title III, §311(5), Dec. 20, 1975, 89 Stat. 861; Pub. L. 94–329, title IV, §414, June 30, 1976, 90 Stat. 761; Pub. L. 95–88, title I, §117(a)(3), (b)(2), (c), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95–424, title I, §115(c)–(j), Oct. 6, 1978, 92 Stat. 951, 952; Pub. L. 96–53, title I, §112(c), (d), Aug. 14, 1979, 93 Stat. 364; Pub. L. 97–113, title III, §310(b), Dec. 29, 1981, 95 Stat. 1535; Pub. L. 98–473, title I, §101(1) [title V, §541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903; Pub. L. 100–202, §101(e) [title II, §201], Dec. 22, 1987, 101 Stat. 1329–131, 1329-142; Pub. L. 105–277, div. A, §101(d) [title II], Oct. 21, 1998, 112 Stat. 2681–150, 2681-157.)

References in Text

The Foreign Assistance Act of 1969, referred to in subsecs. (b), (c), (d), and (g), is Pub. L. 91–175, Dec. 30, 1969, 83 Stat. 805, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables. The guaranty authorities repealed by the 1969 Act were the guaranty authorities contained in sections 2181 to 2184 prior to the general reorganization of this subpart by the 1969 Act.

Section 2200 of this title, referred to in subsec. (d), was in the original a reference to section 240 of this Act, meaning section 240 of Pub. L. 87–195, as added by section 105 of Pub. L. 91–175, which was repealed by section 8(b) of Pub. L. 93–559, and was replaced by section 2182a of this title. Another section 240 of Pub. L. 87–195, as added by section 9 of Pub. L. 95–268, was enacted Apr. 24, 1978, and is classified to section 2200 of this title.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

References to Part I Deemed To Include Section 2293

References to part I of this subchapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Codification

Amendment by Pub. L. 98–473 is based on section 311(c) of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, which was enacted into permanent law by Pub. L. 98–473.

Prior Provisions

A prior section 223 of Pub. L. 87–195, pt. I, Sept. 4, 1961, 75 Stat. 431, as amended by Pub. L. 89–171, pt. I, §104(d), Sept. 6, 1965, 79 Stat. 654; Pub. L. 90–137, pt. I, §104(c), Nov. 4, 1967, 81 Stat. 451, contained definitions, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 807.

Amendments

1998—Subsec. (j). Pub. L. 105–277 struck out at end "The face value of guaranties issued with respect to housing in any country shall not exceed $25,000,000 in any fiscal year, and the average face value of guaranties issued in any fiscal year shall not exceed $15,000,000. Of the total amount of housing guaranties authorized to be issued under section 2182 of this title through September 30, 1982, not less than a face amount of $25,000,000 shall be issued for projects in Israel and not less than a face amount of $25,000,000 shall be issued for projects in Egypt."

1987—Subsec. (e)(2)(A)(ii). Pub. L. 100–202 substituted "$100,000,000" for "$40,000,000".

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

1981—Subsec. (b). Pub. L. 97–113 provided for maintenance of a revolving fund account in the Treasury consisting of fees, earnings from fees, and income from guaranty operations and authorized investment of account funds in obligations of the United States and use of investment income.

1979—Subsec. (f). Pub. L. 96–53, §112(c), substituted "the Department of Housing and Urban Development" for "such Department", and struck out provisions setting forth minimum rate of interest as not less than one-half of one per centum above the then current rate on mortgages insured by the Department of Housing and Urban Development.

Subsec. (j). Pub. L. 96–53, §112(d), struck out requirement that except for regional projects, guarantees for housing projects be granted to countries receiving or which have received in the two previous years assistance under part I of this subchapter and substituted provisions authorizing face amounts of housing guarantees through September 30, 1982 of not less than $25,000,000 for Israel and Egypt for provisions authorizing face amounts of housing guarantees until September 30, 1978 of an amount not to exceed $75,000,000 in Israel and $30,000,000 in Portugal and Lebanon.

1978—Subsec. (a). Pub. L. 95–424, §115(c), substituted "section 2182 or 2182a" for "section 2181, 2182, or 2182a".

Subsec. (b). Pub. L. 95–424, §115(d), struck out "2181 or" after "guarantees issued under section"; substituted "section 2182 of this title and administering housing guaranties heretofore authorized under this subpart and under" for "section 2181 and section 2182 of this title and of"; struck out "2181 or" after "made pursuant to section", and inserted "this subpart" after "heretofore pursuant to".

Subsec. (c). Pub. L. 95–424, §115(e), struck out "section 2181 or" after "guaranties issued under", and inserted "under this subpart or" after "heretofore".

Subsec. (d). Pub. L. 95–424, §115(f), substituted "section 2182 or 2182a" for "section 2181, 2182, 2182a", and inserted "under this subpart" after "heretofore".

Subsec. (f). Pub. L. 95–424, §115(g), substituted "section 2182" for "section 2181 or 2182".

Subsec. (g). Pub. L. 95–424, §115(h), inserted "heretofore under this subpart" after "outstanding".

Subsec. (i). Pub. L. 95–424, §115(i), struck out subsec. (i) directing that the authority of sections 2181 and 2182 of this title shall continue until Sept. 30, 1979.

Subsec. (j). Pub. L. 95–424, §115(j), substituted "section 2182" for "sections 2181 and 2182".

1977—Subsec. (b). Pub. L. 95–88, §117(b)(2), substituted "together with all fees collected in connection with guaranties issued under section 2181 or 2182 of this title or under prior housing guaranty authorities" for "together with all fees collected in connection with guaranties issued hereunder" and inserted provision that fees collected in connection with guaranties issued under section 2182a of this title shall likewise be available to meet similar expenses, costs, or liabilities incurred in connection with the programs authorized by that section.

Subsec. (i). Pub. L. 95–88, §117(a)(3), substituted "September 30, 1979" for "September 30, 1978".

Subsec. (j). Pub. L. 95–88, §117(c), substituted "September 30, 1978" for "September 30, 1977", "$75,000,000" for "$50,000,000" in provisions relating to housing guaranties in Israel, "$30,000,000" for "$20,000,000" in provisions relating to housing guaranties in Portugal, and "$30,000,000" for "$15,000,000" in provisions relating to housing guaranties in Lebanon.

1976—Subsec. (j). Pub. L. 94–329 authorized President to issue housing guaranties until September 30, 1977, in Lebanon, not exceeding a face amount of $15,000,000.

1975—Subsec. (i). Pub. L. 94–161, §311(5)(A), substituted "September 30, 1978" for "June 30, 1976".

Subsec. (j). Pub. L. 94–161, §311(5)(B), added subsec. (j).

1974—Subsec. (a). Pub. L. 93–559, §8(a)(3), inserted reference to section 2182a of this title.

Subsec. (b). Pub. L. 93–559, §8(a)(4), substituted in first sentence "section 2181 and section 2182 of this title" for "this subpart".

Subsec. (d). Pub. L. 93–559, §8(a)(5), substituted "section 2181, 2182, 2182a, or previously under section 2200 of this title" for "section 2181 or section 2182 of this title".

Subsec. (i). Pub. L. 93–559, §7(2), substituted "June 30, 1976" for "June 30, 1975".

1973—Subsec. (i). Pub. L. 93–189 substituted "June 30, 1975" for "June 30, 1974".

1972—Subsec. (i). Pub. L. 92–226 substituted "June 30, 1974" for "June 30, 1972".

Effective Date of 1984 Amendment

Section 311(d) of H.R. 5119, as passed by the House of Representatives on May 10, 1984, and enacted into permanent law by Pub. L. 98–473, §101(1) [title V, §541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903, provided that: "The amendment made by subsection (c) of this section [amending this section] shall take effect on the date of enactment of this Act [Oct. 12, 1984]."

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

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.

§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) 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) 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).

(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) 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).

(e) Guarantee commitments limit

Commitments to guarantee under subsection (a) 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) 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) are paid out for a claim arising out of liabilities guaranteed under subsection (a), 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), 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).

(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.

(Pub. L. 87–195, pt. I, §224, as added Pub. L. 98–473, title I, §101(1) [title V, §541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903; amended Pub. L. 99–83, title III, §314, Aug. 8, 1985, 99 Stat. 217; Pub. L. 101–167, title IV, Nov. 21, 1989, 103 Stat. 1216; Pub. L. 101–179, title III, §304(b), Nov. 28, 1989, 103 Stat. 1313; Pub. L. 101–513, title IV, Nov. 5, 1990, 104 Stat. 2001.)

References in Text

The Export-Import Bank Act of 1945, referred to in subsec. (a), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to subchapter I (§635 et seq.) of chapter 6A of Title 12, Banks and Banking. For complete classification of the Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

Subsec. (g) of this section, which required, at intervals of six months, the administrator of the agency primarily responsible for administering subchapter I of this chapter and the President of the Export-Import Bank of the United States 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 credits during the preceding six-month period, 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 148 of House Document No. 103–7.

Section 224 of Pub. L. 87–195 is based on section 1011 of title X of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, and enacted into law by Pub. L. 98–473.

Prior Provisions

A prior section 224 of Pub. L. 87–195, pt. I, Sept. 4, 1961, 75 Stat. 432, as amended by Pub. L. 87–565, pt. I, §104(c), Aug. 1, 1962, 76 Stat. 257; Pub. L. 88–205, pt. I, §104(g), Dec. 16, 1963, 77 Stat. 382; Pub. L. 88–633, pt. I, §103(b), Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89–171, pt. I, §104(e), Sept. 6, 1965, 79 Stat. 655; Pub. L. 89–583, pt. I, §104(c), Sept. 19, 1966, 80 Stat. 798; Pub. L. 90–137, pt. I, §104(d), Nov. 14, 1967, 81 Stat. 451; Pub. L. 90–554, pt. I, §104, Oct. 8, 1968, 82 Stat. 961, related to housing projects in Latin America, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 807. See section 2182 of this title.

Amendments

1990—Subsec. (c). Pub. L. 101–513 substituted "1991" for "1990".

1989—Pub. L. 101–179 inserted "for Central America" after "program" in section catchline.

Subsec. (c). Pub. L. 101–167 substituted "1990" for "1989".

1985—Subsec. (e). Pub. L. 99–83 substituted "except that the aggregate amount of outstanding commitments under subsection (a) may not exceed $300,000,000 of contingent liability for loan principal during fiscal year 1986 and may not exceed $400,000,000 of contingent liability for loan principal during fiscal year 1987" for "not to exceed $300,000,000 in the fiscal year 1985".

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

§2185. Trade credit insurance program for Poland

(a) General authority

(1) Assurance to Export-Import Bank of repayment

The President is authorized to provide guarantees to the Bank for liabilities described in paragraph (2) in order to satisfy the requirement of section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) that the Bank have [1] reasonable assurance of repayment.

(2) Liabilities which may be guaranteed

The liabilities that may be guaranteed under paragraph (1) are liabilities incurred by the Bank in connection with guarantees or insurance provided under the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.] for financing for transactions involving the export of goods and services for the use of the private sector in Poland.

(b) Guarantees available only for short-term guarantees and insurance

Guarantees provided under subsection (a) 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) 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) 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).

(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).

(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), 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), 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).

(f) Appropriations action required

Commitments to guarantee under subsection (a) 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) 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), that are commensurate (in the judgment of the Bank) with the Bank's administrative costs and the risks covered by the agency's guarantees. Any amounts received by the Bank in excess of the estimated costs incurred by the Bank in administering such guarantees or insurance—

(1) shall be credited to the reserve fund established pursuant to subsection (d),

(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).

(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) after September 30, 1992.

(m) Definitions

For purposes of this section—

(1) the term "administering agency" means the Agency for International Development;

(2) the term "Administrator" means the Administrator of the Agency for International Development; and

(3) the term "Bank" means the Export-Import Bank of the United States.

(Pub. L. 87–195, pt. I, §225, as added Pub. L. 101–179, title III, §304(a), Nov. 28, 1989, 103 Stat. 1312.)

References in Text

The Export-Import Bank Act of 1945, referred to in subsec. (a)(2), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to subchapter I (§635 et seq.) of chapter 6A of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables.

Codification

Subsec. (h) 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. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 148 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 2381 of this title.

Conforming Reference

Pub. L. 101–179, title III, §304(c), Nov. 28, 1989, 103 Stat. 1314, provided that: "With respect to Poland, any reference in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 [Pub. L. 101–167, Nov. 21, 1989, 103 Stat. 1195], to section 224 of the Foreign Assistance Act of 1961 [22 U.S.C. 2184] shall be deemed to be a reference to section 225 of that Act [22 U.S.C. 2185] (as enacted by this section)."

[1] *So in original. Probably should be "has".*

§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), 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), 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), 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) 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) 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) 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), 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) in the same manner as such section applies to guarantees issued under section 2182 of this title, except that subsections (a), (e)(1), (g), and (j) of section 2183 of this title shall not apply to such guarantees and except that, to the extent section 2183 of this title is inconsistent with the Federal Credit Reform Act of 1990 [2 U.S.C. 661 et seq.], that Act shall apply. Loans shall be guaranteed under this section without regard to sections 2181, 2182, and 2198(c) of this title. Notwithstanding section 2183(f) of this title, the interest rate for loans guaranteed under this section may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with this program or financing under this section in the event the borrower elects not to finance such costs or fees out of loan principal. Guarantees once issued hereunder shall be unconditional and fully and freely transferable.

(m) Terms and conditions

(1) Each loan guarantee issued under this section shall guarantee 100 percent of the principal and interest payable on such loans.

(2) The standard terms of any loan or increment guaranteed under this section shall be 30 years with semiannual payments of interest only over the first 10 years, and with semiannual payments of principal and interest on a level payment basis, over the last 20 years thereof, except that the guaranteed loan or any increments issued in a single transaction may include obligations having different maturities, interest rates, and payment terms if the aggregate scheduled debt service for all obligations issued in a single transaction equals the debt service for a single loan or increment of like amount having the standard terms described in this sentence. The guarantor shall not have the right to accelerate any guaranteed loan or increment or to pay any amounts in respect of the guarantees issued other than in accordance with the original payment terms of the loan. For purposes of determining the maximum principal amount of any loan or increment to be guaranteed under this section, the principal amount of each such loan or increment shall be—

(A) in the case of any loan issued on a discount basis, the original issue price (excluding any transaction costs) thereof; or

(B) in the case of any loan issue [1] on an interest-bearing basis, the stated principal amount thereof.

(Pub. L. 87–195, pt. I, §226, as added Pub. L. 102–391, title VI, §601, Oct. 6, 1992, 106 Stat. 1699.)

References in Text

The Federal Credit Reform Act of 1990, referred to in subsecs. (e)(1) and (l), is title V of Pub. L. 93–344 as added by Pub. L. 101–508, title XIII, §13201(a), Nov. 5, 1990, 104 Stat. 1388–609, which is classified generally to subchapter III (§661 et seq.) of chapter 17A of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2 and Tables.

Section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (g)(3), is section 601(b) of Pub. L. 94–329, title VI, June 30, 1976, 90 Stat. 765, which is not classified to the Code.

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.

[1] *So in original. Probably should be "issued".*

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 operations the economic and financial soundness of projects;

(b) to utilize private credit and investment institutions and the Corporation's guaranty authority as the principal means of mobilizing capital investment funds;

(c) to broaden private participation and revolve its funds through selling its direct investments to private investors whenever it can appropriately do so on satisfactory terms;

(d) to conduct its insurance operations with due regard to principles of risk management including efforts to share its insurance and reinsurance risks;

(e) to the maximum degree possible consistent with its purposes—

(1) to give preferential consideration in its investment insurance, reinsurance, and guaranty activities to investment projects sponsored by or involving United States small business; and

(2) to increase the proportion of projects sponsored by or significantly involving United States small business to at least 30 percent of all projects insured, reinsured, or guaranteed by the Corporation;

(f) to consider in the conduct of its operations the extent to which less developed country governments are receptive to private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

(g) to foster private initiative and competition and discourage monopolistic practices;

(h) to further to the greatest degree possible, in a manner consistent with its goals, the balance-of-payments and employment objectives of the United States;

(i) to conduct its activities in consonance with the activities of the agency primarily responsible for administering subchapter I of this chapter and the international trade, investment, and financial policies of the United States Government, and to seek to support those developmental projects having positive trade benefits for the United States;

(j) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas;

(k)(1) to decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing for an eligible investor's proposed investment if the Corporation determines that such investment is likely to cause such investor (or the sponsor of an investment project in which such investor is involved) significantly to reduce the number of his employees in the United States production he is replacing his United States production with production from such investment which involves substantially the same product for substantially the same market as his United States production; and (2) to monitor conformance with the representations of the investor on which the Corporation relied in making the determination required by clause (1);

(l) to decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing for an eligible investor's proposed investment if the Corporation determines that such investment is likely to cause a significant reduction in the number of employees in the United States;

(m) to refuse to insure, reinsure, or finance any investment subject to performance requirements which would reduce substantially the positive trade benefits likely to accrue to the United States from the investment; and

(n) to refuse to insure, reinsure, guarantee, or finance any investment in connection with a project which the Corporation determines will pose an unreasonable or major environmental, health, or safety hazard, or will result in the significant degradation of national parks or similar protected areas.

(Pub. L. 87–195, pt. I, §231, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 809; amended Pub. L. 93–390, §2(1), Aug. 27, 1974, 88 Stat. 763; Pub. L. 95–268, §2, Apr. 24, 1978, 92 Stat. 213; Pub. L. 97–65, §2, Oct. 16, 1981, 95 Stat. 1021; Pub. L. 99–204, §§3, 4(a), Dec. 23, 1985, 99 Stat. 1669; Pub. L. 100–461, title V, §555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 102–549, title I, §101, Oct. 28, 1992, 106 Stat. 3651; Pub. L. 103–392, title I, §105, Oct. 22, 1994, 108 Stat. 4099.)

Repeal of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, this section is repealed.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

Amendment by Pub. L. 100–461 is based on sections 102 and 110(a)(1) of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and sections 102 and 110(a)(1) of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

Prior Provisions

A prior section 231 of Pub. L. 87–195, pt. 1, Sept. 4, 1961, 75 Stat. 432, related to general authority of President to participate in financing of surveys of investment opportunities in less developed friendly countries, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 807.

Amendments

1994—Pub. L. 103–392 inserted ", Ireland, and Northern Ireland" after "title 19" in par. (2) of second undesignated par.

1992—Pub. L. 102–549, in first undesignated par., substituted "countries and areas, and countries in transition from nonmarket to market economies," for "friendly countries and areas,".

1988—Pub. L. 100–461, in par. (2) of second undesignated par., substituted "984 or less in 1986 United States dollars" for "$896 or less in 1983 United States dollars" and "$4,269 or more in 1986 United States dollars (other than countries designated as beneficiary countries under section 2702 of title 19)" for "$3,887 or more in 1983 United States dollars".

Pub. L. 100–461, in par. (3) of second undesignated par., substituted "section 2151p of this title, section 2151p–1 of this title, and section" for "sections 2151p of this title and" and "tropical forests and endangered species" for "biological diversity".

1985—Pub. L. 99–204, in second undesignated par., substituted "$896 or less in 1983 United States dollars" for "$680 or less in 1979 United States dollars" and "$3,887 or more in 1983 United States dollars" for "$2,950 or more in 1979 United States dollars" in par. (2), added par. (3), and added cl. (n).

1981—Pub. L. 97–65 substituted "$680 or less in 1979 United States dollars" for "$520 or less in 1975 United States dollars" and "$2,950 or more in 1979 United States dollars" for "$1,000 or more in 1975 United States dollars" in par. (2) of undesignated paragraph covering the guidelines to be used with regard to operations in less developed countries, inserted ", and to seek to support those developmental projects having positive trade benefits for the United States" in cl. (i) of undesignated paragraph enumerating the activities of the Corporation, and, in that unnumbered paragraph, added cl. (m), relating to investments which would reduce positive trade benefits.

1978—Pub. L. 95–268 inserted undesignated par. relating to determinations by the Corporation respecting insurance, financing, or reinsurance for a project, in cl. (e) designated existing provisions as subcl. (1) and, as so designated, substituted reference to guaranty activities for reference to financing activities and reference to small businesses for reference to businesses with a net worth of not more than $2,500,000 or with total assets of not more than $7,500,000, and added subcl. (2), struck out cl. (f) relating to encouragement and support of private investments for certain less developed friendly countries, redesignated former cls. (g) to (k) as (f) to (j), respectively, struck out former cl. (l) relating to preference by the Corporation for projects in countries having a per capita income of $450 or less in 1973 United States dollars, redesignated former cl. (m) as (k), and added cl. (n) which, as added, was redesignated as (l).

1974—Pub. L. 93–390, in introductory par., substituted "social development" for "social progress", in cl. (a) inserted provisions for conducting insurance and reinsurance operations and substituted provisions requiring in financial operations consideration of economic and financial soundness of projects for provisions requiring consideration of economic and financial soundness of projects and availability of financing from other sources on appropriate terms, in cl. (d) substituted "efforts to share its insurance and reinsurance" for "when appropriate, efforts to share its insurance", in cl. (e) substituted provisions requiring preferential treatment to investment projects involving businesses with enumerated net worth or total assets for provisions requiring utilization and encouragement for full participation in Corporation programs of small businesses, in cl. (i) inserted "and employment" before "objectives", and added cls. (l) and (m).

Effective Date of Repeal

Repeal effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 of this title.

Overseas Private Investment Corporation; Reaffirmation of Support

Pub. L. 100–418, title II, §2203(a), Aug. 23, 1988, 102 Stat. 1328, provided that: "The Congress reaffirms its support for the Overseas Private Investment Corporation as a United States Government agency serving important development assistance goals. In order to enhance the Corporation's ability to meet these goals, the Overseas Private Investment Corporation should increase its loan guaranty and direct investment programs."

Ex. Ord. No. 11579. Overseas Private Investment Corporation

Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055; Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, provided:

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424), as amended (hereinafter the "Act") [section 2151 et seq. of this title] and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

Section 1. *Transfer to Overseas Private Investment Corporation*. All obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in sections 234(a), (b) and (d) of the Act [section 2194(a), (b) and (d) of this title] are hereby transferred to the Overseas Private Investment Corporation (hereinafter the "Corporation").

Sec. 2. *Delegation of functions*. (a) [Revoked by Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673.]

(b) The function of prescribing regulations relating to the reinstatement or restoration of officers and employees of the Corporation to other government positions, when their appointment to a position in the Corporation was made from another government position and their separation from the Corporation was not made for cause, is hereby delegated to the Office of Personnel Management.

Sec. 3. *Allocation and transfer of funds*. Funds made available under section 232 of the Act (repealed by section 105 of the Foreign Assistance Act of 1969) [section 2192 of this title] which are obligated but unexpended are hereby transferred to the Corporation.

Sec. 4. *General provisions*. (a) As used in this order, the words "function" or "functions" include any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(b) The Corporation shall be deemed to be the successor of the Agency for International Development and the Administrator thereof, with respect to all functions vested in the Corporation pursuant to law.

(c) Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(d) Executive Order No. 10973 of November 3, 1961, as amended [set out as a note under this section], is hereby superseded insofar as any provision therein is in conflict with any provision herein.

(e) The provisions of this order shall become effective upon adoption by the Board of Directors of bylaws for the Corporation.

§2191a. Additional requirements

(a) Worker rights

(1) Limitation on OPIC activities

The Corporation may insure, reinsure, guarantee, or finance a project only if the country in which the project is to be undertaken is taking steps to adopt and implement laws that extend internationally recognized worker rights, as defined in section 2467(4) of title 19, to workers in that country (including any designated zone in that country). The Corporation shall also include the following language, in substantially the following form, in all contracts which the Corporation enters into with eligible investors to provide financial support under this subpart:

> "The investor agrees not to take actions to prevent employees of the foreign enterprise from lawfully exercising their right of association and their right to organize and bargain collectively. The investor further agrees to observe applicable laws relating to a minimum age for employment of children, acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety, and not to use forced labor. The investor is not responsible under this paragraph for the actions of a foreign government."

(2) Use of annual reports on workers rights

The Corporation shall, in making its determinations under paragraph (1), use the reports submitted to the Congress pursuant to section 2464 of title 19. The restriction set forth in paragraph (1) shall not apply until the first such report is submitted to the Congress.

(3) Waiver

Paragraph (1) shall not prohibit the Corporation from providing any insurance, reinsurance, guaranty, or financing with respect to a country if the President determines that such activities by the Corporation would be in the national economic interests of the United States. Any such determination shall be reported in writing to the Congress, together with the reasons for the determination.

(4) Operations of OPIC in the People's Republic of China

In making a determination under this section for the People's Republic of China, the Corporation shall discuss fully and completely the justification for making such determination with respect to each item set forth in subparagraphs (A) through (E) of section 2467(4) of title 19.

(b) 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 subpart.

(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.

(Pub. L. 87–195, pt. I, §231A, as added Pub. L. 99–204, §5(a), Dec. 23, 1985, 99 Stat. 1670; amended Pub. L. 100–418, title II, §2203(c), Aug. 23, 1988, 102 Stat. 1328; Pub. L. 102–549, title I, §102(a), Oct. 28, 1992, 106 Stat. 3651; Pub. L. 104–188, title I, §1954(b)(3), Aug. 20, 1996, 110 Stat. 1928; Pub. L. 106–158, §3(a), Dec. 9, 1999, 113 Stat. 1745.)

Repeal of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, this section is repealed.

Amendments

1999—Subsec. (b). Pub. L. 106–158, §3(a)(2) added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 106–158, §3(a)(1), (3), redesignated subsec. (b) as (c), designated existing provisions as par. (1), and added par. (2).

1996—Subsec. (a)(1). Pub. L. 104–188, §1954(b)(3)(A), substituted "2467(4)" for "2462(a)(4)".

Subsec. (a)(2). Pub. L. 104–188, §1954(b)(3)(B), substituted "2464" for "2465(c)".

Subsec. (a)(4). Pub. L. 104–188, §1954(b)(3)(C), substituted "2467(4)" for "2462(a)(4)".

1992—Subsec. (a)(1). Pub. L. 102–549 inserted at end provisions requiring Corporation to include certain language about employee rights in all contracts with eligible investors.

1988—Subsec. (a)(4). Pub. L. 100–418 added par. (4).

Effective Date of Repeal

Repeal effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 of this title.

Effective Date of 1999 Amendment

Pub. L. 106–158, §3(b), Dec. 9, 1999, 113 Stat. 1746, provided that: "The amendments made by subsection (a) [amending this section] shall take effect 90 days after the date of the enactment of this Act [Dec. 9, 1999]."

Effective Date of 1996 Amendment

Amendment by Pub. L. 104–188 applicable to articles entered on or after Oct. 1, 1996, with provisions relating to retroactive application, see section 1953 of Pub. L. 104–188, set out as an Effective Date note under section 2461 of Title 19, Customs Duties.

Effective Date

Pub. L. 99–204, §5(b), Dec. 23, 1985, 99 Stat. 1671, provided that: "Subsection (a) of section 231A [subsec. (a) of this section], as added by subsection (a) of this section, shall not apply to projects

insured, reinsured, guaranteed, or financed before the date of the enactment of this Act [Dec. 23, 1985]."

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.

§2191b. Worker rights and human rights guidelines

The President of the Overseas Private Investment Corporation is hereby authorized and directed to issue, not later than 9 months after December 16, 2009, a comprehensive set of environmental, transparency and internationally recognized worker rights and human rights guidelines with requirements binding on the Corporation and its investors that shall be consistently applied to all projects, funds and sub-projects supported by the Corporation: *Provided*, That these regulations shall be no less rigorous than the environmental and social guidelines that the Corporation has made publicly available as of June 3, 2009, and the environmental and social policies of the World Bank Group, and hereafter may be issued and further revised only following public notice and opportunity for comment: *Provided further*, That the Overseas Private Investment Corporation shall issue a report, not later than 180 days after December 16, 2009, highlighting its substantial commitment to invest in renewable and other clean energy technologies and plans to significantly reduce greenhouse gas emissions from its portfolio: *Provided 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.

(Pub. L. 111–117, div. F, title VII, §7079(b), Dec. 16, 2009, 123 Stat. 3396.)

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 from loans made pursuant to subchapter I of this chapter and from loans made under the Mutual Security Act of 1954, as amended, for the fiscal year 1970 not to exceed $20,000,000 and for the fiscal year 1971 not to exceed $20,000,000. Upon the payment of such capital by the President, the Corporation shall issue an equivalent amount of capital stock to the Secretary of the Treasury.

(Pub. L. 87–195, pt. I, §232, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 810.)

References in Text

The Mutual Security Act of 1954, referred to in text, is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85–141, 71 Stat. 355; June 30, 1958, Pub. L. 85–477, ch. 1, §§101 to 103, ch. II, §§201 to 205, ch. III, §301, ch. IV, §401, ch. V, §501, 72 Stat. 261; July 24, 1959, Pub. L. 86–108, §2, ch. 1, §101, ch. II, §§201 to 205(a) to (i), (k) to (n), ch. III, §301, ch. IV, §401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86–472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, §8(m), 70 Stat. 559, Pub. L. 85–141, §§2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86–108, ch. II, §§205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86–472, ch. II, §§203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87–195, pt. III, §642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94–329, title II, §212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104–127, title II, §228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

Repeal of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, this section is repealed.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Prior Provisions

A prior section 232 of Pub. L. 87–195, pt. I, Sept. 4, 1961, 75 Stat. 432 as amended by Pub. L. 87–565, pt. I, §105, Aug. 1, 1962, 76 Stat. 257; Pub. L. 88–633, pt. I, §104, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 90–137, pt. I, §105, Nov. 14, 1967, 81 Stat. 451, authorized appropriations for surveys of investment opportunities, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 807.

Effective Date of Repeal

Repeal effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 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.

§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 Agency for International 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.

(Pub. L. 87–195, pt. I, §233, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 810; amended Pub. L. 97–65, §3(a), (b), Oct. 16, 1981, 95 Stat. 1021, 1022; Pub. L. 106–158, §4, Dec. 9, 1999, 113 Stat. 1746; Pub. L. 106–200, title I, §123(c)(1), May 18, 2000, 114 Stat. 269; Pub. L. 108–158, §3(e), Dec. 3, 2003, 117 Stat. 1950.)

Repeal of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, this section is repealed.

References in Text

Level IV of the Executive Schedule, referred to in subsec. (b), is set out in section 5315 of Title 5, Government Organization and Employees.

Prior Provisions

A prior section 233 of Pub. L. 87–195, pt. I, Sept. 4, 1961, 75 Stat. 432, contained definitions, prior to the general reorganization of this subpart by Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 807.

Amendments

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".

2000—Subsec. (e). Pub. L. 106–200 added subsec. (e).

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., inserted "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 Repeal

Repeal effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 of this title.

Effective Date of 1981 Amendment

Pub. L. 97–65, §3(c), Oct. 16, 1981, 95 Stat. 1022, 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. 69274, 93 Stat. 1381, eff. Jan. 2, 1980, as provided in section 1–107(a) of Ex. Ord. No. 12188, 45 F.R. 993, set out in the Appendix to Title 5, Government Organization and Employees.

§2194. Investment insurance and other programs

The Corporation is hereby authorized to do the following:

(a) Investment insurance

(1) To issue insurance, upon such terms and conditions as the Corporation may determine, to eligible investors assuring protection in whole or in part against any or all of the following risks with respect to projects which the Corporation has approved—

(A) inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof;

(B) loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government 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) [1] of this title shall be issued to a single investor.

(4) Before issuing insurance for the first time for loss due to business interruption, and in each subsequent instance in which a significant expansion is proposed in the type of risk to be insured under the definition of "civil strife" or "business interruption", the Corporation shall, at least sixty days before such insurance is issued, submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report with respect to such insurance, including a thorough analysis of the risks to be covered, anticipated losses, and proposed rates and reserves and, in the case of insurance for loss due to business interruption, an explanation of the underwriting basis upon which the insurance is to be offered. Any such report with respect to insurance for loss due to business interruption shall be considered in accordance with the procedures applicable to reprogramming notifications pursuant to section 2394–1 of this title.

(b) Investment guaranties

To issue to eligible investors guaranties of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine: *Provided, however*, That such guaranties on other than loan investments shall not exceed 75 per centum of such investment: *Provided further*, That except for loan investments for credit unions made by eligible credit unions or credit union associations, the aggregate amount of investment (exclusive of interest and earnings) so guaranteed with respect to any project shall not exceed, at the time of issuance of any such guaranty, 75 per centum of the total investment committed to any such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to issue any such guaranty: *Provided further*, That not more than 15 per centum of the maximum contingent liability of investment guaranties which the Corporation is permitted to have outstanding under section 2195(a)(2) [1] of this title shall be issued to a single investor.

(c) Direct investment

To make loans in United States dollars repayable in dollars or loans in foreign currencies (including, without regard to section 1306 of title 31, such foreign currencies which the Secretary of the Treasury may determine to be excess to the normal requirements of the United States and the Director of the Office of Management and Budget may allocate) to firms privately owned or of mixed private and public ownership upon such terms and conditions as the Corporation may determine. Loans may be made under this subsection only for projects that are sponsored by or significantly involve United States small business or cooperatives.

The Corporation may designate up to 25 percent of any loan under this subsection for use in the development or adaptation in the United States of new technologies or new products or services that are to be used in the project for which the loan is made and are likely to contribute to the economic or social development of less developed countries.

No loan may be made under this subsection to finance any operation for the extraction of oil or gas. The aggregate amount of loans under this subsection to finance operations for the mining or other extraction of any deposit of ore or other nonfuel minerals may not in any fiscal year exceed $4,000,000.

(d) Investment encouragement

To initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying and promotion of private investment opportunities, utilizing wherever feasible and effective the facilities of private organizations or private investors, except that—

(1) the Corporation shall not finance any survey to ascertain the existence, location, extent, or quality of, or to determine the feasibility of undertaking operations for the extraction of, oil or gas; and

(2) expenditures financed by the Corporation during any fiscal year on surveys to ascertain the existence, location, extent, or quality of, or to determine the feasibility of undertaking 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).

The amount of reinsurance of liabilities under this subpart which the Corporation may issue shall not in the aggregate exceed at any one time an amount equal to the amount authorized for the maximum contingent liability outstanding at any one time under section 2195(a)(1) [1] of this title. All reinsurance issued by the Corporation under this subsection shall require that the reinsured party retain for his own account specified portions of liability, whether first loss or otherwise.

(g) Pilot equity finance program

(1) Authority for pilot program

In order to study the feasibility and desirability of a program of equity financing, the Corporation is authorized to establish a 4-year pilot program under which it may, on the limited basis prescribed in paragraphs (2) through (5), purchase, invest in, or otherwise acquire equity or quasi-equity securities of any firm or entity, upon such terms and conditions as the Corporation may determine, for the purpose of providing capital for any project which is consistent with the provisions of this subpart, except that—

(A) the aggregate amount of the Corporation's equity investment with respect to any project shall not exceed 30 percent of the aggregate amount of all equity investment made with respect to such project at the time that the Corporation's equity investment is made, except for securities acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the Corporation's investment; and

(B) the Corporation's equity investment under this subsection with respect to any project, when added to any other investments made or guaranteed by the Corporation under subsection (b) or (c) 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.

(h) Local currency guaranties 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.

(Pub. L. 87–195, pt. I, §234, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 811; amended 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Pub. L. 93–390, §2(2), Aug. 27, 1974, 88 Stat. 764; Pub. L. 95–268, §3, Apr. 24, 1978, 92 Stat. 214; Pub. L. 97–65, §4, Oct. 16, 1981, 95 Stat. 1022; Pub. L. 99–204, §§6(a), 7, 8, Dec. 23, 1985, 99 Stat. 1671, 1672; Pub. L. 100–461, title V, §555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 101–218, §8(c), Dec. 11, 1989, 103 Stat. 1868; Pub. L. 102–549, title I, §103, Oct. 28, 1992, 106 Stat. 3651; Pub. L. 106–31, title VI, §6001, May 21, 1999, 113 Stat. 112; Pub. L. 108–158, §§4(a), 5(a), Dec. 3, 2003, 117 Stat. 1950.)

Repeal of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, this section is repealed.

References in Text

Section 2195(a) of this title, referred to in subsecs. (a)(3), (b), and (f), was amended by Pub. L. 105–118, title V, §581, Nov. 26, 1997, 111 Stat. 2435, and, as so amended, provisions formerly appearing in pars. (1) and (2) of subsec. (a) are now contained in par. (1).

The Federal Credit Reform Act of 1990, referred to in subsec. (g)(5), 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.

Codification

Amendment by Pub. L. 100–461 is based on sections 103 and 104 of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and sections 103 and 104 of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

In subsec. (c), "section 1306 of title 31" substituted for "section 1415 of the Supplemental Appropriation Act, 1953, [31 U.S.C. 724]" on authority of Pub. L. 97–258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Amendments

2003—Subsec. (a)(1)(B). Pub. L. 108–158, §4(a), inserted "or any political subdivision thereof" after "government".

Subsec. (h). Pub. L. 108–158, §5(a), added subsec. (h).

1999—Subsec. (g). Pub. L. 106–31, §6000(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".

Subsec. (g)(5). Pub. L. 106–31, §6001(3), added par. (5).

1992—Subsec. (g)(5). Pub. L. 102–549 amended par. (5) generally, substituting designation "(c)" for " (5)". Prior to amendment, par. (5) read as follows: "Creation of fund from corporate revenues.—The Corporation is authorized to establish a fund to be available solely for the purposes specified in this subsection and to make a one-time transfer to the fund of $10,000,000 from its income and revenues."

1989—Subsec. (e). Pub. L. 101–218 inserted "and including the initiation of incentives, grants, and studies for renewable energy and other small business activities" after "cooperatives" and inserted at end "Administrative funds may not be made available for incentives, grants, and studies for renewable energy and other small business activities."

1988—Subsec. (c). Pub. L. 100–461, at end of first undesignated par., struck out "The Corporation may not purchase or invest in any stock in any other corporation, except that it may (1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation, and (2) acquire stock through the enforcement of any lien or pledge or otherwise to satisfy a previously contracted indebtedness which would otherwise be in default, or as the result of any payment under any contract of insurance or guaranty. The Corporation shall dispose of any stock it may so acquire as soon as reasonably feasible under the circumstances then pertaining." and added second undesignated par. relating to designation of up to 25 percent of loan for use in development or adaptation of new technologies or new products or services.

Subsec. (f). Pub. L. 100–461, which directed that first sentence of last par. be struck out, was executed as probable intent of Congress by striking out first sentence of concluding provisions, before "The amount of reinsurance", which read as follows: "The authority granted by paragraph (3) may be exercised notwithstanding the prohibition under subsection (c) of this section against the Corporation purchasing or investing in any stock in any other corporation."

Subsec. (g). Pub. L. 100–461 added subsec. (g).

1985—Subsec. (a)(1)(D). Pub. L. 99–204, §6(a)(1), added subpar. (D).

Subsec. (a)(4). Pub. L. 99–204, §6(a)(2), substituted "insurance for the first time for loss due to business interruption" for "civil strife insurance for the first time" and "definition of 'civil strife' or 'business interruption' " for "definition of civil strife" and inserted provision that in the case of insurance for loss due to business interruption an explanation of the underwriting basis upon which the insurance is to be offered be submitted and provision that any report with respect to insurance for loss due to business interruption be considered in accordance with procedures applicable to reprogramming notifications pursuant to section 2394–1 of this title.

Subsec. (b). Pub. L. 99–204, §7, substituted "15" for "10".

Subsec. (f)(2). Pub. L. 99–204, §8, struck out "other national or" after "arrangements with".

1981—Subsec. (a)(1)(C). Pub. L. 97–65, §4(a)(1), inserted reference to civil strife.

Subsec. (a)(2). Pub. L. 97–65, §4(a)(2), substituted "eligible investors in the project" for "eligible investors in the total project financing".

Subsec. (a)(3). Pub. L. 97–65, §4(a)(3), substituted "which the Corporation is permitted to have outstanding under section 2195(a)(1) of this title" for "which the Corporation is authorized to issue under this subsection".

Subsec. (a)(4). Pub. L. 97–65, §4(a)(4), added par. (4).

Subsec. (b). Pub. L. 97–65, §4(b)(1), substituted "which the Corporation is permitted to have outstanding under section 2195(a)(2) of this title" for "which the Corporation is authorized to issue under

this subsection".

Subsec. (f)(1). Pub. L. 97–65, §4(b)(2), struck out provisions under which the Corporation was prohibited from making or carrying out any association or risk-sharing agreement for the direct underwriting of insurance by the Corporation with others, other than on an individual basis where such direct underwriting facilitated the purposes of the Corporation as set forth in section 2191 of this title.

Subsec. (f)(4). Pub. L. 97–65, §4(b)(3), struck out provisions which had placed a $600,000,000 limit in any one year on the amount of reinsurance which the Corporation may issue and which had directed the Corporation to endeavor to increase to the maximum extent possible the specified portions of liability, whether first loss or otherwise, which a reinsured party must retain for his own account.

1978—Subsec. (a)(2). Pub. L. 95–268, §3(1), struck out provisions relating to limitations on maximum share of liabilities assumed under par. (1) of this subsection.

Subsec. (a)(3). Pub. L. 95–268, §3(2), substituted "maximum contingent liability" for "total face amount".

Subsec. (a)(4) to (7). Pub. L. 95–268, §3(3), struck out pars. (4) to (7) which set forth requirements for participation by private insurance companies, multilateral organizations, or others in insurance programs, and limitations respecting participation by the Corporation as insurer under contracts of insurance.

Subsec. (b). Pub. L. 95–268, §3(2), substituted "maximum contingent liability" for "total face amount".

Subsec. (c). Pub. L. 95–268, §3(4), (5), inserted provisions setting forth requirements respecting United States small businesses or cooperatives, and substituted provisions relating to aggregate amount of loans for mining or other extraction of ores or other nonfuel minerals, for provisions prohibiting loans for mining or other extraction of ores or other minerals.

Subsec. (d). Pub. L. 95–268, §3(6), substituted provisions setting forth exception for financing surveys relating to oil and gas and limitation on amount of expenditures for surveys relating to nonfuel minerals, for provisions setting forth proviso relating to surveys for mining of any deposit of ore, oil, gas, or other mineral.

Subsec. (f)(1). Pub. L. 95–268, §3(7), inserted provisions setting forth exceptions for agreements and contracts.

1974—Subsec. (a)(2). Pub. L. 93–390, §2(2)(B), inserted "and institutions" after "multilateral organizations" and provisions relating to the maximum share of liabilities assumed under par. (1)(A) to (C) of this subsection.

Subsec. (a)(4) to (7). Pub. L. 93–390, §2(2)(C), added pars. (4) to (7).

Subsec. (f). Pub. L. 93–390, §2(2)(D), added subsec. (f).

Effective Date of Repeal

Repeal effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 of this title.

Effective Date of 1999 Amendment

Pub. L. 106–31, title VI, §6001, May 21, 1999, 113 Stat. 112, provided that the amendment made by section 6001 is effective Oct. 1, 1999.

Transfer of Functions

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of 1970 Reorg. Plan No. 2 redesignated Bureau of the Budget as Office of Management and Budget. 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.

Extension of OPIC Authority

Pub. L. 115–141, div. K, title VII, §7061(b), Mar. 23, 2018, 132 Stat. 949, provided that: "Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 [22 U.S.C. 2195(a)(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, 2018."

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 115–31, div. J, title VII, §7061(b), May 5, 2017, 131 Stat. 702.

Pub. L. 114–113, div. K, title VII, §7061(b), Dec. 18, 2015, 129 Stat. 2810.

Pub. L. 113–235, div. J, title VII, §7073(b), Dec. 16, 2014, 128 Stat. 2679.

Pub. L. 113–76, div. K, title VII, §7064(b), Jan. 17, 2014, 128 Stat. 557.

Pub. L. 112–74, div. I, title VII, §7065(b), Dec. 23, 2011, 125 Stat. 1252.

Pub. L. 111–117, div. F, title VII, §7079(c), Dec. 16, 2009, 123 Stat. 3396.

Pub. L. 111–8, div. H, title VII, §7081(a), Mar. 11, 2009, 123 Stat. 910.
Pub. L. 110–161, div. J, title VI, §634(t), Dec. 26, 2007, 121 Stat. 2331.

Appropriation of Moneys in Advance as Requisite to Purchases, Investments, or Other Acquisitions of Equity by Fund Created Under Pilot Equity Finance Program

Pub. L. 100–461, title V, §555, Oct. 1, 1988, 102 Stat. 2268–36, 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".

[1] *See References in Text note below.*

§2194a. Contract authority of Corporation; specific authorization in appropriation Acts required

The authority of the Overseas Private Investment Corporation to enter into contracts under section 2194(a) of this title shall be effective for any fiscal year beginning after September 30, 1981, only to such extent or in such amounts as are provided in appropriation Acts.

(Pub. L. 97–65, §5(b)(2), Oct. 16, 1981, 95 Stat. 1023.)

Codification

Section was enacted as part of the Overseas Private Investment Corporation Amendments of 1981, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2194b. Enhancing private political risk insurance industry

(a) Cooperative programs

In order to encourage greater availability of political risk insurance for eligible investors by enhancing the private political risk insurance industry in the United States, and to the extent consistent with this subpart, the Corporation shall undertake programs of cooperation with such industry, and in connection with such programs may engage in the following activities:

(1) Utilizing its statutory authorities, encourage the development of associations, pools, or consortia of United States private political risk insurers.

(2) Share insurance risks (through coinsurance, contingent insurance, or other means) in a manner that is conducive to the growth and development of the private political risk insurance industry in the United States.

(3) Notwithstanding section 2197(e) of this title, upon the expiration of insurance provided by the Corporation for an investment, enter into risk-sharing agreements with United States private political risk insurers to insure any such investment; except that, in cooperating in the offering of insurance under this paragraph, the Corporation shall not assume responsibility for more than 50 percent of the insurance being offered in each separate transaction.

(b) Advisory group

(1) Establishment and membership

The Corporation shall establish a group to advise the Corporation on the development and implementation of the cooperative programs under this section. The group shall be appointed by the Board and shall be composed of up to 12 members, including the following:

(A) Up to seven persons from the private political risk insurance industry, of whom no fewer than two shall represent private political risk insurers, one shall represent private political risk reinsurers, and one shall represent insurance or reinsurance brokerage firms.

(B) Up to four persons, other than persons described in subparagraph (A), who are purchasers of political risk insurance.

(2) Functions

The Corporation shall call upon members of the advisory group, either collectively or individually, to advise it regarding the capability of the private political risk insurance industry to meet the political risk insurance needs of United States investors, and regarding the development of cooperative programs to enhance such capability.

(3) Meetings

The advisory group shall meet not later than September 30, 1989, and at least annually thereafter. The Corporation may from time to time convene meetings of selected members of the advisory group to address particular questions requiring their specialized knowledge.

(4) Federal Advisory Committee Act

The advisory group shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(Pub. L. 87–195, pt. I, §234A, as added Pub. L. 99–204, §9(a), Dec. 23, 1985, 99 Stat. 1672; amended Pub. L. 100–461, title V, §555, Oct. 1, 1988, 102 Stat. 2268–36.)

Repeal of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, this section is repealed.

References in Text

The Federal Advisory Committee Act, referred to in subsec. (b)(4), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

Codification

Amendment by Pub. L. 100–461 is based on section 105(a) of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and section 105(a) of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

Amendments

1988—Pub. L. 100–461 amended section generally, substituting provisions relating to enhancing private political risk insurance industry for provisions which related to facultative reinsurance program.

Effective Date of Repeal

Repeal effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 of this title.

§2195. Issuing authority, direct investment authority and reserves

(a) Issuing authority

(1) Insurance and financing

(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 2194(a) of this title, and the amount of financing issued under sections [1] 2194(b) and (c) of this title, shall not exceed in the aggregate $29,000,000,000.

(B) Subject to spending authority provided in appropriations Acts pursuant to section 661c(b) of title 2, the Corporation is authorized to transfer such sums as are necessary from its noncredit activities to pay for the subsidy 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.

(b) Repealed. Pub. L. 102–549, title I, §104(a)(3), Oct. 28, 1992, 106 Stat. 3652

(c) Insurance Reserve; Guaranty Reserve

There shall be established in the Treasury of the United States 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, available as of the date of such transfer.

(f) Authorization of appropriations; issuance, etc., of obligations by Corporation for purchase by Secretary of the Treasury

There are authorized to be appropriated to the Corporation, to remain available until expended, such amounts as may be necessary from time to time to replenish or increase the 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.

(Pub. L. 87–195, pt. I, §235, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 813; amended Pub. L. 93–189, §6(1), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–390, §2(3), Aug. 27, 1974, 88 Stat. 766; Pub. L. 95–268, §4, Apr. 24, 1978, 92 Stat. 214; Pub. L. 97–65, §5(a), (b)(1), (c), Oct. 16, 1981, 95 Stat. 1022, 1023; Pub. L. 99–204, §§9(b)(1), 10, 17(b), Dec. 23, 1985, 99 Stat. 1673, 1676; Pub. L. 100–418, title II, §2203(b), Aug. 23, 1988, 102 Stat. 1328; Pub. L. 100–461, title V, §555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 102–549, title I, §104, Oct. 28, 1992, 106 Stat. 3652; Pub. L. 103–392, title I, §§101–104, Oct. 22, 1994, 108 Stat. 4098; Pub. L. 104–208, div. A, title I, §101(c) [title I], Sept. 30, 1996, 110 Stat. 3009–121, 3009-123; Pub. L. 105–118, title V, §581, Nov. 26, 1997, 111 Stat. 2435; Pub. L. 106–113, div. B, §1000(a)(2) [title V, §599E], Nov. 29, 1999, 113 Stat. 1535, 1501A-132; Pub. L. 106–158, §2, Dec. 9, 1999, 113 Stat. 1745; Pub. L. 108–158, §§2, 3(a)–(d), Dec. 3, 2003, 117 Stat. 1949.)

Repeal of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, this section is repealed.

References in Text

The Federal Credit Reform Act of 1990, referred to in subsec. (d), 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, as amended, 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.

Codification

Amendment by Pub. L. 100–461 is based on sections 106 and 107 of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and sections 106 and 107 of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

In subsec. (f), "chapter 31 of title 31" and "such chapter" substituted for "the Second Liberty Bond Act" and "such Bond Act", respectively, on authority of Pub. L. 97–258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Amendments

2003—Subsec. (a)(1)(B). Pub. L. 108–158, §3(a), substituted "subsidy and administrative costs" for "subsidy cost".

Subsec. (a)(2). Pub. L. 108–158, §2, substituted "2007" for "November 1, 2000".

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 "or 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".

Subsec. (f). Pub. L. 108–158, §3(d), substituted "noncredit account revolving fund" for "insurance and guaranty fund" in first sentence and for "Insurance Reserve" wherever appearing.

1999—Subsec. (a)(2). Pub. L. 106–158, which directed the amendment of par. (2) by substituting "2003" for "1999" could not be executed because "1999" did not appear in text subsequent to amendment by Pub. L. 106–113. See below.

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, 1999" for "September 30, 1997", and struck out former pars. (1) and (2)(A) which read as follows:

"(1) INSURANCE.—The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 2194(a) of this title shall not exceed in the aggregate $13,500,000,000.

"(2) FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to financing issued under subsections (b) and (c) of section 2194 of this title shall not exceed in the aggregate $9,500,000,000."

1996—Subsec. (a)(3). Pub. L. 104–208 substituted "1997" for "1996".

1994—Subsec. (a)(1). Pub. L. 103–392, §101, substituted "$13,500,000,000" for "$9,000,000,000".

Subsec. (a)(2). Pub. L. 103–392, §102, amended heading and text of par. (2). Prior to amendment, text read as follows:

"(A) The maximum contingent liability outstanding at any one time pursuant to guarantees issued under section 2194(b) of this title shall not exceed in the aggregate $2,500,000,000.

"(B) Subject to spending authority provided in appropriations Acts, pursuant to section 661c(b) of title 2, the Corporation is authorized—

"(i) to transfer $9,800,000, or such sums as are necessary, from its noncredit account revolving fund to pay for the subsidy cost of a program level for the loan and loan guarantee program under subsections (b) and (c) of section 2194 of this title of $650,000,000 for fiscal year 1993; and

"(ii) to transfer such sums as are necessary from its noncredit account revolving fund to pay for the subsidy cost of a program level for the loan and loan guarantee program under subsections (b) and (c) of section 2194 of this title of $850,000,000 for fiscal year 1994."

Subsec. (a)(3). Pub. L. 103–392, §103, substituted "1996" for "1994".

Subsec. (g). Pub. L. 103–392, §104, struck out heading and text of subsec. (g). Text read as follows: "Subject to spending authority provided in appropriations Acts, the Corporation is authorized to draw from its noncredit account revolving fund for the administrative costs of its direct loan and loan guarantee programs—

"(1) $8,128,000 for fiscal year 1993; and

"(2) $11,000,000 for fiscal year 1994."

1992—Pub. L. 102–549, §104(a)(1), amended section catchline.

Subsec. (a). Pub. L. 102–549, §104(a)(2), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

"(1) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 2194(a) of this title shall not exceed $7,500,000,000.

"(2) The maximum contingent liability outstanding at any one time pursuant to guaranties issued under section 2194(b) of this title shall not exceed in the aggregate $1,500,000,000. Commitments to guarantee loans are authorized for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

"(3) The Corporation shall not make any commitment to issue any guaranty which would result in a reserve less than 25 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 2194(b) of this title or similar predecessor guaranty authority.

"(4) The Congress, in considering the budget programs transmitted by the President for the Corporation, pursuant to section 9104 of title 31, may limit the obligations and contingent liabilities to be undertaken under section 2194(a) and (b) of this title as well as the use of funds for operating and administrative expenses.

"(5) Subject to paragraphs (2), (3), and (4), the Corporation shall issue guaranties under section 2194(b) of this title having an aggregate contingent liability with respect to principal of not less than $200,000,000 in each fiscal year, to the extent that there are eligible projects which meet the Corporation's criteria for such guaranties.

"(6) The authority of section 2194(a) and (b) of this title shall continue until September 30, 1992."

Subsec. (b). Pub. L. 102–549, §104(a)(3), struck out subsec. (b) which provided for establishment of a revolving fund, known as the Direct Investment Fund, to be held by the Corporation.

Subsec. (g). Pub. L. 102–549, §104(b), added subsec. (g).

1988—Subsec. (a)(2). Pub. L. 100–461 substituted "$1,500,000,000" for "$1,000,000,000".

Pub. L. 100–418, §2203(b)(1)(A), substituted "$1,000,000,000" for "$750,000,000".

Subsec. (a)(5). Pub. L. 100–418, §2203(b)(1)(C), added par. (5). Former par. (5) redesignated (6).

Subsec. (a)(6). Pub. L. 100–461 substituted "1992" for "1988".

Pub. L. 100–418, §2203(b)(1)(B), redesignated par. (5) as (6).

Subsec. (b). Pub. L. 100–418, §2203(b)(2), in cl. (2), substituted "1981." for "1981,", and in closing provisions substituted "The Corporation shall make loans under section 2194(c) of this title in an aggregate amount of not less than $25,000,000 in each fiscal year, to the extent that there are eligible projects which meet the Corporation's criteria for such loans" for "and the Corporation shall use the funds so transferred to make loans under section 2194(c) of this title to the extent that there are eligible projects which meet the Corporation's criteria for funding".

1985—Subsec. (a)(5). Pub. L. 99–204, §10, substituted "1988" for "1985".

Subsec. (c). Pub. L. 99–204, §17(b)(1), substituted references to subsecs. (d), (e), and (f) of this section for references to sections 2195(d), 2194(e), and 2195(f), respectively, of this title.

Subsec. (d). Pub. L. 99–204, §9(b)(1), substituted ", under similar predecessor guaranty authority, or under section 2194b of this title" for "or under similar predecessor guaranty authority".

Pub. L. 99–204, §17(b)(2), substituted reference to subsec. (f) of this section for reference to section 2195(f) of this title wherever appearing.

1981—Subsec. (a)(2). Pub. L. 97–65, §5(a)(1), substituted provisions that commitments to guarantee loans are authorized for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts for provisions that the Corporation not make any commitment to issue any guaranty which would result in a fractional reserve less than 25 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 2194(b) of this title or similar predecessor guaranty authority. See par. (3).

Subsec. (a)(3). Pub. L. 97–65, §5(a)(2), added par. (3) which consisted of provisions formerly contained in par. (2). Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 97–65, §5(a)(2)(A), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 97–65, §5(a)(2)(A), (b)(1), redesignated former par. (4) as (5) and substituted "September 30, 1985" for "September 30, 1981".

Subsec. (b). Pub. L. 97–65, §5(c), inserted provisions relating to the transfer to the Fund of certain moneys in fiscal year 1982 and in each fiscal year thereafter and the making of loans from those moneys under section 2194(c) of this title to the extent that there are eligible projects which meet the Corporation's criteria for funding.

1978—Subsec. (a)(2). Pub. L. 95–268, §4(1), struck out limitation on guaranties by credit unions of not to exceed $1,250,000.

Subsec. (a)(4). Pub. L. 95–268, §4(2), substituted "September 30, 1981" for "December 31, 1977".

1974—Subsec. (a)(4). Pub. L. 93–390, §2(3)(A), substituted "December 31, 1977" for "December 31, 1974".

Subsec. (d). Pub. L. 93–390, §2(3)(B), substituted "insurance or reinsurance issued under section 2194 of this title" for "insurance issued under section 2194(a) of this title".

Subsec. (f). Pub. L. 93–390, §2(3)(C), inserted provisions authorizing appropriations to discharge liabilities under reinsurance or obligations of the Corporation purchased by the Secretary of the Treasury, provisions relating to appropriations to augment the Insurance Reserve, and provisions relating to the issuance, sale, etc., of notes, debentures, bonds, or other obligations by the Corporation for purchase by the Secretary of the Treasury.

1973—Subsec. (a)(4). Pub. L. 93–189 substituted "December 31, 1974" for "June 30, 1974".

Effective Date of Repeal

Repeal effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 of this title.

Extension of Period Under Subsection (a)(2)

For delayed applicability of subsec. (a)(2), see section 7079(c) of Pub. L. 111–117, set out as a note under section 2194 of this title.

[1] *So in original. Probably should be "section".*

§2196. Income and revenues

In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation, from whatever source derived, shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

(a) payment of all expenses of the Corporation, including investment promotion expenses;

(b) transfers and additions to the insurance or guaranty reserves, the Direct Investment Fund established pursuant to section 2195 of this title, and such other funds or reserves as the Corporation may establish, at such time and in such amounts as the Board may determine; and

(c) payment of dividends, on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers, and additions under subsections (a) and (b) hereof.

(Pub. L. 87–195, pt. I, §236, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 814.)

Repeal of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, this section is repealed.

Effective Date of Repeal

Repeal effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 of this title.

§2197. General provisions relating to insurance, guaranty, financing, and reinsurance programs

(a) Scope

Insurance, guaranties, and reinsurance issued under this subpart shall cover investment made in connection with projects in any less developed friendly country or area with the government of which the President of the United States has agreed to institute a program for insurance, guaranties, or reinsurance.

(b) Protection of interest

The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance, guaranty or reinsurance issued under this subpart, including arrangements concerning ownership, use, and disposition of the currency, credits, assets, or investments on account of which payment under such insurance, guaranty or reinsurance is to be made, and any right, title, claim, or cause of action existing in connection therewith.

(c) Guaranties as obligations backed by full faith and credit of United States

All guaranties issued prior to July 1, 1956, all guaranties issued under sections 1872(b) [1] and 1933(b) [1] of this title, all guaranties heretofore issued pursuant to prior guaranty authorities repealed by the Foreign Assistance Act of 1969, and all insurance, reinsurance and guaranties issued pursuant to this subpart shall constitute obligations, in accordance with the terms of such insurance, reinsurance or guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

(d) Fees

(1) In general

Fees may be charged for providing insurance, reinsurance, financing, and other services under this subpart in amounts to be determined by the Corporation. In the event fees charged for insurance, reinsurance, financing, or other services are reduced, fees to be paid under existing contracts for the same type of insurance, reinsurance, financing, or services and for similar guarantees issued under predecessor guarantee authority may be reduced.

(2) Credit transaction costs

Project-specific transaction costs incurred by the Corporation relating to loan obligations or loan guarantee commitments covered by the provisions of the Federal Credit Reform Act of 1990 [2 U.S.C. 661 et seq.], including the costs of project-related travel and expenses for legal representation provided by persons outside the Corporation and other similar expenses which are charged to the borrower, shall be paid out of the appropriate finance account established pursuant to section 505(b) of such Act [2 U.S.C. 661d(b)].

(3) Noncredit transaction costs

Fees paid for the project-specific transaction costs and other direct costs associated with services provided to specific investors or potential investors pursuant to section 2194 of this title (other than those covered in paragraph (2)), including financing, insurance, reinsurance, missions, seminars, conferences, and other preinvestment services, shall be available for obligation for the purposes for which they were collected, notwithstanding any other provision of law.

(e) Maximum term of obligation

No insurance, guaranty, or reinsurance of any equity investment shall extend beyond twenty years from the date of issuance.

(f) Limitations on amounts

Compensation for insurance, reinsurance, or guaranties issued under this subpart shall not exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings, or profits actually accrued on such investment to the extent provided by such insurance, reinsurance, or guaranty, except that the Corporation may provide that (1) appropriate adjustments in the insured dollar value be made to reflect the replacement cost of project assets, (2) compensation for a claim of loss under insurance of an equity investment may be computed on the basis of the net book value attributable to such equity investment on the date of loss, and (3) compensation for loss due to business interruption may be computed on a basis to be determined by the Corporation which reflects amounts lost. Notwithstanding the preceding sentence, the Corporation shall limit the amount of direct insurance and reinsurance issued by it under section 2194 or 2194b of this title so that risk of loss as to at least 10 per centum of the total investment of the insured and its affiliates in the project is borne by the insured and such affiliates, except that such limitation shall not apply to direct insurance or reinsurance of loans by banks or other financial institutions to unrelated parties.

(g) Fraud or misrepresentation

No payment may be made under any guaranty, insurance, or reinsurance issued pursuant to this subpart for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

(h) Limits of obligation

Insurance, guaranties, or reinsurance of a loan or equity investment of an eligible investor in a foreign bank, finance company, or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company, or other credit institution.

(i) Claims settlement

Claims arising as a result of insurance, reinsurance, or guaranty operations under this subpart or under predecessor guaranty authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

(j) Presumption of compliance

Each guaranty contract executed by such officer or officers as may be designated by the Board shall be conclusively presumed to be issued in compliance with the requirements of this chapter.

(k) Balance of payments

In making a determination to issue insurance, guaranties, or reinsurance under this subpart, the Corporation shall consider the possible adverse effect of the dollar investment under such insurance, guaranty, or reinsurance upon the balance of payments of the United States.

(l) Convictions under Foreign Corrupt Practices Act of 1977; prohibition on payments for losses resulting from unlawful activities; suspension from eligibility of receipt of financial support

(1) No payment may be made under any insurance or reinsurance which is issued under this subpart on or after April 24, 1978, for any loss occurring with respect to a project, if the preponderant cause of such loss was an act by the investor seeking payment under this subpart, by a person possessing majority ownership and control of the investor at the time of the act, or by any agent of such investor or controlling person, and a court of the United States has entered a final judgment that such act constituted a violation under the Foreign Corrupt Practices Act of 1977.

(2) Not later than 120 days after April 24, 1978, the Corporation shall adopt regulations setting forth appropriate conditions under which any person convicted under the Foreign Corrupt Practices Act of 1977 for an offense related to a project insured or otherwise supported by the Corporation shall be suspended, for a period of not more than five years, from eligibility to receive any insurance, reinsurance, guaranty, loan, or other financial support authorized by this subpart.

(m) Notification of countries of environmental restrictions on certain activities

(1) Before finally providing insurance, reinsurance, guarantees, or financing under this subpart for any environmentally sensitive investment in connection with a project in a country, the Corporation shall notify appropriate government officials of that country of—

(A) all guidelines and other standards adopted by the International Bank for Reconstruction and Development and any other international organization relating to the public health or safety or the environment which are applicable to the project; and

(B) to the maximum extent practicable, any restriction under any law of the United States relating to public health or safety or the environment that would apply to the project if the project were undertaken in the United States.

The notification under the preceding sentence shall include a summary of the guidelines, standards, and restrictions referred to in subparagraphs (A) and (B), and may include any environmental impact statement, assessment, review, or study prepared with respect to the investment pursuant to section 2199(g) of this title.

(2) Before finally providing insurance, reinsurance, guarantees, or financing for any investment subject to paragraph (1), the Corporation shall take into account any comments it receives on the project involved.

(3) On or before September 30, 1986, the Corporation shall notify appropriate government officials of a country of the guidelines, standards, and legal restrictions described in paragraph (1) that apply to any project in that country—

(A) which the Corporation identifies as potentially posing major hazards to public health and safety or the environment; and

(B) for which the Corporation provided insurance, reinsurance, guarantees, or financing under this subpart before December 23, 1985, and which is in the Corporation's portfolio on that date.

(n) Penalties for fraud

Whoever knowingly makes any false statement or report, or willfully overvalues any land, property, or security, for the purpose of influencing in any way the action of the Corporation with respect to any insurance, reinsurance, guarantee, loan, equity investment, or other activity of the Corporation under section 2194 of this title or any change or extension of any such insurance, reinsurance, guarantee, loan, equity investment, or activity, by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security therefor, shall be fined not more than $1,000,000 or imprisoned not more than 30 years, or both.

(o) Use of local currencies

Direct loans or investments made in order to preserve the value of funds received in inconvertible foreign currency by the Corporation as a result of activities conducted pursuant to section 2194(a) of this title shall not be considered in determining whether the Corporation has made or has outstanding loans or investments to the extent of any limitation on obligations and equity investment imposed by or pursuant to this subpart. The provisions of section 504(b) of the Federal Credit Reform Act of 1990 [2 U.S.C. 661c(b)] shall not apply to direct loan obligations made with funds described in this subsection.

(Pub. L. 87–195, pt. I, §237, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 814; amended Pub. L. 93–390, §2(4), Aug. 27, 1974, 88 Stat. 767; Pub. L. 95–268, §§5, 6, Apr. 24, 1978, 92 Stat. 215; Pub. L. 97–65, §6, Oct. 16, 1981, 95 Stat. 1023; Pub. L. 99–204, §§4(b), 6(b), 9(b)(2), Dec. 23, 1985, 99 Stat. 1670, 1671, 1673; Pub. L. 100–461, title V, §555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 102–549, title I, §105, Oct. 28, 1992, 106 Stat. 3652.)

Amendment of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, subsections (a) to (f), (h) to (k), and (o) of this section are repealed. See 2018 Amendment notes below.

References in Text

Sections 1872(b) and 1933(b) of this title, referred to in subsec. (c), were repealed by Pub. L. 87–195, pt. III, §642(a)(2), Sept. 4, 1961, 75 Stat. 460. Section 642(b) of Pub. L. 87–195 provided that references to provisions of law repealed by subsec. (a) were to be deemed references to the appropriate provisions of Pub. L. 87–195. See sections 2163 and 2351 of this title.

The Foreign Assistance Act of 1969, referred to in subsec. (c), is Pub. L. 91–175, Dec. 30, 1969, 83 Stat. 805, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables. The guaranty authorities repealed by the 1969 Act were the guaranty authorities contained in sections 2181 to 2184 prior to the general reorganization of subpart III by the 1969 Act.

The Federal Credit Reform Act of 1990, referred to in subsec. (d)(2), is title V of Pub. L. 93–344, as added by Pub. L. 101–508, title XIII, §13201(a), Nov. 5, 1990, 104 Stat. 1388–609, which is classified generally to subchapter III (§661 et seq.) of chapter 17A of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2 and Tables.

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

The Foreign Corrupt Practices Act of 1977, referred to in subsec. (l), is title I of Pub. L. 95–213, Dec. 19, 1977, 91 Stat. 1494, as amended, which enacted sections 78dd–1 to 78dd–3 of Title 15, Commerce and Trade, and amended sections 78m and 78ff of Title 15. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 78a of Title 15 and Tables.

Codification

Amendment by Pub. L. 100–461 is based on section 110(c) of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and section 110(c) of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

Amendments

2018—Subsecs. (a) to (f), (h) to (k), (o). Pub. L. 115–254 repealed subsecs. (a) to (f), (h) to (k), and (o) which related to scope, protection of interest, guaranties as obligations backed by full faith and credit of United States, fees, maximum term of obligation, limitations on amounts, limits of obligation, claims settlement, presumption of compliance, balance of payments, and use of local currencies, respectively.

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), (o). Pub. L. 102–549, §105(b), (c), added subsecs. (n) and (o).

1988—Pub. L. 100–461 inserted reference to financing in section catchline.

1985—Subsec. (f). Pub. L. 99–204, §6(b), added cl. (3).

Pub. L. 99–204, §9(b)(2), inserted "or 2194b" after "section 2194".

Subsec. (m). Pub. L. 99–204, §4(b), added subsec. (m).

1981—Subsec. (f). Pub. L. 97–65 substituted "Compensation for insurance, reinsurance, or guaranties issued under this subpart shall not exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings, or profits actually accrued on such investment to the extent provided by such insurance, reinsurance, or guaranty, except that the Corporation may provide that (1) appropriate adjustments in the insured dollar value be made to reflect the replacement cost of project assets, and (2) compensation for a claim of loss under insurance of an equity investment may be computed on the basis of the net book value attributable to such equity investment on the date of loss" for "No insurance, reinsurance, or guaranty issued under this subpart shall exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings or profits actually accrued on said investment to the extent provided by such insurance, reinsurance, or guaranty, except that the Corporation may provide for appropriate adjustments in the insured dollar value to reflect the replacement cost of project assets", and struck out provision that the preceding sentence not apply to the extent not permitted by State law.

1978—Subsec. (f). Pub. L. 95–268, §5, inserted provisions excepting from dollar amounts adjustments in the insured dollar amounts to reflect replacement cost of project assets, and provisions excepting from limitations loans by banks or other financial institutions to unrelated parties.

Subsec. (l). Pub. L. 95–268, §6, added subsec. (l).

1974—Subsecs. (a) to (c). Pub. L. 93–390, §2(4)(A)–(C), inserted references to reinsurance wherever appearing.

Subsec. (d). Pub. L. 93–390, §2(4)(D), inserted provisions authorizing fees to be charged for reinsurance and reduction of reinsurance fees under existing contracts in the event fees charged for reinsurance are reduced.

Subsec. (e). Pub. L. 93–390, §2(4)(E), inserted reference to reinsurance.

Subsec. (f). Pub. L. 93–390, §2(4)(F), (G), inserted "reinsurance" before "or guaranty" wherever appearing and provisions relating to limitations on the amount of direct insurance or reinsurance.

Subsec. (g). Pub. L. 93–390, §2(4)(H), inserted applicability to insurance and reinsurance.

Subsecs. (h) to (k). Pub. L. 93–390, §2(4)(I)–(K), inserted reference to reinsurance wherever appearing.

Effective Date of 2018 Amendment

Amendment by Pub. L. 115–254 effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 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.

[1] *See References in Text note below.*

§2198. Definitions

As used in this subpart—

(a) the term "investment" includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of (1) a loan or loans to an approved project, (2) the purchase of a share of ownership in any such project, (3) participation in royalties, earnings, or profits of any such project, and (4) the furnishing of commodities or services pursuant to a lease or other contract;

(b) the term "expropriation" includes, but is not limited to, any abrogation, repudiation, or impairment by a foreign government, a political subdivision of a foreign government, or a corporation owned or controlled by a foreign government, of its own contract with an investor with respect to a project, where such abrogation, repudiation, or impairment is not caused by the investor's own fault or misconduct, and materially adversely affects the continued operation of the project;

(c) the term "eligible investor" means: (1) United States citizens; (2) corporations, partnerships, or other associations including nonprofit associations, created under the laws of the United States, any State or territory thereof, or the District of Columbia, and substantially beneficially owned by United States citizens; and (3) foreign corporations, partnerships, of other associations wholly owned by one or more such United States citizens, corporations, partnerships, or other associations: *Provided, however*, That the eligibility of such foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, held by other than the United States owners: *Provided further*, That in the case of any loan investment a final determination of eligibility may be made at the time the insurance or guaranty is issued; in all other cases, the investor must be eligible at the time a claim arises as well as at the time the insurance or guaranty is issued;

(d) the term "noncredit account revolving fund" means the account in which funds under section 2196 of this title and all funds from noncredit activities are held;

(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) [1] 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.

(Pub. L. 87–195, pt. I, §238, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 815; amended Pub. L. 92–226, pt. I, §104(a), Feb. 7, 1972, 86 Stat. 22; Pub. L. 97–65, §7, Oct. 16, 1981, 95 Stat. 1024; Pub. L. 99–204, §17(a), Dec. 23, 1985, 99 Stat. 1676; Pub. L. 102–549, title I, §106, Oct. 28, 1992, 106 Stat. 3653; Pub. L. 108–158, §§4(b), 5(b), Dec. 3, 2003, 117 Stat. 1950.)

Repeal of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, this section is repealed.

References in Text

The Foreign Assistance Act of 1969, referred to in subsec. (f), is Pub. L. 91–175, Dec. 30, 1969, 83 Stat. 805, as amended. For complete classification of this Act to the Code, see Short Title of 1969 Amendment note set out under section 2151 of this title and Tables. The guaranty authorities repealed by the 1969 Act were the guaranty authorities contained in sections 2181 to 2184 prior to the general reorganization of subpart III by the 1969 Act.

Section 1509(b)(3) of this title, referred to in subsec. (f), was repealed by act Aug. 26, 1954, ch. 937, title V, §542(a)(4), 68 Stat. 861.

Sections 1872(b) and 1933(b) of this title, referred to in subsec. (f), were repealed by Pub. L. 87–195, pt. III, §642(a)(2), Sept. 4, 1961, 75 Stat. 460. Section 642(b) of Pub. L. 87–195 provided that references to provisions of law repealed by subsec. (a) were to be deemed references to the appropriate provisions of Pub. L. 87–195. See sections 2163 and 2351 of this title.

Amendments

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".

Subsec. (d). Pub. L. 108–158, §5(b)(1), struck out "and" after semicolon at end.

Subsec. (g). Pub. L. 108–158, §5(b)(2), (3), added subsec. (g).

1992—Subsecs. (c) to (f). Pub. L. 102–549 struck out "and" at end of subsec. (c), added subsecs. (d) and (e), and redesignated former subsec. (d) as (f).

1985—Subsec. (c)(2). Pub. L. 99–204 inserted reference to the District of Columbia.

1981—Subsec. (a). Pub. L. 97–65 substituted "contribution or commitment of funds" for "contribution of funds".

1972—Subsec. (c). Pub. L. 92–226 struck out "required by law to be" after "share capital," in first proviso.

Effective Date of Repeal

Repeal effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 of this title.

[1] *See References in Text note below.*

§2199. General provisions and powers

(a) Place of residence

The Corporation shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof.

(b) Transfer of prior obligations, etc.; administration prior to transfer

The President shall transfer to the Corporation, at such time as he may determine, all obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in section 2194(a), (b), and (d) of this title. Until such transfer, the agency heretofore responsible for such predecessor programs shall continue to administer such assets and obligations, and such programs and activities authorized under this subpart as may be determined by the President.

(c) Audits of the Corporation

(1) The Corporation shall be subject to the applicable provisions of chapter 91 of title 31, except as otherwise provided in this subpart.

(2) An independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Corporation at least once every three years, in accordance with generally accepted Government auditing standards for a financial and compliance audit, as issued by the Comptroller General. The independent certified public accountant shall report the results of such audit to the Board. The financial statements of the Corporation shall be presented in accordance with generally accepted accounting principles. These financial statements and the report of the accountant shall be included in a report which contains, to the extent applicable, the information identified in section 9106 of title 31, and which the Corporation shall submit to the Congress not later than six and one-half months after the end of the last fiscal year covered by the audit. The 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 subsection, 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 adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law; to acquire, hold or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein; to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it shall deem appropriate; to indemnify directors, officers, employees and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities; notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings; to enter into limited-term contracts with nationals of the United States for personal services to carry out activities in the United States and abroad under subsections (d) and (e) of section 2194 of this title; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and guarantee notes, participation certificates, and other evidence of indebtedness (provided that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 2191(c) or participation certificates as evidence of indebtedness held by the Corporation in connection with settlement of claims under section 2197(i) of this title); to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business; to exercise any priority of the Government of the United States in collecting debts from bankrupt, insolvent, or decedents' estates; to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations; to collect or compromise any obligations assigned to or held by the Corporation, including any legal or equitable rights accruing to the Corporation; and to take such actions as may be necessary or appropriate to carry out the powers herein or hereafter specifically conferred upon it.

(e) Reviews, investigations, and inspections by Inspector General of Agency for International Development

The Inspector General of the Agency for International Development (1) may conduct reviews, investigations, and inspections of all phases of the Corporation's operations and activities and (2) shall conduct all security activities of the Corporation relating to personnel and the control of classified material. With respect to his responsibilities under this subsection, the Inspector General shall report to the Board. The agency primarily responsible for administering subchapter I of this chapter shall be reimbursed by the Corporation for all expenses incurred by the Inspector General in connection with his responsibilities under this subsection.

(f) Programs for Yugoslavia, Poland, Hungary, Romania, the People's Republic of China, or Pakistan; national interest

Except for the provisions of this subpart, no other provision of this chapter or any other law shall be construed to prohibit the operation in Yugoslavia, Poland, Hungary, or any other East European country, or the People's Republic of China, or Pakistan of the programs authorized by this subpart, if the President determines that the operation of such program in such country is important to the national interest.

(g) Environmental impact assessments

The requirements of section 2151p(c) of this title relating to environmental impact statements and environmental assessments shall apply to any investment which the Corporation insures, reinsures, guarantees, or finances under this subpart in connection with a project in a country.

(h) Preparation, maintenance, and contents of development impact profile for investment projects; development of criteria for evaluating projects

In order to carry out the policy set forth in paragraph (1) of the second undesignated paragraph of section 2191 of this title, the Corporation shall prepare and maintain for each investment project it insures, finances, or reinsures, a development impact profile consisting of data appropriate to measure the projected and actual effects of such project on development. Criteria for evaluating projects shall be developed in consultation with the Agency for International Development.

(i) Observance of and respect for human rights and fundamental freedoms as considerations for conduct of assistance programs, etc.; provisions applicable for determinations; exceptions

The Corporation shall take into account in the conduct of its programs in a country, in consultation with the Secretary of State, all available information about observance of and respect for human rights and fundamental freedoms in such country and the effect the operation of such programs will have on human rights and fundamental freedoms in such country. The provisions of section 2151n of this title shall apply to any insurance, reinsurance, guaranty, or loan issued by the Corporation for projects in a country, except that in addition to the exception (with respect to benefiting needy people) set forth in subsection (a) of such section, the Corporation may support a project if the national security interest so requires.

(j) Exemption from taxation

The Corporation, including its franchise, capital, reserves, surplus, advances, intangible property, and income, shall be exempt from all taxation at any time imposed by the United States, by any territory, dependency, or possession of the United States, or by any State, the District of Columbia, or any county, municipality, or local taxing authority.

(k) Publication of policy guidelines

The Corporation shall publish, and make available to applicants for insurance, reinsurance, guarantees, financing, or other assistance made available by the Corporation under this subpart, the policy guidelines of the Corporation relating to its programs.

(Pub. L. 87–195, pt. I, §239, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 816; amended Pub. L. 92–226, pt. I, §104(b), Feb. 7, 1972, 86 Stat. 22; Pub. L. 92–310, title II, §227(d), June 6, 1972, 86 Stat. 207; Pub. L. 93–390, §2(5), Aug. 27, 1974, 88 Stat. 768; Pub. L. 95–268, §§7, 8, Apr. 24, 1978, 92 Stat. 215, 216; Pub. L. 95–598, title III, §318, Nov. 6, 1978, 92 Stat. 2678; Pub. L. 96–327, Aug. 8, 1980, 94 Stat. 1026; Pub. L. 97–65, §8, Oct. 16, 1981, 95 Stat. 1024; Pub. L. 97–113, title VII, §705(b)(2), Dec. 29, 1981, 95 Stat. 1545; Pub. L. 99–204, §§4(c), 11–13, Dec. 23, 1985, 99 Stat. 1670, 1673, 1674; Pub. L. 100–461, title V, §555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 101–167, title V, §597(a), Nov. 21, 1989, 103 Stat. 1257; Pub. L. 101–179, title III, §302(a), Nov. 28, 1989, 103 Stat. 1311; Pub. L. 101–513, title V, §576(a), Nov. 5, 1990, 104 Stat. 2044; Pub. L. 102–549, title I, §107, Oct. 28, 1992, 106 Stat. 3654; Pub. L. 105–118, title V, §579(a), Nov. 26, 1997, 111 Stat. 2435; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814.)

Repeal of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, this section is repealed.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

Amendment by Pub. L. 100–461 is based on sections 108 and 110(a)(2) of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and sections 108 and 110(a)(2) of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

Amendments

2004—Subsec. (c)(2) to (4). Pub. L. 108–271 substituted "Government Accountability Office" for "General Accounting Office" wherever appearing.

1997—Subsec. (f). Pub. L. 105–118 inserted ", or Pakistan" after "China".

1992—Subsec. (d). Pub. L. 102–549, after "legal and arbitral proceedings;", inserted "to enter into limited-term contracts with nationals of the United States for personal services to carry out activities in the United States and abroad under subsections (d) and (e) of section 2194 of this title;".

1990—Subsec. (f). Pub. L. 101–513 inserted "or any other East European country," after "Hungary,".

1989—Subsec. (f). Pub. L. 101–179 inserted ", Poland, Hungary," after "Yugoslavia".

Pub. L. 101–167, which directed amendment of subsec. (f) by inserting "Poland, Hungary," after "Yugoslavia,", did not take effect due to similar amendment by section 302(a) of Pub. L. 101–179. See amendment note above and section 302(c) of Pub. L. 101–179, set out below.

1988—Subsec. (f). Pub. L. 100–461, which directed that ", Romania," be struck out, was executed by striking out ", Romania" after "Yugoslavia", as the probable intent of Congress, because no comma followed "Romania" in original.

Subsec. (g). Pub. L. 100–461 made technical amendment to reference to section 2151p(c) of this title to reflect renumbering of corresponding section of original act.

1985—Subsec. (c). Pub. L. 99–204, §11, amended subsec. (c) generally, designating existing provisions as par. (1), substituting "chapter 91 of title 31" for "the Government Corporation Control Act", and adding pars. (2) to (4).

Subsec. (g). Pub. L. 99–204, §4(c), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: "Within six months after August 27, 1974, the Corporation shall develop and implement specific criteria intended to minimize the potential environmental implications of projects undertaken by investors abroad in accordance with any of the programs authorized by this subpart."

Subsecs. (j), (k). Pub. L. 99–204, §§12, 13, added subsecs. (j) and (k).

1981—Subsec. (d). Pub. L. 97–65, §8(1), inserted provision authorizing the Corporation to collect or compromise any obligations assigned to or held by the Corporation, including any legal or equitable rights accruing to the Corporation.

Subsec. (e). Pub. L. 97–65, §8(2)(A), and Pub. L. 97–113, §705(b)(2), made identical amendments by substituting references to Inspector General for references to Auditor-General wherever appearing.

Pub. L. 97–65, §8(2)(B), substituted language referring to Inspector General's authority to reviews, investigate, and conduct inspections of all phases of the Corporation's operations and activities for provisions which had formerly placed upon that official the responsibility for planning and directing the execution of audits, reviews, investigations, and inspections of all phases of the Corporation's operations and activities.

Subsecs. (f) to (l). Pub. L. 97–65, §8(3), redesignated subsecs. (g), (h), (i), and (l) as (f), (g), (h), and (i), respectively. Former subsecs. (f) providing for the establishment of an Advisory Council, (j) providing limits for projects involving the exploration for or the mining of or other extraction of copper, and (k) prohibiting the granting of insurance, reinsurance, guaranty, financing, or other financial support for projects to establish or expand production or processing of palm oil, sugar, or citrus crops for export, were struck out.

1980—Subsec. (g). Pub. L. 96–327 substituted "Yugoslavia, Romania or the People's Republic of China" for "Yugoslavia or Romania".

1978—Subsec. (b). Pub. L. 95–268, §7(1), struck out provisions relating to the cessation on Dec. 31, 1979, of programs operated by the Corporation under sections 2194(b) to (e) and 2200 of this title and transfer by the President of such programs and all obligations, etc., arising out of such programs to other agencies of the United States.

Subsec. (d). Pub. L. 95–598 substituted "any priority" for "the priority".

Pub. L. 95–268, §7(2), inserted provision relating to participation certificates as evidence of indebtedness held by Corporation for settlement of claims under section 2197(i) of this title.

Subsecs. (i) to (k). Pub. L. 95–268, §7(3), added subsecs. (i) to (k).

Subsec. (l). Pub. L. 95–268, §8, added subsec. (l).

1974—Subsec. (b). Pub. L. 93–390, §2(5)(A), inserted provisions relating to the cessation on Dec. 31, 1979, of programs operated by the Corporation under sections 2194(b) to (e) and 2200 of this title and transfer by the President of such programs and all obligations, etc., arising out of such programs to other agencies of the United States.

Subsec. (h). Pub. L. 93–390, §2(5)(B), added subsec. (h).

1972—Subsec. (d). Pub. L. 92–310 struck out provisions which authorized the Corporation to require bonds of officers and employees and to pay premiums therefor.

Subsec. (g). Pub. L. 92–226 added subsec. (g).

Effective Date of Repeal

Repeal effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 of this title.

Effective Date of 1978 Amendment

Amendment by Pub. L. 95–598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95–598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

Delegation of Functions

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 Councils

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

Enhancement of Nongovernmental Sector in Poland and Hungary

Pub. L. 101–179, title III, §302(b), Nov. 28, 1989, 103 Stat. 1311, provided that: "In accordance with its mandate to foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the development process, the Overseas Private Investment Corporation shall support projects in Poland and Hungary which will result in enhancement of the nongovernmental sector and reduction of state involvement in the economy."

Avoidance of Duplicative Amendments

Pub. L. 101–179, title III, §302(c), Nov. 28, 1989, 103 Stat. 1311, provided that: "If the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 [Pub. L. 101–167], contains the same amendment that is made by subsection (a) of this section [see 1989 Amendment note set out above], the amendment made by that Act shall not be effective."

§2200. Small business development in less developed friendly countries or areas; encouragement by other Federal departments, etc., of broadened participation by United States small business cooperatives and investors; project funding

(a) In general

The Corporation shall undertake, in cooperation with appropriate departments, agencies, and instrumentalities of the United States as well as private entities and others, to broaden the participation of United States small business, cooperatives, and other small United States investors in the development of small private enterprise in less developed friendly countries or areas. The Corporation shall allocate up to 50 per cent of its annual net income, after making suitable provision for transfers and additions to reserves, to assist and facilitate the development of projects consistent with the provisions of this section. Such funds may be expended, notwithstanding the requirements of section 2191(a) of this title, on such terms and conditions as the Corporation may determine, through loans, grants, or other programs authorized by section 2194 of this title and section 2194b of this title.

(b) Outreach to minority-owned and women-owned businesses

The Corporation shall collect data on the involvement of minority- and women-owned businesses in 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 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.

(Pub. L. 87–195, pt. I, §240, as added Pub. L. 95–268, §9, Apr. 24, 1978, 92 Stat. 216; amended Pub. L. 99–204, §9(b)(3), Dec. 23, 1985, 99 Stat. 1673; Pub. L. 108–158, §6(a), Dec. 3, 2003, 117 Stat. 1950.)

Repeal of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, this section is repealed.

Prior Provisions

A prior section 2200, Pub. L. 87–195, pt. I, §240, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 817; amended Pub. L. 92–226, pt. I, §104(c), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93–189, §6(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–390, §2(6), Aug. 27, 1974, 88 Stat. 768, provided for agricultural credit and self-help community development projects in Latin America, prior to repeal by Pub. L. 93–559, §8(b), Dec. 30, 1974, 88 Stat. 1797. See section 2182a of this title.

Amendments

2003—Pub. L. 108–158 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1985—Pub. L. 99–204 inserted reference to section 2194b of this title.

Effective Date of Repeal

Repeal effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 of this title.

§2200a. Report to Congress

(a) Annual report

After the end of each fiscal year, the Corporation shall submit to the Congress a complete and detailed report of its operations during such fiscal year. Such report shall include—

(1) an assessment, based upon the development impact profiles required by section 2199(h) of this title, of the economic and social development impact and benefits of the projects with respect to which such profiles are prepared, and of the extent to which the operations of the Corporation complement or are compatible with the development assistance programs of the United States and other donors; and

(2) a description of any project for which the Corporation—

(A) refused to provide any insurance, reinsurance, guaranty, financing, or other financial support, on account of violations of human rights referred to in section 2199(i) of this title; or

(B) notwithstanding such violations, provided such insurance, reinsurance, guaranty, financing, or financial support, on the basis of a determination (i) that the project will directly benefit the needy people in the country in which the project is located, or (ii) that the national security interest so requires.

(b) Effect of all projects on employment in United States to be included in annual report

(1) Each annual report required by subsection (a) shall contain projections of the effects on employment in the United States of all projects for which, during the preceding fiscal year, the Corporation initially issued any insurance, reinsurance, or guaranty or made any direct loan. Each such report shall include projections of—

(A) the amount of United States exports to be generated by those projects, both during the start-up phase and over a period of years;

(B) the final destination of the products to be produced as a result of those projects; and

(C) the impact such production will have on the production of similar products in the United States with regard to both domestic sales and exports.

(2) The projections required by this subsection shall be based on an analysis of each of the projects described in paragraph (1).

(3) In reporting the projections on employment required by this subsection, the Corporation shall specify, with respect to each project—

(A) any loss of jobs in the United States caused by the project, whether or not the project itself creates other jobs;

(B) any jobs created by the project; and

(C) the country in which the project is located, and the economic sector involved in the project.

No proprietary information may be disclosed under this paragraph.

(c) Repealed. Pub. L. 100–461, title V, §555, Oct. 1, 1988, 102 Stat. 2268–36

(d) Maintenance of records

The Corporation shall maintain as part of its records—

(1) all information collected in preparing the report required by subsection (c) (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), or by subsection (c) (as in effect before October 1, 1988).

(e) Assessment of cooperative political risk insurance program

Each annual report required by subsection (a) 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) do not require the inclusion in any report submitted pursuant to those subsections of any information which would not be required to be made available to the public pursuant to section 552 of title 5 (relating to freedom of information).

(Pub. L. 87–195, pt. I, §240A, as added Pub. L. 91–175, pt. I, §105, Dec. 30, 1969, 83 Stat. 818; amended Pub. L. 93–390, §2(7), Aug. 27, 1974, 88 Stat. 768; Pub. L. 95–268, §10, Apr. 24, 1978, 92 Stat. 216; Pub. L. 97–65, §9, formerly §9(a), Oct. 16, 1981, 95 Stat. 1024, renumbered §9, Pub. L. 99–204, §17(c)(1), Dec. 23, 1985, 99 Stat. 1677; Pub. L. 99–204, §14(a), Dec. 23, 1985, 99 Stat. 1674; Pub. L. 100–461, title V, §555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 102–549, title I, §108, Oct. 28, 1992, 106 Stat. 3654.)

Repeal of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, this section is repealed.

Codification

Amendment by Pub. L. 100–461 is based on sections 105(b) and 110(b) of title I of H.R. 5263, One Hundredth Congress, as passed by the House of Representatives on Sept. 20, 1988, and sections 105(b) and 110(b) of title I of S. 2757, One Hundredth Congress, as reported Sept. 7, 1988, and enacted into law by Pub. L. 100–461.

Amendments

1992—Subsec. (b)(2), (3). Pub. L. 102–549 added pars. (2) and (3) and struck out former par. (2) which read as follows: "Each report required by this subsection shall be based on an analysis of each of the projects described in paragraph (1). The reports may, however, present information and analysis in aggregate form, but only if—

"(A) those projects which are projected to have a positive effect on employment in the United States and those projects which are projected to have a negative effect on employment in the United States are grouped separately; and

"(B) there is set forth for each such grouping the key characteristics of the projects within that grouping, including the number of projects in each economic sector, the countries in which the projects in each economic sector are located, and the projected level of the impact of the projects in each economic sector on employment in the United States and on United States trade."

1988—Subsec. (c). Pub. L. 100–461 repealed subsec. (c) which related to actual effect of all projects on employment in United States as of Sept. 30, 1986, presentation of information, and methodology used in acquiring information and making analysis.

Subsec. (d)(1). Pub. L. 100–461 inserted "(as in effect before October 1, 1988)" after "subsection (c)".

Subsec. (d)(2). Pub. L. 100–461 substituted "either by subsection (b), or by subsection (c) (as in effect before October 1, 1988)" for "by either subsection (b) or (c)".

Subsec. (e). Pub. L. 100–461 added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 100–461 redesignated subsec. (e) as (f) and substituted "(e)" for "(c)".

1985—Pub. L. 99–204, §14(a), designated existing provisions as subsec. (a) and added subsecs. (b) to (e).

1981—Pub. L. 97–65 struck out designation "(a)" before "After the end of each fiscal year", substituted references to section 2199(h) and (i) of this title for references to section 2199(i) and (l) of this title, respectively, in pars. (1) and (2)(A), and struck out subsec. (b) which had provided that, not later than Sept. 30, 1980, the Corporation was to submit to the Congress a report on the development of private and multilateral programs for investment insurance and any reinsurance arrangements the Corporation had made with private insurance companies, multilateral organizations and institutions or other entities.

1978—Subsec. (a). Pub. L. 95–268 added cls. (1) and (2) setting forth required contents of report.

Subsec. (b). Pub. L. 95–268 substituted provisions relating to report to be submitted not later than Sept. 30, 1980 involving the development and any arrangements by the Corporation with private insurance companies, etc., for provisions relating to report submitted not later than Jan. 1, 1976 involving the possibilities of the Corporation transferring all of its activities to private insurance companies, etc.

1974—Subsec. (b). Pub. L. 93–390 substituted "January 1, 1976" for "March 1, 1974" and "of its activities to private insurance companies, multilateral organizations and institutions, or other entities" for "or part of its activities to private United States citizens, corporations, or other associations".

Effective Date of Repeal

Repeal effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 of this title.

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

Pub. L. 97–65, §9(b), Oct. 16, 1981, 95 Stat. 1024, 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, guarantee, or other financing is provided. In any case in which such a certification is not made in advance, the investor shall include in the certification the reasons for the failure to make a certification in advance.

(3) Exception

Paragraph (1) does not apply with respect to an investor who does not, because of the nature of the investment, have a controlling interest in fact in the project in question.

(b) Reports by United States Trade Representative

The United States Trade Representative shall review the actions of the Corporation under subsection (a) and, after consultation with representatives of United States insurance companies, shall report to the Congress in the report required by section 2241(b) of title 19 with respect to such actions.

(c) Definitions

For purposes of this section—

(1) the term "United States insurance company" includes—

(A) an individual, partnership, corporation, holding company, or other legal entity which is authorized, or in the case of a holding company, subsidiaries of which are authorized, by a State to engage in the business of issuing insurance contracts or reinsuring the risk underwritten by insurance companies; and

(B) foreign operations, branches, agencies, subsidiaries, affiliates, or joint ventures of any entity described in subparagraph (A);

(2) United States insurance companies shall be considered to have had a "fair and open competitive opportunity to provide insurance" if they—

(A) have received notice of the opportunity to provide insurance; and

(B) have been evaluated on a nondiscriminatory basis; and

(3) the term "State" includes the District of Columbia and any commonwealth, territory, or possession of the United States.

(Pub. L. 87–195, pt. I, §240B, as added Pub. L. 102–549, title I, §109, Oct. 28, 1992, 106 Stat. 3654.)

Repeal of Section

Pub. L. 115–254, div. F, title VI, §1464(2), Oct. 5, 2018, 132 Stat. 3513, provided that, effective at the end of the transition period, as defined in section 9601 of this title, this section is repealed.

Prior Provisions

A prior section 2200b, Pub. L. 87–195, pt. I, §240B, as added Pub. L. 97–65, §10, Oct. 16, 1981, 95 Stat. 1024, related to return of appropriated funds, prior to repeal by Pub. L. 99–204, §15, Dec. 23, 1985, 99 Stat. 1676.

Effective Date of Repeal

Repeal effective at the end of the transition period, as defined in section 9601 of this title, see section 9684 of this title.

SUBPART V—DISADVANTAGED CHILDREN IN ASIA

§2201. Assistance to disadvantaged children in Asia

(a) Congressional findings

The Congress recognizes the humanitarian needs of disadvantaged children in Asian countries where there has been or continues to be a heavy presence of United States military and related personnel in recent years. Moreover, the Congress finds that inadequate provision has been made for the care and welfare of such disadvantaged children, particularly those fathered by the [1] United States citizens.

(b) Authority of President

Accordingly, the President is authorized to expend up to $3,000,000 of funds made available under part I of this subchapter, in addition to funds otherwise available for such purposes, to help meet the needs of these disadvantaged children in Asia by assisting in the expansion and improvement of orphanages, hostels, day care centers, school feeding programs, and health, education, and welfare programs. Assistance provided under this section shall be furnished under the auspices of and by international organizations or private voluntary agencies operating within, and in cooperation with, the countries of Asia where these disadvantaged children reside.

(Pub. L. 87–195, pt. I, §241, as added Pub. L. 95–424, title I, §116, Oct. 6, 1978, 92 Stat. 952; amended Pub. L. 99–83, title IX, §903(a), Aug. 8, 1985, 99 Stat. 268.)

References to Part I Deemed To Include Section 2293

References to part I of this subchapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Prior Provisions

A prior section 2201, Pub. L. 87–195, pt. I, §241, Sept. 4, 1961, 75 Stat. 433; Pub. L. 88–205, pt. I, §105, Dec. 16, 1963, 77 Stat. 382, related to general authority of President respecting development research and use of funds for research into problems of population growth, prior to repeal by Pub. L. 94–161, title III, §306(1), Dec. 20, 1975, 89 Stat. 858.

Amendments

1985—Subsec. (b). Pub. L. 99–83 substituted "$3,000,000" for "$2,000,000".

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date

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

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.

[1] *So in original.*

SUBPART VI—DEVELOPMENT ASSISTANCE FOR MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES

Codification

Pub. L. 115–428, §4(j), Jan. 9, 2019, 132 Stat. 5516, substituted "DEVELOPMENT ASSISTANCE FOR MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES" for "MICROENTERPRISE DEVELOPMENT ASSISTANCE" in subpart heading.

Prior Provisions

A prior subpart VI, consisting of sections 2211 to 2213, related to Alliance for Progress, prior to repeal by Pub. L. 95–424, title I, §102(g)(1)(A), title VI, §605, Oct. 6, 1978, 92 Stat. 942, 961, effective Oct. 1, 1978.

Division A—Grant Assistance

§2211. Findings and policy

Congress finds and declares the following:

(1) Access to financial services and the development of micro, small, and medium-sized enterprises are vital factors in the stable growth of developing countries, in the development of free, open, and equitable international economic systems, and in the economic empowerment of the poor, especially women.

(2) It is therefore in the best interest of the United States to facilitate access to financial services and assist the development of micro, small, and medium-sized enterprises in developing countries, particularly enterprises owned, managed, and controlled by women.

(3) Access to financial services and the development of micro, small, and medium-sized enterprises can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial services.

(4) Given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidence of poverty in rural areas and growing income inequality between rural and urban markets, micro, small, and medium-sized enterprise programs should target both rural and urban poor.

(5) Microenterprise programs have been successful and should continue and be expanded to empower vulnerable women in the developing world. The Agency should work to ensure that recipients of development assistance for micro, small, and medium-sized enterprises under this subpart communicate and work with nongovernmental organizations and government organizations to identify and assist victims of trafficking as provided for in section 7104(a)(1) of this title and women who are victims of or susceptible to other forms of exploitation and violence.

(6) Given that microenterprise programs have had some success in empowering disenfranchised groups such as women, development assistance for micro, small, and medium-sized enterprises should also target populations disenfranchised due to race or ethnicity in countries where a strong relationship between poverty and race or ethnicity has been demonstrated.

(Pub. L. 87–195, pt. I, §251, as added Pub. L. 108–484, §3, Dec. 23, 2004, 118 Stat. 3923; amended Pub. L. 115–428, §4(a), Jan. 9, 2019, 132 Stat. 5512.)

Prior Provisions

A prior section 2211, Pub. L. 87–195, pt. I, §251, as added Pub. L. 87–565, pt. I, §106, Aug. 1, 1962, 76 Stat. 257; amended Pub. L. 88–205, pt. I, §106(a), Dec. 16, 1963, 77 Stat. 382; Pub. L. 89–583, pt. I, §105(a), Sept. 19, 1966, 80 Stat. 799; Pub. L. 90–137, pt. I, §106(a), Nov. 14, 1967, 81 Stat. 451, related to assistance in order to promote the economic development of countries and areas in Latin America, prior to repeal by Pub. L. 95–424, title I, §102(g)(1)(A), title VI, §605, Oct. 6, 1978, 92 Stat. 942, 961, effective Oct. 1, 1978.

Amendments

2019—Par. (1). Pub. L. 115–428, §4(a)(1), substituted "micro, small, and medium-sized enterprises" for "microenterprise" and ", in the development" for "and in the development", and inserted ", and in the economic empowerment of the poor, especially women" before period at end.

Par. (2). Pub. L. 115–428, §4(a)(2), substituted "micro, small, and medium-sized enterprises" for "microenterprise" and inserted ", particularly enterprises owned, managed, and controlled by women" before period at end.

Par. (3). Pub. L. 115–428, §4(a)(3), substituted "micro, small, and medium-sized enterprises" for "microenterprises".

Par. (4). Pub. L. 115–428, §4(a)(4), substituted "micro, small, and medium-sized enterprise" for "microenterprise".

Par. (5). Pub. L. 115–428, §4(a)(5), substituted "should continue and be expanded" for "should continue" and "development assistance for micro, small, and medium-sized enterprises" for "microenterprise and microfinance development assistance".

Par. (6). Pub. L. 115–428, §4(a)(6), substituted "have had some success" for "have been successful" and "development assistance for micro, small, and medium-sized enterprises should" for "microenterprise programs should" and struck out ", such as countries in Latin America" after "demonstrated".

Findings and Policy

Pub. L. 108–484, §2, Dec. 23, 2004, 118 Stat. 3922, provided that: "Congress finds and declares the following:

"(1) Congress has demonstrated its support for microenterprise development assistance programs through the enactment of two comprehensive microenterprise laws:

"(A) The Microenterprise for Self-Reliance Act of 2000 (title I of Public Law 106–309; 114 Stat. 1082) [see Short Title of 2000 Amendments note set out under section 2151 of this title].

"(B) Public Law 108–31 [see Tables for classification] (an Act entitled 'An Act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance program under those Acts, and for other purposes', approved June 17, 2003).

"(2) The report on the effectiveness of the United States Agency for International Development's microfinance program, prepared by the Consultative Group to Assist the Poor, rated the Agency in the top tier of the 17 donors in this field.

"(3) The Comptroller General, in a report dated November 2003, found that the United States Agency for International Development has met some, but not all, of the key objectives of such microenterprise development assistance programs.

"(4) The Comptroller General's report found, among other things, the following:

"(A) Microenterprise development assistance generally can help alleviate some impacts of poverty, improve income levels and quality of life for borrowers and provide poor individuals, workers, and their families with an important coping mechanism.

"(B) Microenterprise development assistance programs of the United States Agency for International Development have encouraged women's participation in microfinance projects and, according to data of the Agency, women have comprised two-thirds or more of the micro-loan clients in Agency-funded microenterprise projects since 1997.

"(5)(A) The Comptroller General's report recommends that the Administrator of the United States Agency for International Development review the Agency's 'microenterprise results reporting' system with the goal of ensuring that its annual reporting is complete and accurate.

"(B) Specifically, the Administrator should review and reconsider the methodologies used for the collection, analysis, and reporting of data on annual spending targets, outreach to the very poor, sustainability of microfinance institutions, and the contribution of Agency's funding to the institutions it supports."

Sense of Congress

Pub. L. 108–484, §7, Dec. 23, 2004, 118 Stat. 3930, provided that: "It is the sense of Congress that, in carrying out title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2211 et seq.] (as added by section 3 of this Act and amended by sections 4 through 6 of this Act), the Administrator of the United States Agency for International Development—

"(1) where applicable, should ensure that microenterprise development assistance provided under such title is matched by recipients with an equal amount of assistance from non-United States Government sources, including private donations, multilateral funding, commercial and concessional borrowing, savings, and program income;

"(2) should include in the report required by section 258 of the Foreign Assistance Act of 1961 [22 U.S.C. 2214] (as added by section 6 of this Act) a description of all matching assistance (as described in paragraph (1)) provided for the prior year by recipients of microenterprise development assistance under such title;

"(3) should ensure that recipients of microenterprise development assistance under such title do not expend an unreasonably large percentage of such assistance on administrative costs;

"(4) should not use recipients of microenterprise development assistance under such title to carry out critical management functions of the Agency, including functions such as strategy development or overall management of programs in a country; and

"(5) should consult with the appropriate congressional committees with respect to the implementation of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 not later than 90 days after the date of the enactment of this Act [Dec. 23, 2004]."

References

Pub. L. 108–484, §9, Dec. 23, 2004, 118 Stat. 3931, provided that: "Any reference in a law, regulation, agreement, or other document of the United States to section 108, 131, or 132 of the Foreign Assistance Act of 1961 [former 22 U.S.C. 2151f, 2152a, 2152b] shall be deemed to be a reference to subtitle B of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 [division B of this subpart], subtitle A of title VI of chapter 2 of part I of such Act [this division], or subtitle C of title VI of chapter 2 of part I of such Act [division C of this subpart], respectively."

§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, including the use of innovative credit scoring models, savings, financial technology, financial literacy, education, insurance, property rights, and other services to micro, small, and medium-sized enterprise 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 micro, small, and medium-sized enterprise clients, particularly clients owned, managed, and controlled by women;

(2) assistance for the purpose of training, technical assistance, and business development services for micro, small, and medium-sized enterprises 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 financial intermediaries in order to enable them to better meet the credit, savings, and training needs of micro, small, and medium-sized enterprises;

(4) policy, regulatory programs, and research at the country level that improve the environment for micro, small, and medium-sized enterprises, financial intermediaries, and capital markets and institutions that serve the poor and very poor, especially women;

(5) assistance for the purpose of promoting the economic empowerment of women, including through increased access to financial resources and improving property rights, inheritance rights, and other legal protections; and

(6) assistance for the purpose of scaling up evidence-based graduation approaches, which include targeting the very poor and households in ultra-poverty, consumption support, promotion of savings, financial literacy, skills training, and asset transfers.

(b) Implementation

(1) In general

There is authorized to be established within the Agency an office to support the Agency's efforts to broaden and deepen local financial markets, expand access to appropriate financial products and services, and support the development of micro, small and medium-sized enterprises. The Office shall be headed by a Director who shall possess technical expertise and ability to offer leadership in the field of financial sector 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

In order to ensure that assistance under this subpart is distributed effectively and efficiently, the office shall provide coordination and support for field-implemented programs, including through targeted core support for micro, small, and medium-sized enterprises and local financial markets.

(C) Efficiency and cost-effectiveness

Assistance under this section shall meet high standards of efficiency, cost-effectiveness, and sustainability, particularly by protecting the use and funding of local organizations in countries in which the Agency invests, and shall especially provide the greatest possible resources to the poor and very poor, especially women. 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.

(c) Targeted assistance

In carrying out sustainable poverty-focused programs under subsection (a)—

(1) 50 percent of all micro, small, and medium-sized enterprise resources shall be targeted to activities that reach the very poor; and

(2) 50 percent of all small and medium-sized enterprise resources shall be targeted to activities that reach enterprises owned, managed, and controlled by women.

(Pub. L. 87–195, pt. I, §252, as added Pub. L. 108–484, §3, Dec. 23, 2004, 118 Stat. 3924; amended Pub. L. 115–428, §4(b), Jan. 9, 2019, 132 Stat. 5512.)

Prior Provisions

A prior section 252 of Pub. L. 87–195 was classified to section 2212 of this title, prior to repeal by Pub. L. 95–424, title I, §102(g)(1)(A), title VI, §605, Oct. 6, 1978, 92 Stat. 942, 961, effective Oct. 1, 1978.

Amendments

2019—Subsec. (a). Pub. L. 115–428, §4(b)(1)(A), substituted "credit, including the use of innovative credit scoring models, savings, financial technology, financial literacy, education, insurance, property rights, and other services to micro, small, and medium-sized enterprise clients" for "credit, savings, and other services to microfinance and microenterprise clients" in introductory provisions.

Subsec. (a)(1). Pub. L. 115–428, §4(b)(1)(B), substituted "micro, small, and medium-sized enterprise clients, particularly clients owned, managed, and controlled by women" for "microfinance and microenterprise clients".

Subsec. (a)(2). Pub. L. 115–428, §4(b)(1)(C), substituted "micro, small, and medium-sized enterprises" for "microenterprises".

Subsec. (a)(3). Pub. L. 115–428, §4(b)(1)(D), substituted "financial intermediaries" for "microfinance and microenterprise institutions" and "micro, small, and medium-sized enterprises" for "microfinance

and microenterprise clients" and struck out "and" after semicolon at end.

Subsec. (a)(4). Pub. L. 115–428, §4(b)(1)(E), substituted "micro, small, and medium-sized enterprises, financial intermediaries, and capital markets" for "microfinance and microenterprise clients and institutions" and "the poor and very poor, especially women;" for "the poor and very poor.".

Subsec. (a)(5), (6). Pub. L. 115–428, §4()(1)(F), added pars. (5) and (6).

Subsec. (b)(1). Pub. L. 115–428, §4(b)(2)(A), amended par. (1) generally. Prior to amendment, text read as follows: "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."

Subsec. (b)(2)(B). Pub. L. 115–428, §4(b)(2)(B)(i), amended subpar. (B) generally. Prior to amendment, text read as follows:

"(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)."

Subsec. (b)(2)(C). Pub. L. 115–428, §4(b)(2)(ii), inserted ", particularly by protecting the use and funding of local organizations in countries in which the Agency invests," after "and sustainability" and ", especially women" after "the poor and very poor".

Subsec. (b)(3). Pub. L. 115–428, §4(b)(2)(C), struck out par. (3). Prior to amendment, text read as follows: "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.".

Subsec. (c). Pub. L. 115–428, §4(b)(3), substituted "subsection (a)" and pars. (1) and (2) for for "subsection (a), 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" and former pars. (1) and (2), which related to description of entities eligible for support, practitioner institutions and demand-driven business development programs.

§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).

(b) Requirements

The requirements referred to in subsection (a) are the following:

(1) The monitoring system shall include performance goals, including goals on a gender disaggregated basis, such as improvements in employment, access to financial services, education, enterprise development, earnings and control over income, and property and land rights, for the assistance and expresses such goals in an objective and quantifiable form, to the extent feasible.

(2) The monitoring system shall incorporate Agency planning and reporting processes and indicators to measure or assess 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.

(Pub. L. 87–195, pt. I, §253, as added Pub. L. 108–484, §3, Dec. 23, 2004, 118 Stat. 3925; amended Pub. L. 115–428, §4(c), Jan. 9, 2019, 132 Stat. 5514.)

Prior Provisions

A prior section 253 of Pub. L. 87–195 was classified to section 2213 of this title, prior to repeal by Pub. L. 95–424, title I, §102(g)(1)(A), title VI, §605, Oct. 6, 1978, 92 Stat. 942, 961, effective Oct. 1, 1978.

Amendments

2019—Subsec. (b)(1). Pub. L. 115–428, §4(c)(1), inserted ", including goals on a gender disaggregated basis, such as improvements in employment, access to financial services, education, enterprise development, earnings and control over income, and property and land rights," after "performance goals".

Subsec. (b)(2). Pub. L. 115–428, §4(c)(2), substituted "incorporate Agency planning and reporting processes and indicators to measure or assess the achievement" for "include performance indicators to be used in measuring or assessing the achievement".

Subsec. (b)(4). Pub. L. 115–428, §4(c)(3), struck out par. (4) which read as follows: "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. Poverty measurement methods

The Administrator of the Agency, in consultation with financial intermediaries and other appropriate organizations, should have in place at least 1 method for implementing partners to use to assess poverty levels of their current incoming or prospective clients.

(Pub. L. 87–195, pt. I, §254, as added Pub. L. 108–484, §3, Dec. 23, 2004, 118 Stat. 3926; amended Pub. L. 115–428, §4(d), Jan. 9, 2019, 132 Stat. 5514.)

Amendments

2019—Pub. L. 115–428 amended section generally. Prior to amendment, section related to development of poverty measurement methods and application of methods.

§2211d. Additional authorities

Notwithstanding any other provision of law, amounts made available for development assistance for micro, small, and medium-sized enterprises 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.

(Pub. L. 87–195, pt. I, §255, as added Pub. L. 108–484, §3, Dec. 23, 2004, 118 Stat. 3926; amended Pub. L. 115–428, §4(e), Jan. 9, 2019, 132 Stat. 5514.)

Amendments

2019—Pub. L. 115–428 substituted "development assistance for micro, small, and medium-sized enterprises" for "assistance for microenterprise development assistance" and struck out "and, to the extent applicable, the information required by paragraphs (1) through (11) of subsection (b) of such section with respect to such assistance" after "of such assistance".

Division B—Credit Assistance

§2212. Development credits for micro, small, and medium-sized enterprises

(a) Findings and policy

Congress finds and declares that—

(1) the development of micro, small, and medium-sized 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 micro, small, and medium-sized enterprises 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), the President is authorized to provide assistance to increase the availability of financial services to micro, small, and medium-sized enterprises and households lacking full access to credit and other financial services, including through—

(1) loans and guarantees to financial intermediaries for the purpose of expanding the availability of savings and credit to poor and low-income households;

(2) training programs for financial intermediaries 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 financial intermediaries described in subsection (b)(1) are eligible to carry out activities, with respect to micro, small, and medium-sized enterprises and 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, small, and medium-sized enterprises and households and may not be used to support programs not directly related to the purposes described in subsection (b).

(e) Procurement provision

Assistance may be provided under this section without regard to section 2354(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 title 2, for activities under this section.

(Pub. L. 87–195, pt. I, §256, formerly §108, as added Pub. L. 98–151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972; amended Pub. L. 99–83, title III, §308, Aug. 8, 1985, 99 Stat. 215; Pub. L. 100–418, title II, §2211, Aug. 23, 1988, 102 Stat. 1335; Pub. L. 106–309, title I, §106, Oct. 17, 2000, 114 Stat. 1085; Pub. L. 108–31, §2, June 17, 2003, 117 Stat. 775; renumbered §256 and amended Pub. L. 108–484, §4(a), (b), (c)(3), Dec. 23, 2004, 118 Stat. 3926, 3927; Pub. L. 115–428, §4(f), Jan. 9, 2019, 132 Stat. 5514.)

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

Section was formerly classified to section 2151f of this title.

Section 256, formerly 108, of Pub. L. 87–195 is based on section 407 of title IV of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98–151.

Prior Provisions

A prior section 2212, Pub. L. 87–195, pt. I, §252, as added Pub. L. 87–565, pt. I, §106, Aug. 1, 1962, 76 Stat. 258; amended Pub. L. 88–205, pt. I, §106(b), Dec. 16, 1963, 77 Stat. 383; Pub. L. 88–633, pt. I, §105, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89–171, pt. I, §105, Sept. 6, 1965, 79 Stat. 655; Pub. L. 89–583, pt. I, §105(b), Sept. 19, 1966, 80 Stat. 799; Pub. L. 90–137, pt. I, §106(b), Nov. 14, 1967, 81 Stat. 451; Pub. L. 90–554, pt. I, §105, Oct. 8, 1968, 82 Stat. 961; Pub. L. 91–175, pt. I, §106, Dec. 30, 1969, 83 Stat. 818; Pub. L. 92–226, pt. I, §105, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93–189, §7, Dec. 17, 1973, 87 Stat. 718, related to authorization of appropriations for Alliance for Progress, prior to repeal by Pub. L. 95–424, title I, §102(g)(1)(A), title VI, §605, Oct. 6, 1978, 92 Stat. 942, 961, effective Oct. 1, 1978.

Amendments

2019—Pub. L. 115–428, §4(f)(1), substituted "Development credits for micro, small, and medium-sized enterprises" for "Microenterprise development credits" in section catchline.

Subsec. (a)(1). Pub. L. 115–428, §4(f)(2)(A), substituted "micro, small, and medium-sized enterprises" for "micro- and small enterprises".

Subsec. (a)(2). Pub. L. 115–428, §4(f)(2)(B), substituted "micro, small, and medium-sized enterprises" for "microenterprises".

Subsec. (b). Pub. L. 115–428, §4(f)(3)(A), substituted "micro, small, and medium-sized enterprises and households lacking full access to credit and other financial services" for "microenterprise households lacking full access to credit" in introductory provisions.

Subsec. (b)(1), (2). Pub. L. 115–428, §4(f)(3)(B), substituted "financial intermediaries" for "microfinance institutions".

Subsec. (c). Pub. L. 115–428, §4(f)(4), (5), in introductory provisions, substituted "financial intermediaries" for "microfinance institutions" and "micro, small, and medium-sized enterprises and households" for "microenterprise households".

Subsec. (d). Pub. L. 115–428, §4(f)(5), substituted "micro, small, and medium-sized enterprises and households" for "microenterprise households".

2004—Subsec. (c). Pub. L. 108–484, §4(c)(3)(A), substituted "Administrator of the Agency" for "Administrator of the agency primarily responsible for administering subchapter I of this chapter" in introductory provisions.

Subsec. (f)(1). Pub. L. 108–484, §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".

2003—Pub. L. 108–31, §2(f), substituted "Microenterprise development credits" for "Micro- and small enterprise development credits" in section catchline.

Subsec. (a)(2). Pub. L. 108–31, §2(a), substituted "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. (c). Pub. L. 108–31, §2(c)(1), substituted "microfinance institutions" for "credit institutions" and "microenterprise households" for "micro- and small enterprises" in introductory provisions.

Subsec. (c)(1), (2). Pub. L. 108–31, §2(c)(2), substituted "financial services" for "credit".

Subsec. (d). Pub. L. 108–31, §2(d), substituted "programs for microenterprise households" for "micro- and small enterprise programs".

Subsec. (f)(1). Pub. L. 108–31, §2(e), substituted "for each of fiscal years 2001 through 2004" for "for each of fiscal years 2001 and 2002".

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.

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

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

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

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

Pub. L. 108–31, §4, June 17, 2003, 117 Stat. 778, as amended by Pub. L. 108–484, §8(b), Dec. 23, 2004, 118 Stat. 3931, provided that: "Not later than September 30, 2005, the Administrator of the United States Agency for International Development shall submit to Congress a report that documents the process of developing and applying poverty assessment procedures with its partners."

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 work loads 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 generate more social stability and prosperity.

"(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, 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

Pub. L. 106–309, title I, §103, Oct. 17, 2000, 114 Stat. 1081, as amended by Pub. L. 108–31, §1(a), June 17, 2003, 117 Stat. 775, provided that: "The purposes of this title [see Short Title of 2000 Amendments note set out under section 2151 of this title] are—

"(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

Pub. L. 106–309, title I, §104, Oct. 17, 2000, 114 Stat. 1082, as amended by Pub. L. 108–31, §1(b), June 17, 2003, 117 Stat. 775, provided that: "In this title [see Short Title of 2000 Amendments note set out under section 2151 of this title]:

"(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."

§2213. United States Microfinance Loan Facility

(a) Establishment

The President 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 financial intermediaries.

(b) Disbursements

(1) In general

The Administrator shall make disbursements from the Facility to United States-supported financial intermediaries 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 financial intermediaries.

(2) Form of assistance

Assistance under this section shall be in the form of loans or loan guarantees for financial intermediaries 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.

(Pub. L. 87–195, pt. I, §257, formerly §132, as added Pub. L. 106–309, title I, §107(a), Oct. 17, 2000, 114 Stat. 1086; renumbered §257 and amended Pub. L. 108–484, §5(a), (b), (c)(2), Dec. 23, 2004, 118 Stat. 3927; Pub. L. 115–428, §4(g), Jan. 9, 2019, 132 Stat. 5515.)

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

Section was formerly classified to section 2152b of this title.

Prior Provisions

A prior section 2213, Pub. L. 87–195, pt. I, §253, as added Pub. L. 87–565, pt. I, §106, Aug. 1, 1962, 76 Stat. 258; amended Pub. L. 88–205, pt. I, §106(c), Dec. 16, 1963, 77 Stat. 383, related to availability of receipts from loans for Alliance for Progress, prior to repeal by Pub. L. 95–424, title I, §102(g)(1)(A), title VI, §605, Oct. 6, 1978, 92 Stat. 942, 961, effective Oct. 1, 1978.

Amendments

2019—Subsec. (a). Pub. L. 115–428, §4(g)(1), substituted "President" for "Administrator" and "United States-supported financial intermediaries" for "United States-supported microfinance institutions".

Subsec. (b)(1). Pub. L. 115–428, §4(g)(2)(A), substituted "United States-supported financial intermediaries" for "United States-supported microfinance institutions" in introductory provisions and in subpar. (C).

Subsec. (b)(2). Pub. L. 115–428, §4(g)(2)(B), substituted "financial intermediaries" for "microfinance institutions".

2004—Subsec. (b)(3). Pub. L. 108—484, §5(c)(2)(A), substituted "2005 through 2009" for "2001 and 2002".

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 $5,000,000".

Subsec. (e). Pub. L. 108–484, §5(c)(2)(C), struck out heading and text of subsec. (e) which defined "Administrator", "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 committees a report that contains a detailed description of the implementation of this subpart for the previous fiscal year.

(b) Contents

To the extent practicable, the report submitted under subsection (a) should contain the following:

(1) Information about assistance provided under section 2211a of this title, including—

(A) the amount of each grant or other form of assistance;

(B) the name and type of each intermediary and implementing partner organization receiving assistance;

(C) the name of each country receiving assistance; and

(D) the methodology used to ensure compliance with the targeted assistance requirements under subsection (c) of such section.

(2) The percentage of assistance provided under section 2211a of this title, disaggregated by income level, including for the very poor, and by gender.

(3) The estimated number of individuals that received assistance under section 2211a of this title, disaggregated by income level (or an appropriate proxy for income level, including for the very poor), by gender, and by type of assistance.

(4) The results of the monitoring system required under section 2211b of this title.

(5) Information about any method in place to assess poverty levels under section 2211c of this title.

(c) Availability to public

The report required by this section shall be made available to the public on the Internet website of the Agency.

(Pub. L. 87–195, pt. I, §258, as added Pub. L. 108–484, §6, Dec. 23, 2004, 118 Stat. 3928; amended Pub. L. 115–428, §4(h), Jan. 9, 2019, 132 Stat. 5515.)

AMENDMENTS

2019—Subsec. (b). Pub. L. 115–428 amended subsec. (b) generally. Prior to amendment, subsec. (b) related to required contents of report, including number of grants provided and information on distribution of assistance.

§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 Foreign Affairs 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 micro, small, and medium-sized enterprises 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 nongovernmental organization;
(E) a micro, small, or medium-sized enterprise institution;
(F) a financial intermediary; or
(G) a practitioner institution.

(7) Micro, small, and medium-sized enterprise institution

The term "micro, small, and medium-sized enterprise institution" means an entity that provides services, including finance, training, or business development services, for micro, small, and medium-sized enterprises in foreign countries.

(8) Financial intermediary

The term "financial intermediary" means the entity that acts as the intermediary between parties in a financial transaction, such as a bank, credit union, investment fund, a village savings and loan group, or an institution that provides financial services to a micro, small, or medium-sized enterprise.

(9) Office

The term "office" means the office established under section 2211a(b)(1) of this title.

(10) Practitioner institution

The term "practitioner institution" means a not-for-profit entity, a financial intermediary, an information and communications technology firm with a mobile money platform, a village and savings loan group, or any other entity that provides financial or business development services authorized under section 252 that benefits micro, small, and medium-sized enterprise clients.

(11) 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.

(12) United states-supported financial intermediary

The term "United states-supported financial intermediary" 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.

(13) 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 below the international poverty line (as defined by the International Bank for Reconstruction and Development and the International Development Association (collectively referred to as the 'World Bank')).

(Pub. L. 87–195, pt. I, §259, as added Pub. L. 108–484, §6, Dec. 23, 2004, 118 Stat. 3929; amended Pub. L. 115–428, §4(i), Jan. 9, 2019, 132 Stat. 5515, 5516.)

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

2019—Par. (3). Pub. L. 115–428, §4(i)(1), substituted "Committee on Foreign Affairs of the House of Representatives" for "Committee on International Relations of the House of Representatives".

Par. (4). Pub. L. 115–428, §4(i)(2), substituted "micro, small, and medium-sized enterprises" for "microenterprises".

Par. (6)(E). Pub. L. 115–428, §4(i)(3)(A), substituted "micro, small, or medium-sized enterprise institution" for "microenterprise institution".

Par. (6)(F). Pub. L. 115–428, §4(i)(3)(B), substituted "financial intermediary" for "microfinance institution".

Pars. (7), (8). Pub. L. 115–428, §4(i)(4), added pars. (7) and (8) and struck out former pars. (7) and (8) which defined the terms "microenterprise institution" and "microfinance institution", respectively.

Par. (9). Pub. L. 115–428, §4(i)(5)–(7), redesignated par. (10) as (9), struck out "of microenterprise development" before "established", and struck out former par. (9) which defined the term "microfinance network".

Par. (10). Pub. L. 115–428, §4(i)(6), (8), redesignated par. (11) as (10) and amended par. (10) generally. Prior to amendment,par. (10) defined the term "practitioner institution". Former par. (10) redesignated (9).

Par. (11). Pub. L. 115–428, §4(i)(6), redesignated par. (12) as (11). Former par. (11) redesignated (10).

Par. (12). Pub. L. 115–428, §4(i)(6), (9), redesignated par. (13) as (12) and substituted "United states-supported financial intermediary" for "United States-supported microfinance institution" in heading and text. Former par. (12) redesignated (11).

Par. (13), (14). Pub. L. 115–428, §4(i)(6), (10), redesignated par. (14) as (13) and amended subpar. (B) generally.Prior to amendment, subpar. (B) read as follows: "living on less than the equivalent of $1 per day (as calculated using the purchasing power parity (PPP) exchange rate method).". Former par. (13) redesignated (12).

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

§2216. Repealed. Pub. L. 95–424, title I, §102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section, Pub. L. 87–195, pt. I, §261, as added Pub. L. 88–205, pt. I, §107, Dec. 16, 1963, 77 Stat. 383, related to appointment of a committee to review and evaluate economic development program for less developed countries.

Effective Date of Repeal

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

§§2217, 2217a. Repealed. Pub. L. 95–424, title I, §102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2217, Pub. L. 87–195, pt. I, §271, as added Pub. L. 89–583, pt. I, §106, Sept. 19, 1966, 80 Stat. 799, set forth sense of Congress that acceleration of social and economic progress would be served by an expanded effort by countries of southeast Asia and other interested countries in cooperative programs.

Section 2217a, Pub. L. 87–195, pt. I, §272, as added Pub. L. 89–583, pt. I, §106, Sept. 19, 1966, 80 Stat. 800, related to a number of criteria to be taken into account in providing assistance under the Southeast Asia Multilateral and Regional Programs.

Effective Date of Repeal

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

§2217b. Repealed. Pub. L. 90–137, pt. I, §107, Nov. 14, 1967, 81 Stat. 452

Section, Pub. L. 87–195, pt. I, §273, as added Pub. L. 89–583, pt. I, §106, Sept. 19, 1966, 80 Stat. 800, prescribed a $10,000,000 limitation on use of funds for promotion of social and economic development and stability in southeast Asia.

SUBPART IX—UTILIZATION OF DEMOCRATIC INSTITUTIONS IN DEVELOPMENT

§2218. Utilization of democratic institutions in development

(a) Popular participation through encouragement of democratic institutions

In carrying out programs authorized in this part and part I of this subchapter, emphasis shall be placed on assuring maximum participation in the task of economic development on the part of the people of the developing countries, through the encouragement of democratic private and local governmental institutions.

(b) Human and intellectual resources; self-government through civic education and training in requisite skills

In order to carry out the purposes of this section programs under this part and part I of this subchapter shall—

(1) recognize the differing needs, desires, and capacities of the people of the respective developing countries and areas;

(2) use the intellectual resources of such countries and areas in conjunction with assistance provided under this chapter so as to encourage the development of indigenous institutions that meet their particular requirements for sustained economic and social progress; and

(3) support civic education and training in skills required for effective participation in governmental and political processes essential to self-government.

(c) Political, social, and related obstacles to development; democratic social and political trends

In the allocation of funds for research under this part and part I of this subchapter, emphasis shall be given to research designed to examine the political, social, and related obstacles to development in countries receiving assistance under subchapter I of this chapter. In particular, emphasis should be given to research designed to increase understanding of the ways in which development assistance can support democratic social and political trends in recipient countries.

(d) Implementation of objectives through application of experience gained from program evaluation

Emphasis shall also be given to the evaluation of relevant past and current programs under subchapter I of this chapter and to applying this experience so as to strengthen their effectiveness in implementing the objectives of this section.

(e) Inservice training programs

In order to carry out the purposes of this section, the agency primarily responsible for administering subchapter I of this chapter shall develop systematic programs of inservice training to familiarize its personnel with the objectives of this section and to increase their knowledge of the political and social aspects of development. In addition to other funds available for such purposes, not to exceed 1 per centum of the funds authorized to be appropriated for grant assistance under this part and part I of this subchapter may be used for carrying out the objectives of this subsection.

(Pub. L. 87–195, pt. I, §281, as added Pub. L. 89–583, pt. I, §106, Sept. 19, 1966, 80 Stat. 800; amended Pub. L. 90–137, pt. I, §108, Nov. 14, 1967, 81 Stat. 452; Pub. L. 90–554, pt. I, §106, Oct. 8, 1968, 82 Stat. 961; Pub. L.

95–424, title I, §102(g)(2)(A), Oct. 6, 1978, 92 Stat. 942.)

References in Text

This chapter, referred to in subsec. (b)(2), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

References to Part I Deemed To Include Section 2293

References to part I of this subchapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Amendments

1978—Subsecs. (a), (b), (c), (e). Pub. L. 95–424 inserted "and part 1 of this subchapter" after "this part".

1968—Subsec. (c). Pub. L. 90–554, §106(a), emphasized research designed to increase understanding of ways in which development assistance can support democratic social and political trends in recipient countries.

Subsec. (e). Pub. L. 90–554, §106(b), added subsec. (e).

1967—Pub. L. 90–137 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

Effective Date of 1978 Amendment

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

SUBPART X—PROGRAMS RELATING TO POPULATION GROWTH AND FAMILY PLANNING

§§2219, 2219a. Repealed. Pub. L. 95–424, title I, §104(b), Oct. 6, 1978, 92 Stat. 947

Section 2219, Pub. L. 87–195, pt. I, §291, as added Pub. L. 90–137, pt. I, §109, Nov. 14, 1967, 81 Stat. 452, set forth a general statement of policy concerning population growth and family planning.

Section 2219a, Pub. L. 87–195, pt. I, §292, as added Pub. L. 90–137, pt. I, §109, Nov. 14, 1967, 81 Stat. 453; amended Pub. L. 90–554, pt. I, §107, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–175, pt. I, §107, Dec. 30, 1969, 83 Stat. 818; Pub. L. 92–226, pt. I, §106, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93–189, §8, Dec. 17, 1973, 87 Stat. 718; Pub. L. 93–559, §4(2), Dec. 30, 1974, 88 Stat. 1795, related to the availability of funds on a loan or grant basis to carry out the purposes of this subpart.

Effective Date of Repeal

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

SUBPART XI—FOOD PRODUCTION TARGETS AND REPORTS

§2220. Repealed. Pub. L. 95–424, title V, §502(d)(1), Oct. 6, 1978, 92 Stat. 959

Section, Pub. L. 87–195, pt. I, §295, as added Pub. L. 90–137, pt. I, §109, Nov. 14, 1967, 81 Stat. 453, related to reports and recommendations to Congress by the President for each country receiving assistance under this chapter which the President finds has a substantial food deficit.

Effective Date of Repeal

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

SUBPART XII—FAMINE PREVENTION AND FREEDOM FROM HUNGER

§2220a. General provisions

(a) Congressional objectives and findings

The Congress declares that, in order to achieve the mutual goals among nations of ensuring food security, human health, agricultural growth, trade expansion, and the wise and sustainable use of natural resources, the United States should mobilize the capacities of the United States land-grant universities, other eligible universities, and public and private partners of universities in the United States and other countries, consistent with sections 2151a and 2151a–1 of this title, for: (1) global research on problems affecting food, agriculture, forestry, and fisheries; (2) improved human capacity and institutional resource development for the global application of agricultural and related 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);

(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, aquaculture, floraculture, 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 nontimber 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.

(Pub. L. 87–195, pt. I, §296, as added Pub. L. 94–161, title III, §312, Dec. 20, 1975, 89 Stat. 861; amended Pub. L. 95–424, title I, §103(c), Oct. 6, 1978, 92 Stat. 945; Pub. L. 106–373, §2, Oct. 27, 2000, 114 Stat. 1427.)

References in Text

The First Morrill Act and the Second Morrill Act, referred to in subsec. (d), refer to acts July 2, 1862, ch. 130, 12 Stat. 503, and Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, which are classified generally to subchapters I (§301 et seq.) and II (§321 et seq.), respectively, of chapter 13 of Title 7, Agriculture. For complete classification of these Acts to the Code, see Short Title notes set out under sections 301 and 321 of Title 7 and Tables.

The National Sea Grant College and Program Act, referred to in subsec. (d), is title II of Pub. L. 89–454, as added Pub. L. 89–688, §1, Oct. 15, 1966, 80 Stat. 998, as amended, which is classified generally to subchapter II (§1121 et seq.) of chapter 22 of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1121 of Title 33 and Tables.

The Equity in Educational Land-Grant Status Act of 1994, referred to in subsec. (d), is Pub. L. 103–382, title V, part C, Oct. 20, 1994, 108 Stat. 4048, as amended, which is set out as a note under section 301 of Title 7, Agriculture. For complete classification of this Act to the Code, see Tables.

Amendments

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 with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger but to build the economic base for growth, and moreover, that the greatest potential for increasing world food supplies is in the developing countries where the gap between food need and food supply is the greatest and current yields are lowest;".

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 therefor 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)(F). Pub. L. 106–373, §2(a)(2)(H), added subpar. (F). Former subpar. (F) redesignated (G).

Subsec. (a)(G). Pub. L. 106–373, §2(a)(2)(E), (G), (I), redesignated subpar. (F) as (G), 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. (a)(H), (I). Pub. L. 106–373, §2(a)(2)(F), (J), added subpars. (H) and (I).

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)" 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)(3), inserted "and public and private partners of universities" after "such universities" in introductory provisions, added subpars. (C) to (E), 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). Pub. L. 106–373, §2(d)(1), inserted "Native American land-grant colleges as authorized under the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note);" after "sea-grant colleges;" in introductory provisions.

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) defining "agriculture", and (g) defining "farmers".

Effective Date of 1978 Amendment

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

Global Crop Diversity Trust

Pub. L. 110–246, title III, §3202, June 18, 2008, 122 Stat. 1836, as amended by Pub. L. 113–79, title III, §3206, Feb. 7, 2014, 128 Stat. 780, 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 2014 through 2018."

International Food Reserve

Pub. L. 95–426, title VI, §604, Oct. 7, 1978, 92 Stat. 986, provided that:

"(a) The Congress finds that—

"(1) half a billion people suffer regularly from malnutrition or undernutrition;

"(2) even very modest shortfalls in crop production can result in greatly increased human suffering, and undercut the benefits of bilateral and multilateral assistance programs, in poor developing countries with chronic food deficits;

"(3) increasing variability in world food production and trade presents a serious threat not only to consumers but also to producers;

"(4) the World Food Conference recognized the urgent need for an international undertaking to achieve a system of world food security based largely upon strategic food reserves;

"(5) the Congress through legislation has repeatedly urged the President to negotiate with other nations to establish such a system of reserves;

"(6) although the nations of the world have agreed to begin discussions on a system of grain reserves to regulate food availability, agreement on a global network of nationally held reserves still eludes the international community;

"(7) while some progress has taken place in the United States in creating domestic farmer held reserves, the scale of such reserves does not insure adequate protection against fluctuations in world production and price; and

"(8) the United States, as the world's leading producer of foodstuffs, remains in a unique position to provide the leadership necessary to make world food security a reality.

"(b) It is therefore the sense of the Congress that the President should continue his efforts directed toward achievement of an agreement establishing an international network of nationally held grain reserves which provides for supply assurance to consumers and income security to producers."

Similar provisions were contained in the following prior authorization act:

Pub. L. 95–105, title V, §510, Aug. 17, 1977, 91 Stat. 860.

Commission on Hunger and Malnutrition

Pub. L. 95–426, title VII, §711, Oct. 7, 1978, 92 Stat. 994, which authorized funds to be appropriated for fiscal years 1979 and 1980 for a commission to conduct studies on global hunger and malnutrition, which commission was to make recommendations to the President and Congress on policies to increase the capacity of the United States to reduce hunger and malnutrition, was repealed by Pub. L. 97–241, title V, §505(a)(2), Aug. 24, 1982, 96 Stat. 299.

Settlement of Debt Owed the United States

Pub. L. 94–161, title III, §321, Dec. 20, 1975, 89 Stat. 868, provided that: "No debt owed to the United States by any foreign country with respect to the payment of any loan made under any program funded under this Act [see Short Title of 1975 Amendment note set out under section 2151 of this title] may be settled in an amount less than the full amount of such debt unless the Congress by concurrent resolution approves of such settlement."

Cooperation With Other Countries in Alleviating World Food Shortage; Emergency and Humanitarian Requirements

Pub. L. 93–189, §39, Dec. 17, 1973, 87 Stat. 735, as amended by Pub. L. 110–246, title III, §3001(c), June 18, 2008, 122 Stat. 1821, provided that:

"(a) It is the sense of the Congress that the United States should participate fully in efforts to alleviate current and future food shortages which threaten the world. To this end, the President shall—

"(1) encourage, support, and expedite, studies relating to the long-range implications of the world food situation (including studies of national and world production, distribution, and utilization of agricultural commodities and other foodstuffs) and support the organizing of a world food conference under United Nations auspices in 1974;

"(2) request the member nations of the General Agreement on Tariffs and Trade to explore the means for assuring equitable access by all nations to national markets and mineral and agricultural resources;

"(3) consult and cooperate with appropriate international agencies, such as the Food and Agriculture Organization of the United Nations, in determining the need for, the feasibility of, and cost on an equitably-shared basis of, establishing an international system of strategic food reserves; and

"(4) report his findings and recommendations to the Congress on the implementation of this section no later than December 31, 1974.

"(b) It is further the sense of the Congress that—

"(1) in making assessments which would affect or relate to the level of domestic production, the Executive Branch should include in the estimates of overall utilization the expected demands for humanitarian food assistance through such programs as are carried out under the Food for Peace Act (Public Law 480) [7 U.S.C. 1691 et seq.]; and

"(2) legislation providing increased flexibility for responding to emergency and humanitarian requirements for food assistance should be considered as promptly as possible to the end that the last sentence of section 401 of the Food for Peace Act (Public Law 480) [7 U.S.C. 1731], may be amended by striking the period and inserting in lieu thereof a comma and the following: 'unless the Secretary determines that some part of the exportable supply should be used to carry out the national interest and humanitarian objectives of this Act [see Short Title of 1973 Amendment note set out under section 2151 of this title]'."

§2220b. General authority

(a) Programs and activities affecting universities, agriculturally developing countries, and research

To carry out the purposes of this subpart, the President is authorized to provide assistance on such terms and conditions as he shall determine—

(1) to 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 nondomestic 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, democratization, development of free enterprise, environmental and natural resource management, and other related programs.

(Pub. L. 87–195, pt. I, §297, as added Pub. L. 94–161, title III, §312, Dec. 20, 1975, 89 Stat. 863; amended Pub. L. 96–53, title I, §113, Aug. 14, 1979, 93 Stat. 364; Pub. L. 106–373, §3, Oct. 27, 2000, 114 Stat. 1431.)

Amendments

2000—Subsec. (a)(1). Pub. L. 106–373, §3(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "to strengthen the capabilities of universities in teaching, research, and extension work to enable them to implement current programs authorized by paragraphs (2), (3), (4), and (5) of this subsection, and those proposed in the report required by section 2220e of this title;".

Subsec. (a)(3). Pub. L. 106–373, §3(a)(2), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "to provide program support for long-term collaborative university research, in the developing countries themselves to the maximum extent practicable, on food production, distribution, storage, marketing, and consumption;".

Subsec. (a)(4). Pub. L. 106–373, §3(a)(3), inserted "United States" before "universities" and "agricultural" before "research centers" and substituted "multilateral banks, the institutions of agriculturally developing nations, and United States and foreign nongovernmental organizations supporting extension and other productivity-enhancing programs" for "and the institutions of agriculturally developing nations".

Subsec. (b)(1). Pub. L. 106–373, §3(b)(1)(A), substituted "United States universities with public and private partners of universities" for "universities" in introductory provisions.

Subsec. (b)(1)(C). Pub. L. 106–373, §3(b)(1)(B), inserted ", environment," before "and related" and substituted "agriculturalists" for "farmers and farm families".

Subsec. (b)(2). Pub. L. 106–373, §3(b)(2), inserted ", including resources of the private sector," after "Federal or State resources".

Subsec. (b)(3). Pub. L. 106–373, §3(b)(3), substituted ", 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." for "and the United States Department of Agriculture and the United States Department of Commerce."

Subsec. (c)(2). Pub. L. 106–373, §3(c)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "be carried out within the developing countries;".

Subsec. (c)(4). Pub. L. 106–373, §3(c)(2), amended par. (4) generally. Prior to amendment, par. (4) read as follows: "provide for the most effective interrelationship between research, education, and extension in promoting agricultural development in developing countries; and".

Subsec. (e). Pub. L. 106–373, §3(d), added subsec. (e).

1979—Subsec. (a)(3). Pub. L. 96–53, §113(1), inserted provision relating to the scope of effort in developing countries.

Subsec. (c). Pub. L. 96–53, §113(2), reworked activity objectives through revising terminology and structure and expanding such objectives to include requirement for a direct relationship between activities and the food and agricultural needs of developing countries.

Effective Date of 1979 Amendment

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

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.

§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; [1]

(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 Administrator 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.

(Pub. L. 87–195, pt. I, §298, as added Pub. L. 94–161, title III, §312, Dec. 20, 1975, 89 Stat. 864; amended Pub. L. 106–373, §4, Oct. 27, 2000, 114 Stat. 1432.)

References in Text

The Governmental Performance and Results Act of 1993, referred to in subsec. (c)(7), probably means the Government Performance and Results Act of 1993, Pub. L. 103–62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

Amendments

2000—Subsec. (a). Pub. L. 106–373, §4(a), inserted "on a case-by-case basis" before period at end of third sentence.

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)(2)(B). Pub. L. 106–373, §4(c)(1)(B), inserted ", environmental, and related social" before "sciences".

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 "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;" for "in the developing nations."

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 2220b(a)(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 2220b(a)(2), 2220b(a)(4), and 2220b(a)(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.

[1] *So in original. The semicolon probably should be a comma.*

§2220d. Funds for programs and activities

(a) Funds available under section 2151a of this title unaffected by other provisions

The President is authorized to use any of the funds hereafter made available under section 2151a of this title to carry out the purposes of this subpart. Funds made available for such purposes may be used without regard to the provisions of sections 2151h(b) and 2151t(d) of this title.

(b) Foreign currencies

Foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States shall be used to the maximum extent 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.

(Pub. L. 87–195, pt. I, §299, as added Pub. L. 94–161, title III, §312, Dec. 20, 1975, 89 Stat. 865; amended Pub. L. 95–424, title I, §102(c)(2), Oct. 6, 1978, 92 Stat. 941.)

Amendments

1978—Subsec. (a). Pub. L. 95–424 substituted "sections 2151h(b) and 2151t(d) of this title" for "sections 2151h(b), 2171(a), and 2171(d) of this title".

Effective Date of 1978 Amendment

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

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.

§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.

(Pub. L. 87–195, pt. I, §300, as added Pub. L. 94–161, title III, §312, Dec. 20, 1975, 89 Stat. 866; amended Pub. L. 106–373, §5, Oct. 27, 2000, 114 Stat. 1433.)

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.

Termination of Reporting Requirements

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which a report required under this section is listed on page 25), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

Part III—International Organizations and Programs

§2221. General authority

(a) Voluntary contributions; grants and loans in case of the Indus Basin Development Fund

When he determines it to be in the national interest, the President is authorized to make voluntary contributions on a grant basis to international organizations and to programs administered by such organizations, and in the case of the Indus Basin Development Fund administered by the International Bank for Reconstruction and Development to make grants and loans payable as to principal and interest in United States dollars and subject to the provisions of section 2151t(b) of this title, on such terms and conditions as he may determine, in order to further the purposes of subchapter I of this chapter.

(b) Repealed. Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(c) Palestine refugees; considerations and conditions for furnishing assistance

No contributions by the United States shall be made to the United Nations Relief and Works Agency for Palestine Refugees in the Near East except on the condition that the United Nations Relief and Works Agency take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerrilla type organization or who has engaged in any act of terrorism.

(d) Audit of funds; report to Congress and the President

In any case in which a fund established solely by United States contributions under this chapter or any other Act is administered by an international organization under the terms of an agreement between the United States and such international organization, such agreement shall provide that the Comptroller General of the United States shall conduct such audits as are necessary to assure that such fund is administered in accordance with such agreement. The President shall undertake to modify any existing agreement entered into before November 14, 1967, to conform to the requirements of the preceding sentence. The Comptroller General shall report simultaneously to the Congress and the President the results of the audits conducted under this subsection.

(e) Evaluation of United Nations and its affiliated organizations; International Bank for Reconstruction and Development; Asian Development Bank

(1) In the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations of external, professionally qualified groups of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, evaluation, and audits of the programs and activities of such organizations. Such proposal shall provide that such groups shall be established in accordance with such terms of reference as such governing authority may prescribe and that the reports of such groups on each examination, review, evaluation, or audit shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization 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 organizations, propose and actively seek the establishment by the governing authorities of such organizations professionally qualified groups of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, evaluation, and audit of the programs and activities of such organizations. Such proposal shall provide that such groups shall be established in accordance with such terms of reference as such governing authorities may prescribe, and that the reports of such groups on each examination, review, evaluation, or audit shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation groups.

(f) International Fertilizer Development Center; United States participation and assistance

The President is hereby authorized to permit United States participation in the International Fertilizer Development Center and is authorized to use any of the funds made available under this part for the purpose of furnishing assistance to the Center on such terms and conditions as he may determine.

(g) Transfer of funding of technological assistance programs to United Nations Development Program

It is the sense of the Congress that the President should instruct the appropriate representatives of the United States to the United Nations to encourage the specialized agencies of the United Nations to transfer the funding of technical assistance programs carried out by such agencies to the United Nations Development Program.

(h) International Food Policy Research Institute; availability of funds, etc.

The President is authorized to permit the United States to participate in and to use any of the funds made available under subchapter I of this chapter after December 29, 1981, for the purpose of furnishing assistance (on such terms and conditions as the President may determine) to the International Food Policy Research Institute.

(Pub. L. 87–195, pt. I, §301, Sept. 4, 1961, 75 Stat. 433; Pub. L. 89–171, pt. I, §106 (a), Sept. 6, 1965, 79 Stat. 656; Pub. L. 89–583, pt. I, §107(a)–(c), Sept. 19, 1966, 80 Stat. 800; Pub. L. 90–137, pt. I, §110(a), Nov. 14, 1967, 81 Stat. 453; Pub. L. 91–175, pt. I, §108(a), Dec. 30, 1969, 83 Stat. 819; Pub. L. 93–189, §9(1), Dec. 17, 1973, 87 Stat. 718; Pub. L. 94–161, title III, §313(c), Dec. 20, 1975, 89 Stat. 866; Pub. L. 95–424, title I, §§102(b)(2)(A), 117(d), Oct. 6, 1978, 92 Stat. 941, 953; Pub. L. 96–533, title VII, §702, Dec. 16, 1980, 94 Stat. 3156; Pub. L. 97–113, title III, §311(a), title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1536, 1560.)

References in Text

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

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Amendments

1981—Subsec. (b). Pub. L. 97–113, §734(a)(1), struck out subsec. (b) which limited contributions to United Nations Development Program and restricted assistance to Cuba. See section 2370(f) of this title.

Subsec. (e)(3). Pub. L. 97–113, §734(a)(1), struck out par. (3) which required reports by the President and the General Accounting Office of their evaluation of reports of international organizations to United States representatives on those organizations. See section 2394 of this title.

Subsec. (h). Pub. L. 97–113, §311(a), added subsec. (h).

1980—Subsec. (d). Pub. L. 96–533, §702(a), required the Comptroller General to report to Congress and the President the results of the audits.

Subsec. (e)(1). Pub. L. 96–533, §702(b)(1)–(3), substituted "organizations of external, professionally" for "organizations a single professionally", "groups" for "group" in three places, "evaluation, and audits" for "and evaluation", and "evaluation, or audit" for "and evaluation".

Subsec. (e)(2). Pub. L. 96–533, §702(b)(4), (5), required audits of programs and activities and reports of professionally qualified groups to include such audits.

Subsec. (e)(3). Pub. L. 96–533, §702(b)(6), required the Comptroller General to include in the reports to Congress and the President his evaluation of the reports received by the United States representatives to the international organizations and related information.

1978—Subsec. (a). Pub. L. 95–424 substituted "section 2151t(b) of this title" for "section 2161(d) of this title".

Subsec. (g). Pub. L. 95–424 added subsec. (g).

1975—Subsec. (f). Pub. L. 94–161 added subsec. (f).

1973—Subsec. (e). Pub. L. 93–189 added subsec. (e).

1969—Subsec. (c). Pub. L. 91–175 omitted provisions dealing with Israel and Arab governments taking steps toward repatriation of refugees and the extent and success of the United Nations and Arab governments to rectify refugees relief rolls, as criteria for the President to use in determining whether to furnish assistance for such refugees through contributions to the United Nations, omitted provisions dealing with amount of contribution for the fiscal year 1967, and expanded prohibition against the inclusion of members of other guerrilla type organizations or refugees engaged in any act of terrorism.

1967—Subsec. (d). Pub. L. 90–137 added subsec. (d).

1966—Subsec. (a). Pub. L. 89–583, §107(a), authorized in the case of the Indus Basin Development Executive grants and loans payable as to principal and interest in United States dollars and subject to the provisions of section 2161(d) of this title.

Subsec. (b). Pub. L. 89–583, §107(b), substituted "United Nations Development Program" for "United Nations Expanded Program of Technical Assistance and the United States Special Fund" and restricted economic or technical assistance to Cuba.

Subsec. (c). Pub. L. 89–583, §107(c), substituted provisions limiting contributions by the United States for fiscal year 1967 to $13,300,000, for provisions limiting contributions for calendar year 1966 to $15,200,000 and prohibited the making of contributions assisting any refugee who is receiving military training as a member of the Palestine Liberation Army.

1965—Subsec. (c). Pub. L. 89–171 limited contributions by the United States to the United Nations Relief and Works Agency for Palestine Refugees in the Near East to $15,200,000 for the calendar year 1966.

Effective Date of 1978 Amendment

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

Delegation of Functions

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.

Use of Contributions for Projects in Cuba

Pub. L. 91–194, title I, §100, Feb. 9, 1970, 84 Stat. 5, provided in part: "That the President shall seek to assure that no contribution to the United Nations Development Program authorized by the Foreign Assistance Act of 1961, as amended [section 2151 et seq. of this title], shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime."

Similar provisions were contained in Pub. L. 89–691, title I, §100, Oct. 15, 1966, 80 Stat. 1018; Pub. L. 90–249, title I, §100, Jan. 2, 1968, 81 Stat. 936; Pub. L. 90–581, title I, §100, Oct. 17, 1968, 82 Stat. 1137.

§2222. Authorization of appropriations

(a) Grants

(1) There are authorized to be appropriated to the President $270,000,000 for fiscal year 1986 and $236,084,000 for fiscal year 1987 for grants to carry out the purposes of this part, in addition to funds available under other Acts for such purposes. Of the amount appropriated for each of the fiscal years 1986 and 1987 pursuant to these authorizations—

(A) 59.65 percent shall be for the United Nations Development Program;

(B) 19.30 percent shall be for the United Nations Children's Fund;

(C) 7.20 percent shall be for the International Atomic Energy Agency, except that these funds may be contributed to that Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency;

(D) 5.44 percent shall be for Organization of American States development assistance programs;

(E) 3.51 percent shall be for the United Nations Environment Program;

(F) 0.70 percent shall be for the World Meteorological Organization;

(G) 0.70 percent shall be for the United Nations Capital Development Fund;

(H) 0.35 percent shall be for the United Nations Education and Training Program for Southern Africa;

(I) 0.18 percent shall be for the United Nations Voluntary Fund for the Decade for Women;

(J) 0.07 percent shall be for the Convention on International Trade in Endangered Species;

(K) 0.70 percent shall be for the World Food Program;

(L) 0.18 percent shall be for the United Nations Institute for Namibia;

(M) 0.12 percent shall be for the United Nations Trust Fund for South Africa;

(N) 0.04 percent shall be for the United Nations Voluntary Fund for Victims of Torture;

(O) 0.07 percent shall be for the United Nations Industrial Development Organization;

(P) 0.55 percent shall be for the United Nations Development Program Trust Fund to Combat Poverty and Hunger in Africa;

(Q) 0.97 percent shall be for contributions to international conventions and scientific organizations;

(R) 0.18 percent for the United Nations Centre on Human Settlements (Habitat); and

(S) 0.09 percent shall be for the World Heritage Fund.

(2) The Congress reaffirms its support for the work of the Inter-American Commission on Human Rights. To permit such Commission to better fulfill its function of insuring observance and respect for human rights within this hemisphere, not less than $357,000 of the amount appropriated for fiscal year 1976 and $358,000 of the amount appropriated for fiscal year 1977, for contributions to the Organization of American States, shall be used only for budgetary support for the Inter-American Commission on Human Rights.

(b) Indus Basin Development

(1) There is authorized to be appropriated to the President for loans for Indus Basin Development to carry out the purposes of this section, in addition to funds available under this chapter or any other Act for such purposes, for use beginning in the fiscal year 1969, $61,220,000. Such amounts are authorized to remain available until expended.

(2) There is authorized to be appropriated to the President for grants for Indus Basin Development, in addition to any other funds available for such purposes, for use in the fiscal year 1974, $14,500,000, and for use in the fiscal year 1975, $14,500,000, and for use beginning in the fiscal year 1976, $27,000,000, which amounts shall remain available until expended. The President shall not exercise any special authority granted to him under section 2360(a) or 2364(a) of this title to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provision of this chapter.

(c) Prohibition against contributions for volunteer manpower programs

None of the funds available to carry out this part shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, or agency relating to the selection, training, and programing of volunteer manpower.

(d) 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.

(e) to (h) Repealed. Pub. L. 95–424, title VI, §604, Oct. 6, 1978, 92 Stat. 961

(i) International Atomic Energy Agency; safeguards and inspections of nuclear fissile facilities and materials

In addition to amounts otherwise available under this section, there are authorized to be appropriated for fiscal year 1976 $1,000,000 and for fiscal year 1977 $2,000,000 to be available only for the International Atomic Energy Agency to be used for the purpose of strengthening safeguards and inspections relating to nuclear fissile facilities and materials. Amounts appropriated under this subsection are authorized to remain available until expended.

(j) Authorization of appropriations for multilateral and regional drug abuse control programs

In addition to amounts otherwise available under this section for such purposes, there are authorized to be appropriated to the President $3,000,000 for fiscal year 1989 to be available only for United States contributions to multilateral and regional drug abuse control programs. Of the amount authorized to be appropriated by this subsection—

(1) $2,000,000 shall be for a United States contribution to the United Nations Fund for Drug Abuse Control;

(2) $600,000 shall be for the Organization of American States (OAS) Inter-American Drug Abuse Control Commission (CICAD) Legal Development Project, except that the proportion which such amount bears to the total amount of contributions to this specific project may not exceed the proportion which the United States contribution to the budget of the Organization of American States for that fiscal year bears to the total contributions to the budget of the Organization of American States for that fiscal year; and

(3) $400,000 shall be for the Organization of American States (OAS) Inter-American Drug Abuse Control Commission (CICAD) Law Enforcement Training Project, except that the proportion which such amount bears to the total amount of contributions to this specific project may not exceed the proportion which the United States contribution to the budget of the Organization of American States for that fiscal year bears to the total contributions to the budget of the Organization of American States for that fiscal year.

(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 GAVI Fund.

(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).

(Pub. L. 87–195, pt. I, §302, Sept. 4, 1961, 75 Stat. 433; Pub. L. 87–565, pt. I, §107, Aug. 1, 1962, 76 Stat. 259; Pub. L. 88–205, pt. I, §108, Dec. 16, 1963, 77 Stat. 383; Pub. L. 88–633, pt. I, §106, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89–171, pt. I, §106(b), Sept. 6, 1965, 79 Stat. 656; Pub. L. 89–583, pt. I, §107(d), Sept. 19, 1966, 80 Stat. 801; Pub. L. 90–137, pt. I, §110(b), Nov. 14, 1967, 81 Stat. 454; Pub. L. 90–554, pt. I, §108, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–175, pt. I, §108(b)–(d), Dec. 30, 1969, 83 Stat. 819; Pub. L. 92–226, pt. I, §107, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93–189, §9(2)–(5), Dec. 17, 1973, 87 Stat. 719; Pub. L. 93–559, §9, Dec. 30, 1974, 88 Stat. 1798; Pub. L. 94–161, title III, §313(a), Dec. 20, 1975, 89 Stat. 866; Pub. L. 94–329, title V, §505, June 30, 1976, 90 Stat. 764; Pub. L. 95–88, title I, §118(a), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95–424, title I, §117(a), (b)(1), (c), title VI, §604, Oct. 6, 1978, 92 Stat. 952, 953, 961; Pub. L. 96–53, title I, §114(a), Aug. 14, 1979, 93 Stat. 364; Pub. L. 96–533, title III, §309, Dec. 16, 1980, 94 Stat. 3148; Pub. L. 97–113, title III, §311(b), title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1536, 1560; Pub. L. 99–83, title IV, §402(a), Aug. 8, 1985, 99 Stat. 217; Pub. L. 99–529, title IV, §404(2), Oct. 24, 1986, 100 Stat. 3019; Pub. L. 100–690, title IV, §4107, Nov. 18, 1988, 102 Stat. 4266; Pub. L. 106–264, title I, §112(a), Aug. 19, 2000, 114 Stat. 753; Pub. L. 108–25, title II, §203, May 27, 2003, 117 Stat. 727;

Pub. L. 110–293, title II, §201, July 30, 2008, 122 Stat. 2936; Pub. L. 111–117, div. F, title VII, §7034(q)(2), Dec. 16, 2009, 123 Stat. 3363.)

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

2009—Subsec. (l). Pub. L. 111–117, which directed substitution in subsec. (l) of "GAVI Alliance" for "Vaccine Fund", could not be executed because "Vaccine Fund" did not appear in text.

2008—Subsec. (d). Pub. L. 110–293, §201(1), added subsec. (d).

Subsec. (k). Pub. L. 110–293, §201(2), substituted "fiscal years 2009 through 2013" for "fiscal years 2004 through 2008" and "GAVI Fund" for "Vaccine Fund".

Subsecs. (l), (m). Pub. L. 110–293, §201(3), (4), substituted "fiscal years 2009 through 2013" for "fiscal years 2004 through 2008".

2003—Subsec. (k). Pub. L. 108–25, §203(a), 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. (l). Pub. L. 108–25, §203(b), substituted "such sums as may be necessary for each of the fiscal years 2004 through 2008" for "$10,000,000 for each of the fiscal years 2001 and 2002".

Subsec. (m). Pub. L. 108–25, §203(c), added subsec. (m).

2000—Subsecs. (k), (l). Pub. L. 106–264 added subsecs. (k) and (l).

1988—Subsec. (j). Pub. L. 100–690 added subsec. (j).

1986—Subsec. (a)(1). Pub. L. 99–529 substituted "$236,084,000 for fiscal year 1987" for "$270,000,000 for fiscal year 1987".

1985—Subsec. (a)(1). Pub. L. 99–83 substituted provisions relating to amounts authorized, percentages, and covered programs for fiscal years 1986 and 1987, for provisions relating to amounts authorized, percentages, and covered programs for fiscal years 1982 and 1983.

1981—Subsec. (a)(1). Pub. L. 97–113 substituted appropriations of $218,600,000 for fiscal years 1982 and 1983 for appropriation of $233,350,000 for fiscal year 1981 and added cls. (A) to (E).

Subsec. (a)(3). Pub. L. 97–113 struck out par. (3) which prohibited, for fiscal year 1979, funding of the United Nations Institute for Namibia unless the President found that the money would not be used for Southwest African Peoples Organization.

1980—Subsec. (a)(1). Pub. L. 96–533 substituted appropriations authorization of $233,350,000 for fiscal year 1981 for prior authorization of $267,280,000 for fiscal year 1980, including $42,500,000 of this amount for voluntary contributions to the United Nations Relief and Works Agency for Palestine Refugees, increasable to $52,000,000 upon certification of the President to Congress that members of Organization of Petroleum Exporting Countries have made equivalent matching contributions.

1979—Subsec. (a)(1). Pub. L. 96–53 substituted provisions authorizing appropriations of $267,280,000 for fiscal year 1980, for provisions authorizing appropriations of $285,450,000 for fiscal year 1979 and provisions respecting availability of funds for United Nations Trust Fund on South Africa, and the Namibia Institute, and availability of appropriations for fiscal year 1978.

1978—Subsec. (a)(1). Pub. L. 95–424, §117(a), (b)(1), substituted "$285,450,000 for the fiscal year 1979 of which not to exceed $300,000 shall be available for contributions to the United Nations Trust Fund on South Africa" for "for the fiscal year 1977, $219,900,000 and for the fiscal year 1978, $252,000,000"; substituted "fiscal year 1978, not to exceed $52,000,000" for "fiscal year 1978, not to exceed $42,500,000", and inserted provision relating to voluntary contributions to the United Nations Relief and Works Agency for Palestine Refugees.

Subsec. (a)(3). Pub. L. 95–424, §117(c), added par. (3).

Subsec. (d). Pub. L. 95–424, §604, struck out subsec. (d) which related to contributions to the United Nations Children's Fund for fiscal years 1976 and 1977.

Subsec. (e). Pub. L. 95–424, §604, struck out subsec. (e) which related to added contributions for expansion of technical and vocational training of Arab refugees.

Subsec. (f). Pub. L. 95–424, §604, struck out subsec. (f) which related to appropriation of Egyptian pounds for technical and vocational training and other assistance to Arab refugees.

Subsec. (g). Pub. L. 95–424, §604, struck out subsec. (g) which related to availability of funds for the International Atomic Energy Agency.

Subsec. (h). Pub. L. 95–424, §604, struck out subsec. (h) which related to prohibition of expenditures for the United Nations Educational, Scientific, and Cultural Organization.

1977—Subsec. (a)(1). Pub. L. 95–88 struck out provisions which authorized appropriations of $127,822,000 for fiscal year 1974, $165,000,000 for fiscal year 1975, and $194,500,000 for fiscal year 1976, inserted provisions authorizing an appropriation of $252,000,000 for fiscal year 1978, and inserted requirement that, of the funds authorized to be appropriated under subsec. (a) for fiscal year

1978, not to exceed $42,500,000 be available for voluntary contributions to the United Nations Relief and Works Agency for Palestine Refugees.

1976—Subsec. (i). Pub. L. 94–329 added subsec. (i).

1975—Subsec. (a)(1). Pub. L. 94–161, §313(a)(1)(A), (B), authorized appropriations of $194,500,000 and $219,900,000 for fiscal years 1976 and 1977, required maximum contribution of $250,000 to be made to the Namibia Institute, and designated existing provisions as par. (1).

Subsec. (a)(2). Pub. L. 94–161, §313(a)(1)(C), added par. (2).

Subsec. (b)(1). Pub. L. 94–161, §313(a)(2), substituted "$61,220,000" for "$51,220,000".

Subsec. (b)(2). Pub. L. 94–161, §313(a)(3), authorized appropriations of $27,000,000 for use beginning in fiscal year 1976.

Subsec. (d). Pub. L. 94–161, §313(a)(4), substituted appropriations authorization of $20,000,000 for fiscal years 1976 and 1977, for prior appropriations authorization of $18,000,000 for fiscal years 1974 and 1975.

1974—Subsec. (a). Pub. L. 93–559, §9(a)(1), increased appropriations authorization for fiscal year 1975 to $165,000,000 from $150,000,000.

Subsecs. (g), (h). Pub. L. 93–559, §9(a)(2), added subsecs. (g) and (h).

1973—Subsec. (a). Pub. L. 93–189, §9(2), substituted "for the fiscal year 1974, $127,822,000 and for the fiscal year 1975, $150,000,000", for "for the fiscal year 1972, $138,000,000 and for the fiscal year 1973, $138,000,000".

Subsec. (b)(2). Pub. L. 93–189, §9(3), substituted "for use in the fiscal year 1974, $14,500,000, and for use in the fiscal year 1975, $14,500,000", for "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000".

Subsec. (d). Pub. L. 93–189, §9(4), substituted provisions directing that out of the funds made available for carrying out this part $18,000,000 be available in each of fiscal years 1974 and 1975 for contributions to the United Nations Children's Fund, for provisions authorizing the appropriation of $1,000,000 for fiscal year 1969 for contributions to the United Nations Children's Fund during the calendar year 1969 and directing that funds made thus available be in addition to funds available under this chapter or any other Act for such contributions and not be taken into account in computing the aggregate amount of United States contributions to such fund for the calendar year 1969.

Subsec. (e). Pub. L. 93–189, §9(5), substituted "$2,000,000 for the fiscal year 1974 and $2,000,000 for the fiscal year 1975", for "$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973".

1972—Subsec. (a). Pub. L. 92–226, §107(a), authorized appropriations of $138,000,000 for fiscal years 1972 and 1973, and struck out provisions for authorization of $122,620,000 for fiscal years 1970 and 1971.

Subsec. (b)(2). Pub. L. 92–226, §107(b), authorized appropriations of $15,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $7,530,000 for fiscal years 1970 and 1971; and prohibited the President from exercising any special authority to transfer any amount appropriated under par. (2) to, and to consolidate such amount with, any funds made available under any other provision of this chapter.

Subsec. (e). Pub. L. 92–226, §107(c), authorized appropriations of $1,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $1,000,000 for fiscal years 1970 and 1971.

Subsec. (f). Pub. L. 92–226, §107(d), added subsec. (f).

1969—Subsec. (a). Pub. L. 91–175, §108(b), substituted "fiscal year 1970, $122,620,000, and for the fiscal year 1971, $122,620,000" for "fiscal year 1969, $135,000,000".

Subsec. (b). Pub. L. 91–175, §108(c), designated existing provisions as par. (1) and added par. (2).

Subsec. (e). Pub. L. 91–175, §108(d), added subsec. (e).

1968—Subsec. (a). Pub. L. 90–554, §108(a), substituted authorization of $135,000,000 for fiscal year 1969, for authorization of $141,000,000 for fiscal year 1968.

Subsec. (d). Pub. L. 90–554, §108(b), added subsec. (d).

1967—Subsec. (a). Pub. L. 90–137, §110(b)(1), substituted authorization of $141,000,000 for fiscal year 1968, for authorization of $140,433,000, for fiscal year 1967.

Subsec. (b). Pub. L. 90–137, §110(b)(2), substituted appropriation authorization of $51,220,000 for fiscal year 1969, for Indus Basin Development for appropriations authorization of $1,000,000 for fiscal year 1967, for contributions to United Nations Children's Fund during calendar year 1967 and for exclusion of such contributions from computation of aggregate amount of United States contributions to the fund during calendar year 1967.

1966—Subsec. (a). Pub. L. 89–583 designated existing provisions as subsec. (a) and (c), substituted in subsec. (a) "grants" for "use" and authorization of $140,433,000 for fiscal year 1967 for authorization of $144,755,000 for fiscal year 1966, and added subsec. (b).

1965—Pub. L. 89–171 substituted "1966" and "$144,755,000" for "1965" and "$134,272,400", respectively.

1964—Pub. L. 88–633 substituted "1965" and "$134,272,400" for "1964" and "$136,050,000", respectively, and prohibited contribution of funds for payment of costs of volunteer manpower programs.

1963—Pub. L. 88–205 substituted "1964" and "$136,050,000" for "1963" and "$148,900,000", respectively.

1962—Pub. L. 87–565 substituted "1963" and "$148,900,000" for "1962" and "$153,500,000", respectively.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

Delegation of Functions

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 on Palestine Refugee Ration Distribution System

Pub. L. 95–424, title I, §117(b)(2), Oct. 6, 1978, 92 Stat. 953, which provided that, not later than Jan. 31, 1979, the Secretary of State provide the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives with a full and detailed report on the progress made by the Commissioner-General of the United Nations Relief and Works Agency to improve the ration distribution system so that food to Palestine refugees can be more equitably distributed on the basis of need, rather than entitlement, was repealed by Pub. L. 97–113, title VII, §734(a)(5), Dec. 29, 1981, 95 Stat. 1560.

Authorization of Appropriations for Contributions to the World Assembly on Aging

Pub. L. 95–424, title I, §117(e), Oct. 6, 1978, 92 Stat. 953, provided that: "In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President not to exceed $1,000,000 for contributions to the World Assembly on Aging to be convened under the auspices of the United Nations, except that the amount so contributed may not exceed 25 percent of the expenditures of such Assembly. Amounts appropriated under this subsection [this note] are authorized to remain available until expended."

§2223. Indus Basin development

In the event that funds made available under this chapter (other than subchapter II of this chapter) are used by or under the supervision of the International Bank for Reconstruction and Development in furtherance of the development of the Indus Basin through the program of cooperation among South Asian and other countries of the free world, which is designed to promote economic growth and political stability in South Asia, such funds may be used in accordance with requirements, standards, or procedures established by the Bank concerning completion of plans and cost estimates and determination of feasibility, rather than with requirements, standards, or procedures, concerning such matters set forth in this chapter or other Acts; and such funds may also be used without regard to the provisions of section 55305 of title 46, whenever the President determines that such provisions cannot be fully satisfied without seriously impeding or preventing accomplishment of the purposes of such programs: *Provided*, That compensating allowances are made in the administration of other programs to the same or other areas to which the requirements of said section 55305 of title 46 are applicable.

(Pub. L. 87–195, pt. I, §303, Sept. 4, 1961, 75 Stat. 433.)

References in Text

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

References to Subchapter II Deemed To Exclude Certain Parts of Subchapter II

References to subchapter II of this chapter are deemed to exclude parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II, and references to subchapter I of this

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

Codification

In text, "section 55305 of title 46" substituted for "section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241)" and "said section 55305" substituted for "said section 901(b)" on authority of Pub. L. 109–304, §18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 55305 of Title 46, Shipping.

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.

§2224. Repealed. Pub. L. 95–424, title VI, §604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. I, §304, as added Pub. L. 90–137, pt. I, §110(c), Nov. 14, 1967, 81 Stat. 454, related to exploration by the President of means and prospects of establishing improved peacekeeping arrangements for standby forces maintained by the United Nations.

Effective Date of Repeal

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

§2225. Integration of women

The President is requested to instruct each representative of the United States to each international organization of which the United States is a member (including but not limited to the International Bank for Reconstruction and Development, the Asian Development Bank, the Inter-American Development Bank, the International Monetary Fund, the United Nations, and the Organization for Economic Cooperation and Development) to carry out their duties with respect to such organizations in such a manner as to encourage and promote the integration of women into the national economies of member and recipient countries and into professional and policy-making positions within such organizations, thereby improving the status of women. The President is further requested, in making United States contributions to such organizations, to take into account the progress, or lack of progress, of such organizations in adopting and implementing policies and practices which encourage and promote the integration of women into the national economies of member and recipient countries, and into professional and policy-making positions within such organizations, in accordance with the World Plan of Action of the Decade for Women.

(Pub. L. 87–195, pt. I, §305, as added Pub. L. 93–559, §54, Dec. 30, 1974, 88 Stat. 1818; amended Pub. L. 94–161, title III, §313(b), Dec. 20, 1975, 89 Stat. 866; Pub. L. 95–88, title I, §118(b), Aug. 3, 1977, 91 Stat. 540.)

Amendments

1977—Pub. L. 95–88 inserted request that President, in making United States contributions, take into account the progress, or lack of progress, of organizations in adopting and implementing policies and practices which encourage and promote the integration of women into the national economies of member and recipient countries, and into professional and policy-making positions within such organizations, in accordance with the World Plan of Action of the Decade for Women.

1975—Pub. L. 94–161 corrected the credit to read "pt. I" rather than "pt. III".

Delegation of Functions

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.

§2226. Reports on international organizations

The annual reports to the Congress under section 262a of this title, shall be submitted within nine months after the end of the fiscal year to which they relate.

(Pub. L. 87–195, pt. I, §306, as added Pub. L. 96–533, title VII, §703, Dec. 16, 1980, 94 Stat. 3157; amended Pub. L. 105–362, title XIII, §1301(b), Nov. 10, 1998, 112 Stat. 3293.)

Amendments

1998—Pub. L. 105–362 struck out subsec. (a) designation and struck out subsec. (b) which related to President's semiannual reports to Congress concerning voluntary contributions by United States Government to international organizations.

§2227. Withholding of United States proportionate share for certain programs of international organizations

(a) Covered programs

Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this part shall be available for the United States proportionate share for programs for Burma, 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) and the amount contributed by the United States to each such organization.

(c) Exceptions

(1) Subject to paragraph (2), the limitations of subsection (a) shall not apply to contributions to the International Atomic Energy Agency or the United Nations Children's Fund (UNICEF).

(2)(A) Except as provided in subparagraph (B), with respect to funds authorized to be appropriated by this part and available for the International Atomic Energy Agency, the limitations of subsection (a) shall apply to programs or projects of such Agency in Cuba.

(B)(i) Subparagraph (A) shall not apply with respect to programs or projects of the International Atomic Energy Agency that provide for the discontinuation, dismantling, or safety inspection of nuclear facilities or related materials, or for inspections and similar activities designed to prevent the development of nuclear weapons by a country described in subsection (a).

(ii) Clause (i) shall not apply with respect to the Juragua Nuclear Power Plant near Cienfuegos, Cuba, or the Pedro Pi Nuclear Research Center unless Cuba—

(I) ratifies the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (commonly known as the Treaty of Tlatelolco);

(II) negotiates full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

(III) incorporates internationally accepted nuclear safety standards.

(d) Programs and projects of the International Atomic Energy Agency in Iran

(1) Notwithstanding subsection (c), 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) 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.

(Pub. L. 87–195, pt. I, §307, as added Pub. L. 99–83, title IV, §403, Aug. 8, 1985, 99 Stat. 219; amended Pub. L. 103–236, title IV, §431(a), Apr. 30, 1994, 108 Stat. 459; Pub. L. 105–277, div. A, §101(d) [title V, §516], div. G, subdiv. B, title XXVIII, §2809(a), Oct. 21, 1998, 112 Stat. 2681–150, 2681-174, 2681-849; Pub. L. 107–228, div. B, title XIII, §1342, Sept. 30, 2002, 116 Stat. 1451; Pub. L. 109–13, div. A, title II, §2101, May 11, 2005, 119 Stat. 266; Pub. L. 110–161, div. J, title VI, §616, Dec. 26, 2007, 121 Stat. 2320.)

References in Text

Section 3 of the Foreign Relations Authorization Act, Fiscal Year 2003, referred to in subsec. (d)(1), is section 3 of Pub. L. 107–228, which is set out as a note under section 2651 of this title.

Amendments

2007—Subsec. (a). Pub. L. 110–161 struck out "Libya," after "Syria,".

2005—Subsec. (a). Pub. L. 109–13 struck out "Iraq," after "Burma,".

2002—Subsec. (d). Pub. L. 107–228 added subsec. (d).

1998—Subsec. (a). Pub. L. 105–277, §101(d) [title V, §516], inserted before period at end ", or at the discretion of the President, Communist countries listed in section 2370(f) of this title".

Subsec. (c). Pub. L. 105–277, §2809(a), designated existing provisions as par. (1), substituted "Subject to paragraph (2), the limitations" for "The limitations", and added par. (2).

1994—Subsec. (a). Pub. L. 103–236, §431(a)(1), substituted "Burma, Iraq, North Korea, Syria" for "the South-West Africa People's Organization".

Subsec. (c). Pub. L. 103–236, §431(a)(2), added subsec. (c).

Effective Date

Section effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as an Effective Date of 1985 Amendment note under section 2151–1 of this title.

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.

§2228. International Muslim Youth Opportunity Fund

(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.

(Pub. L. 108–458, title VII, §7114, Dec. 17, 2004, 118 Stat. 3798; Pub. L. 110–53, title XX, §2012, Aug. 3, 2007, 121 Stat. 509.)

References in Text

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (b)(1), is Pub. L. 87–256, Sept. 21, 1961, 75 Stat. 527, which is classified principally to chapter 33 (§2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

August 3, 2007, referred to in subsec. (b)(6), was in the original "the date of the enactment of this section" and was translated as meaning the date of enactment of Pub. L. 110–53, which generally amended this section, to reflect the probable intent of Congress.

Codification

Section was enacted as part of the Intelligence Reform and Terrorism Prevention Act of 2004 and also as part of the 9/11 Commission Implementation Act of 2004, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Amendments

2007—Pub. L. 110–53 amended section catchline and text generally, substituting provisions relating to purpose of section, authority of President to establish an International Muslim Youth Opportunity Fund as a separate fund in the Treasury or through an international organization or financial institution, and authority of Fund to support specified activities, for provisions setting forth congressional findings and authorizing the Secretary of State to establish an International Youth Opportunity Fund through an existing international organization.

Findings; Policy

Pub. L. 110–53, title XX, §2011, Aug. 3, 2007, 121 Stat. 509, provided that:

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

"(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that '[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamist terrorism'.

"(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'.

"(3) While Congress endorsed such a program in the Intelligence 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—

"(1) to work toward the goal of dramatically increasing the availability of modern basic education through public schools in predominantly Muslim countries, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

"(2) to join with other countries in generously supporting the International Muslim Youth Opportunity Fund authorized under section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 [22 U.S.C. 2228], as amended by section 2012 of this Act, with the goal of building and supporting public primary and secondary schools in predominantly Muslim countries that commit to sensibly investing the resources of such countries in modern public education;

"(3) to offer additional incentives to increase the availability of modern basic education in predominantly Muslim countries; and

"(4) to work to prevent financing of educational institutions that support radical Islamic fundamentalism."

ASSIGNMENT OF SPECIFIED REPORTING AND DETERMINATION FUNCTIONS RELATING TO AFGHANISTAN, PAKISTAN, SAUDI ARABIA, AND CERTAIN EDUCATION ABROAD

Memorandum of President of the United States, Sept. 28, 2007, 72 F.R. 56871, provided:

Memorandum for the Secretary of State[,] the Secretary of Defense[, and] the Director of National Intelligence

By virtue of the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby assign to the Secretary of State the functions of the President under sections 2041(d)(3), 2042(c)(1), 2042(d), and 2043(c)(1) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53) (the "9/11 Act") and section 7114(b)(6) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), as amended.

The Secretary of State shall consult with:

(1) the Secretary of Defense in the performance of the functions in section 2041(d)(3) of the 9/11 Act; and

(2) the Secretary of Defense and the Director of National Intelligence in the performance of the functions in section 2043(c)(1) of the 9/11 Act.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

[1] *So in original. Probably should be "subparagraph (A)".*

PART IV—SUPPORTING ASSISTANCE

REFERENCES TO PART IV OF SUBCHAPTER I DEEMED REFERENCES TO PART IV OF SUBCHAPTER II

References to part IV of subchapter I of this chapter, or any sections thereof, are deemed references to part IV of subchapter II (§2346 et seq.) of this chapter, or to appropriate sections thereof. See section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

§§2241 to 2243. Repealed. Pub. L. 92–226, pt. II, §202(b), Feb. 7, 1972, 86 Stat. 27

Section 2241, Pub. L. 87–195, pt. I, §401, Sept. 4, 1961, 75 Stat. 434; Pub. L. 89–583, pt. I, §108(a), Sept. 19, 1966, 80 Stat. 801; Pub. L. 90–137, pt. I, §111(a), Nov. 14, 1967, 81 Stat. 454, provided for general authority and limitation on countries to receive assistance.

Section 2242, Pub. L. 87–195, pt. I, §402, Sept. 4, 1961, 75 Stat. 434; Pub. L. 87–565, pt. I, §108, Aug. 1, 1962, 76 Stat. 259; Pub. L. 88–205, pt. I, §109, Dec. 16, 1963, 77 Stat. 383; Pub. L. 88–633, pt. I, §107, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89–171, pt. I, §107, Sept. 6, 1965, 79 Stat. 656; Pub. L. 89–371, §1, Mar. 18, 1966, 80 Stat. 74; Pub. L. 89–583, pt. I, §108(b), Sept. 19, 1966, 80 Stat. 801; Pub. L. 90–137, pt. I, §111(b), Nov. 14, 1967, 81 Stat. 454; Pub. L. 90–554, pt. I, §109, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–

175, pt. I, §109, Dec. 30, 1969, 83 Stat. 819; Pub. L. 91–652, §5, Jan. 5, 1971; 84 Stat. 1942, provided for authorization of appropriations, executive approval of budgeting of proceeds by Vietnam for economic assistance projects or programs, and executive approval of accommodation rate of exchange between United States and Vietnam.

Section 2243, Pub. L. 87–195, pt. I, §403, as added Pub. L. 90–137, pt. I, §111(c), Nov. 14, 1967, 81 Stat. 454, provided for United States refund claims.

For subject matters of sections 2241 to 2243 of this title, see sections 2346, 2346a, and 2346b of this title, respectively.

Part V—Contingencies

§2261. Authorization of appropriations

(a) Emergency assistance; reports to Speaker of House and committees of Senate

(1) Notwithstanding any other provision of law, the President is authorized to use funds made available to carry out any provision of this chapter (other than the provisions of part I of this subchapter) in order to provide, for any unanticipated contingencies, assistance authorized by subchapter I of this chapter in accordance with the provisions applicable to the furnishing of such assistance, except that the authority of this subsection may not be used to authorize the use of more than $25,000,000 during any fiscal year.

(2) The President shall report promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate each time he exercises the authority contained in this subsection.

(b) Repealed. Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(c) Prohibition against payment of gifts to foreign officials

No part of this fund shall be used to pay for any gifts to any officials of any foreign government made heretofore or hereafter.

(Pub. L. 87–195, pt. I, §451, Sept. 4, 1961, 75 Stat. 434; Pub. L. 87–565, pt. I, §109, Aug. 1, 1962, 76 Stat. 259; Pub. L. 88–205, pt. I, §110, Dec. 16, 1963, 77 Stat. 384; Pub. L. 88–633, pt. I, §108, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89–171, pt. I, §108, Sept. 6, 1965, 79 Stat. 656; Pub. L. 89–371, §2, Mar. 18, 1966, 80 Stat. 74; Pub. L. 89–583, pt. I, §109, Sept. 19, 1966, 80 Stat. 801; Pub. L. 90–137, pt. I, §112, Nov. 14, 1967, 81 Stat. 455; Pub. L. 90–554, pt. I, §110, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–175, pt. I, §110, Dec. 30, 1969, 83 Stat. 819; Pub. L. 91–652, §6(a), Jan. 5, 1971, 84 Stat. 1942; Pub. L. 92–226, pt. I, §108, Feb. 7, 1972, 86 Stat. 24; Pub. L. 93–189, §10, Dec. 17, 1973, 87 Stat. 719; Pub. L. 93–559, §28(c), Dec. 30, 1974, 88 Stat. 1803; Pub. L. 94–329, title V, §503(2), June 30, 1976, 90 Stat. 763; Pub. L. 95–92, §2, Aug. 4, 1977, 91 Stat. 614; Pub. L. 95–384, §2, Sept. 26, 1978, 92 Stat. 730; Pub. L. 96–92, §2(b), Oct. 29, 1979, 93 Stat. 701; Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560; Pub. L. 101–513, title V, §588, Nov. 5, 1990, 104 Stat. 2056.)

References in Text

This chapter, referred to in subsec. (a)(1), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

References to Part I Deemed To Include Section 2293

References to part I of this subchapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Amendments

1990—Subsec. (a)(1). Pub. L. 101–513 struck out "not to exceed $10,000,000 of" after "authorized to use" and "in any fiscal year" after "funds made available", substituted "unanticipated contingencies" for "emergency purposes", and directed the amendment of subsec. (a) by inserting before the period ", except that the authority of this subsection may not be used to authorize the use of more than $25,000,000 during any fiscal year", which was executed by making the insertion before the period in par. (1) to reflect the probable intent of Congress.

1981—Subsec. (b). Pub. L. 97–113 struck out subsec. (b) which required quarterly Presidential reports to Committees of Senate and Speaker of House on the programming and obligation of funds under this section.

1979—Subsec. (a)(1). Pub. L. 96–92 designated existing provisions as par. (1), substituted authorization of $10,000,000 when made available in any fiscal year for emergency purposes for appropriation authorization of $5,000,000 for emergency purposes in fiscal year 1979, and deleted provision making appropriated amounts available until expended.

Subsec. (a)(2). Pub. L. 96–92 added par. (2).

1978—Subsec. (a). Pub. L. 95–384 substituted "fiscal year 1979 not to exceed $5,000,000" for "fiscal year 1978 not to exceed $5,000,000".

1977—Subsec. (a). Pub. L. 95–92 substituted provisions authorizing appropriations of not to exceed $5,000,000 for fiscal year 1978, for provisions authorizing appropriations of not to exceed $5,000,000 for fiscal years 1976 and 1977.

1976—Subsec. (a). Pub. L. 94–329 substituted "fiscal year 1976 not to exceed $5,000,000 and for the fiscal year 1977 not to exceed $5,000,000" for "fiscal year 1975 not to exceed $5,000,000," and "authorized by subchapter I of this chapter for any emergency" for "authorized by this subchapter or by section 2399 of this title for any emergency" and inserted provision authorizing that funds appropriated remain available until expended.

1974—Subsec. (a). Pub. L. 93–559 substituted appropriations authorization of $5,000,000 for fiscal year 1975 for prior authorization of $30,000,000 for fiscal years 1974, and 1975, and authorized assistance under section 2399 of this title and for any emergency purpose.

Subsec. (b). Pub. L. 93–559 substantially reenacted subsec. (b) provisions, substituting "submit" for "provide".

Subsec. (c). Pub. L. 93–559 added subsec. (c).

1973—Subsec. (a). Pub. L. 93–189 substituted provisions authorizing the appropriation of not to exceed $30,000,000 for each of the fiscal years 1974 and 1975, for provisions authorizing the appropriation of not to exceed $30,000,000 for each of the fiscal years 1972 and 1973, substituted "to provide assistance authorized by this subchapter primarily for disaster relief purposes, in accordance with the provisions applicable to the furnishing of such assistance", for "for use by the President for assistance authorized by this subchapter in accordance with the provisions applicable to the furnishing of such assistance, when he determines such use to be important to the national interest", and struck out a proviso for the use of $15,000,000, in addition to any other available funds, out of the funds appropriated for fiscal year 1971 for the flood victims of the East Pakistan flood.

1972—Subsec. (a). Pub. L. 92–226 authorized appropriations not to exceed $30,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of not to exceed $15,000,000 for fiscal year 1970, and not to exceed $30,000,000 for fiscal year 1971.

1971—Subsec. (a). Pub. L. 91–652 substituted "1971 not to exceed $30,000,000" for "1971 not to exceed $15,000,000", and inserted proviso which required $15,000,000 of the amount authorized for the fiscal year 1971 to be used for the relief of cyclone, etc., victims in East Pakistan.

1969—Subsec. (a). Pub. L. 91–175 substituted " fiscal year 1970 not to exceed $15,000,000, and for the fiscal year 1971 not to exceed $15,000,000" for "fiscal year 1968 not to exceed $50,000,000, and for the fiscal year 1969 not to exceed $10,000,000".

1968—Subsec. (a). Pub. L. 90–554 authorized an appropriation of $10,000,000 for fiscal year 1969.

1967—Subsec. (a). Pub. L. 90–137 substituted "1968" and "$50,000,000" for "1967" and "$110,000,000", respectively.

1966—Subsec. (a). Pub. L. 89–583, §109(a), substituted "1967" and "$110,000,000" for "1966" and "$150,000,000", respectively, and struck out second and third sentences which authorized withholding of assistance, from fiscal year 1966 funds, to any country permitting transportation of equipment, materials, or commodities to or from North Vietnam unless contrary to national interest of United States and authorized the appropriation of such sums, not to exceed $89,000,000, as may be necessary in the fiscal year 1966 for programs authorized by subchapters I and II of this chapter, to the President for use in Southeast Asia.

Pub. L. 89–371 substituted "$150,000,000" for "$50,000,000" and authorized withholding of assistance, from fiscal 1966 funds, to any country permitting transportation of equipment, materials, or commodities to or from North Vietnam unless contrary to national interest of United States.

Subsec. (b). Pub. L. 89–583, §109(b), struck out "the first sentence of" before "subsection (a)".

1965—Subsec. (a). Pub. L. 89–171, §108(a), substituted "1966" and "$50,000,000" for "1965" and "$150,000,000", respectively, and authorized the appropriation of such sums, not to exceed $89,000,000, as may be necessary in the fiscal year 1966 for programs authorized by subchapters I and II of this chapter, to the President for use in Southeast Asia.

Subsec. (b). Pub. L. 89–171, §108(b), substituted "the first sentence of subsection (a) of this section" for "this section".

1964—Subsec. (a). Pub. L. 88–633 substituted "1965" and "$150,000,000" for "1964" and "$160,000,000", respectively.

1963—Subsec. (a). Pub. L. 88–205 substituted "1964" and "$160,000,000" for "1963" and "$300,000,000", respectively.

1962—Subsec. (a). Pub. L. 87–565, §109(a), substituted "1963" for "1962".

Subsec. (b). Pub. L. 87–565, §109(b), substituted "provide quarterly reports to" for "keep", and "on the programing and the obligation" for "currently informed of the use".

Delegation of Functions

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

Pub. L. 91–652, §6(b), Jan. 5, 1971, 84 Stat. 1943, 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

Section, Pub. L. 87–195, pt. I, §494, formerly §452, as added Pub. L. 93–333, §2(2), July 8, 1974, 88 Stat. 290; renumbered Pub. L. 94–161, title I, §101(4), Dec. 20, 1975, 89 Stat. 850, authorizing appropriations for disaster relief in Pakistan and Nicaragua, was transferred to section 2292c of this title, prior to repeal by Pub. L. 112–74, div. I, title VII, §7034(l), Dec. 23, 2011, 125 Stat. 1216.

Part VI—Central America Democracy, Peace, and Development Initiative

§2271. Statement of policy

(a) Congressional findings

The Congress finds that—

(1) the building of democracy, the restoration of peace, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States; and

(2) the interrelated issues of social and human progress, economic growth, political reform, and regional security must be effectively dealt with to assure a democratic and economically and politically secure Central America.

(b) Policy requirements

(1) The achievement of democracy, respect for human rights, peace, and equitable economic growth depends primarily on the cooperation and the human and economic resources of the people and governments of Central America. The Congress recognizes that the United States can make a significant contribution to such peaceful and democratic development through a consistent and coherent policy which includes a long-term commitment of assistance. This policy should be designed to support actively—

(A) democracy and political reform, including opening the political process to all members of society;

(B) full observance of internationally recognized human rights, including free elections, freedom of the press, freedom of association, and the elimination of all human rights abuses;

(C) leadership development, including training and educational programs to improve public administration and the administration of justice;

(D) land reform, reform in tax systems, encouragement of private enterprise and individual initiative, creation of favorable investment climates, curbing corruption where it exists, and spurring balanced trade;

(E) the establishment of the rule of law and an effective judicial system; and

(F) the termination of extremist violence by both the left and the right as well as vigorous action to prosecute those guilty of crimes and the prosecution to the extent possible of past offenders.

(2) The policy described in paragraph (1) should also promote equitable economic growth and development, including controlling the flight of capital and the effective use of foreign assistance and adhering to approved programs for economic stabilization and fiscal responsibility. Finally, this policy should foster dialog and negotiations—

(A) to achieve peace based upon the objectives of democratization, reduction of armament, an end to subversion, and the 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.

(Pub. L. 87–195, pt. I, §461, as added Pub. L. 99–83, title VII, §701, Aug. 8, 1985, 99 Stat. 234.)

Codification

Another section 461 of Pub. L. 87–195 is classified to section 2281 of this title.

Prior Provisions

A prior section 2271, Pub. L. 87–195, pt. I, §461, Sept. 4, 1961, 75 Stat. 434; Pub. L. 87–565, pt. I, §110, Aug. 1, 1962, 76 Stat. 259; Pub. L. 90–137, pt. I, §113, Nov. 14, 1967, 81 Stat. 455, related to emphasis on programs in agrarian countries which reach people who are engaged in agrarian pursuits, prior to repeal by Pub. L. 95–424, title VI, §604, Oct. 6, 1978, 92 Stat. 961, eff. Oct. 1, 1978.

Effective Date

Part effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as an Effective Date of 1985 Amendment note under section 2151–1 of this title.

§2272. Conditions on furnishing assistance

The President shall ensure that assistance authorized by this chapter and the Arms Export Control Act [22 U.S.C. 2751 et seq.] to Central American countries is furnished in a manner which fosters demonstrated progress toward and commitment to the objectives set forth in section 2271 of this title. Where necessary to achieve this purpose, the President shall impose conditions on the furnishing of such assistance. In carrying out this section, the President shall consult with the Congress in regard to progress toward the objectives set forth in section 2271 of this title, and any conditions imposed on the furnishing of assistance in furtherance of those objectives.

(Pub. L. 87–195, pt. I, §462, as added Pub. L. 99–83, title VII, §701, Aug. 8, 1985, 99 Stat. 235.)

References in Text

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

The Arms Export Control Act, referred to in text, is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Codification

Another section 462 of Pub. L. 87–195 is classified to section 2282 of this title.

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.

(Pub. L. 87–195, pt. I, §463, as added Pub. L. 99–83, title VII, §701, Aug. 8, 1985, 99 Stat. 235.)

Codification

Another section 463 of Pub. L. 87–195 is classified to section 2283 of this title.

§2274. Economic assistance coordination

(a) Congressional findings

The Congress finds that participation by Central American countries in an effective forum for dialog on, and the continuous review and advancement of, Central America's political, economic, and social development would foster cooperation between the United States and Central American countries.

(b) Sense of Congress; Central American Development Organization; establishment, etc.

It is the sense of the Congress that—

(1) the President should enter into negotiations with the countries of Central America to establish a Central American Development Organization (hereafter in this section referred to as the "Organization") to help provide a continuous and coherent approach to the development of the Central American region; and

(2) the establishment of the Organization should be based upon the following principles:

(A) Participation in the Organization should be open to the United States, other donors, and those Central American countries that commit themselves to, among other things, respecting internationally recognized human rights, building democracy, and encouraging equitable economic growth through policy reforms.

(B) The Organization should be structured to include representatives from both the public and private sectors, including representatives from the labor, agriculture, and business communities.

(C) The Organization should meet periodically to carry out the functions described in subparagraphs (D) and (E) of this paragraph and should be supported by a limited professional secretariat.

(D) The Organization should make recommendations affecting Central American countries on such matters as—

(i) political, economic, and social development objectives, including the strengthening of democratic pluralism and the safeguarding of internationally recognized human rights;

(ii) mobilization of resources and external assistance needs; and

(iii) reform of economic policies and structures.

(E) The Organization should have the capacity for monitoring country performance on recommendations issued in accordance with subparagraph (D) of this paragraph and for evaluating progress toward meeting such country objectives.

(F) To the maximum extent practicable, the United States should follow the recommendations of the Organization in disbursing bilateral economic assistance for any Central American country. No more than 75 percent of such United States assistance in any fiscal year should be disbursed until the recommendations of the Organization for that fiscal year have been made final and communicated to the donor countries. The limitation on disbursements contained in the preceding sentence should apply only to recommendations made final and communicated to donor countries prior to the fourth quarter of such fiscal year. The United States representative to the Organization should urge other donor countries to similarly implement the recommendations of the Organization.

(G) The administrator of the agency primarily responsible for administering subchapter I of this chapter, or his designee, should represent the United States Government in the Organization and should carry out his functions in that capacity under the continuous supervision and general direction of the Secretary of State.

(c) Participation of President in Organization

Subject to subsection (d)(2), the President is authorized to participate in the Organization.

(d) Preparation and transmission of proposal for implementation of provisions

(1) The administrator of the agency primarily responsible for administering subchapter I of this chapter, under the supervision and direction of the Secretary of State, shall prepare a detailed proposal to carry out this section and shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed concerning the development of this proposal.

(2) The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of the text of any agreement, which he proposes to sign, that would provide for the establishment of and United States participation in the Organization no less than sixty days prior to his signature. During that sixty-day period there shall be full and formal consultations with and review by those committees in accordance with procedures applicable to reprogramming notifications pursuant to section 2394–1 of this title.

(Pub. L. 87–195, pt. I, §464, as added Pub. L. 99–83, title VII, §701, Aug. 8, 1985, 99 Stat. 235.)

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

Another section 464 of Pub. L. 87–195 is classified to section 2284 of this title.

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), funds appropriated pursuant to the authorizations in that subsection may be transferred by the President for obligation in accordance with the authorities of subchapter I of this chapter (including part IV of subchapter II of this chapter), the Peace Corps Act [22 U.S.C. 2501 et seq.], the Migration and Refugee Assistance Act of 1962 [22 U.S.C. 2601 et seq.], the United States Information and Education Exchange Act of 1948 [22 U.S.C. 1431 et seq.], the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.], the National Endowment for Democracy Act [22 U.S.C. 4411 et seq.], and the State Department Basic Authorities Act of 1956.

(Pub. L. 87–195, pt. I, §465, as added Pub. L. 99–83, title VII, §701, Aug. 8, 1985, 99 Stat. 237.)

References in Text

The Peace Corps Act, referred to in subsec. (b), is Pub. L. 87–293, Sept. 22, 1961, 75 Stat. 612, as amended, which is classified principally to chapter 34 (§2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

The Migration and Refugee Assistance Act of 1962, referred to in subsec. (b), is Pub. L. 87–510, June 28, 1962, 76 Stat. 121, as amended, which is classified principally to chapter 36 (§2601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

The United States Information and Education Exchange Act of 1948, referred to in subsec. (b), probably means the United States Information and Educational Exchange Act of 1948, which is act Jan. 27, 1948, ch. 36, 62 Stat. 6, as amended, and is classified generally to chapter 18 (§1431 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1431 of this title and Tables.

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (b), is Pub. L. 87–256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

The National Endowment for Democracy Act, referred to in subsec. (b), is title V of Pub. L. 98–164, Nov. 22, 1983, 97 Stat. 1039, as amended, which is classified generally to subchapter II (§4411 et seq.) of chapter 54 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4411 of this title and Tables.

The State Department Basic Authorities Act of 1956, referred to in subsec. (b), is act Aug. 1, 1956, ch. 841, 70 Stat. 890, which enacted sections 2651a, 2669, 2670, 2671, 2672, 2673 to 2679a, 2680, 2680a, 2684, 2687 to 2690, 2692, 2695, 2696 to 2715, and 2715b to 2735 of this title and chapters 53 (§4301 et seq.), 53A (§4341 et seq.), and 53B (§4351 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2651 of this title and Tables.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

Another section 465 of Pub. L. 87–195 is classified to section 2285 of this title.

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.

(Pub. L. 87–195, pt. I, §466, as added Pub. L. 99–83, title VII, §701, Aug. 8, 1985, 99 Stat. 237.)

Codification

Another section 466 of Pub. L. 87–195 is classified to section 2286 of this title.

Part VII—Debt-for-Nature Exchanges

§2281. "Debt-for-nature exchange" defined

For purpose of this part, the term "debt-for-nature exchange" means the cancellation or redemption of the foreign debt of the government of a country in exchange for—

(1) that government's making available local currencies (including through the issuance of bonds) which are used only for eligible projects involving the conservation or protection of the environment in that country (as described in section 2283 of this title); or

(2) that government's financial resource or policy commitment to take certain specified actions to ensure the restoration, protection, or sustainable use of natural resources within that country; or

(3) a combination of assets and actions under both paragraphs (1) and (2).

(Pub. L. 87–195, pt. I, §461 [471], as added Pub. L. 101–240, title VII, §711, Dec. 19, 1989, 103 Stat. 2521.)

References in Text

Section 2283 of this title, referred to in par. (1), was in the original "section 463", meaning section 463 of Pub. L. 87–195, which has been translated as meaning section 463 of Pub. L. 87–195 relating to eligible projects rather than section 463 of Pub. L. 87–195, relating to the peace process in Central America, which is classified to section 2273 of this title.

Codification

Another section 461 of Pub. L. 87–195 is classified to section 2271 of this title.

Prior Provisions

A prior section 2281, Pub. L. 87–195, pt. I, §471, as added Pub. L. 89–583, pt. I, §110, Sept. 19, 1966, 80 Stat. 802, related to agreements with less developed countries for establishment of Joint Commissions on Rural Development, prior to repeal by Pub. L. 95–424, title VI, §604, Oct. 6, 1978, 92 Stat. 961, effective Oct. 1, 1978.

§2282. Assistance for commercial debt exchanges

(a) The Administrator of the Agency for International Development is authorized to furnish assistance, in the form of grants on such terms and conditions as may be necessary, to nongovernmental organizations for the purchase on the open market of discounted commercial debt of a foreign government of an eligible country which will be canceled or redeemed under the terms of an agreement with that government as part of a debt-for-nature exchange.

(b) Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in subsection (a) may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes.

(Pub. L. 87–195, pt. I, §462 [472], as added Pub. L. 101–240, title VII, §711, Dec. 19, 1989, 103 Stat. 2521.)

Codification

Another section 462 of Pub. L. 87–195 is classified to section 2272 of this title.

§2283. Eligible projects

(a) The Administrator of the Agency for International Development shall seek to ensure that debt-for-nature exchanges under this part support one or more of the following activities by either the host government, a local private conservation group, or a combination thereof:

(1) restoration, protection, or sustainable use of the world's oceans and atmosphere;
(2) restoration, protection, or sustainable use of diverse animal and plant species;
(3) establishment, restoration, protection, and maintenance of parks and reserves;
(4) development and implementation of sound systems of natural resource management;
(5) development and support of local conservation programs;
(6) training programs to strengthen conservation institutions and increase scientific, technical, and managerial capabilities of individuals and organizations involved in conservation efforts;
(7) efforts to generate knowledge, increase understanding, and enhance public commitment to conservation;
(8) design and implementation of sound programs of land and ecosystem management; and
(9) promotion of regenerative approaches in farming, forestry, fishing, and watershed management.

(b)(1) In cooperation with nongovernmental organizations, the Administrator of the Agency for International Development shall seek to identify those areas, which because of an imminent threat, are in particular need of immediate attention to prevent the loss of unique biological life or valuable ecosystem.
(2) The Administrator of the Agency for International Development shall encourage as many eligible countries as possible to propose such exchanges with the purpose of demonstrating to a large number of governments the feasibility and benefits of sustainable development.

(Pub. L. 87–195, pt. I, §463 [473], as added Pub. L. 101–240, title VII, §711, Dec. 19, 1989, 103 Stat. 2522.)

Codification

Another section 463 of Pub. L. 87–195 is classified to section 2273 of this title.

§2284. Eligible countries

In order for a foreign country to be eligible to participate in a debt-for-nature exchange under this part, the Administrator of the Agency for International Development shall determine that—
(1) the host country is fully committed to the long-term viability of the program or project that is to be undertaken through the debt-for-nature exchange;
(2) a long-term plan has been prepared by the host country, or private conservation group, which adequately provides for the long-term viability of the program or project that is to be undertaken through the debt-for-nature exchange or that such a plan will be prepared in a timely manner; and
(3) there is a government agency or a local nongovernmental organization, or combination thereof, in the host country with the capability, commitment, and record of environmental concern to oversee the long-term viability of the program or project that is to be undertaken through the debt-for-nature exchange.

(Pub. L. 87–195, pt. I, §464 [474], as added Pub. L. 101–240, title VII, §711, Dec. 19, 1989, 103 Stat. 2522.)

Codification

Another section 464 of Pub. L. 87–195 is classified to section 2274 of this title.

§2285. Terms and conditions

(a) Fulfillment upon final approval by Administrator

The terms and conditions for making grants under this part shall be deemed to be fulfilled upon final approval by the Administrator of the Agency for International Development of the debt-for-nature exchange, a certification by the nongovernmental organization that the host government has accepted the terms of the exchange, and that an agreement has been reached to cancel the commercial debt in an agreed upon fashion.

(b) Grants intended to complement assistance otherwise available

Grants made under this section are intended to complement, and not substitute for, assistance otherwise available to a foreign country under this chapter or any other provision of law.

(c) Prohibition against acceptance of title or interest in land as condition on debt exchange

The United States Government is prohibited from accepting title or interest in any land in a foreign country as a condition on the debt exchange.

(Pub. L. 87–195, pt. I, §465 [475], as added Pub. L. 101–240, title VII, §711, Dec. 19, 1989, 103 Stat. 2522.)

References in Text

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

Codification

Another section 465 of Pub. L. 87–195 is classified to section 2275 of this title.

§2286. Pilot program for sub-Saharan Africa

(a) List of areas of severely degraded national resources or of biological or ecological importance

The Administrator of the Agency for International Development, in cooperation with nongovernmental conservation organizations, shall invite the government of each country in sub-Saharan Africa to submit a list of those areas of severely degraded national resources which threaten human survival and well-being and the opportunity for future economic growth or those areas of biological or ecological importance within the territory of that country.

(b) Assessment of list; agreement for future use of areas

The Administrator of the Agency for International Development shall assess the list submitted by each country under subsection (a) and shall seek to reach agreement with the host country for the restoration and future sustainable use of those areas.

(c) Grants for purchase of discounted commercial debt on open market; retention of interest by grantee

(1) The Administrator of the Agency for International Development is authorized to make grants, on such terms and conditions as may be necessary, to nongovernmental organizations for the purchase on the open market of discounted commercial debt of a foreign government of an eligible sub-Saharan country in exchange for commitments by that government to restore natural resources identified by the host country under subsection (a) or for commitments to develop plans for sustainable use of such resources.

(2) Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in section (a) [1] may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes.

(Pub. L. 87–195, pt. I, §466 [476], as added Pub. L. 101–240, title VII, §711, Dec. 19, 1989, 103 Stat. 2523.)

Codification

Another section 466 of Pub. L. 87–195 is classified to section 2276 of this title.

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

Part VIII—International Narcotics Control

§2291. Policy, general authorities, coordination, foreign police actions, definitions, and other provisions

(a) Policy and general authorities

(1) Statements of policy

(A) International narcotics trafficking poses an unparalleled transnational threat in today's world, and its suppression is among the most important foreign policy objectives of the United States.

(B) Under the Single Convention on Narcotic Drugs, 1961, and under the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the parties are required to criminalize certain drug-related activities, provide appropriately severe penalties, and cooperate in the extradition of accused offenders.

(C) International narcotics control programs should include, as priority goals, the suppression of the illicit manufacture of and trafficking in narcotic and psychotropic drugs, money laundering, and precursor chemical diversion, and the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are derived.

(D) International criminal activities, particularly international narcotics trafficking, money laundering, and corruption, endanger political and economic stability and democratic development, and assistance for the prevention and suppression of international criminal activities should be a priority for the United States.

(E) The international community should provide assistance, where appropriate, to those producer and transit countries which require assistance in discharging these primary obligations.

(F) The objective of the United States in dealing with the problem of international money laundering is to ensure that countries adopt comprehensive domestic measures against money laundering and cooperate with each other in narcotics money laundering investigations, prosecutions, and related forfeiture actions.

(G) Effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs.

(2) In order to promote such cooperation, the President is authorized to conclude agreements, including reciprocal maritime agreements, with other countries to facilitate control of the production, processing,

transportation, and distribution of narcotics analgesics, including opium and its derivatives, other narcotic and psychotropic drugs, and other controlled substances.

(3) In order to promote international cooperation in combatting international trafficking in illicit narcotics, it shall be the policy of the United States to use its voice and vote in multilateral development banks to promote the development and implementation in the major illicit drug producing countries of programs for the reduction and eventual eradication of narcotic drugs and other controlled substances, including appropriate assistance in conjunction with effective programs of illicit crop eradication.

(4) Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of narcotic and psychotropic drugs and other controlled substances, or for other anticrime purposes.

(b) Coordination of all United States antinarcotics assistance to foreign countries

(1) Responsibility of Secretary of State

Consistent with chapter 1 of the National Narcotics Leadership Act of 1988,[1] the Secretary of State shall be responsible for coordinating all assistance provided by the United States Government to support international efforts to combat illicit narcotics production or trafficking.

(2) Rule of construction

Nothing contained in this subsection or section 2291h(b) of this title shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

(c) Participation in foreign police actions

(1) Prohibition on effecting an arrest

No officer or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action with respect to narcotics control efforts, notwithstanding any other provision of law.

(2) Participation in arrest actions

Paragraph (1) does not prohibit an officer or employee of the United States, with the approval of the United States chief of mission, from being present when foreign officers are effecting an arrest or from assisting foreign officers who are effecting an arrest.

(3) Exception for exigent, threatening circumstances

Paragraph (1) does not prohibit an officer or employee from taking direct action to protect life or safety if exigent circumstances arise which are unanticipated and which pose an immediate threat to United States officers or employees, officers or employees of a foreign government, or members of the public.

(4) Exception for maritime law enforcement

With the agreement of a foreign country, paragraph (1) does not apply with respect to maritime law enforcement operations in the territorial sea or archipelagic waters of that country.

(5) Interrogations

No officer or employee of the United States may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person.

(6) Exception for Status of Forces arrangements

This subsection does not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.

(d) Use of herbicides for aerial eradication

(1) Monitoring

The President, with the assistance of appropriate Federal agencies, shall monitor any use under this part of a herbicide for aerial eradication in order to determine the impact of such use on the environment and on the health of individuals.

(2) Annual reports

In the annual report required by section 2291h(a) of this title, the President shall report on the impact on the environment and the health of individuals of the use under this part of a herbicide for aerial eradication.

(3) Report upon determination of harm to environment or health

If the President determines that any such use is harmful to the environment or the health of individuals, the President shall immediately report that determination to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, together with such recommendations as the President deems appropriate.

(e) Definitions

For purposes of this part and other provisions of this chapter relating specifically to international narcotics matters—

(1) the term "legal and law enforcement measures" means—

(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation,

production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and
(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

(2) the term "major illicit drug producing country" means a country in which—
(A) 1,000 hectares or more of illicit opium poppy is cultivated or harvested during a year;
(B) 1,000 hectares or more of illicit coca is cultivated or harvested during a year; or
(C) 5,000 hectares or more of illicit cannabis is cultivated or harvested during a year, unless the President determines that such illicit cannabis production does not significantly affect the United States;

(3) the term "narcotic and psychotropic drugs and other controlled substances" has the same meaning as is given by any applicable international narcotics control agreement or domestic law of the country or countries concerned;
(4) the term "United States assistance" means—
(A) any assistance under this chapter (including programs under subpart IV of part II of this subchapter, relating to the Overseas Private Investment Corporation), other than—
(i) assistance under this part,
(ii) any other narcotics-related assistance under this subchapter (including part IV of subchapter II of this chapter), but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 2394–1 of this title,
(iii) disaster relief assistance, including any assistance under part IX of this subchapter,
(iv) assistance which involves the provision of food (including monetization of food) or medicine, and
(v) assistance for refugees;

(B) sales, or financing on any terms, under the Arms Export Control Act [22 U.S.C. 2751 et seq.];
(C) the provision of agricultural commodities, other than food, under the Food for Peace Act [7 U.S.C. 1691 et seq.]; and
(D) financing under the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.];

(5) the term "major drug-transit country" means a country—
(A) that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States; or
(B) through which are transported such drugs or substances; and

(6) the term "precursor chemical" has the same meaning as the term "listed chemical" has under paragraph (33) of section 802 of title 21;
(7) the term "major money laundering country" means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking; and
(8) the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(Pub. L. 87–195, pt. I, §481, as added Pub. L. 92–352, title V, §503, July 13, 1972, 86 Stat. 496; amended Pub. L. 93–189, §11(a), Dec. 17, 1973, 87 Stat. 719; Pub. L. 94–329, title V, §504(b), June 30, 1976, 90 Stat. 764; Pub. L. 95–384, §§3, 4, Sept. 26, 1978, 92 Stat. 730; Pub. L. 96–92, §3(b), Oct. 29, 1979, 93 Stat. 702; Pub. L. 97–113, title V, §502(a)(1), (b), title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1538, 1539, 1560; Pub. L. 98–164, title X, §1003, Nov. 22, 1983, 97 Stat. 1053; Pub. L. 99–83, title VI, §§604–606, 618, Aug. 8, 1985, 99 Stat. 228, 229, 233; Pub. L. 99–570, title II, §§2005, 2008, 2009, 2017, Oct. 27, 1986, 100 Stat. 3207–61, 3207-64, 3207-68; Pub. L. 100–202, §101(e) [title V, §585(a)], Dec. 22, 1987, 101 Stat. 1329–131, 1329-184; Pub. L. 100–204, title VIII, §805, Dec. 22, 1987, 101 Stat. 1397; Pub. L. 100–461, title V, §578(e)(2), (g)(1), (3), (h), (i), Oct. 1, 1988, 102 Stat. 2268–47, 2268-48; Pub. L. 100–690, title IV, §4202(b), 4401–4403, 4405(a), 4407(a), (b)(1), 4502, 4802(b), Nov. 18, 1988, 102 Stat. 4267, 4275-4277, 4281, 4285, 4294; Pub. L. 101–231, §§15, 17(a)–(f), Dec. 13, 1989, 103 Stat. 1963–1965; Pub. L. 102–550, title XV, §1519, Oct. 28, 1992, 106 Stat. 4060; Pub. L. 102–583, §§4(a)–(d), 5(b), 6(b)(1)–(3), 11(a), Nov. 2, 1992, 106 Stat. 4914, 4915, 4931, 4932, 4934; Pub. L. 103–447, title I, §101(a), (b), Nov. 2, 1994, 108 Stat. 4691; Pub. L. 104–164, title I, §131(a), July 21, 1996, 110 Stat. 1429; Pub. L. 105–20, §2(b), June 27, 1997, 111 Stat. 234; Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820; Pub. L. 115–254, div. F, title VI, §1470(j)(3), Oct. 5, 2018, 132 Stat. 3517.)

Amendment of Subsection (e)(4)(A)

Pub. L. 115–254, div. F, title VI, §1470(j)(3), (w), Oct. 5, 2018, 132 Stat. 3517, 3519, provided that, effective at the end of the transition period, as defined in section 9681 of this title, subsection (e)(4)(A) of this section is amended by striking "(including programs under subpart IV of part II of this subchapter, relating to the Overseas Private Investment Corporation)" and inserting "(and any support under subchapter II of chapter 103 of this title, relating to the United States International Development Finance Corporation)". See 2018 Amendment note below.

References in Text

The National Narcotics Leadership Act of 1988, referred to in subsec. (b)(1), is subtitle A of title I of Pub. L. 100–690, Nov. 18, 1988, 102 Stat. 4181, as amended. Chapter 1 of the Act was classified principally to subchapter I (§1501 et seq.) of chapter 20 of Title 21, Food and Drugs, prior to repeal by

Pub. L. 100–690, title I, §1009, Nov. 18, 1988, 102 Stat. 4188. For complete classification of this Act to the Code, see Tables.

Executive Order Number 12333, referred to in subsec. (b)(2), is set out as a note under section 3001 of Title 50, War and National Defense.

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

The Arms Export Control Act, referred to in subsec. (e)(4)(B), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

The Food for Peace Act, referred to in subsec. (e)(4)(C), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

The Export-Import Bank Act of 1945, referred to in subsec. (e)(4)(D), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to subchapter I (§635 et seq.) of chapter 6A of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables.

Prior Provisions

A prior section 481 of Pub. L. 87–195, pt. I, as added Pub. L. 92–226, pt. I, §109, Feb. 7, 1972, 86 Stat. 24, contained similar subject matter, prior to repeal by section 503 of Pub. L. 92–352.

Amendments

2018—Subsec. (e)(4)(A). Pub. L. 115–254 substituted "(and any support under subchapter II of chapter 103 of this title, relating to the United States International Development Finance Corporation)" for "(including programs under subpart IV of part II of this subchapter, relating to the Overseas Private Investment Corporation)" in introductory provisions.

2008—Subsec. (e)(4)(C). Pub. L. 110–246 substituted "Food for Peace Act" for "Agricultural Trade Development and Assistance Act of 1954".

1997—Subsec. (b)(1). Pub. L. 105–20 substituted reference to chapter 1 of the National Narcotics Leadership Act of 1988 for reference to subtitle A of title I of the Anti-Drug Abuse Act of 1988.

1996—Subsec. (a)(1)(D) to (G). Pub. L. 104–164, §131(a)(1), added subpar. (D) and redesignated former subpars. (D) to (F) as (E) to (G), respectively.

Subsec. (a)(4). Pub. L. 104–164, §131(a)(2), inserted ", or for other anticrime purposes" before period at end.

1994—Subsec. (d)(2) to (4). Pub. L. 103–447, §101(a), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out heading and text of former par. (2). Text read as follows: "The Secretary of State shall inform the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency of the use or intended use by any country or international organization of any herbicide for aerial eradication in a program receiving assistance under this part."

Subsec. (e). Pub. L. 103–447, §101(b)(1), substituted "For" for "Except as provided in sections 2291j(h) and (i) of this title with respect to the definition of major illicit drug producing country and major drug-transit country, for".

Subsec. (e)(2). Pub. L. 103–447, §101(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "the term 'major illicit drug producing country' means a country that illicitly produces during a fiscal year 5 metric tons or more of opium or opium derivative, 500 metric tons or more of coca, or 500 metric tons or more of marijuana;".

Subsec. (e)(6) to (8). Pub. L. 103–447, §101(b)(3)–(5), added pars. (6) and (7) and redesignated former par. (6) as (8).

1992—Pub. L. 102–583, §4(a), added section catchline and struck out former catchline which read as follows: "International narcotics control".

Subsec. (a)(1). Pub. L. 102–583, §4(a), added par. (1) and struck out former par. (1) which read as follows: "It is the sense of the Congress that—

"(A) under the Single Convention on Narcotic Drugs, 1961, each signatory country has the responsibility of limiting to licit purposes the cultivation, production, manufacture, sale, and other distribution of scheduled drugs;

"(B) suppression of international narcotics trafficking is among the most important foreign policy objectives of the United States;

"(C) the international community should provide assistance, where appropriate, to those producer and transit countries which require assistance in discharging these primary obligations;

"(D) international narcotics control programs should include, as a priority, the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are

derived, and should also include the suppression of the illicit manufacture of and traffic in narcotic and psychotropic drugs;

"(E) the objective of the United States in dealing with the problem of international money laundering should be to ensure that countries adopt comprehensive domestic measures against money laundering and cooperative with each other in narcotics money laundering investigations, prosecutions, and related forfeiture actions; and

"(F) effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs."

Subsec. (a)(1)(D) to (F). Pub. L. 102–550, §1519(a), struck out "and" at end of subpar. (D), added subpar. (E), and redesignated former subpar. (E) as (F).

Subsec. (a)(2). Pub. L. 102–583, §4(b), inserted ", including reciprocal maritime agreements," after "agreements".

Subsec. (b). Pub. L. 102–583, §4(c), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Not later than September 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed midyear report on the activities and operations carried out under this part prior to such date. Such midyear report shall include, but not be limited to, the status of each agreement concluded prior to such date with other countries to carry out the purposes of this part."

Subsec. (c)(4). Pub. L. 102–583, §4(d), inserted "or archipelagic waters" after "sea".

Subsec. (d)(3). Pub. L. 102–583, §6(b)(1), substituted "section 2291h(a) of this title" for "subsection (e) of this section".

Subsec. (e). Pub. L. 102–583, §§6(b)(2), (3), 11(a), redesignated subsec. (i) as (e), substituted "Except as provided in sections 2291j(h) and (i) of this title with respect to the definition of major illicit drug producing country and major drug-transit country, for purposes of this part and other provisions of this chapter relating specifically to international narcotics matters" for "As used in this section" in introductory provisions, substituted "; and" for period at end of par. (5), added par. (6), and struck out former subsec. (e) which directed President to make annual reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate related to United States policy to promote an international strategy against the cultivation, and manufacture of and traffic in controlled substances, and described contents of those reports.

Pub. L. 102–550, §1519(b), added par. (7) and redesignated former pars. (7) and (8) as (8) and (9), respectively. As added, par. (7) read as follows:

"(A) Each report pursuant to this subsection shall include a report on major money laundering countries. This report shall specify—

"(i) which countries are major money laundering countries;

"(ii) which countries identified pursuant to clause (i) have financial institutions engaging in currency transactions involving international narcotics trafficking proceeds that include significant amounts of United States currency or currency derived from illegal drug sales in the United States or that otherwise significantly affect the United States;

"(iii) which countries identified pursuant to clause (ii) have not reached agreement with the United States authorities on a mechanism for exchanging adequate records in connection with narcotics investigations and proceedings;

"(iv) which countries identified pursuant to clause (iii)—

"(I) are negotiating in good faith with the United States to establish such a record-exchange mechanism, or

"(II) have adopted laws or regulations that ensure the availability to appropriate United States Government personnel and those of other governments of adequate records in connection with narcotics investigations and proceedings; and

"(v) which countries identified pursuant to clause (i)—

"(I) have ratified the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and are taking steps to implement that Convention and other applicable agreements and conventions such as the recommendations of the Financial Action Task Force, the policy directive of the European Community, the legislative guidelines of the Organization of American States, and other similar declarations, and

"(II) have entered into bilateral agreements for the exchange of information on money-laundering with countries other than the United States,

"(B) In addition, for each major money laundering country, the report shall include findings on the country's adoption of law and regulations considered essential to prevent narcotics-related money laundering. Such findings shall include whether a country has—

"(i) criminalized narcotics money laundering;

"(ii) required banks and other financial institutions to know and record the identity of customers engaging in significant transactions, including the recording of large currency transactions at thresholds appropriate to that country's economic situation;

"(iii) required banks and other financial institutions to maintain, for an adequate time, records necessary to reconstruct significant transactions through financial institutions in order to be able to

respond quickly to information requests from appropriate government authorities in narcotics-related money laundering cases;

"(iv) required or allowed financial institutions to report suspicious transactions;

"(v) established systems for identifying, tracing, freezing, seizing, and forfeiting narcotics-related assets;

"(vi) enacted laws for the sharing of seized narcotics assets with other governments;

"(vii) cooperated, when requested, with appropriate law enforcement agencies of other governments investigating financial crimes related to narcotics; and

"(viii) addressed the problem on international transportation of illegal-source currency and monetary instruments.

The report shall also detail instances of refusals to cooperate with foreign governments, and any actions taken by the United States Government and any international organization to address such obstacles, including the imposition of sanctions or penalties.

"(C) The report shall also include information on multilateral and bilateral strategies pursued by the Department of State, the Department of Justice, the Department of the Treasury, and other relevant United States Government agencies, either collectively or individually, to ensure the cooperation of foreign governments with respect to narcotics-related money laundering.

"(D) The report shall include specific detail to demonstrate that all United States Government agencies are pursuing a common strategy with respect to achieving international cooperation against money laundering and are pursuing a common strategy with respect to major money laundering countries, including a summary of United States objectives on a country-by-country basis.

"(E) As used in this paragraph, the term 'major money laundering country' means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking."

Subsecs. (f) to (h). Pub. L. 102–583, §6(b)(2), struck out subsec. (f) relating to consultation with members of Congress, subsec. (g) relating to congressional committee hearings, and subsec. (h) relating to annual certification procedures.

Subsec. (i). Pub. L. 102–583, §6(b)(3), redesignated subsec. (i) as (e).

Subsec. (i)(4). Pub. L. 102–583, §5(b), amended par. (4) generally. Prior to amendment, par. (4) consisted of subpars. (A) to (E) and concluding provisions, which defined "United States assistance".

Subsec. (i)(5). Pub. L. 102–550, §1519(c), inserted "or" at end of subpar. (A), substituted a period for "or" at end of subpar. (B), and struck out subpar. (C) which read as follows: "through which significant sums of drug-related profits or monies are laundered with the knowledge or complicity of the government."

Subsecs. (j), (k). Pub. L. 102–583, §6(b)(2), struck out subsec. (j) relating to actions by international bodies and subsec. (k) relating to procedures for determining major drug-transit countries.

1989—Subsec. (a)(1). Pub. L. 101–231, §17(a), struck out at end "This cooperation should include the development and transmittal of plans by each signatory country to the Single Convention on Narcotic Drugs, 1961, in which illicit narcotics and psychotropic crop cultivation exists, which would advise the International Narcotics Control Board, the United Nations Commission on Narcotic Drugs, and the international community of the strategy, programs, and timetable such country has established for the progressive elimination of that cultivation."

Subsec. (b). Pub. L. 101–231, §17(b), inserted "Mid-year report" as heading, struck out par. (1) which required quarterly reports on the programming and obligation of funds under this part, redesignated former par. (2) as subsec. (b), and substituted "Not later than September" for "Not later than August".

Subsec. (c). Pub. L. 101–231, §15, inserted "Participation in foreign police actions" as heading and amended text generally, inserting par. headings, redesignating provisions comprising former par. (1) as pars. (1) and (2) and, in par. (2), inserting provision not prohibiting presence of officers and employees when foreign officers are effecting an arrest, and striking out former par. (2) which prohibited officers or employees from engaging or participating in direct police action in a foreign country with respect to narcotics control efforts.

Subsec. (d). Pub. L. 101–231, §17(c), inserted "Use of herbicides for aerial eradication" as heading and amended text generally, substituting pars. (1) to (4) for former pars. (1) to (5).

Subsec. (h)(2)(A)(i)(IV). Pub. L. 101–231, §17(d)(1), substituted "illicit production" for "production".

Subsec. (h)(2)(B)(iii). Pub. L. 101–231, §17(d)(2), substituted "education and treatment programs" for "treatment".

Subsec. (h)(2)(B)(v). Pub. L. 101–231, §17(d)(3), substituted "essential precursor chemicals" for "precursor chemicals".

Subsec. (h)(3)(D). Pub. L. 101–231, §17(d)(4), substituted "illicit production" for "production".

Subsec. (i)(2). Pub. L. 101–231, §17(e), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "the term 'major illicit drug producing country' means a country producing five metric tons or more of opium or opium derivative during a fiscal year or producing five hundred metric tons or more of coca or marijuana (as the case may be) during a fiscal year;".

Subsec. (k)(4). Pub. L. 101–231, §17(f), struck out par. (4) which required that reports under subsec. (e) discuss changes made since notification provided pursuant to subsec. (k)(2) and (3).

1988—Subsec. (a)(1)(B) to (E). Pub. L. 100–690, §4502, added subpar. (B), and redesignated former subpars. (B) to (D) as (C) to (E), respectively.

Subsec. (d)(5). Pub. L. 100–690, §4202(b), added par. (5).

Subsec. (e)(4). Pub. L. 100–690, §4401, inserted provisions after first sentence requiring each determination of President to be expressed in numerical terms.

Subsec. (e)(8). Pub. L. 100–690, §4402, added par. (8).

Subsec. (h)(1). Pub. L. 100–690, §4407(a), added par. (1) and struck out former par. (1) which related to withholding of assistance to major illicit drug producing countries or major drug-transit countries.

Pub. L. 100–461, §578(h), inserted before "Subject" the following: "Not later than October 1 of each year, the Secretary of State shall submit a report to the Congress of those countries identified by the Secretary as being major drug producing or major drug transit countries (including the definition used to determine such drug transit countries) for purposes of the withholding requirements contained in subparagraph (A) of this paragraph and the certification requirements contained in paragraph (2) of this subsection."

Subsec. (h)(2). Pub. L. 100–690, §4407(a), added par. (2) and struck out former par. (2) which related to removal of restrictions imposed under par. (1).

Subsec. (h)(2)(A)(i)(I). Pub. L. 100–461, §578(g)(3), inserted "or multilateral agreement which achieves the objectives of this subsection," after "(ii)".

Subsec. (h)(2)(A)(ii). Pub. L. 100–461, §578(g)(1), amended cl. (ii) generally, substituting "A bilateral narcotics agreement referred to in clause (i)(I) is an agreement between the United States and a foreign country whereby the foreign country agrees to undertake specific activities including, where applicable, efforts to reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution; drug interdiction and enforcement; drug consumption and treatment; identification and elimination of illicit drug laboratories; identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs; cooperation with United States drug enforcement officials; and, where applicable, participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement." for "A bilateral narcotics agreement referred to in clause (i)(I) is an agreement between the United States and a foreign country whereby the foreign country agrees to take specific activities including but not limited to, efforts to reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution; drug interdiction and enforcement; drug consumption and treatment; identification of and elimination of illicit drug laboratories; identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs; cooperation with United States drug enforcement officials; and, where applicable, participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement."

Subsec. (h)(2)(B). Pub. L. 100–461, §578(i), substituted "subparagraph (A)(i)(II)" for "clause (A)(ii)".

Subsec. (h)(3). Pub. L. 100–690, §4407(a), added par. (3) and struck out former par. (3) which related to certification by President.

Subsec. (h)(4). Pub. L. 100–690, §4407(a), added par. (4). Subpar. (A) of former par. (4), which related to Congressional disapproval of certification, was struck out and subpar. (B) of former par. (4) redesignated par. (6)(B).

Subsec. (h)(5). Pub. L. 100–690, §4407(a), (b)(1)(A), added par. (5) and struck out former par. (5) which related to prohibition of assistance or financing to any country for which President has not made certification under par. (2) or with respect to which Congress has enacted a joint resolution disapproving such certification unless President makes certification or Congress enacts joint resolution approving certification.

Subsec. (h)(6)(A). Pub. L. 100–690, §4407(a), added subpar. (A).

Subsec. (h)(6)(B). Pub. L. 100–690, §4407(a), (b)(1)(B)(i), (ii), redesignated par. (4)(B) as (6)(B) and substituted "Any joint resolution under this subsection" for "Any such joint resolution" in cl. (i).

Subsec. (h)(6)(B)(ii). Pub. L. 100–690, §4407(b)(1)(B)(iii), which directed substitution of "resolutions" for "resolution" was executed by making the substitution the first place it appears, thus correcting grammatical error, as the probable intent of Congress.

Subsec. (i)(4)(vi). Pub. L. 100–690, §4802(b), made technical amendment to reference to section 2151b(c)(2) of this title to correct reference to corresponding section of original act.

Subsec. (i)(4)(vii). Pub. L. 100–690, §4403, substituted "2151x(b)(2) of this title (but any such assistance shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 2394–1 of this title)," for "2151x of this title;".

Pub. L. 100–461, §578(e)(2)(A), added cl. (vii). Former cl. (vii) redesignated cl. (viii).

Subsec. (i)(4)(viii). Pub. L. 100–461, §578(e)(2)(B), redesignated cl. (vii) as (viii).

Subsec. (k). Pub. L. 100–690, §4405(a), added subsec. (k).

1987—Subsec. (e)(7). Pub. L. 100–204, §805(a), added par. (7).

Subsec. (h)(2)(A). Pub. L. 100–202 designated existing provisions of subpar. (A) as cl. (i), redesignated former cls. (i) and (ii) as subcls. (I) and (II), respectively, and in subcl. (I) inserted "in

satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States, (as described in (ii)) and," after "on its own,", and added cl. (ii).

Subsec. (h)(4)(A). Pub. L. 100–204, §805(b), which directed that subpar. (A) of subsec. (h) of this section be amended by substituting "45" for "30", was executed by making the substitution in subpar. (A) of subsec. (h)(4) of this section to reflect the probable intent of Congress.

1986—Subsec. (a)(3), (4). Pub. L. 99–570, §2017, added par. (3) and redesignated former par. (3) as (4).

Subsec. (c). Pub. L. 99–570, §2009, amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

"(1) Notwithstanding any other provision of law, no officer or employee of the United States may engage or participate in any direct police arrest action in any foreign country with respect to narcotics control efforts. No such officer or employee may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person. The provisions of this paragraph shall not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.

"(2) Paragraph (1) of this subsection shall not prohibit officers and employees of the United States from being present during direct police arrest actions with respect to narcotic control efforts in a foreign country to the extent that the Secretary of State and the government of that country agree to such an exemption. The Secretary of State shall report any such agreement to the Congress before the agreement takes effect."

Subsec. (e)(1). Pub. L. 99–570, §2005(b), substituted "March" for "February".

Subsec. (e)(3)(D). Pub. L. 99–570, §2008, added subpar. (D).

Subsec. (h). Pub. L. 99–570, §2005(a), amended subsec. (h) generally, revising and restating as pars. (1) to (5) provisions of former pars. (1) to (4).

Subsec. (i)(4). Pub. L. 99–570, §2005(d), in concluding provisions, added cl. (vi), and redesignated former cl. (vi) as (vii).

Subsec. (i)(5). Pub. L. 99–570, §2005(c), added par. (5).

1985—Subsec. (b). Pub. L. 99–83, §604, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

"(1) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programing and obligation, on a calendar quarter basis, of funds under this part prior to such date.

"(2) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the activities and operations carried out under this part prior to such date. Such semiannual report shall include, but shall not be limited to—

"(A) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this part; and

"(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to such date—

"(i) to carry out the purposes of this part with respect to each country and each international organization receiving assistance under this part, including the costs of United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

"(ii) to carry out each program conducted under this part in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(iii) for administrative support services within the United States to carry out the purposes of this part, including the cost of United States personnel engaged in carrying out such purposes in the United States."

Subsec. (c)(2). Pub. L. 99–83, §605, added par. (2).

Subsec. (e)(6). Pub. L. 99–83, §606, added par. (6).

Subsec. (h)(4). Pub. L. 99–83, §618, added par. (4).

1983—Subsec. (a). Pub. L. 98–164, §1003(a), amended subsec. (a) generally, substituting provisions relating to applicability and implementation of Single Convention on Narcotic Drugs, 1961, and development, promotion and assistance respecting international narcotics control, for provisions relating to agreements, assistance, sanctions, etc., to facilitate international narcotics control.

Subsec. (e). Pub. L. 98–164, §1003(b), amended subsec. (e) generally, substituting requirements for annual reports on cultivation and manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances and the specific contents of the reports for requirements for annual

reports on the status of United States policy regarding production, interdiction, and interception of trafficking in narcotics.

Subsecs. (f) to (j). Pub. L. 98–164, §1003(b), added subsecs. (f) to (j).

1981—Subsec. (c)(2). Pub. L. 97–113, §734(a)(1), struck out par. (2) which provided for a Presidential study of multilateral narcotics control activities and transmission of this study to the Speaker of the House and the President of the Senate no later than June 30, 1977.

Subsec. (d). Pub. L. 97–113, §502(a)(1), substituted provisions requiring the Secretary of State to inform the Secretary of Health and Human Services of any use of herbicides to eradicate marihuana in a program receiving assistance under this part, directing the Secretary of Health and Human Services to monitor the impact on the health of persons using such marihuana and if he determines their exposure to the herbicide harms their health, report to Congress such determination with any recommendations, urging the President to use not less than $100,000 to develop a substance that clearly and readily warns potential marihuana users that the marihuana has been sprayed with paraquat or other herbicide harmful to the health of the persons using it, and directing the Secretary of Agriculture, if such a substance is developed, to use such substance in conjunction with the spraying of paraquat or other herbicide for provisions prohibiting the use of funds under this part for spraying a herbicide to eradicate marihuana if that practice is likely to seriously harm the health of users of the sprayed marihuana, except if the substance is used with a substance that will clearly and readily warn potential users of the sprayed marihuana of the use of herbicide, and requiring the Secretary of State to submit a report to Congress not later than January 1 of each year detailing efforts taken to ensure compliance with this subsection.

Subsec. (e). Pub. L. 97–113, §502(b), added subsec. (e).

1979—Subsec. (d)(1). Pub. L. 96–92 substituted "for the purpose of" for "or used for any program involving".

1978—Subsec. (c)(1). Pub. L. 95–384, §3, inserted provisions prohibiting any agent or employee of the United States Government from interrogating, or from being present at the interrogation of, any United States person arrested in any foreign country in the absence of the written consent of the person arrested and provisions relating to the applicability of this paragraph to the activities of the United States Armed Forces.

Subsec. (d). Pub. L. 95–384, §4, added subsec. (d).

1976—Subsec. (c). Pub. L. 94–329 added subsec. (c).

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

Effective Date of 2018 Amendment

Amendment by Pub. L. 115–254 effective at the end of the transition period, as defined in section 9681 of this title, see section 1470(w) of Pub. L. 115–254, set out as a note under section 905 of Title 2, The Congress.

Effective Date of 2008 Amendment

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Effective Date of 1987 Amendment

Pub. L. 100–202, §101(e) [title V, §585(b)], Dec. 22, 1987, 101 Stat. 1329–131, 1329-185, provided that: "The amendments made by paragraph (1) [probably means subsec. (a) which amended this section] shall apply with respect to any certification of the President under section 481(h)(2)(A) of the Foreign Assistance Act of 1961 [22 U.S.C. 2291(h)(2)(A)] made on or after March 1, 1989."

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Delegation of Functions

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

Prevention of Smuggling of Methamphetamine Into the United States From Mexico

Pub. L. 109–177, title VII, §723, Mar. 9, 2006, 120 Stat. 269, provided that:

"(a) In General.—The Secretary of State, acting through the Assistant Secretary of the Bureau for International Narcotics and Law Enforcement Affairs, shall take such actions as are necessary to prevent the smuggling of methamphetamine into the United States from Mexico.

"(b) Specific Actions.—In carrying out subsection (a), the Secretary shall—

"(1) improve bilateral efforts at the United States-Mexico border to prevent the smuggling of methamphetamine into the United States from Mexico;

"(2) seek to work with Mexican law enforcement authorities to improve the ability of such authorities to combat the production and trafficking of methamphetamine, including by providing equipment and technical assistance, as appropriate; and

"(3) encourage the Government of Mexico to take immediate action to reduce the diversion of pseudoephedrine by drug trafficking organizations for the production and trafficking of methamphetamine.

"(c) Report.—Not later than one year after the date of the enactment of this Act [Mar. 9, 2006], and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the implementation of this section for the prior year.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $4,000,000 for each of the fiscal years 2006 and 2007."

Reports on Activities in Colombia

Pub. L. 107–228, div. A, title VI, §694, Sept. 30, 2002, 116 Stat. 1415, which required annual reports on activities in Colombia, was repealed by Pub. L. 112–74, div. I, title VII, §7034(n), Dec. 23, 2011, 125 Stat. 1217.

Limitation on Counternarcotics Assistance to Colombia

Pub. L. 105–277, div. C, title VIII, §821(b), Oct. 21, 1998, 112 Stat. 2681–700, provided that:

"(1) Limitation on provision of assistance.—Except as provided in paragraph (2), United States counternarcotics assistance may not be provided for the Government of Colombia under this title [see Tables for classification] or under any other provision of law on or after the date of enactment of this Act [Oct. 21, 1998] if the Government of Colombia negotiates or permits the establishment of any demilitarized zone in which the eradication of drug production by the security forces of Colombia, including the Colombian National Police antinarcotics unit, is prohibited.

"(2) Exception.—If the Government of Colombia negotiates or permits the establishment of a demilitarized zone described in paragraph (1), United States counternarcotics assistance may be provided for the Government of Colombia for a period of up to 90 consecutive days upon a finding by the President that providing such assistance is in the national interest of the United States.

"(3) Notification.—In each case in which counternarcotics assistance is provided for the Government of Colombia as a result of a finding by the President described in paragraph (2), the President shall notify the Committees on Appropriations and the authorizing committees of jurisdiction of the House of Representatives and the Senate not later than 5 days after such assistance is provided."

[For delegation of functions of President under section 821(b) of Pub. L. 105–277, div. C, title VIII, set out above, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.]

Report on Armed Forces Stationed in Andean Countries

Pub. L. 101–623, §8, Nov. 21, 1990, 104 Stat. 3355, which required the President to submit to Congress a monthly report listing the number of members of United States Armed Forces assigned or detailed to, or otherwise performing functions in, each Andean country, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 18 of House Document No. 103–7.

Precursor Chemicals

Pub. L. 101–513, title V, §599H, Nov. 5, 1990, 104 Stat. 2068, provided that:

"(a) Negotiations.—(1) The Attorney General shall enter into negotiations with the appropriate law enforcement and judicial agencies and any other officials of any foreign country with jurisdiction over companies who manufacture, market, sell or purchase certain precursor and/or essential chemicals used in the production of illicit narcotics. The priority of negotiations should be determined based on an assessment by the Attorney General which countries have jurisdiction over companies that may be knowingly or unknowingly supplying chemicals for the illicit manufacture of controlled substances.

"(2) The purposes of the negotiations shall be to (a) establish a list of precursor and essential chemicals contributing to the illicit manufacture of controlled substances, as defined in section 102 of the Controlled Substances Act (21 USC 802); (b) reach one or more international agreements on a method for maintaining records of transactions of these listed chemicals; (c) establish a procedure by which such records may be made available to (and kept confidential as necessary by) United States law enforcement authorities for the exclusive purpose of conducting an investigation relative to precursor chemicals, essential chemicals and/or controlled substances contributing to the manufacture of illicit narcotics; and (d) encourage chemical source countries to enact national chemical control legislation which would (i) impose specific record keeping and reporting

requirements for domestic transactions involving listed chemicals; (ii) establish a system of permits or declarations for imports and exports of listed chemicals; and (iii) authorize government officials to seize or suspend shipments of listed chemicals based on evidence that they may be destined for the illicit manufacture of controlled substances.

"(b) Reports.—Not later than one year after the date of enactment of this Act [Nov. 5, 1990], the Attorney General shall submit an interim report to the Judiciary Committee and the Foreign Relations Committee of the Senate on progress in the negotiations. Not later than eighteen months from the date of enactment, the Attorney General shall submit a final report to the aforementioned Senate Committees on the result of negotiations identifying countries with which agreements have not been reached and which have jurisdiction over companies believed to be engaged in the manufacture, marketing, sale or purchase of precursor and/or essential chemicals used in illicit manufacture of controlled substances.

"(c) Penalties.—After consulting with the Attorney General and the Director of the Office of National Drug Control Policy, the President shall impose penalties or sanctions including temporarily or permanently prohibiting any corporation, partnership, individual or business association (i) refusing to maintain records for the purpose of monitoring and regulating transactions of listed precursor chemicals, or (ii) refusing to make such records available to United States law enforcement authorities for investigative purposes (in coordination with the local law enforcement agency in which such corporation, partnership, individual, or business association resides, is created or has its principal place of business) from engaging in any or all transactions, in goods or services, within the commerce of the United States.

"(d) Definitions.—A record under subsection (a) shall be retrievable and include the date of the transaction, the identity of each party to the transaction, including the ultimate consignee, and accounting of the quantity and form of listed chemical(s) and a description of the method of transfer.

"(e) This section shall not apply to the manufacture, distribution, sale, import or export of any drug which may, under the Federal Food, Drug and Cosmetic Act [21 U.S.C. 301 et seq.] be lawfully sold over-the-counter without prescription."

Linkage of Debt Reduction Loans to Reduction in Drug Trafficking; Report to Congress

Pub. L. 101–240, title IV, §407, Dec. 19, 1989, 103 Stat. 2504, provided that:

"(a) Findings.—The Congress finds that—

"(1) the Brady Initiative is a positive step, recognizing as it does the need for reducing the debt and debt service burdens of the indebted developing countries;

"(2) the multilateral development banks should, as part of this debt reduction process, encourage such countries to further reform their economies by reducing their dependence on production and trafficking of illicit narcotics; and

"(3) reduction of debt should relieve some of the financial burden on these countries, and thereby enable them to rely on legal income-generating activities.

"(b) Instruction of United States Executive Directors.—The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank that, in voting with respect to loans from the multilateral development bank to reduce the debt and debt burden of borrowing countries which are major producers, processors, traffickers, or exporters of illegal drugs to the United States, the Executive Director shall give preference to those countries which show marked improvement in reducing the volume of cultivation, processing, trafficking, and export to the United States of illegal drugs. In making a determination under the preceding sentence with respect to a country's improvement, the Secretary of the Treasury shall consult with the heads of the relevant agencies.

"(c) Report to Congress.—The Secretary of the Treasury shall include, in the detailed accounting required by section 2018(c) of the International Narcotics Control Act of 1986 (22 U.S.C. 2191 note) [section 2018(c) of Pub. L. 99–570 set out below], relating to multilateral development bank assistance for drug eradication and crop substitution programs, an additional discussion of the steps taken and the progress made in implementing the goals set forth in subsection (b) of this section, and further steps needed to secure the achievement of these goals.

"(d) Definitions.—As used in this section—

"(1) the term 'multilateral development bank' includes the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Asian Development Bank, the African Development Bank, and the African Development Fund; and

"(2) the term 'illegal drugs' means 'narcotic and psychotropic drugs and other controlled substances', as defined in section 481(i)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(3))."

Debt-for-Drugs Exchanges

Pub. L. 101–231, §10, Dec. 13, 1989, 103 Stat. 1961, provided that:

"(a) AUTHORITY.—The President may release Bolivia, Colombia, or Peru from its obligation to make payments to the United States Government of principal and interest on account of a loan made to that country under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to foreign assistance programs) or credits extended for that country under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military sales credits) if the President determines that that country is implementing programs to reduce the flow of cocaine to the United States in accordance with a formal bilateral or multilateral agreement, to which the United States is a party, that contains specific, quantitative and qualitative, performance criteria with respect to those programs.

"(b) CONGRESSIONAL REVIEW OF AGREEMENTS.—The President shall submit any such agreement with Bolivia, Colombia, or Peru to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate at least 15 days before exercising the authority of [sub]section (a) with respect to that country.

"(b) [(c)] COORDINATION WITH MULTILATERAL DEBT RELIEF ACTIVITIES.—The authority provided in subsection (a) shall be exercised in coordination with multilateral debt relief activities.

"(c) [(d)] EFFECTIVE DATE.—Subsection (a) takes effect on October 1, 1990."

ADDITIONAL ASSISTANCE TO COUNTRIES MEETING DRUG ERADICATION TARGETS OR TAKING SIGNIFICANT STEPS AGAINST DRUG PRODUCTION OR TRAFFICKING

Pub. L. 101–167, title V, §569(d), Nov. 21, 1989, 103 Stat. 1244, provided that:

"(1) If any funds made available for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of any provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production of [or] trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

"(A) Those funds may be transferred to and consolidated with the funds made available to carry out section 481 of the Foreign Assistance Act of 1961 [22 U.S.C. 2291] in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funds for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610 of the Foreign Assistance Act [22 U.S.C. 2360].

"(B) Any such funds not used under subparagraph (A) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures of the Committees on Appropriations) in order to provide additional security assistance for those countries.

"(2) As used in this section, the term 'security assistance' means economic support fund assistance, foreign military financing, and international military education and training."

DEFINITION OF TERMS USED IN INTERNATIONAL NARCOTICS CONTROL ACT OF 1988

Pub. L. 100–690, title IV, §4003, Nov. 18, 1988, 102 Stat. 4263, defined terms "drug" and "narcotic" to mean narcotic and psychotropic drugs and other controlled substances as defined in subsec. (i)(3) of this section for purposes of title IV of Pub. L. 100–690, prior to repeal by Pub. L. 102–583, §6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

REGIONAL ANTI-NARCOTICS FORCES

Pub. L. 100–690, title IV, §4101, Nov. 18, 1988, 102 Stat. 4263, stated need for anti-narcotics multinational force in Western Hemisphere and authorized diplomatic efforts toward creation of such a force, prior to repeal by Pub. L. 102–583, §6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

DETERMINING MAJOR DRUG-TRANSIT COUNTRIES WITH RESPECT TO FISCAL YEAR 1989

Pub. L. 100–690, title IV, §4405(b), Nov. 18, 1988, 102 Stat. 4276, directed Secretary of State to make determination of major drug-transit countries with respect to fiscal year 1989, prior to repeal by Pub. L. 102–583, §6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

BILATERAL NARCOTICS AGREEMENTS REQUIRED FOR CERTIFICATIONS FOR FISCAL YEAR 1989 AND THEREAFTER

Pub. L. 100–202, §101(e) [title V, §585(c)], Dec. 22, 1987, 101 Stat. 1329–131, 1329-185, as amended by Pub. L. 100–461, title V, §578(g)(2), Oct. 1, 1988, 102 Stat. 2268–47, provided that beginning with certifications with respect to fiscal year 1989 and each subsequent year, a country which in the previous year had been designated a major drug producing or drug transit country would not be deemed as cooperating fully unless it had in place a bilateral narcotics agreement with the United

States, or a multilateral agreement which achieves the objectives of this section, prior to repeal by Pub. L. 100–690, title IV, §4407(b)(2), Nov. 18, 1988, 102 Stat. 4281.

Review of Effectiveness of International Narcotics Control Assistance Program

Pub. L. 99–570, title II, §2007, Oct. 27, 1986, 100 Stat. 3207–64, directed Comptroller General to review effectiveness of assistance provided under this part, prior to repeal by Pub. L. 102–583, §6(e)(2), Nov. 2, 1992, 106 Stat. 4933.

Multilateral Development Bank Assistance for Drug Eradication and Crop Substitution Programs

Pub. L. 99–570, title II, §2018, Oct. 27, 1986, 100 Stat. 3207–68, provided that:

"(a) MDB Assistance for Development and Implementation of Drug Eradication Program.—The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to initiate discussions with other Directors of their respective banks and to propose that all possible assistance be provided to each major illicit drug producing country for the development and implementation of a drug eradication program, including technical assistance, assistance in conducting feasibility studies and economic analyses, and assistance for alternate economic activities.

"(b) Increases in Multilateral Development Bank Lending for Crop Substitution Projects.—The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to initiate discussions with other Directors of their respective banks and to propose that each such bank increase the amount of lending by such bank for crop substitution programs which will provide an economic alternative for the cultivation or production of illicit narcotic drugs or other controlled substances in major illicit drug producing countries, to the extent such countries develop and maintain adequate drug eradication programs.

"(c) National Advisory Council Report.—The Secretary of the Treasury shall include in the annual report to the Congress by the National Advisory Council on International Monetary and Financial Policies a detailed accounting of the manner in which and the extent to which the provisions of this section have been carried out.

"(d) Definitions.—For purposes of this section—

"(1) Multilateral development bank.—The term 'multilateral development bank' means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the African Development Bank, and the Asian Development Bank.

"(2) Major illicit drug producing country.—The term 'major illicit drug producing country' has the meaning provided in section 481(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(2)).

"(3) Narcotic drug and controlled substance.—The terms 'narcotic drug' and 'controlled substance' have the meanings given to such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802)."

Reports to Congress on Drug Education Programs Abroad

Pub. L. 99–570, title II, §2029, Oct. 27, 1986, 100 Stat. 3207–72, directed Director of United States Information Agency and Administrator of Agency for International Development to include in their annual reports to Congress a description of drug education programs carried out by their respective agencies, prior to repeal by Pub. L. 103–447, title I, §103(c), Nov. 2, 1994, 108 Stat. 4694.

United States Senate Caucus on International Narcotics Control

Pub. L. 107–68, title I, §103, Nov. 12, 2001, 115 Stat. 568, provided that:

"(a) Agency contributions for employees whose salaries are disbursed by the Secretary of the Senate from the appropriations account 'Expenses of the United States Senate Caucus on International Narcotics Control' under the heading 'Congressional Operations' shall be paid from the Senate appropriations account for 'Salaries, Officers and Employees'.

"(b) This section shall apply to pay periods beginning on or after October 1, 2001."

Pub. L. 99–93, title VIII, §814, Aug. 16, 1985, 99 Stat. 455, as amended by Pub. L. 99–151, title III, §306, Nov. 13, 1985, 99 Stat. 808; Pub. L. 100–202, §101(i) [title I, §5], Dec. 22, 1987, 101 Stat. 1329–290, 1329-294; Pub. L. 102–392, title III, §323, Oct. 6, 1992, 106 Stat. 1726; Pub. L. 105–119, title VI, §625, Nov. 26, 1997, 111 Stat. 2522; Pub. L. 106–57, title I, §7, Sept. 29, 1999, 113 Stat. 412; Pub. L. 107–228, div. A, title VI, §684, Sept. 30, 2002, 116 Stat. 1411, provided that:

"(a) Establishment.—There is established the United States Senate Caucus on International Narcotics Control (hereafter in this section referred to as the 'Caucus').

"(b) Duties.—The Caucus is authorized and directed—

"(1) to monitor and promote international compliance with narcotics control treaties, including eradication and other relevant issues; and

"(2) to monitor and encourage United States Government and private programs seeking to expand international cooperation against drug abuse and narcotics trafficking.

"(c) MEMBERSHIP.—(1) The Caucus shall be composed of 12 members as follows:

"(A) 7 Members of the Senate appointed by the President of the Senate, 4 of whom (including the member designated as Chairman) shall be selected from the majority party of the Senate, after consultation with the majority leader, and 3 of whom (including the member designated as Cochairman) shall be selected from the minority party of the Senate, after consultation with the minority leader.

"(B) 5 members of the public to be appointed by the President after consultation with the members of the appropriate congressional committees.

"(2) There shall be a Chairman and a Cochairman of the Caucus.

"(d) POWERS.—In carrying out this section, the Caucus may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpoenas may be issued over the signature of the Chairman of the Caucus or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Caucus, or any member designated by him, may administer oaths to any witness.

"(e) REPORT BY PRESIDENT TO CAUCUS.—In order to assist the Caucus in carrying out its duties, the President shall submit to the Caucus a copy of the report required by section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2991(e)) [22 U.S.C. 2291(e)].

"(f) REPORT TO SENATE.—The Caucus is authorized and directed to report to the Senate with respect to the matters covered by this section on a periodic basis and to provide information to Members of the Senate as requested. For each fiscal year for which an appropriation is made the Caucus shall submit to the Congress a report on its expenditures under such appropriation.

"(g) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Caucus $370,000 for each fiscal year, to remain available until expended, to assist in meeting the expenses of the Caucus for the purpose of carrying out the provisions of this section.

"(2) For purposes of section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)), the Caucus shall be deemed to be a standing committee of the Senate and shall be entitled to the use of funds in accordance with such section.

"(h) STAFF.—The Caucus may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(i) TERMINATION.—The Caucus shall cease to exist on September 30, 2005."

Pub. L. 99–151, title III, §306, Nov. 13, 1985, 99 Stat. 808, provided that:

"(a) Notwithstanding the provisions of this or any other Act, the United States International Narcotics Control Commission, established by section 814 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 [section 814 of Pub. L. 99–93, set out as a note above], is hereby redesignated and shall hereafter be known as the United States Senate Caucus on International Narcotics Control.

"(b) Any reference to the United States International Narcotics Control Commission in any law, regulation, document, record, or other official paper of the United States shall be deemed to be a reference to the United States Senate Caucus on International Narcotics Control."

DRUG TRAFFICKING AND PROBLEM OF TOTAL CONFIDENTIALITY OF CERTAIN FOREIGN BANK ACCOUNTS

Pub. L. 99–83, title VI, §619, Aug. 8, 1985, 99 Stat. 233, provided that:

"(a) FINDINGS.—The Congress finds that—

"(1) several banks in Latin America and the Caribbean are used by narcotics traffickers as depositories for money obtained in providing illicit drugs to the United States and other countries of the region;

"(2) offshore banks which provide total confidentiality provide a service which materially assists the operations of illicit drug traffickers; and

"(3) cooperation in gaining access to the bank accounts of such narcotics traffickers would materially assist United States authorities in controlling the activities of such traffickers.

"(b) POLICY.—The Congress—

"(1) requests the President to negotiate treaties or appropriate international agreements with all countries providing confidential banking services (giving high priority to countries in the Caribbean region) to provide disclosure to the United States Government of information contained in official records, and in records of bank accounts, concerning persons under investigation for violations of United States law, in particular those regarding international drug trafficking;

"(2) directs the President to include reports on the results of such efforts in the annual International Narcotics Control Strategy Report; and

"(3) reaffirms its intention to obtain maximum cooperation on the part of all governments for the purpose of halting international drug trafficking, and constantly to evaluate the cooperation of those governments receiving assistance from the United States."

Use of Funds Appropriated Prior to December 29, 1981, for Herbicide Eradication of Marihuana and Colombian Anti-Narcotics Enforcement Program

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

"(2) Assistance provided from funds appropriated, before the enactment of this Act [Dec. 29, 1981], to carry out section 481 of the Foreign Assistance Act of 1961 [this section] may be made available for purposes prohibited by subsection (d) of such section as in effect immediately before the enactment of this subsection [Dec. 29, 1981].

"(3) Funds appropriated for the fiscal year 1980 to carry out section 481 of the Foreign Assistance Act of 1961 [this section] which were obligated for assistance for the Republic of Colombia may be used for purposes other than those set forth in section 482(a)(2) of that Act [22 U.S.C. 2291a] as in effect immediately before the enactment of the International Security and Development Cooperation Act of 1980 [Dec. 16, 1980].

"(4) Paragraphs (2) and (3) of this subsection shall apply only to the extent provided in advance in an appropriations Act. For such purpose, the funds described in those paragraphs are authorized to be made available for the purposes specified in those paragraphs."

United States Citizens Imprisoned in Mexico

Pub. L. 94–329, title IV, §408, June 30, 1976, 90 Stat. 759, as amended by Pub. L. 95–384, §29(b), Sept. 26, 1978, 92 Stat. 747, provided that:

"(a) The Congress, while sharing the concern of the President over the urgent need for international cooperation to restrict traffic in dangerous drugs, is convinced that such efforts must be consistent with respect for fundamental human rights. The Congress, therefore, calls upon the President to take steps to insure that United States efforts to secure stringent international law enforcement measures are combined with efforts to secure fair and humane treatment for citizens of all countries.

"(b) The Congress requests that the President communicate directly to the President and Government of the Republic of Mexico, a nation with which we have friendly and cooperative relations, the continuing desire of the United States for such relations between our two countries and the concern of the United States over treatment of United States citizens arrested in Mexico."

Delegation of Presidential Authorities Under International Narcotics Control Act of 1990

Determination of President of the United States, No. 91–20, Jan. 25, 1991, 56 F.R. 8681, provided:

Memorandum for the Secretary of State [and] the Secretary of Defense

By virtue of the authority vested in me by the Constitution and the laws of the United States of America, including the provisions of the International Narcotics Control Act of 1990 (the INCA), Public Law 101–623 [see Short Title of 1990 Amendment note set out under section 2151 of this title], and 3 U.S.C. section 301, I hereby:

(1) Delegate to the Secretary of State the functions conferred upon me by the following sections of the INCA:

Section 4(a) [Nov. 21, 1990, 104 Stat. 3353]; section 4(e); and, in consultation with the Secretary of Defense, section 13 [22 U.S.C. 2291h note].

(2) Delegate to the Secretary of Defense the functions conferred upon me by section 8 of the INCA [set out as a note above].

(3) Delegate to the heads of executive departments and agencies those functions under the INCA relating to notifications to the Congress insofar as such functions relate to programs for which those heads of departments and agencies have responsibilities for notifications to the Congress under Executive Order No. 12163, as amended [22 U.S.C. 2381 note]; provided that the heads of departments and agencies shall consult with the Secretary of State before exercising the functions delegated by this paragraph with regard to narcotics-related assistance.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

George Bush.

[1] *See References in Text note below.*

§2291–1. Repealed. Pub. L. 102–583, §6(e)(2), Nov. 2, 1992, 106 Stat. 4933

Section, Pub. L. 99–570, title II, §2013, Oct. 27, 1986, 100 Stat. 3207–66; Pub. L. 100–690, title IV, §4404, Nov. 18, 1988, 102 Stat. 4276, related to reports and restrictions concerning major illicit drug producing and major drug-transit countries.

§2291–2. Repealed. Pub. L. 103–447, title I, §103(b), Nov. 2, 1994, 108 Stat. 4693

Section, Pub. L. 100–690, title IV, §4501, Nov. 18, 1988, 102 Stat. 4284; Pub. L. 102–583, §6(e)(1), Nov. 2, 1992, 106 Stat. 4933, provided for reporting on transfer of United States assets.

§2291–3. Repealed. Pub. L. 102–583, §6(e)(1), Nov. 2, 1992, 106 Stat. 4933

Section, Pub. L. 100–690, title IV, §4601, Nov. 18, 1988, 102 Stat. 4286, provided for the coordination of all United States anti-narcotics assistance to foreign countries. See section 2291(b) of this title.

§2291–4. Official immunity for authorized employees and agents of United States and foreign countries engaged in interdiction of aircraft used in illicit drug trafficking

(a) Employees and agents of foreign countries

Notwithstanding any other provision of law, it shall not be unlawful for authorized employees or agents of a foreign country (including members of the armed forces of that country) to interdict or attempt to interdict an aircraft in that country's territory or airspace if—

(1) that aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking; and

(2) the President of the United States has, during the 12-month period ending on the date of the interdiction, certified to Congress with respect to that country that—

(A) interdiction is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and

(B) the country has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force directed against the aircraft.

(b) Employees and agents of United States

Notwithstanding any other provision of law, it shall not be unlawful for authorized employees or agents of the United States (including members of the Armed Forces of the United States) to provide assistance for the interdiction actions of foreign countries authorized under subsection (a). The provision of such assistance shall not give rise to any civil action seeking money damages or any other form of relief against the United States or its employees or agents (including members of the Armed Forces of the United States).

(c) Annual report

(1) Except as provided in paragraph (2), not later than February 1 each year, the President shall submit to Congress a report on the assistance provided under subsection (b) during the preceding calendar year. Each report shall include for the calendar year covered by such report the following:

(A) A list specifying each country for which a certification referred to in subsection (a)(2) was in effect for purposes of that subsection during any portion of such calendar year, including the nature of the illicit drug trafficking threat to each such country.

(B) A detailed explanation of the procedures referred to in subsection (a)(2)(B) in effect for each country listed under subparagraph (A), including any training and other mechanisms in place to ensure adherence to such procedures.

(C) A complete description of any assistance provided under subsection (b).

(D) A summary description of the aircraft interception activity for which the United States Government provided any form of assistance under subsection (b).

(2) In the case of a report required to be submitted under paragraph (1) to the congressional intelligence committees (as defined in section 3003 of title 50), the submittal date for such report shall be as provided in section 3106 of title 50.

(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) Definitions

For purposes of this section:

(1) The terms "interdict" and "interdiction", with respect to an aircraft, mean to damage, render inoperative, or destroy the aircraft.

(2) The term "illicit drug trafficking" means illicit trafficking in narcotic drugs, psychotropic substances, and other controlled substances, as such activities are described by any international narcotics control agreement to which the United States is a signatory, or by the domestic law of the country in whose territory or airspace the interdiction is occurring.

(3) The term "assistance" includes operational, training, intelligence, logistical, technical, and administrative assistance.

(Pub. L. 103–337, div. A, title X, §1012, Oct. 5, 1994, 108 Stat. 2837; Pub. L. 107–108, title V, §503, Dec. 28, 2001, 115 Stat. 1405; Pub. L. 107–306, title VIII, §811(b)(6), Nov. 27, 2002, 116 Stat. 2425.)

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), (C), 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. 43795, set out as a note under section 5202 of this title.

Presidential Determinations Relating to Interdiction

The President made the determination required by subsec. (a)(2) of this section for the following countries:

Brazil.—Determination No. 2015–01, Oct. 9, 2014, 79 F.R. 62793.
Determination No. 2014–02, Oct. 10, 2013, 78 F.R. 62953.
Determination No. 2013–01, Oct. 11, 2012, 77 F.R. 65457.
Determination No. 2012–02, Oct. 14, 2011, 76 F.R. 70635.
Determination No. 2011–03, Oct. 15, 2010, 75 F.R. 75853.
Determination No. 2010–02, Oct. 16, 2009, 74 F.R. 54429.
Determination No. 2009–4, Oct. 15, 2008, 73 F.R. 62849.
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Determination No. 2017–10, July 21, 2017, 82 F.R. 40667.
Determination No. 2016–09, Aug. 4, 2016, 81 F.R. 55107.
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Determination No. 2014–12, Aug. 7, 2014, 79 F.R. 49221.
Determination No. 2013–12, Aug. 9, 2013, 78 F.R. 51647, 73377.
Determination No. 2012–13, Aug. 10, 2012, 77 F.R. 50559.
Determination No. 2011–13, Aug. 10, 2011, 76 F.R. 53299.
Determination No. 2010–11, Aug. 10, 2010, 75 F.R. 67011, 68405.
Determination No. 2009–24, Aug. 13, 2009, 74 F.R. 42573.
Determination No. 2008–24, Aug. 15, 2008, 73 F.R. 54283.
Determination No. 2007–28, Aug. 16, 2007, 72 F.R. 50035.
Determination No. 2006–19, Aug. 17, 2006, 71 F.R. 51975.
Determination No. 2005–32, Aug. 17, 2005, 70 F.R. 50949.
Determination No. 2004–42, Aug. 17, 2004, 69 F.R. 52807.
Determination No. 2003–32, Aug. 18, 2003, 68 F.R. 50963.
Determination No. 95–7, Dec. 1, 1994, 59 F.R. 64835.

Peru.—Determination No. 95–9, Dec. 8, 1994, 59 F.R. 65231.

§2291–5. Provision of nonlethal equipment to foreign law enforcement organizations for cooperative illicit narcotics control activities

(a) In general

(1) Subject to paragraph (2), the Administrator of the Drug Enforcement Administration, in consultation with the Secretary of State, may transfer or lease each year nonlethal equipment to foreign law enforcement organizations for the purpose of establishing and carrying out cooperative illicit narcotics control activities.

(2)(A) The Administrator may transfer or lease equipment under paragraph (1) only if the equipment is not designated as a munitions item or controlled on the United States Munitions List pursuant to section 2778 of this title.

(B) The value of each piece of equipment transferred or leased under paragraph (1) may not exceed $100,000.

(b) Additional requirement

The Administrator shall provide for the maintenance and repair of any equipment transferred or leased under subsection (a).

(c) Notification requirement

Before the export of any item authorized for transfer under subsection (a), the Administrator shall provide written notice to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives in accordance with the procedures applicable to reprogramming notifications under section 2394–1 of this title.

(d) Sense of Congress

It is the sense of Congress that—

(1) all United States law enforcement personnel serving in Mexico should be accredited the same status under the Vienna Convention on Diplomatic Immunity as other diplomatic personnel serving at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accorded the same diplomatic status as Drug Enforcement Administration personnel serving in Mexico.

(Pub. L. 105–277, div. C, title VIII, §843, Oct. 21, 1998, 112 Stat. 2681–704.)

Codification

Section was enacted as part of the Western Hemisphere Drug Elimination Act, and also as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

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 to carry out this part shall not be made available for the procurement of weapons or ammunition.

(2) Exceptions

Paragraph (1) shall not apply with respect to funds for the procurement of—

(A) weapons or ammunition provided only for the defensive arming of aircraft used for narcotics-related purposes, or

(B) firearms and related ammunition provided only for defensive purposes to employees or contract personnel of the Department of State engaged in activities under this part,

if, at least 15 days before obligating those funds, the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 2394–1 of this title.

(c) Contributions and reimbursement

(1) To ensure local commitment to the activities assisted under this part, a country receiving assistance under this part should bear an appropriate share of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. A country may bear such costs on an "in kind" basis.

(2)(A) The President is authorized to accept contributions from foreign governments to carry out the purposes of this part. Such contributions shall be deposited as an offsetting collection to the applicable appropriation account and may be used under the same terms and conditions as funds appropriated pursuant to this part.

(B) At the time of submission of the annual congressional presentation documents required by section 2394(a) of this title, the President shall provide a detailed report on any contributions received in the preceding fiscal year, the amount of such contributions, and the purposes for which such contributions were used.

(3) The President is authorized to provide assistance under this part on a reimbursable basis. Such reimbursements shall be deposited as an offsetting collection to the applicable appropriation and may be used under the same terms and conditions as funds appropriated pursuant to this part.

(d) Administrative assistance

(1) Except as provided in paragraph (2), personnel funded pursuant to this section are authorized to provide administrative assistance to personnel assigned to the bureau designated by the Secretary of State to replace the Bureau for International Narcotics Matters.

(2) Paragraph (1) shall not apply to the extent that it would result in a reduction in funds available for antinarcotics assistance to foreign countries.

(e) Advance notification of transfer of seized assets

The President shall notify the appropriate congressional committees at least 10 days prior to any transfer by the United States Government to a foreign country for narcotics control purposes of any property or funds seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity.

(f) Treatment of funds

Funds transferred to and consolidated with funds appropriated pursuant to this part may be made available on such terms and conditions as are applicable to funds appropriated pursuant to this part. Funds so transferred or consolidated shall be apportioned directly to the bureau within the Department of State responsible for administering this part.

(g) Excess property

For purposes of this part, the Secretary of State may use the authority of section 2358 of this title, without regard to the restrictions of such section, to receive nonlethal excess property from any agency of the United States Government for the purpose of providing such property to a foreign government under the same terms and conditions as funds authorized to be appropriated for the purposes of this part.

(Pub. L. 87–195, pt. I, §482, as added Pub. L. 92–352, title V, §503, July 13, 1972, 86 Stat. 497; amended Pub. L. 93–189, §11(b), Dec. 17, 1973, 87 Stat. 720; Pub. L. 94–329, title V, §504(a), June 30, 1976, 90 Stat. 764; Pub. L. 95–92, §3, Aug. 4, 1977, 91 Stat. 614; Pub. L. 95–384, §5, Sept. 26, 1978, 92 Stat. 731; Pub. L. 96–92, §3(a), Oct. 29, 1979, 93 Stat. 701; Pub. L. 96–533, title IV, §402(a), (b), Dec. 16, 1980, 94 Stat. 3149; Pub. L. 97–113, title V, §502(c), Dec. 29, 1981, 95 Stat. 1539; Pub. L. 99–83, title VI, §§602, 608, 614, Aug. 8, 1985, 99 Stat. 228, 229, 231; Pub. L. 99–529, title IV, §401, Oct. 24, 1986, 100 Stat. 3019; Pub. L. 99–570, title II, §2002, Oct. 27, 1986, 100 Stat. 3207–60; Pub. L. 100–690, title IV, §4201, Nov. 18, 1988, 102 Stat. 4267; Pub. L. 101–231, §§16, 17(g), Dec. 13, 1989, 103 Stat. 1964, 1965; Pub. L. 102–583, §§3, 4(e), 6(b)(4), Nov. 2, 1992, 106 Stat. 4914, 4915, 4932; Pub. L. 103–236, title I, §164(a), Apr. 30, 1994, 108 Stat. 411; Pub. L. 103–447, title I, §101(c), Nov. 2, 1994, 108 Stat. 4692; Pub. L. 104–164, title I, §131(b), (c), July 21, 1996, 110 Stat. 1429.)

Amendments

1996—Subsec. (c). Pub. L. 104–164, §131(b), substituted "Contributions and reimbursement" for "Contribution by recipient country" in heading, redesignated existing provisions as par. (1), and added pars. (2) and (3).

Subsecs. (f), (g). Pub. L. 104–164, §131(c), added subsecs. (f) and (g).

1994—Subsec. (d). Pub. L. 103–236 added subsec. (d).

Subsec. (e). Pub. L. 103–447 added subsec. (e).

1992—Subsec. (a)(1). Pub. L. 102–583, §3, substituted "$147,783,000 for fiscal year 1993 and $171,500,000 for fiscal year 1994" for "$115,000,000 for fiscal year 1990".

Subsec. (b). Pub. L. 102–583, §4(e), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Funds authorized to be appropriated by this section shall not be made available for the procurement of weapons or ammunition under this part."

Subsecs. (c), (d). Pub. L. 102–583, §6(b)(4), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: "Notwithstanding section 1306 of title 31, section 508 of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, and section 1705 of title 7, up to the equivalent of $10,000,000 in currencies or credits of the Government of Pakistan held by the United States shall, to such extent as may be provided in an appropriation Act, be available to the President for the fiscal year 1981 (and shall remain available until expended) to carry out the purposes of section 2291 of this title through assistance to the Government of Pakistan. Notwithstanding any other provision of law, the availability or expenditure of such foreign currencies shall not affect or reduce appropriations otherwise available to carry out the administration of the international narcotics control program."

1989—Subsec. (a)(1). Pub. L. 101–231, §16, substituted "$115,000,000 for fiscal year 1990" for "$101,000,000 for fiscal year 1989".

Subsec. (d). Pub. L. 101–231, §17(g), inserted "Contribution by recipient country" as heading and amended text generally. Prior to amendment, text read as follows: "Assistance may be provided under this part to a foreign country only if the country provides assurances to the President, and the President is satisfied, that the country will provide at least 25 percent of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. The costs borne by the country may include 'in-kind' contributions."

1988—Subsec. (a). Pub. L. 100–690 added par. (1) and struck out former pars. (1) and (3) which related to authorization for fiscal years 1986 and 1987, and to contribution to United Nations Fund for Drug Abuse Control.

1986—Subsec. (a)(1). Pub. L. 99–570, §2002(1), which directed that "$75,445,000 for the fiscal year 1987" be substituted for "$57,529,000 for the fiscal year 1987", was executed by making the substitution for "$65,445,000 for the fiscal year 1987" to reflect the probable intent of Congress and the intervening amendment by Pub. L. 99–529. See Amendment note for Pub. L. 99–529 below.

Pub. L. 99–570, §2002(2), inserted provisions that if the President submits a detailed plan for use of the money, an additional $45,000,000 may be appropriated to carry out the purpose of section 2291 of this title, of which at least $10,000,000 shall be used primarily for helicopters or other aircraft based in Latin America for use for narcotics control, eradication, and interdiction efforts throughout the region.

Pub. L. 99–529, which directed the substitution of "$65,445,000 for the fiscal year 1987" for "$57,529,000 for the fiscal year 1987", was executed by substituting the new phrase for "$57,529,000 for fiscal year 1987" to reflect the probable intent of Congress.

1985—Subsec. (a)(1). Pub. L. 99–83, §602, amended par. (1) generally, substituting provisions authorizing appropriations of $57,529,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of $37,700,000 for fiscal years 1982 and 1983.

Subsec. (a)(3). Pub. L. 99–83, §614, added par. (3).

Subsec. (d). Pub. L. 99–83, §608, added subsec. (d).

1981—Subsec. (a). Pub. L. 97–113, in par. (1), substituted appropriations authorization of $37,700,000 for fiscal years 1982 and 1983 for appropriation of $38,573,000 for fiscal year 1981, redesignated par. (3) as (2), and deleted former par. (2) which limited the contribution to the United Nations Fund for Drug Abuse Control from fiscal year 1981 appropriated funds to lesser of $3,000,000 or 50 percent of the total contributions by all countries to such Fund for the calendar year with respect to which the United States contribution is made.

1980—Subsec. (a). Pub. L. 96–533, §402(a), in par. (1), substituted appropriations authorization of $38,573,000 for fiscal year 1981 for such authorization of $51,758,000 for fiscal year 1980, redesignated as par. (3) as (2), substituting therein "1981" and "50 percent" for "1980" and "25 percent", and deleted former par. (2) authorization of $16,000,000 for interdiction of drug traffic by Republic of Colombia to be used only for helicopters, patrol vessels, fixed radar equipment, transport vehicles, fuel, and for training personnel, and redesignated par. (4) as (3).

Subsec. (c). Pub. L. 96–533, §402(b), added subsec. (c).

1979—Subsec. (a)(1). Pub. L. 96–92 designated existing provisions as par. (1), substituted appropriations authorization of $51,758,000 for fiscal year 1980 for authorization of $40,000,000 for fiscal year 1979, and designated provision respecting availability of funds as par. (4).

Subsec. (a)(2), (3). Pub. L. 96–92 added pars. (2) and (3).

Subsec. (a)(4). Pub. L. 96–92 designated existing provision respecting availability of funds as par. (4) and substituted "subsection" for "section".

1978—Pub. L. 95–384 designated existing provisions as subsec. (a), substituted "$40,000,000 for the fiscal year 1979" for "$39,000,000 for the fiscal year 1978", and added subsec. (b).

1977—Pub. L. 95–92 substituted provisions authorizing appropriations for fiscal year 1978 and providing for availability of amounts appropriated until expended, for provisions authorizing appropriations for fiscal years 1974 through 1977, provisions prohibiting obligation of appropriation for fiscal year 1976 for any country illegally trafficking in opiates unless such appropriation aids in reducing the amount of illegal opiates entering the international market, and provisions authorizing availability of amounts appropriated until expended.

1976—Pub. L. 94–329 inserted provision that authorized $40,000,000 for the fiscal year 1976, no part of which can be obligated to any country where illegal opiate traffic is a significant problem unless the President certifies in writing to the Speaker of the House and chairman of the Senate Committee on Foreign Relations that the assistance furnished is significantly the amount of illegal opiates entering the international market, and authorized $34,000,000 for the fiscal year 1977.

1973—Pub. L. 93–189 substituted "$42,500,000 for each of the fiscal years 1974 and 1975. Amounts appropriated under this section are authorized to remain available until expended", for "$42,500,000 for the fiscal year 1973, which amount is authorized to remain available until expended".

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

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.

Colombian Anti-Narcotics Enforcement Program

Pub. L. 96–533, title IV, §402(c), Dec. 16, 1980, 94 Stat. 3150, provided: "Notwithstanding the provisions of section 482(a)(2) of the Foreign Assistance Act of 1961 [subsec. (a)(2) of this section] as in effect immediately prior to the enactment of this Act [Dec. 16, 1980], funds appropriated for the fiscal year 1980 to carry out the purposes of section 481 of that Act [section 2291 of this title] which were obligated for assistance for Colombia may be used for fixed-wing aircraft, communications equipment, and such other equipment and operational support, including aviation services, as are essential to the Colombian anti-narcotics enforcement program."

§2291b. Prohibition on use of foreign assistance for reimbursements for drug crop eradications

Funds made available to carry out this chapter may not be used to reimburse persons whose illicit drug crops are eradicated.

(Pub. L. 87–195, pt. I, §483, as added Pub. L. 99–83, title VI, §609, Aug. 8, 1985, 99 Stat. 230.)

References in Text

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

Effective Date

Section effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as an Effective Date of 1985 Amendment note under section 2151–1 of this title.

§2291c. Requirements relating to aircraft and other equipment

(a) Retention of title to aircraft

(1) In general

(A) Except as provided in paragraph (2), any aircraft made available to a foreign country under this part, or made available to a foreign country primarily for narcotics-related purposes under any other provision of law, shall be provided only on a lease or loan basis.

(B) Subparagraph (A) applies to aircraft made available at any time after October 27, 1986 (which was the date of enactment of the International Narcotics Control Act of 1986).

(2) Exceptions

(A) Paragraph (1) shall not apply to the extent that—

(i) the application of that paragraph with respect to particular aircraft would be contrary to the national interest of the United States; and

(ii) the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 2394–1 of this title.

(B) Paragraph (1) does not apply with respect to aircraft made available to a foreign country under any provision of law that authorizes property that has been civilly or criminally forfeited to the United States to be made available to foreign countries.

(3) Assistance for leasing of aircraft

(A) For purposes of satisfying the requirement of paragraph (1), funds made available for the "Foreign Military Financing Program" under section 23 of the Arms Export Control Act [22 U.S.C. 2763] may be used to finance the leasing of aircraft under chapter 6 of that Act [22 U.S.C. 2796 et seq.].

(B) Section 61(a)(3) [1] of that Act [22 U.S.C. 2796(a)(3)] shall not apply with respect to leases so financed; rather the entire cost of any such lease (including any renewals) shall be an initial, one time payment of the amount which would be the sales price for the aircraft if they were sold under section 21(a)(1)(B) or section 22 of that Act [22 U.S.C. 2761(a)(1)(B), 2762] (as appropriate).

(C) To the extent that aircraft so leased were acquired under chapter 5 of that Act [22 U.S.C. 2795 et seq.], funds used pursuant to this paragraph to finance such leases shall be credited to the Special Defense Acquisition Fund under chapter 5 of that Act (excluding the amount of funds that reflects the charges described

in section 21(e)(1) of that Act [22 U.S.C. 2761(e)(1)]). The funds described in the parenthetical clause of the preceding sentence shall be available for payments consistent with sections 37(a) and 43(b) of that Act [22 U.S.C. 2777(a), 2792(b)].

(b) Permissible uses of aircraft and other equipment

The President shall take all reasonable steps to ensure that aircraft and other equipment made available to foreign countries under this part are used only in ways that are consistent with the purposes for which such equipment was made available.

(c) Reports

In the reports submitted pursuant to section 2291h(a) of this title, the President shall discuss—

(1) any evidence indicating misuse by a foreign country of aircraft or other equipment made available under this part, and

(2) the actions taken by the United States Government to prevent future misuse of such equipment by that foreign country.

(Pub. L. 87–195, pt. I, §484, as added Pub. L. 99–570, title II, §2003, Oct. 27, 1986, 100 Stat. 3207–61; amended Pub. L. 101–623, §7, Nov. 21, 1990, 104 Stat. 3355; Pub. L. 102–583, §4(f)(1), (2)(D), Nov. 2, 1992, 106 Stat. 4916, 4917.)

References in Text

The Arms Export Control Act, referred to in subsec. (a)(3), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended. Chapters 5 and 6 of the Act are classified generally to subchapters V (§2795 et seq.) and VI (§2796 et seq.), respectively, of chapter 39 of this title. Section 61(a)(3) of the Act was redesignated section 61(a)(4), and a new section 61(a)(3) was added, by Pub. L. 103–236, title VII, §731(e)(2), (3), Apr. 30, 1994, 108 Stat. 503. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Codification

The text of subsecs. (a) and (b) of section 2291h of this title, which were redesignated as subsecs. (b) and (c) of this section by Pub. L. 102–583, §4(f)(2)(D), was based on section 489(a) and (b) of Pub. L. 87–195, pt. I, as added Pub. L. 100–690, title IV, §4507, Nov. 18, 1988, 102 Stat. 4286; amended Pub. L. 102–583, §4(f)(2)(B), (C), Nov. 2, 1992, 106 Stat. 4917.

Amendments

1992—Pub. L. 102–583, §4(f)(1), amended section generally, substituting subsec. (a) for former text which read as follows: "Any aircraft which, at any time after October 27, 1986, are made available to a foreign country under this part, or are made available to a foreign country primarily for narcotics-related purposes under any other provision of law, shall be provided only on a 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 counternarcotics efforts in Andean countries. Such program shall be designed to eliminate direct participation of the United States Government (including participation through the use of either direct hire or contract personnel) in the operation of such aircraft.

"(b) Requirement for Replacement of United States Government Pilots by Host Country Pilots.—The President shall ensure that, within 18 months after the date of enactment of this Act [Nov. 21, 1990], flight crews composed of host country personnel replace all United States Government pilots and other flight crew members (including both direct hire or contract personnel) for host country aircraft involved in airborne counternarcotics operations in the Andean countries.

"(c) Aircraft Subject to Requirements.—As used in this section, the term 'host country aircraft' means any aircraft made available to an Andean country by the United States Government under chapter 8 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2291 et seq.], or any other provision of law, for use by that country for narcotics-related purposes."

[Functions of President under section 13 of Pub. L. 101–623, set out above, delegated to Secretary of State in consultation with Secretary of Defense by Determination of President of the United States, No. 91–20, Jan. 25, 1991, 56 F.R. 8681, set out as a note under section 2291 of this title.]

[1] *See References in Text note below.*

§2291d. Records of aircraft use

(a) Requirement to maintain records

The President shall maintain detailed records on the use of any aircraft made available to a foreign country under this part, including aircraft made available before October 27, 1986.

(b) Congressional access to records

The President shall make the records maintained pursuant to subsection (a) available to the Congress upon a request of the Chairman of the Committee on Foreign Affairs of the House of Representatives or the Chairman of the Committee on Foreign Relations of the Senate.

(Pub. L. 87–195, pt. I, §485, as added Pub. L. 99–570, title II, §2003, Oct. 27, 1986, 100 Stat. 3207–61; amended Pub. L. 102–583, §4(f)(3), Nov. 2, 1992, 106 Stat. 4917.)

Amendments

1992—Pub. L. 102–583 substituted "President" for "Secretary of State" in subsecs. (a) and (b).

Delegation of Functions

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

§2291e. Reallocation of funds withheld from countries which fail to take adequate steps to halt illicit drug production or trafficking

If any funds authorized to be appropriated for any fiscal year for assistance under this chapter are not used for assistance for the country for which those funds were allocated because of the requirements of section 2291j of this title or any other provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production or trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

(1) International narcotics control assistance

Those funds may be transferred to and consolidated with the funds appropriated to carry out this part in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funding for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 2360(a) of this title. This paragraph does not apply with respect to funds made available for assistance under the Arms Export Control Act [22 U.S.C. 2751 et seq.].

(2) Other assistance

Any such funds not used under paragraph (1) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures under section 2394–1 of this title) in order to provide additional assistance for those countries.

(Pub. L. 87–195, pt. I, §486, as added Pub. L. 100–690, title IV, §4206(a), Nov. 18, 1988, 102 Stat. 4270; amended Pub. L. 102–583, §6(b)(5), Nov. 2, 1992, 106 Stat. 4932; Pub. L. 103–447, title I, §101(d), Nov. 2, 1994, 108 Stat. 4692.)

References in Text

The Arms Export Control Act, referred to in par. (1), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Amendments

1994—Pub. L. 103–447 struck out subsec. (a) designation and heading which read "Additional assistance for countries taking significant steps", substituted "assistance under this chapter" for "security assistance" in provisions before par. (1), "Other assistance" for "Security assistance" in par. (2) heading, and "additional assistance" for "additional security assistance" in par. (2) text, and struck out heading and text of subsec. (b). Text read as follows: "As used in this section, the term 'security assistance' means assistance under part II of subchapter II of this chapter (relating to the grant military assistance program), part IV of subchapter II of this chapter (relating to the Economic Support Fund), part V of subchapter II of this chapter (relating to international military education and training), or the Arms Export Control Act (relating to the 'Foreign Military Financing Program')."

1992—Subsec. (a). Pub. L. 102–583, §6(b)(5)(A), substituted "section 2291j of this title" for "section 2291(h) of this title".

Subsec. (b). Pub. L. 102–583, §6(b)(5)(B), substituted "(relating to the 'Foreign Military Financing Program')" for "(relating to foreign military sales financing)".

Delegation of Functions

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

Supersedure of Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989

Pub. L. 100–690, title IV, §4206(b), Nov. 18, 1988, 102 Stat. 4270, which provided that the enactment of this section superseded section 578(d) of Pub. L. 100–461, Oct. 1, 1988, 102 Stat. 2268–46, and that funds could be transferred under subsec. (a)(1) of this section notwithstanding section 514 of Pub. L. 100–461, 102 Stat. 2268–23, was repealed by Pub. L. 102–583, §6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

§2291f. Prohibition on assistance to drug traffickers

(a) Prohibition

The President shall take all reasonable steps to ensure that assistance under this chapter and the Arms Export Control Act [22 U.S.C. 2751 et seq.] is not provided to or through any individual or entity that the President knows or has reason to believe—

(1) has been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States, a State or the District of Columbia, or a foreign country relating to narcotic or psychotropic drugs or other controlled substances; or

(2) is or has been an illicit trafficker in any such controlled substance or is or has been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such substance.

(b) Regulations

The President shall issue regulations specifying the steps to be taken in carrying out this section.

(c) Congressional review of regulations

Regulations issued pursuant to subsection (b) shall be submitted to the Congress before they take effect.

(Pub. L. 87–195, pt. I, §487, as added Pub. L. 100–690, title IV, §4503, Nov. 18, 1988, 102 Stat. 4285; amended Pub. L. 102–583, §6(b)(6), Nov. 2, 1992, 106 Stat. 4932; Pub. L. 103–447, title I, §101(e), Nov. 2, 1994, 108 Stat. 4692.)

References in Text

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

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Amendments

1994—Subsec. (a)(1). Pub. L. 103–447 inserted "to" after "relating".

1992—Subsec. (a)(1). Pub. L. 102–583 struck out "(as defined in section 2291(i)(3) of this title)" after "controlled substances".

Delegation of Functions

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

§2291g. Limitations on acquisition of real property and construction of facilities

(a) Acquisition of real property

(1) Prohibition

Funds made available to carry out this part may not be used to acquire (by purchase or other means) any land or other real property for use by foreign military, paramilitary, or law enforcement forces.

(2) Exception for certain leases

Paragraph (1) shall not apply to the acquisition of real property by lease of a duration not to exceed 2 years.

(b) Construction of facilities

(1) Limitation

Funds made available to carry out this part may not be used for construction of facilities for use by foreign military, paramilitary, or law enforcement forces unless, at least 15 days before obligating funds for such construction, the President notifies the appropriate congressional committees in accordance with procedures applicable to reprogramming notifications under section 2394–1 of this title.

(2) Exception

Paragraph (1) shall not apply to the construction of facilities which would require the obligation of less than $750,000 under this part.

(Pub. L. 87–195, pt. I, §488, as added Pub. L. 100–690, title IV, §4505, Nov. 18, 1988, 102 Stat. 4285; amended Pub. L. 102–583, §4(g), Nov. 2, 1992, 106 Stat. 4917; Pub. L. 107–228, div. A, title VI, §671(3), Sept. 30, 2002, 116 Stat. 1407.)

Amendments

2002—Subsec.(a)(3). Pub. L. 107–228 struck out heading and text of par. (3). Text read as follows: "The Secretary of State shall provide to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate within 30 days after the end of each quarter of the fiscal year a detailed report on all leases entered into pursuant to paragraph (2), including the cost and duration of such lease, a description of the property leased, and the purpose for which such lease was entered into."

1992—Pub. L. 102–583 amended section generally. Prior to amendment, section read as follows: "Funds made available to carry out this part may not be used to acquire (by purchase, lease, or other means) any real property for use by foreign military, paramilitary, or law enforcement forces".

Delegation of Functions

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

§2291h. Reporting requirements

(a) International narcotics control strategy report

Not later than March 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report containing the following:

(1) For each country that received assistance under this part for either of the 2 preceding fiscal years, a report on the extent to which the country has—

(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production, distribution, sale, transport, and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

(B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement; and

(C) taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts.

(2)(A) A description of the policies adopted, agreements concluded, and programs implemented by the Department of State in pursuit of its delegated responsibilities for international narcotics control, including appropriate information on the status of negotiations between the United States and other countries on updated extradition treaties, mutual legal assistance treaties, precursor chemical controls, money laundering, and agreements pursuant to section 2015 of the International Narcotics Act of 1986 (relating to interdiction procedures for vessels of foreign registry).

(B) Information on multilateral and bilateral strategies with respect to money laundering pursued by the Department of State, the Department of Justice, the Department of the Treasury, and other relevant United

States Government agencies, either collectively or individually, to ensure the cooperation of foreign governments with respect to narcotics-related money laundering and to demonstrate that all United States Government agencies are pursuing a common strategy with respect to major money laundering countries. The report shall include specific detail to demonstrate that all United States Government agencies are pursuing a common strategy with respect to achieving international cooperation against money laundering and are pursuing a common strategy with respect to major money laundering countries, including a summary of United States objectives on a country-by-country basis.

(3) The identity of those countries which are—

(A) major illicit drug producing countries or major drug-transit countries as determined under section 2291j(h) of this title;

(B) major sources of precursor chemicals used in the production of illicit narcotics; or

(C) major money laundering countries.

(4) In addition, for each country identified pursuant to paragraph (3), the following:

(A) A description of the plans, programs, and timetables adopted by such country, including efforts to meet the objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and a discussion of the adequacy of the legal and law enforcement measures taken and the accomplishments achieved in accord with those plans.

(B) Whether as a matter of government policy or practice, such country encourages or facilitates the illicit production or distribution of narcotic or psychotropic drugs or other controlled substances or the laundering of proceeds from illegal drug transactions; and whether any senior official of the government of such country engages in, encourages, or facilitates the illicit production or distribution of such drugs or substances, or the laundering of proceeds from illegal drug transactions.

(5) In addition, for each country identified pursuant to paragraph (3)(A) or (3)(B), a detailed status report, with such information as can be reliably obtained, on the narcotic or psychotropic drugs or other controlled substances which are being cultivated, produced, or processed in or transported through such country, noting significant changes in conditions, such as increases or decreases in the illicit cultivation and manufacture of and traffic in such drugs and substances.

(6) In addition, for those countries identified pursuant to paragraph (3)(C)—

(A) which countries are parties to international agreements on a method for maintaining records of transactions of an established list of precursor and essential chemicals;

(B) which countries have established a procedure by which such records may be made available to United States law enforcement authorities; and

(C) which countries have enacted national chemical control legislation which would impose specific recordkeeping and reporting requirements for listed chemicals, establish a system of permits or declarations for imports and exports of listed chemicals, and authorize government officials to seize or suspend shipments of listed chemicals.

(7) In addition, for those countries identified pursuant to paragraph (3)(D) the following:

(A)(i) Which countries have financial institutions engaging in currency transactions involving international narcotics trafficking proceeds that include significant amounts of United States currency or currency derived from illegal drug sales in the United States or that otherwise significantly affect the United States;

(ii) which countries identified pursuant to clause (i) have not reached agreement with the United States authorities on a mechanism for exchanging adequate records in connection with narcotics investigations and proceedings; and

(iii) which countries identified pursuant to clause (ii)—

(I) are negotiating in good faith with the United States to establish such a record-exchange mechanism, or

(II) have adopted laws or regulations that ensure the availability to appropriate United States Government personnel and those of other governments of adequate records in connection with narcotics investigations and proceedings.

(B) Which countries—

(i) have ratified the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and are taking steps to implement that Convention and other applicable agreements and conventions such as the recommendations of the Financial Action Task Force, the policy directive of the European Community, the legislative guidelines of the Organization of American States, and other similar declarations; and

(ii) have entered into bilateral agreements for the exchange of information on money-laundering with countries other than the United States.

(C) Findings on each country's adoption of law and regulations considered essential to prevent narcotics-related money laundering. Such findings shall include whether a country has—

(i) criminalized narcotics money laundering;

(ii) required banks and other financial institutions to know and record the identity of customers engaging in significant transactions, including the recording of large currency transactions at thresholds appropriate to that country's economic situation;

(iii) required banks and other financial institutions to maintain, for an adequate time, records necessary to reconstruct significant transactions through financial institutions in order to be able to respond quickly to information requests from appropriate government authorities in narcotics-related money laundering cases;

(iv) required or allowed financial institutions to report suspicious transactions;

(v) established systems for identifying, tracing, freezing, seizing, and forfeiting narcotics-related assets;

(vi) enacted laws for the sharing of seized narcotics assets with other governments;

(vii) cooperated, when requested, with appropriate law enforcement agencies of other governments investigating financial crimes related to narcotics; and

(viii) addressed the problem on international transportation of illegal-source currency and monetary instruments.

The report shall also detail instances of refusals to cooperate with foreign governments, and any actions taken by the United States Government and any international organization to address such obstacles, including the imposition of sanctions or penalties.

(8)(A) A separate section that contains the following:

(i) An identification of the five countries that exported the largest amount of pseudoephedrine, ephedrine, and phenylpropanolamine (including the salts, optical isomers, or salts of optical isomers of such chemicals, and also including any products or substances containing such chemicals) during the preceding calendar year.

(ii) An identification of the five countries that imported the largest amount of the chemicals described in clause (i) during the preceding calendar year and have the highest rate of diversion of such chemicals for use in the illicit production of methamphetamine (either in that country or in another country).

(iii) An economic analysis of the total worldwide production of the chemicals described in clause (i) as compared to the legitimate demand for such chemicals worldwide.

(B) The identification of countries that imported the largest amount of chemicals under subparagraph (A)(ii) shall be based on the following:

(i) An economic analysis that estimates the legitimate demand for such chemicals in such countries as compared to the actual or estimated amount of such chemicals that is imported into such countries.

(ii) The best available data and other information regarding the production of methamphetamine in such countries and the diversion of such chemicals for use in the production of methamphetamine.

(b) Annual reports on assistance

(1) In general

At the time that the report required by subsection (a) 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), information from the Drug Enforcement Administration, the Customs Service, and the Coast Guard describing in detail—

(i) the assistance provided or to be provided to such country by that agency, and

(ii) the assistance provided or to be provided to that agency by such country,

with respect to narcotic control efforts during the preceding fiscal year, the current fiscal year, and the next fiscal year; and

(C) list all transfers, which were made by the United States Government during the preceding fiscal year, to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity, including an estimate of the fair market value and physical condition of each item of property transferred.

(Pub. L. 87–195, pt. I, §489, as added Pub. L. 102–583, §5(a), Nov. 2, 1992, 106 Stat. 4917; amended Pub. L. 103–447, title I, §101(f)(1), Nov. 2, 1994, 108 Stat. 4692; Pub. L. 104–66, title I, §1112(c), Dec. 21, 1995, 109 Stat. 724; Pub. L. 109–177, title VII, §722(a), Mar. 9, 2006, 120 Stat. 268.)

References in Text

Section 2015 of the International Narcotics Act of 1986, referred to in subsec. (a)(2)(A), probably means section 2015 of the International Narcotics Control Act of 1986, Pub. L. 99–570, which was set out as a note under section 1902 of the former Appendix to Title 46, Shipping, prior to being repealed by Pub. L. 103–447, title I, §103(c), Nov. 2, 1994, 108 Stat. 4694.

Prior Provisions

A prior section 2291h, Pub. L. 87–195, pt. I, §489, as added Pub. L. 100–690, title IV, §4507, Nov. 18, 1988, 102 Stat. 4286, related to permissible uses of aircraft and other equipment, prior to amendment by Pub. L. 102–583, §4(f)(2), Nov. 2, 1992, 106 Stat. 4917, which also transferred subsecs. (a) and (b) to

section 2291c(b) and (c) of this title, respectively, and repealed the designation, heading, and subsecs. (c) and (d).

Amendments

2006—Subsec. (a)(8). Pub. L. 109–177 added par. (8).

1995—Pub. L. 104–66, §1112(c)(1), struck out "for fiscal year 1995" after "Reporting requirements" in section catchline.

Subsec. (c). Pub. L. 104–66, §1112(c)(2), struck out heading and text of subsec. (c). Text read as follows: "This section applies only during fiscal year 1995. Section 2291i of this title does not apply during that fiscal year."

1994—Pub. L. 103–447, §101(f)(1)(A), substituted "for fiscal year 1995" for "for fiscal years 1993 and 1994" in section catchline.

Subsec. (a). Pub. L. 103–447, §101(f)(1)(B)(i), substituted "March 1" for "April 1" in introductory provisions.

Subsec. (a)(3)(B) to (D). Pub. L. 103–447, §101(f)(1)(B)(ii), redesignated subpars. (C) and (D) as (B) and (C), respectively, and struck out former subpar. (B) which read as follows: "the significant direct or indirect sources of narcotics and psychotropic drugs and other controlled substances significantly affecting the United States;".

Subsec. (c). Pub. L. 103–447, §101(f)(1)(D), (E), redesignated subsec. (d) as (c) and amended heading and text generally. Prior to amendment, text read as follows: "This section applies only during fiscal years 1993 and 1994. Section 2291i of this title does not apply during those fiscal years."

Pub. L. 103–447, §101(f)(1)(C), struck out heading and text of subsec. (c). Text read as follows: "As used in this section—

"(1) the term 'precursor chemical' has the same meaning as the term 'listed chemical' has under paragraph (33) of section 802 of title 21; and

"(2) the term 'major money laundering country' means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking."

Subsec. (d). Pub. L. 103–447, §101(f)(1)(D), redesignated subsec. (d) as (c).

Transfer of Functions

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 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. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

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.

Plan To Address Diversion of Precursor Chemicals

Pub. L. 109–177, title VII, §722(d), Mar. 9, 2006, 120 Stat. 269, provided that: "In the case of each country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of the Foreign Assistance Act of 1961 [22 U.S.C. 2291h(a)(8)(A)] (as added by subsection (a)) with respect to which the President has not transmitted to Congress a certification under section 490(b) of such Act (22 U.S.C. 2291j(b)), the Secretary of State, in consultation with the Attorney General, shall, not later than 180 days after the date on which the President transmits the report required by section 489(a) of such Act (22 U.S.C. 2291h(a)), submit to Congress a comprehensive plan to address the diversion of the chemicals described in section 489(a)(8)(A)(i) of such Act to the illicit production of methamphetamine in such country or in another country, including the establishment, expansion, and enhancement of regulatory, law enforcement, and other investigative efforts to prevent such diversion."

Statutory References to Annual Reports, Certifications, and Definitions

Pub. L. 102–583, §6(a), Nov. 2, 1992, 106 Stat. 4932, provided that after Sept. 30, 1994, any reference in any provision of law to section 2291h or 2291j of this title would be deemed a reference to the corresponding provision of section 2291i or 2291k of this title, respectively, unless the context required otherwise; any reference in any provision of law enacted before Nov. 2, 1992, to section 2291(e) or (i) of this title be deemed a reference to section 2291h or 2291(e) of this title, respectively; and that any reference in any provision of law enacted before Nov. 2, 1992, to section 2291(h) of this title be deemed, as of Oct. 1, 1992, to be a reference to section 2291j of this title, prior to repeal by Pub. L. 103–447, title I, §103(a), Nov. 2, 1994, 108 Stat. 4693.

§2291i. Repealed. Pub. L. 104–66, title I, §1112(a), Dec. 21, 1995, 109 Stat. 723

Section, Pub. L. 87–195, pt. I, §489A, as added Pub. L. 102–583, §5(a), Nov. 2, 1992, 106 Stat. 4921; amended Pub. L. 103–447, title I, §101(f)(2), Nov. 2, 1994, 108 Stat. 4692, related to reporting requirements applicable after Sept. 30, 1995.

§2291j. Annual certification procedures

(a) Withholding of bilateral assistance and opposition to multilateral development assistance

(1) Bilateral assistance

Fifty percent of the United States assistance allocated each fiscal year in the report required by section 2413 of this title for each major illicit drug producing country, 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). 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)) or country identified pursuant to clause (i) or (ii) of section 2291h(a)(8)(A) of this title, except as provided in subsection (b). For purposes of this paragraph, the term "multilateral development bank" means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development.

(b) Certification procedures

(1) What must be certified

Subject to subsection (d), the assistance withheld from a country pursuant to subsection (a)(1) may be obligated and expended, and the requirement of subsection (a)(2) 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) be provided and that the United States not vote against multilateral development bank assistance for that country pursuant to subsection (a)(2).

(2) Considerations regarding cooperation

In making the determination described in paragraph (1)(A), the President shall consider the extent to which the country has—

(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production, distribution, sale, transport and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

(B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement; and

(C) taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts.

(3) Information to be included in national interest certification

If the President makes a certification with respect to a country pursuant to paragraph (1)(B), the President shall include in such certification—

(A) a full and complete description of the vital national interests placed at risk if United States bilateral assistance to that country is terminated pursuant to this section and multilateral development bank assistance is not provided to such country; and

(B) a statement weighing the risk described in subparagraph (A) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in combating narcotics or to take adequate steps to combat narcotics on its own.

(c) Licit opium producing countries

The President may make a certification under subsection (b)(1)(A) with respect to a major illicit drug producing country, or major drug-transit country, that is a producer of licit opium only if the President determines that such country maintains licit production and stockpiles at levels no higher than those consistent with licit market demand, and has taken adequate steps to prevent significant diversion of its licit cultivation and production into the illicit markets and to prevent illicit cultivation and production.

(d) Congressional review

Subsection (e) shall apply if, within 30 calendar days after receipt of a certification submitted under subsection (b) 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) 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) 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) shall apply with respect to that country, without regard to the date specified in that subsection.

(f) Recertification

Subsection (e) 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) with respect to that country, and the Congress does not enact a joint resolution under subsection (d) 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) 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), 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).

Any certification under subparagraph (A) of paragraph (2) shall discuss the justification for the certification.

(g) Senate procedures

Any joint resolution under this section shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(h) Determining major drug-transit and major illicit drug producing countries

Not later than November 1 of each year, the President shall notify the appropriate committees of the Congress of which countries have been determined to be major drug-transit countries, and which countries have been determined to be major illicit drug producing countries, for purposes of this chapter.

(Pub. L. 87–195, pt. I, §490, as added Pub. L. 102–583, §5(a), Nov. 2, 1992, 106 Stat. 4924; amended Pub. L. 103–447, title I, §101(g)(1), Nov. 2, 1994, 108 Stat. 4692; Pub. L. 104–66, title I, §1112(d), Dec. 21, 1995, 109 Stat. 724; Pub. L. 109–177, title VII, §722(b), Mar. 9, 2006, 120 Stat. 268.)

References in Text

Section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (g), is section 601(b) of Pub. L. 94–329, title VI, June 30, 1976, 90 Stat. 765, which is not classified to the Code.

This chapter, referred to in subsec. (h), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete

classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Amendments

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)(8)(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)(8)(A) of this title" after "(as determined under subsection (h))".

1995—Pub. L. 104–66, §1112(d)(1), struck out "for fiscal year 1995" after "certification procedures" in section catchline.

Subsec. (i). Pub. L. 104–66, §1112(d)(2), struck out heading and text of subsec. (i). Text read as follows: "This section applies only during fiscal year 1995. Section 2291k of this title does not apply during that fiscal year."

1994—Pub. L. 103–447, §101(g)(1)(A), substituted "for fiscal year 1995" for "for fiscal years 1993 and 1994" in section catchline.

Subsec. (a)(1). Pub. L. 103–447, §101(g)(1)(B), struck out "(as determined under subsection (h) of this section)" after "drug-transit country".

Subsec. (a)(2). Pub. L. 103–447, §101(g)(1)(C), substituted "March 1" for "April 1".

Subsec. (c). Pub. L. 103–447, §101(g)(1)(D), substituted "that such country maintains licit production and stockpiles at levels no higher than those consistent with licit market demand, and has taken adequate steps to prevent significant diversion of its licit cultivation and production into the illicit markets and to prevent illicit cultivation and production." for "that such country has taken adequate steps to prevent significant diversion of its licit cultivation and production into the illicit market, maintains production and stockpiles at levels no higher than those consistent with licit market demand, and prevents illicit cultivation and production."

Subsec. (d). Pub. L. 103–447, §101(g)(1)(E), substituted "30 calendar days" for "45 calendar days".

Subsec. (g). Pub. L. 103–447, §101(g)(1)(F), substituted "Senate procedures" for "Congressional review procedures" in heading, struck out designation and heading of par. (1), and struck out heading and text of par. (2). Text read as follows: "For the purpose of expediting the consideration and enactment of joint resolutions under this section, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives."

Subsec. (h). Pub. L. 103–447, §101(g)(1)(G), struck out "for fiscal years 1993 and 1994" after "drug producing countries" in heading and substituted "November 1" for "January 1" in text.

Subsec. (i). Pub. L. 103–447, §101(g)(1)(H), amended heading and text of subsec. (i) generally. Prior to amendment, text read as follows: "This section applies only during fiscal years 1993 and 1994. During those fiscal years, section 2291k of this title does not apply and the definitions provided in section 2291(e)(2) and (5) of this title do not apply."

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.

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. 2291j(b)(1)(A)] (the "Act"), I hereby determine and certify that the following major illicit drug producing and/or major illicit drug transit countries 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. 2000–16, Feb. 29, 2000, 65 F.R. 15797.
Determination of President of the United States, No. 99–15, Feb. 26, 1999, 64 F.R. 11319.
Determination of President of the United States, No. 98–15, Feb. 26, 1998, 63 F.R. 12937.
Determination of President of the United States, No. 97–18, Feb. 28, 1997, 62 F.R. 11589.
Determination of President of the United States, No. 96–13, Mar. 1, 1996, 61 F.R. 9891.
Determination of President of the United States, No. 95–15, Feb. 28, 1995, 60 F.R. 12859.
Determination of President of the United States, No. 94–22, Apr. 1, 1994, 59 F.R. 17231.
Determination of President of the United States, No. 93–18, Mar. 31, 1993, 58 F.R. 19033.
Determination of President of the United States, No. 92–18, Feb. 28, 1992, 57 F.R. 8571.
Determination of President of the United States, No. 91–22, Mar. 1, 1991, 56 F.R. 10773.
Determination of President of the United States, No. 90–12, Feb. 28, 1990, 55 F.R. 10597.
Determination of President of the United States, No. 89–11, Feb. 28, 1989, 54 F.R. 9413.
Determination of President of the United States, No. 88–10, Feb. 29, 1988, 53 F.R. 11487.

PRESIDENTIAL DETERMINATION UNDER SECTION 490(B)(1)(A) OF THE FOREIGN ASSISTANCE ACT RELATING TO THE LARGEST EXPORTING AND IMPORTING COUNTRIES OF CERTAIN PRECURSOR CHEMICALS

Determination of President of the United States, No. 2007–14, Feb. 28, 2007, 72 F.R. 10881, provided:

Memorandum for the Secretary of State

Pursuant to section 490(b)(1)(A) of the Foreign Assistance Act, I hereby determine that the top five exporting and importing countries of pseudoephedrine and ephedrine in 2005 (Belgium, China, Germany, India, Indonesia, Mexico, Singapore, South Africa, South Korea, Switzerland, Taiwan, and the United Kingdom) have cooperated fully with the United States or have taken adequate steps on their 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.

You are directed to publish this determination in the Federal Register, and are authorized and directed to transmit to the Congress the report under section 722 of the Combat Methamphetamine Epidemic Act [of 2005].

GEORGE W. BUSH.

§2291j–1. International drug control certification procedures

During any fiscal year, funds that would otherwise be withheld from obligation or expenditure under section 2291j of this title may be obligated or expended beginning October 1 of such fiscal year provided that:

(1) Report

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 2291j(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 2291j of this title with respect to countries identified pursuant to section [1] clause (i) or (ii) of 2291h(a)(8)(A) of this title.

(6) Statutory construction

Nothing in this section supersedes or modifies the requirement in section 2291h(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.

(Pub. L. 107–228, div. A, title VI, §706, Sept. 30, 2002, 116 Stat. 1424; Pub. L. 109–177, title VII, §722(c), Mar. 9, 2006, 120 Stat. 269.)

Codification

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.

Amendments

2006—Par. (5)(C). Pub. L. 109–177 added subpar. (C).

Presidential Determination on Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2018

Determination of President of the United States, No. 2017–12, Sept. 13, 2017, 82 F.R. 45413, provided:

Memorandum for the Secretary of State

Pursuant to section 706(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) (FRAA), I hereby identify the following countries as major drug transit and/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 foregoing list is not necessarily a 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 481(e)(2) and (5) of the Foreign Assistance Act of 1961, as amended (FAA), the reason 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, even if a government has carried out the most assiduous narcotics control law enforcement measures.

Pursuant to section 706(2)(A) of the FRAA, I hereby designate Bolivia and Venezuela as countries that have failed demonstrably during the previous 12 months to adhere to their obligations under international counternarcotics agreements, and to take the measures required by section 489(a)(1) of the FAA. Included with this determination are justifications for the designations of Bolivia and Venezuela, as required by section 706(2)(B) of the FRAA [not set out in the Code].

In addition, the United States Government seriously considered designating Colombia as a country that has failed demonstrably to adhere to its obligations under international counternarcotics agreements due to the extraordinary growth of coca cultivation and cocaine production over the past 3 years, including record cultivation during the last 12 months. Ultimately, Colombia is not designated because the Colombian National Police and Armed Forces are close law enforcement and security partners of the United States in the Western Hemisphere, they are improving interdiction efforts, and have restarted some eradication that they had significantly curtailed beginning in 2013. I will, however, keep this designation under section 706(2)(A) of the FRAA as an option, and expect Colombia to make significant progress in reducing coca cultivation and production of cocaine.

I have also determined, in accordance with provisions of section 706(3)(A) of the FRAA, that support for programs to aid the people of Venezuela are vital to the national interests of the United States.

You are hereby authorized and directed to submit this designation, with its Bolivia and Venezuela memoranda of justification, under section 706 of the FRAA, to the Congress, and publish it in the Federal Register.

DONALD J. TRUMP.

Prior identifications of major drug transit or major illicit drug producing countries were contained in the following:

Determination of President of the United States, No. 2016–10, Sept. 12, 2016, 81 F.R. 64749.

Determination of President of the United States, No. 2015–12, Sept. 14, 2015, 80 F.R. 57063.

Determination of President of the United States, No. 2014–15, Sept. 15, 2014, 79 F.R. 56625.

Determination of President of the United States, No. 2013–14, Sept. 13, 2013, 78 F.R. 58855.

Determination of President of the United States, No. 2012–15, Sept. 14, 2012, 77 F.R. 58917.

Determination of President of the United States, No. 2011–16, Sept. 15, 2011, 76 F.R. 59495.

Determination of President of the United States, No. 2010–16, Sept. 15, 2010, 75 F.R. 67019, 68413.

Determination of President of the United States, No. 2009–30, Sept. 15, 2009, 74 F.R. 48369.

Determination of President of the United States, No. 2008–28, Sept. 15, 2008, 73 F.R. 54927.

Determination of President of the United States, No. 2007–33, Sept. 14, 2007, 43 Weekly Compilation of Presidential Documents 1216, Sept. 24, 2007.

Determination of President of the United States, No. 2006–24, Sept. 15, 2006, 71 F.R. 57865.

Determination of President of the United States, No. 2005–36, Sept. 14, 2005, 70 F.R. 56807.

Determination of President of the United States, No. 2004–47, Sept. 15, 2004, 69 F.R. 57809.

Determination of President of the United States, No. 2003–38, Sept. 15, 2003, 68 F.R. 54973.

Determination of President of the United States, No. 2003–14, Jan. 30, 2003, 68 F.R. 5787.

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.

[1] *So in original. The word "section" probably should appear after "clause (i) or (ii) of".*

§2291k. Repealed. Pub. L. 104–66, title I, §1112(b), Dec. 21, 1995, 109 Stat. 724

Section, Pub. L. 87–195, pt. I, §490A, as added Pub. L. 102–583, §5(a), Nov. 2, 1992, 106 Stat. 4927; amended Pub. L. 103–447, title I, §101(g)(2), Nov. 2, 1994, 108 Stat. 4693, related to annual certification procedures after Sept. 30, 1995.

Part IX—International Disaster Assistance

§2292. General provisions

(a) Congressional policy

The Congress, recognizing that prompt United States assistance to alleviate human suffering caused by natural and manmade disasters is an important expression of the humanitarian concern and tradition of the people of the United States, affirms the willingness of the United States to provide assistance for the relief and rehabilitation of people and countries affected by such disasters.

(b) General authority

Subject to limitations in section 2292a of this title, and notwithstanding any other provision of this chapter or any other Act, the President is authorized to furnish assistance to any foreign country, international organization, or private voluntary organization, on such terms and conditions as he may determine, for international disaster relief and rehabilitation, including assistance relating to disaster preparedness, and to the prediction of, and contingency planning for, natural disasters abroad.

(c) Emergency Food Security Program

(1) In general

Subject to the limitations in section 2292a of this title, and notwithstanding any other provision of this chapter or any other Act, the President is authorized to make available emergency food assistance, including in the form of funds, transfers, vouchers, and agricultural commodities (including products derived from agricultural commodities) acquired through local or regional procurement, to meet emergency food needs arising from manmade and natural disasters.

(2) Designation

Funds made available under this subsection shall be known as the "International Disaster Assistance – Emergency Food Security Program".

(d) Specific direction

In carrying out the provisions of this section the President shall insure that the assistance provided by the United States shall, to the greatest extent possible, reach those most in need of relief and rehabilitation as a result of natural and manmade disasters.

(Pub. L. 87–195, pt. I, §491, as added Pub. L. 94–161, title I, §101(3), Dec. 20, 1975, 89 Stat. 849; amended Pub. L. 95–424, title I, §118(a), Oct. 6, 1978, 92 Stat. 953; Pub. L. 96–533, title IV, §404(b), Dec. 16, 1980, 94 Stat. 3150; Pub. L. 114–195, §7(c)(1), July 20, 2016, 130 Stat. 681.)

References in Text

This chapter, referred to in subsecs. (b) and (c)(1), 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.

Prior Provisions

A prior section 491 of Pub. L. 87–195, pt. I, as added Pub. L. 92–226, pt. I, §109, Feb. 7, 1972, 86 Stat. 24, provided for East Pakistan refugee relief assistance, including appropriations authorization of $250,000,000 for fiscal year 1972, prior to repeal by section 101(2) of Pub. L. 94–161.

Amendments

2016—Subsecs. (c), (d). Pub. L. 114–195 added subsec. (c) and redesignated former subsec. (c) as (d).

1980—Subsec. (b). Pub. L. 96–533 substituted "limitations" for "limitation on appropriations".

1978—Subsec. (b). Pub. L. 95–424 substituted ", international organization, or private voluntary organization" for "or international organization".

Effective Date of 1978 Amendment

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

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.

§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, $2,794,184,000 for each of fiscal years 2017 through 2023, of which up to $1,257,382,000 should be made available to carry out section 2292(c) of this title. 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.

(c) Amounts in addition to other amounts

Amounts authorized to be appropriated pursuant to the authorizations of appropriations under section 2292(c) of this title are in addition to funds otherwise available for such purposes.

(d) Flexibility

(1) United States policy

It is the policy of the United States that the funds made available to carry out section 2292 of this title are intended to provide the President with the greatest possible flexibility to address disaster-related needs as they arise and to prepare for and reduce the impact of natural and man-made disasters.

(2) Sense of Congress

It is the sense of Congress that any amendments to applicable legal provisions contained in this chapter are not intended to limit such authorities.

(e) Report

Not later than March 1 of each fiscal year, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report that describes the activities undertaken by the President over the course of the prior fiscal year pursuant to section 2292(c) of this title, including the amounts of assistance provided, intended beneficiaries, monitoring and evaluation strategies, anticipated outcomes, and, as practicable, actual outcomes.

(Pub. L. 87–195, pt. I, §492, as added Pub. L. 94–161, title I, §101(3), Dec. 20, 1975, 89 Stat. 849; amended Pub. L. 95–88, title I, §119, Aug. 3, 1977, 91 Stat. 541; Pub. L. 95–424, title I, §118(b), Oct. 6, 1978, 92 Stat. 953; Pub. L. 96–53, title I, §115, Aug. 14, 1979, 93 Stat. 365; Pub. L. 96–533, title IV, §§403, 404(a), Dec. 16, 1980, 94 Stat. 3150; Pub. L. 97–113, title V, §503, Dec. 29, 1981, 95 Stat. 1539; Pub. L. 99–83, title IV, §404, Aug. 8, 1985, 99 Stat. 219; Pub. L. 114–195, §7(c)(2), July 20, 2016, 130 Stat. 681; Pub. L. 115–266, §2(b), Oct. 11, 2018, 132 Stat. 3755.)

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 in Text

This chapter, referred to in subsec. (d)(2), 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

2018—Subsec. (a). Pub. L. 115–266 substituted "fiscal years 2017 through 2023" for "fiscal years 2017 and 2018".

2016—Subsec. (a). Pub. L. 114–195, §7(c)(2)(A), which directed substitution of "$2,794,184,000 for each of fiscal years 2017 and 2018, of which up to $1,257,382,000 should be made available to carry out section 2292(c) of this title." for "$25,000,000 for the fiscal year 1986 and $25,000,000 for the fiscal year 1987.", was executed by making the substitution for "$25,000,000 for fiscal year 1986 and $25,000,000 for fiscal year 1987." to reflect the probable intent of Congress.

Subsecs. (c) to (e). Pub. L. 114–195, §7(c)(2)(B), added subsecs. (c) to (e).

1985—Subsec. (a). Pub. L. 99–83 substituted provisions authorizing appropriations of $25,000,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of $27,000,000 for fiscal years 1982 and 1983.

1981—Subsec. (a). Pub. L. 97–113 substituted appropriations authorization of $27,000,000 for fiscal years 1982 and 1983, for appropriation of $25,000,000 for fiscal year 1981.

1980—Subsec. (a). Pub. L. 96–533, §§403, 404(a)(1), substituted appropriations authorization of "$25,000,000 for the fiscal year 1981" for such authorization of "$21,800,000 for the fiscal year 1980" and designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 96–533, §404(a)(2), added subsec. (b).

1979—Pub. L. 96–53 substituted "$21,800,000" for "$25,000,000" and "1980" for "1979".

1978—Pub. L. 95–424 substituted "the fiscal year 1979" for "each of the fiscal years 1977 and 1978" and struck out provision requiring the President to submit quarterly reports to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives on the programming and obligation of funds.

1977—Pub. L. 95–88 substituted "fiscal years 1977 and 1978" for "fiscal years 1976 and 1977".

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

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.

§2292a–1. Appropriated funds; Presidential reports to Committees on Appropriations of the Senate and the House

The President shall submit quarterly reports to the Committee on Appropriations of the United States Senate and to the Committee on Appropriations of the House of Representatives on the programing and obligation of funds appropriated for International Disaster Assistance.

(Pub. L. 94–330, title I, §100, June 30, 1976, 90 Stat. 773.)

Codification

Section was not enacted as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2292b. Disaster assistance coordination through a Special Coordinator for International Disaster Assistance; Presidential appointment and duties

The President is authorized to appoint a Special Coordinator for International Disaster Assistance whose responsibility shall be to promote maximum effectiveness and coordination in responses to foreign disasters by United States agencies and between the United States and other donors. Included among the Special Coordinator's responsibilities shall be the formulation and updating of contingency plans for providing disaster relief.

(Pub. L. 87–195, pt. I, §493, as added Pub. L. 94–161, title I, §101(3), Dec. 20, 1975, 89 Stat. 849.)

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.

§2292c. Repealed. Pub. L. 112–74, div. I, title VII, §7034(l), Dec. 23, 2011, 125 Stat. 1216

Section, Pub. L. 87–195, pt. I, §494, formerly §452, as added Pub. L. 93–333, §2(2), July 8, 1974, 88 Stat. 290; renumbered §494, Pub. L. 94–161, title I, §101(4), Dec. 20, 1975, 89 Stat. 850, authorized appropriations for disaster relief and emergency recovery needs in Pakistan and Nicaragua.

Codification

Section was formerly classified to section 2262 of this title.

§2292d. Repealed. Pub. L. 95–424, title VI, §604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. I, §494A, formerly pt. III, §639A, as added Pub. L. 93–189, §20, Dec. 17, 1973, 87 Stat. 725, amended Pub. L. 93–333, §3(2)–(5), July 8, 1974, 88 Stat. 290; renumbered pt. I, §494A, Pub. L. 94–161, title I, §101(5), Dec. 20, 1975, 89 Stat. 850, related to famine and disaster relief to drought-stricken African nations.

Effective Date of Repeal

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

Assistance in Controlling Locust Plagues in Africa; Authorization of Appropriations

Pub. L. 95–424, title I, §120, Oct. 6, 1978, 92 Stat. 954, provided that: "In order to assist in attempts to control locust plagues in Africa, especially in the Horn of Africa, there is authorized to be appropriated to the President, in addition to amounts otherwise authorized for disaster relief purposes, $2,000,000, which amount is authorized to remain available until expended."

§2292e. Transferred

Codification

Section, Pub. L. 87–195, pt. I, §120, formerly pt. III, §639B, as added Pub. L. 93–189, §20, Dec. 17, 1973, 87 Stat. 725; renumbered pt. I, §494B, and amended Pub. L. 94–161, title I, §101(5), (7), Dec. 20, 1975, 89 Stat. 850; renumbered pt. I, §120; amended Pub. L. 95–88, title I, §115(1), (2), Aug. 3, 1977, 91 Stat. 539, which related to the Sahel development program and had been classified to section 2399–1b of this title, has been transferred to section 2151r of this title.

§2292f. Repealed. Pub. L. 112–74, div. I, title VII, §7034(l), Dec. 23, 2011, 125 Stat. 1216

Section, Pub. L. 87–195, pt. I, §495, as added Pub. L. 94–161, title I, §101(8), Dec. 20, 1975, 89 Stat. 850; amended Pub. L. 94–329, title IV, §402, June 30, 1976, 90 Stat. 757, authorized relief and rehabilitation assistance for Cyprus.

§2292g. Repealed. Pub. L. 95–424, title VI, §604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. I, §495A, as added Pub. L. 94–276, §2, Apr. 21, 1976, 90 Stat. 397, related to relief and rehabilitation for people victimized by recent earthquakes in Guatemala.

Effective Date of Repeal

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

§§2292h to 2292q. Repealed. Pub. L. 112–74, div. I, title VII, §7034(l), Dec. 23, 2011, 125 Stat. 1216

Section 2292h, Pub. L. 87–195, pt. I, §495B, as added Pub. L. 94–329, title IV, §415, June 30, 1976, 90 Stat. 761; amended Pub. L. 95–88, title I, §120, Aug. 3, 1977, 91 Stat. 541; Pub. L. 96–525, Dec. 12, 1980, 94 Stat. 3043, authorized appropriations for relief, rehabilitation and reconstruction assistance for Italy.

Section 2292i, Pub. L. 87–195, pt. I, §495C, as added Pub. L. 94–329, title IV, §416, June 30, 1976, 90 Stat. 762; amended Pub. L. 95–424, title V, §502(d)(1), Oct. 6, 1978, 92 Stat. 959, authorized relief and rehabilitation assistance for Lebanon.

Section 2292j, Pub. L. 87–195, pt. I, §495D, as added Pub. L. 95–21, Apr. 18, 1977, 91 Stat. 48; amended Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560, authorized relief and rehabilitation assistance for Romania.

Section 2292k, Pub. L. 87–195, pt. I, §495E, formerly §495D, as added Pub. L. 95–88, title I, §121, Aug. 3, 1977, 91 Stat. 541; renumbered §495E, Pub. L. 95–424, title I, §119(1), Oct. 6, 1978, 92 Stat. 953, requested use of funds for relief, rehabilitation, and reconstruction assistance for Turkey.

Section 2292l, Pub. L. 87–195, pt. I, §495F, as added Pub. L. 95–424, title I, §119(2), Oct. 6, 1978, 92 Stat. 953; amended Pub. L. 96–53, title I, §116, Aug. 14, 1979, 93 Stat. 365; Pub. L. 96–533, title IV, §405, Dec. 16, 1980, 94 Stat. 3150, authorized rehabilitation and resettlement assistance for Africa.

Section 2292m, Pub. L. 87–195, pt. I, §495G, as added Pub. L. 96–109, §1, Nov. 9, 1979, 93 Stat. 842, authorized special Caribbean hurricane relief assistance.

Section 2292n, Pub. L. 87–195, pt. I, §495H, as added Pub. L. 96–110, §2, Nov. 13, 1979, 93 Stat. 843; amended Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560; Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820, authorized disaster relief assistance for Cambodia.

Section 2292o, Pub. L. 87–195, pt. I, §495I, as added Pub. L. 97–113, title V, §504, Dec. 29, 1981, 95 Stat. 1540, authorized assistance for displaced persons in Central America.

Section 2292p, Pub. L. 87–195, pt. I, §495J, as added Pub. L. 97–208, June 30, 1982, 96 Stat. 138, authorized emergency relief, rehabilitation, and reconstruction assistance for Lebanon.

Section 2292q, Pub. L. 87–195, pt. I, §495K, as added Pub. L. 99–8, §2, Apr. 2, 1985, 99 Stat. 21, authorized African famine assistance.

Part X—Development Fund for Africa

Prior Provisions

A prior part X, consisting of sections 2293 and 2294, related to assistance to Portugal and Portuguese colonies in Africa gaining independence, prior to repeal by Pub. L. 99–83, title XII, §1211(a)(4), Aug. 8, 1985, 99 Stat. 279.

§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).

(2) "Private and voluntary organization" defined

For purposes of this section, the term "private and voluntary organization" includes (in addition to entities traditionally considered to be private and voluntary organizations) cooperatives, credit unions, trade unions, women's groups, nonprofit development research institutions, and indigenous local organizations, which are private and nonprofit.

(f) Local involvement in project implementation

Local people, including women, shall be closely consulted and involved in the implementation of every project under this section which as [1] a local focus.

(g) Participation of African women

The Agency for International Development shall ensure that development activities assisted under this section incorporate a significant expansion of the participation (including decisionmaking) and integration of African women in each of the critical sectors described in subsection (i).

(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).

(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), with primary emphasis on reform of economic policies to support the critical sectoral priorities described in subsection (i).

(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) 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), 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), including identifiable components of agricultural production projects.

(2) The activities described in subsection (i)(2).

(3) The activities described in subsection (i)(3).

(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), especially those countries (including those of the Sahel region) having the greatest need for outside assistance.

(l) Promotion of regional integration

Assistance under this section shall, to the extent consistent with this section, include assistance to promote the regional and subregional integration of African production structures, markets, and infrastructure.

(m) Donor coordination mechanism

Funds made available to carry out this section may be used to assist the governments of countries in sub-Saharan Africa to increase their capacity to participate effectively in donor coordination mechanisms at the country, regional, and sector levels.

(n) Relation to other authorities

(1) Assistance under other authorities

The authority granted by this section to provide assistance for long-term development in sub-Saharan Africa is not intended to preclude the use of other authorities for that purpose. Centrally funded programs which benefit sub-Saharan Africa shall continue to be funded under part I of this subchapter.

(2) Transfer authorities

(A) The transfer authority contained in section 2151g of this title shall not apply with respect to this section.

(B) The transfer authority contained in section 2360(a) of this title may not be used to transfer funds made available to carry out this section in order to allow them to be used in carrying out any other provision of this chapter.

(3) Reprogramming notifications

Section 2394–1 of this title does not apply with respect to funds made available to carry out this section.

(4) Procurement of goods and services

In order to allow the assistance authorized by this section to be furnished as effectively and expeditiously as possible, section 2354(a) of this title, and similar provisions relating to the procurement of goods and services, shall not apply with respect to goods and services procured for use in carrying out this section. The exemption provided by this paragraph shall not be construed to apply to the Comprehensive Anti/Apartheid Act of 1986.

(o) Support for SADCC projects

(1) Authority to provide assistance

To the extent funds are provided for such purpose in the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act, funds made available to carry out this part may be used to assist sector projects, in the sectors specified in paragraph (2), that are supported by the Southern Africa Development Coordination Conference (SADCC) to enhance the economic development of the member states forming that regional institution.

(2) Sectors

The sectors with respect to which assistance may be provided under this subsection are the following: transportation; manpower development; agriculture and natural resources; energy (including the improved utilization of electrical power sources which already exist in the member states and offer the potential to swiftly reduce the dependence of those states on South Africa for electricity); and industrial development and trade (including private sector initiatives).

(3) Relation to DFA policies and authorities

To the maximum extent feasible, the assistance authorized by this subsection shall be provided consistent with the policies and authorities contained in the preceding subsection of this section.

(Pub. L. 87–195, pt. I, §496, as added Pub. L. 101–513, title V, §562(a), Nov. 5, 1990, 104 Stat. 2026; amended Pub. L. 106–200, title I, §127(c), May 18, 2000, 114 Stat. 273; Pub. L. 106–264, title I, §111(b), Aug. 19, 2000, 114 Stat. 752.)

References in Text

This chapter, referred to in subsec. (n)(2)(B), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Comprehensive Anti/Apartheid Act of 1986, referred to in subsec. (n)(4), probably means the Comprehensive Anti-Apartheid Act of 1986, which is Pub. L. 99–440, Oct. 2, 1986, 100 Stat. 1086, as amended, and was classified principally to chapter 60 (§5001 et seq.) of this title, prior to repeal by Pub. L. 103–149, §4(a)(1), (2), Nov. 23, 1993, 107 Stat. 1504, 1505. For complete classification of this Act to the Code, see Tables.

Prior Provisions

A prior section 2293, Pub. L. 87–195, pt. I, §496, as added Pub. L. 93–559, §53, Dec. 30, 1974, 88 Stat. 1818; amended Pub. L. 94–161, title III, §314, Dec. 20, 1975, 89 Stat. 866, related to economic assistance, etc., to Portugal and Portuguese colonies in Africa gaining independence, prior to repeal by Pub. L. 99–83, title XII, §1211(a)(4), Aug. 8, 1985, 99 Stat. 279, effective Oct. 1, 1985.

Amendments

2000—Subsec. (h)(3). Pub. L. 106–200, §127(c)(1)(B), added par. (3). Former par. (3) redesignated (4).

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

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.

Electrify Africa

Pub. L. 114–121, Feb. 8, 2016, 130 Stat. 86, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Electrify Africa Act of 2015'.

"SEC. 2. PURPOSE.

"The purpose of this Act is to encourage the efforts of countries in sub-Saharan Africa to improve access to affordable and reliable electricity in Africa in order to unlock the potential for inclusive

economic growth, job creation, food security, improved health, education, and environmental outcomes, and poverty reduction.

"SEC. 3. STATEMENT OF POLICY.

"It is the policy of the United States to partner, consult, and coordinate with the governments of sub-Saharan African countries, international financial institutions, and African regional economic communities, cooperatives, and the private sector, in a concerted effort to—

"(1) promote first-time access to power and power services for at least 50,000,000 people in sub-Saharan Africa by 2020 in both urban and rural areas;

"(2) encourage the installation of at least 20,000 additional megawatts of electrical power in sub-Saharan Africa by 2020 using a broad mix of energy options to help reduce poverty, promote sustainable development, and drive inclusive economic growth;

"(3) promote non-discriminatory reliable, affordable, and sustainable power in urban areas (including small urban areas) to promote economic growth and job creation;

"(4) promote policies to facilitate public-private partnerships to provide non-discriminatory reliable, sustainable, and affordable electrical service to rural and underserved populations;

"(5) encourage the necessary in-country reforms, including facilitating public-private partnerships specifically to support electricity access projects to make such expansion of power access possible;

"(6) promote reforms of power production, delivery, and pricing, as well as regulatory reforms and transparency, to support long-term, market-based power generation and distribution;

"(7) promote policies to displace kerosene lighting with other technologies;

"(8) promote an all-of-the-above energy development strategy for sub-Saharan Africa that includes the use of oil, natural gas, coal, hydroelectric, wind, solar, and geothermal power, and other sources of energy; and

"(9) promote and increase the use of private financing and seek ways to remove barriers to private financing and assistance for projects, including through charitable organizations.

"SEC. 4. DEVELOPMENT OF COMPREHENSIVE, MULTIYEAR STRATEGY.

"(a) Strategy Required.—

"(1) In general.—The President shall establish a comprehensive, integrated, multiyear strategy to encourage the efforts of countries in sub-Saharan Africa to implement national power strategies and develop an appropriate mix of power solutions to provide access to sufficient reliable, affordable, and sustainable power in order to reduce poverty and drive economic growth and job creation consistent with the policy stated in section 3.

"(2) Flexibility and responsiveness.—The President shall ensure that the strategy required under paragraph (1) maintains sufficient flexibility for and remains responsive to concerns and interests of affected local communities and technological innovation in the power sector.

"(b) Report Required.—Not later than 180 days after the date of the enactment of this Act [Feb. 8, 2016], the President shall transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that contains the strategy required under subsection (a) and includes a discussion of the following elements:

"(1) The objectives of the strategy and the criteria for determining the success of the strategy.

"(2) A general description of efforts in sub-Saharan Africa to—

"(A) increase power production;

"(B) strengthen electrical transmission and distribution infrastructure;

"(C) provide for regulatory reform and transparent and accountable governance and oversight;

"(D) improve the reliability of power;

"(E) maintain the affordability of power;

"(F) maximize the financial sustainability of the power sector; and

"(G) improve non-discriminatory access to power that is done in consultation with affected communities.

"(3) A description of plans to support efforts of countries in sub-Saharan Africa to increase access to power in urban and rural areas, including a description of plans designed to address commercial, industrial, and residential needs.

"(4) A description of plans to support efforts to reduce waste and corruption, ensure local community consultation, and improve existing power generation through the use of a broad power mix, including fossil fuel and renewable energy, distributed generation models, energy efficiency, and other technological innovations, as appropriate.

"(5) An analysis of existing mechanisms for ensuring, and recommendations to promote—

"(A) commercial cost recovery;

"(B) commercialization of electric service through distribution service providers, including cooperatives, to consumers;

"(C) improvements in revenue cycle management, power pricing, and fees assessed for service contracts and connections;

"(D) reductions in technical losses and commercial losses; and

"(E) non-discriminatory access to power, including recommendations on the creation of new service provider models that mobilize community participation in the provision of power services.

"(6) A description of the reforms being undertaken or planned by countries in sub-Saharan Africa to ensure the long-term economic viability of power projects and to increase access to power, including—

"(A) reforms designed to allow third parties to connect power generation to the grid;

"(B) policies to ensure there is a viable and independent utility regulator;

"(C) strategies to ensure utilities become or remain creditworthy;

"(D) regulations that permit the participation of independent power producers and private-public partnerships;

"(E) policies that encourage private sector and cooperative investment in power generation;

"(F) policies that ensure compensation for power provided to the electrical grid by on-site producers;

"(G) policies to unbundle power services;

"(H) regulations to eliminate conflicts of interest in the utility sector;

"(I) efforts to develop standardized power purchase agreements and other contracts to streamline project development;

"(J) efforts to negotiate and monitor compliance with power purchase agreements and other contracts entered into with the private sector; and

"(K) policies that promote local community consultation with respect to the development of power generation and transmission projects.

"(7) A description of plans to ensure meaningful local consultation, as appropriate, in the planning, long-term maintenance, and management of investments designed to increase access to power in sub-Saharan Africa.

"(8) A description of the mechanisms to be established for—

"(A) selection of partner countries for focused engagement on the power sector;

"(B) monitoring and evaluating increased access to, and reliability and affordability of, power in sub-Saharan Africa;

"(C) maximizing the financial sustainability of power generation, transmission, and distribution in sub-Saharan Africa;

"(D) establishing metrics to demonstrate progress on meeting goals relating to access to power, power generation, and distribution in sub-Saharan Africa; and

"(E) terminating unsuccessful programs.

"(9) A description of how the President intends to promote trade in electrical equipment with countries in sub-Saharan Africa, including a description of how the government of each country receiving assistance pursuant to the strategy—

"(A) plans to lower or eliminate import tariffs or other taxes for energy and other power production and distribution technologies destined for sub-Saharan Africa, including equipment used to provide energy access, including solar lanterns, solar home systems, and micro and mini grids; and

"(B) plans to protect the intellectual property of companies designing and manufacturing products that can be used to provide energy access in sub-Saharan Africa.

"(10) A description of how the President intends to encourage the growth of distributed renewable energy markets in sub-Saharan Africa, including off-grid lighting and power, that includes—

"(A) an analysis of the state of distributed renewable energy in sub-Saharan Africa;

"(B) a description of market barriers to the deployment of distributed renewable energy technologies both on- and off-grid in sub-Saharan Africa;

"(C) an analysis of the efficacy of efforts by the Overseas Private Investment Corporation and the United States Agency for International Development to facilitate the financing of the importation, distribution, sale, leasing, or marketing of distributed renewable energy technologies; and

"(D) a description of how bolstering distributed renewable energy can enhance the overall effort to increase power access in sub-Saharan Africa.

"(11) A description of plans to ensure that small and medium enterprises based in sub-Saharan Africa can fairly compete for energy development and energy access opportunities associated with this Act.

"(12) A description of how United States investments to increase access to energy in sub-Saharan Africa may reduce the need for foreign aid and development assistance in the future.

"(13) A description of policies or regulations, both domestically and internationally, that create barriers to private financing of the projects undertaken in this Act.

"(14) A description of the specific national security benefits to the United States that will be derived from increased energy access in sub-Saharan Africa.

"(c) INTERAGENCY WORKING GROUP.—

"(1) IN GENERAL.—The President may, as appropriate, establish an Interagency Working Group to coordinate the activities of relevant United States Government departments and agencies involved in carrying out the strategy required under this section.

"(2) FUNCTIONS.—The Interagency Working Group may, among other things—

"(A) seek to coordinate the activities of the United States Government departments and agencies involved in implementing the strategy required under this section;

"(B) ensure efficient and effective coordination between participating departments and agencies; and

"(C) facilitate information sharing, and coordinate partnerships between the United States Government, the private sector, and other development partners to achieve the goals of the strategy.

"SEC. 5. PRIORITIZATION OF EFFORTS AND ASSISTANCE FOR POWER PROJECTS IN SUB-SAHARAN AFRICA BY KEY UNITED STATES INSTITUTIONS.

"(a) IN GENERAL.—In pursuing the policy goals described in section 3, the Administrator of the United States Agency for International Development, the Director of the Trade and Development Agency, the Overseas Private Investment Corporation, and the Chief Executive Officer and Board of Directors of the Millennium Challenge Corporation should, as appropriate, prioritize and expedite institutional efforts and assistance to facilitate the involvement of such institutions in power projects and markets, both on- and off-grid, in sub-Saharan Africa and partner with other investors and local institutions in sub-Saharan Africa, including private sector actors, to specifically increase access to reliable, affordable, and sustainable power in sub-Saharan Africa, including through—

"(1) maximizing the number of people with new access to power and power services;

"(2) improving and expanding the generation, transmission and distribution of power;

"(3) providing reliable power to people and businesses in urban and rural communities;

"(4) addressing the energy needs of marginalized people living in areas where there is little or no access to a power grid and developing plans to systematically increase coverage in rural areas;

"(5) reducing transmission and distribution losses and improving end-use efficiency and demand-side management;

"(6) reducing energy-related impediments to business productivity and investment; and

"(7) building the capacity of countries in sub-Saharan Africa to monitor and appropriately and transparently regulate the power sector and encourage private investment in power production and distribution.

"(b) EFFECTIVENESS MEASUREMENT.—In prioritizing and expediting institutional efforts and assistance pursuant to this section, as appropriate, such institutions shall use clear, accountable, and metric-based targets to measure the effectiveness of such guarantees and assistance in achieving the goals described in section 3.

"(c) PROMOTION OF USE OF PRIVATE FINANCING AND ASSISTANCE.—In carrying out policies under this section, such institutions shall promote the use of private financing and assistance and seek ways to remove barriers to private financing for projects and programs under this Act, including through charitable organizations.

"(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize modifying or limiting the portfolio of the institutions covered by subsection (a) in other developing regions.

"SEC. 6. LEVERAGING INTERNATIONAL SUPPORT.

"In implementing the strategy described in section 4, the President should direct the United States representatives to appropriate international bodies to use the influence of the United States, consistent with the broad development goals of the United States, to advocate that each such body—

"(1) commit to significantly increase efforts to promote investment in well-designed power sector and electrification projects in sub-Saharan Africa that increase energy access, in partnership with the private sector and consistent with the host countries' absorptive capacity;

"(2) address energy needs of individuals and communities where access to an electricity grid is impractical or cost-prohibitive;

"(3) enhance coordination with the private sector in sub-Saharan Africa to increase access to electricity;

"(4) provide technical assistance to the regulatory authorities of sub-Saharan African governments to remove unnecessary barriers to investment in otherwise commercially viable projects; and

"(5) utilize clear, accountable, and metric-based targets to measure the effectiveness of such projects.

"SEC. 7. PROGRESS REPORT.

"(a) In General.—Not later than three years after the date of the enactment of this Act [Feb. 8, 2016], 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 report on progress made toward achieving the strategy described in section 4 that includes the following:

"(1) A report on United States programs supporting implementation of policy and legislative changes leading to increased power generation and access in sub-Saharan Africa, including a description of the number, type, and status of policy, regulatory, and legislative changes initiated or implemented as a result of programs funded or supported by the United States in countries in sub-Saharan Africa to support increased power generation and access after the date of the enactment of this Act.

"(2) A description of power projects receiving United States Government support and how such projects, including off-grid efforts, are intended to achieve the strategy described in section 4.

"(3) For each project described in paragraph (2)—

"(A) a description of how the project fits into, or encourages modifications of, the national energy plan of the country in which the project will be carried out, including encouraging regulatory reform in that county;

"(B) an estimate of the total cost of the project to the consumer, the country in which the project will be carried out, and other investors;

"(C) the amount of financing provided or guaranteed by the United States Government for the project;

"(D) an estimate of United States Government resources for the project, itemized by funding source, including from the Overseas Private Investment Corporation, the United States Agency for International Development, the Department of the Treasury, and other appropriate United States Government departments and agencies;

"(E) an estimate of the number and regional locations of individuals, communities, businesses, schools, and health facilities that have gained power connections as a result of the project, with a description of how the reliability, affordability, and sustainability of power has been improved as of the date of the report;

"(F) an assessment of the increase in the number of people and businesses with access to power, and in the operating electrical power capacity in megawatts as a result of the project between the date of the enactment of this Act and the date of the report;

"(G) a description of efforts to gain meaningful local consultation for projects associated with this Act and any significant estimated noneconomic effects of the efforts carried out pursuant to this Act; and

"(H) a description of the participation by small and medium enterprises based in sub-Saharan Africa on projects associated with this Act."

[For delegation of functions vested in President by sections 4 and 7 of Pub. L. 114–121, set out above, see Memorandum of President of the United States, Aug. 3, 2016, 81 F.R. 52323, set out below.]

Agricultural and Rural Development in Sub-Saharan Africa

Pub. L. 105–385, §2, Nov. 13, 1998, 112 Stat. 3460, provided that:

"(a) Findings.—Congress finds the following:

"(1) The economic, security, and humanitarian interests of the United States and the nations of sub-Saharan Africa would be enhanced by sustainable, broad-based agricultural and rural development in each of the African nations.

"(2) According to the Food and Agriculture Organization, the number of undernourished people in Africa has more than doubled, from approximately 100,000,000 in the late 1960s to 215,000,000 in 1998, and is projected to increase to 265,000,000 by the year 2010. According to the Food and Agriculture Organization, the term 'under nutrition' means inadequate consumption of nutrients, often adversely affecting children's physical and mental development, undermining their future as productive and creative members of their communities.

"(3) Currently, agricultural production in Africa employs about two-thirds of the workforce but produces less than one-fourth of the gross domestic product in sub-Saharan Africa, according to the World Bank Group.

"(4) African women produce up to 80 percent of the total food supply in Africa according to the International Food Policy Research Institute.

"(5) An effective way to improve conditions of the poor is to increase the productivity of the agricultural sector. Productivity increases can be fostered by increasing research and education in agriculture and rural development.

"(6) In November 1996, the World Food Summit set a goal of reducing hunger worldwide by 50 percent by the year 2015 and encouraged national governments to develop domestic food plans and to support international aid efforts.

"(7) Although the World Bank Group recently has launched a major initiative to support agricultural and rural development, only 10 percent, or $1,200,000,000, of its total lending to sub-

Saharan Africa for fiscal years 1993 to 1997 was devoted to agriculture.

"(8)(A) United States food processing and agricultural sectors benefit greatly from the liberalization of global trade and increased exports.

"(B) Africa represents a growing market for United States food and agricultural products. Africa's food imports are projected to rise from less than 8,000,000 metric tons in 1990 to more than 25,000,000 metric tons by the [sic] 2020.

"(9)(A) Increased private sector investment in African countries and expanded trade between the United States and Africa can greatly help African countries achieve food self-sufficiency and graduate from dependency on international assistance.

"(B) Development assistance, technical assistance, and training can facilitate and encourage commercial development in Africa, such as improving rural roads, agricultural research and extension, and providing access to credit and other resources.

"(10)(A) Several United States private voluntary organizations have demonstrated success in empowering Africans through direct business ownership and helping African agricultural producers more efficiently and directly market their products.

"(B) Rural business associations, owned and controlled by farmer shareholders, also greatly help agricultural producers to increase their household incomes.

"(b) Declaration of Policy.—It is the policy of the United States, consistent with title XII of part I of the Foreign Assistance Act of 1961 [probably means title XII of chapter 2 of part I of the Foreign Assistance Act of 1961, 22 U.S.C. 2220a et seq.], to support governments of sub-Saharan African countries, United States and African nongovernmental organizations, universities, businesses, and international agencies, to help ensure the availability of basic nutrition and economic opportunities for individuals in sub-Saharan Africa, through sustainable agriculture and rural development."

[Pub. L. 115–254, div. F, title VI, §1470(k), (w), Oct. 5, 2018, 132 Stat. 3517, 3519, provided that, effective at the end of the transition period as defined in section 9681 of this title, sections 5 and 7 of the Electrify Africa Act of 2015 (Public Law 114–121; 22 U.S.C. 2293 note), set out above, are amended by striking "Overseas Private Investment Corporation" each place it appears and inserting "United States International Development Finance Corporation".]

Pub. L. 105–385, title I, Nov. 13, 1998, 112 Stat. 3462, as amended by Pub. L. 110–234, title VII, §7511(c)(39), May 22, 2008, 122 Stat. 1271; Pub. L. 110–246, §4(a), title VII, §7511(c)(39), June 18, 2008, 122 Stat. 1664, 2032, provided that:

"SEC. 101. AFRICA FOOD SECURITY INITIATIVE.

"(a) Additional Requirements in Carrying Out the Initiative.—In providing development assistance under the Africa Food Security Initiative, or any comparable or successor program, the Administrator of the United States Agency for International Development—

"(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

"(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects;

"(3) shall favor countries that are implementing reforms of their trade and investment laws and regulations in order to enhance free market development in the food processing and agricultural sectors; and

"(4) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

"(b) Sense of the Congress.—It is the sense of the Congress that, if there is an increase in funding for sub-Saharan programs, the Administrator of the United States Agency for International Development should proportionately increase resources to the Africa Food Security Initiative, or any comparable or successor program, for fiscal year 2000 and subsequent fiscal years in order to meet the needs of the countries participating in such Initiative.

"SEC. 102. MICROENTERPRISE ASSISTANCE.

"(a) Bilateral Assistance.—In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should use the applied research and technical assistance capabilities of United States land-grant universities.

"(b) Multilateral Assistance.—

"(1) In general.—The Administrator of the United States Agency for International Development shall continue to work with other countries, international organizations (including multilateral

development institutions), and entities assisting microenterprises and shall develop a comprehensive and coordinated strategy for providing microenterprise assistance for sub-Saharan Africa.

"(2) ADDITIONAL REQUIREMENT.—In carrying out paragraph (1), the Administrator should encourage the World Bank Consultative Group to Assist the Poorest to coordinate the strategy described in such paragraph.

"SEC. 103. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to support producer-owned cooperative purchasing and marketing associations in sub-Saharan Africa;

"(2) to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to promote rural development in sub-Saharan Africa;

"(3) to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, technical expertise; and

"(4) to support small businesses in sub-Saharan Africa as they grow beyond microenterprises.

"(b) SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.—

"(1) ACTIVITIES.—

"(A) IN GENERAL.—The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders.

"(B) ADDITIONAL REQUIREMENTS.—In carrying out subparagraph (A), the Administrator—

"(i) shall take into account small-scale farmers, small rural entrepreneurs, and rural workers and communities; and

"(ii) shall take into account the local-level perspectives of the rural and urban poor through close consultation with these groups, consistent with section 496(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(e)(1)).

"(2) OTHER ACTIVITIES.—In addition to carrying out paragraph (1), the Administrator is encouraged—

"(A) to cooperate with governments of foreign countries, including governments of political subdivisions of such countries, their agricultural research universities, and particularly with United States nongovernmental organizations and United States land-grant universities, that have demonstrated expertise in the development and promotion of successful private producer-owned cooperative marketing associations; and

"(B) to facilitate partnerships between United States and African cooperatives and private businesses to enhance the capacity and technical and marketing expertise of business associations in sub-Saharan Africa.

"SEC. 104. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

"(a) PURPOSE.—The purpose of this section is to encourage the Overseas Private Investment Corporation [now the United States International Development Finance Corporation] to work with United States businesses and other United States entities to invest in rural sub-Saharan Africa, particularly in ways that will develop the capacities of small-scale farmers and small rural entrepreneurs, including women, in sub-Saharan Africa.

"(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

"(1) the Overseas Private Investment Corporation should exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guaranties, and insurance, to support rural development in sub-Saharan Africa, particularly to support intermediary organizations that—

"(A) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

"(B) have a clear track-record of support for sound business management practices; and

"(C) have demonstrated experience with participatory development methods; and

"(2) the Overseas Private Investment Corporation should utilize existing equity funds, loan and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

"SEC. 105. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES.

"(a) DEVELOPMENT OF PLAN.—The Administrator of the United States Agency for International 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

Pub. L. 101–513, title V, §562(c), Nov. 5, 1990, 104 Stat. 2030, provided that: "As part of the annual Congressional Presentation materials for economic assistance, the Administrator of the Agency for International Development shall include a description of the progress made during the previous fiscal year in carrying out chapter 10 of part I of the Foreign Assistance Act of 1961 [this part] in three countries in sub-Saharan Africa which represent differing economic situations and levels of progress. The description shall include—

"(1) the nature and extent of consultation to ensure local perspectives, as described in subsections (e)(1) and (f) of section 496 [22 U.S.C. 2293(e)(1), (f)];

"(2) the degree of involvement of local people in the implementation of projects having a local focus;

"(3) the extent to which there has been expansion of the participation and integration of African women in each of the critical sectors specified in section 496(i);

"(4) program assistance provided, including the amounts obligated, the criteria used for assisting reforms, and the provisions made pursuant to section 496(h)(2)(B) to protect vulnerable groups from possible negative consequences of the reforms; and

"(5) a description of the assistance for the critical sector priorities specified in section 496(i), by sector, including the amounts obligated."

Ex. Ord. No. 13746. Advancing the Goals of the Power Africa Initiative To Expand Access to Electricity in Sub-Saharan Africa Through the Establishment of the President's Power Africa Working Group

Ex. Ord. No. 13746, Nov. 3, 2016, 81 F.R. 78697, 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*. It is the policy of the United States to partner, consult, and coordinate with African governments, bilateral and multilateral partners, the private sector, and civil society to expand access to electricity and increase electricity generation in Sub-Saharan Africa, in both urban and rural areas. Through the Power Africa initiative (Power Africa), we aim to double access to power in Sub-Saharan Africa by adding 30,000 megawatts (MW) of capacity and 60 million new household and business connections by 2030, and in so doing, leapfrog to cleaner forms of energy and foster inclusive economic growth and opportunity across Sub-Saharan Africa.

On June 30, 2013, my Administration launched Power Africa, a new initiative to double access to power in Sub-Saharan Africa, where more than two-thirds of the population is without electricity, and more than 85 percent of those living in rural areas lack access to electricity. In its initial phase, Power Africa aimed to add more than 10,000 MW of cleaner, more efficient electricity generation capacity and to increase electricity access by at least 20 million new households and commercial entities with on-grid, mini-grid, and off-grid solutions. Power Africa builds on Africa's enormous power potential, including extensive clean geothermal, hydro, wind and solar energy resources, as well as vast oil and gas reserves. Power Africa works with countries to develop resources responsibly, build out power generation, transmission, and distribution, and expand the reach of mini-grid and off-grid solutions. Power Africa brings to bear a wide range of tools from across the Federal Government and more than 130 public and private sector partners to support investment in Africa's energy sector. Power Africa provides coordinated support to help African partners expand their power networks and access to electricity, including through policy and regulatory best practices, institutional capacity building, pre-feasibility support, grants, long-term financing, insurance, guarantees, credit enhancements, and technical assistance.

On August 5, 2014, during the U.S.-Africa Leaders Summit, my Administration affirmed that Power Africa is intended to reach across Sub-Saharan Africa, and tripled Power Africa's goals. Power Africa is now working toward adding 30,000 MW of new, cleaner electricity generation capacity and increasing electricity access by at least 60 million new connections. On January 28, 2016, my Administration, in coordination with Power Africa partners, launched the Power Africa Roadmap, which lays out a concrete plan for Power Africa to meet its ambitious goals by 2030.

The Electrify Africa Act of 2015, enacted on February 8, 2016 (Public Law 114–121) (the "Act"), calls for the development of a strategy to add at least 20,000 MW of electrical power and promote first-time access to power and power services for at least 50 million people in Sub-Saharan Africa by 2020 in both urban and rural areas—an effort that directly supports and complements Power Africa's goals. This order furthers the purposes of the Act and the work that Power Africa has been undertaking.

SEC. 2. *Establishment of the Coordinator for Power Africa*. The United States Agency for International Development (USAID) shall serve as the lead agency to facilitate the implementation of Power Africa and associated activities across the United States Government. The Administrator of USAID shall establish the position of Coordinator for Power Africa within USAID.

SEC. 3. *Power Africa Working Group*. (a) There is hereby established the Power Africa Working Group (Working Group), co-chaired by the Coordinator for Power Africa within USAID and a member of the National Security Council (NSC) staff to be designated by the Assistant to the President for National Security Affairs. The Working Group shall serve as the multi-agency coordinating and advisory body for the Federal Government's efforts to identify, evaluate, prioritize, and deliver assistance to energy projects across Sub-Saharan Africa in order to advance the energy access and electricity generation goals of Power Africa and promote policy cohesion across the Federal Government. Through the Working Group, participating departments and agencies shall provide advice and promote coherence of United States Government positions on and assistance for priority energy projects and policy reforms in support of Power Africa.

(b) The Working Group shall consist of representatives of the following executive branch departments and agencies (Participating Agencies):

(i) the Department of State;

(ii) the Department of the Treasury;

(iii) the Department of Agriculture;

(iv) the Department of Commerce;

(v) the Department of Energy;

(vi) the Export-Import Bank of the United States;

(vii) the United States Agency for International Development;

(viii) the Overseas Private Investment Corporation [now the United States International Development Finance Corporation];

(ix) the United States Trade and Development Agency;

(x) the Millennium Challenge Corporation;

(xi) the United States Army Corps of Engineers;

(xii) the Office of Management and Budget; and

(xiii) such other agencies as the Co-Chairs may designate or invite to participate, including the United States African Development Foundation.

(c) The Working Group may consult with non-United States Government entities that participate in Power Africa as bilateral, multilateral, private sector partners and nongovernmental organizations to provide input and advice to the United States Government, as appropriate, regarding the implementation of Power Africa.

(d) The Working Group may establish sub-groups consisting exclusively of Working Group members or their designees, as appropriate, such as one for each of the three pillars of the Power Africa Roadmap: (1) megawatts, (2) connections, and (3) unlocking energy sector potential.

(e) The Working Group shall be supported by the Office of the Coordinator for Power Africa within USAID.

SEC. 4. *Mission and Functions of the Working Group*. The Working Group, as may be necessary and appropriate to carry out this order, shall:

(a) Ensure efficient and effective coordination of energy access activities in Sub-Saharan Africa among Participating Agencies.

(b) Identify, prioritize, and evaluate potential Power Africa projects, regulatory and policy reforms, and programmatic focus areas, including maximizing deployment of and access to renewable energy.

(c) Identify country and project specific obstacles to the development of the electricity sector, including financial and technical assistance needs and capacity building needs, and identify opportunities for Participating Agencies to deploy their respective tools and best practices to advance needed reforms and accelerate the completion of Power Africa projects.

(d) Enhance coordination among Participating Agencies to maximize the efficiency and effectiveness of United States Government development assistance and other development finance tools as related to Power Africa priorities.

(e) Facilitate information sharing and coordination of partnerships between Participating Agencies and African governments, the private sector, development partners, and bilateral and multilateral partners to help advance Power Africa's goals.

(f) Identify appropriate courses of action to liaise with host governments to advance regulatory and policy reforms, as well as energy transactions, related to Power Africa.

(g) Identify best practices for Participating Agencies to coordinate their engagement with development partners, including bilateral donors, development finance institutions, and multilateral

development banks on energy access issues, to ensure that Power Africa's tools are deployed in a way that is complementary to and leverages the impact of United States Government resources.

(h) Meet with private sector partners, as appropriate, to review Power Africa projects and activities, and to solicit input regarding technical, policy, financial or political, obstacles that partners are encountering in the energy sector across Sub-Saharan Africa.

(i) Meet with bilateral and multilateral development partners, as appropriate, to coordinate country-specific and regional energy access policy agendas, coordinate deployment of financial resources and technical expertise to identify and accelerate Power Africa projects and activities, and review project pipelines.

(j) Monitor and periodically evaluate Power Africa projects and activities to measure the effectiveness of United States Government assistance and other development finance tools in achieving Power Africa's electricity generation and access goals, and to share lessons learned. These evaluations may recommend reforms to facilitate support for future projects and activities, and to increase the Working Group's effectiveness.

SEC. 5. *Partnering with African Private Sector Companies*. I hereby direct Participating Agencies to facilitate as appropriate, to the maximum extent possible under the law, the participation of local and regional companies in power, renewable energy, and climate change projects in low-income countries in Africa, including through the use of financing and risk insurance, where appropriate.

SEC. 6. *Reporting*. The Administrator of USAID, in coordination with the Participating Agencies, shall lead in the development of a report, to be transmitted to the Congress pursuant to section 7 of the Act and the Presidential Memorandum of August 3, 2016, "Delegation of Authority Pursuant to Section 4 and Section 7 of the Electrify Africa Act of 2015," on progress made toward achieving the comprehensive, integrated, multiyear strategy that was transmitted to the Congress on August 6, 2016, pursuant to section 4 of the Act, to encourage the efforts of countries in Sub-Saharan Africa to implement national power strategies and develop an appropriate mix of power solutions to provide access to sufficient, reliable, affordable, and sustainable power in order to reduce poverty and drive economic growth and job creation.

SEC. 7. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof, or the status of that department or agency within the Federal Government; or

(ii) the 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) 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.

DELEGATION OF AUTHORITY PURSUANT TO SECTION 4 AND SECTION 7 OF THE ELECTRIFY AFRICA ACT OF 2015

Memorandum of President of the United States, Aug. 3, 2016, 81 F.R. 52323, provided:

Memorandum for the Administrator of the United States Agency for International Development

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authorities vested in the President by section 4 and section 7 of the Electrify Africa Act of 2015 (Public Law 114–121) (the "Act") [22 U.S.C. 2293 note].

Any reference in this memorandum to the Act shall be deemed to be a reference to any future act that is the same or substantially the same as such provisions.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

[1] *So in original. Probably should be "has".*

§2294. Authorizations of appropriations for Development Fund for Africa

Funds appropriated to carry out this part are authorized to be made available until expended. It is the sense of the Congress that the authority of this subsection [1] should be used to extend the period of availability of those funds whenever appropriate to improve the quality of assistance provided under section 2293 of this title.

(Pub. L. 87–195, pt. I, §497, as added Pub. L. 101–513, title V, §562(a), Nov. 5, 1990, 104 Stat. 2030.)

PRIOR PROVISIONS

A prior section 2294, Pub. L. 87–195, pt. I, §497, as added Pub. L. 95–92, §4, Aug. 4, 1977, 91 Stat. 614, related to balance of payments loan for Portugal, prior to repeal by Pub. L. 99–83, title XII, §1211(a)(4), Aug. 8, 1985, 99 Stat. 279, effective Oct. 1, 1985.

[1] *So in original. Probably should be "section".*

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

§2295. Assistance for the independent states

The President is authorized to provide assistance to the independent states of the former Soviet Union under this part for the following activities:

(1) Urgent humanitarian needs

Meeting urgent humanitarian needs (including those arising from the health effects of exposure to radiation in the Chernobyl region), in particular—

(A) meeting needs for medicine, medical supplies and equipment, and food, including the nutritional needs of infants such as processed baby food; and

(B) continuing efforts to rebuild from the earthquake in Armenia.

(2) Democracy 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 upgrade of civilian nuclear power plants, including the training of power plant personnel, implementation of improved procedures for nuclear power plant operation, the development of effective and independent regulatory authorities, and cost-effective hardware upgrades; and

(B) a program to retire those civilian nuclear power plants whose capacity could be more cost-effectively replaced through energy efficiency.

(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.

(Pub. L. 87–195, pt. I, §498, as added Pub. L. 102–511, title II, §201, Oct. 24, 1992, 106 Stat. 3324; amended Pub. L. 107–246, §4(a), Oct. 23, 2002, 116 Stat. 1514.)

Amendments

2002—Par. (2). Pub. L. 107–246, §4(a)(1)(A), substituted "Democracy and rule of law" for "Democracy" in heading.

Par. (2)(E) to (J). Pub. L. 107–246, §4(a)(1)(B)–(E), added subpars. (E) to (H) and (J), redesignated former subpar. (F) as (I), and struck out former subpars. (E) and (G) which read as follows:

"(E) the development of a free and independent media;

"(G) strengthened administration of justice through programs and activities carried out in accordance with section 2295b(e) of this title."

Pars. (3) to (14). Pub. L. 107–246, §4(a)(2), added par. (3) and redesignated former pars. (3) to (13) as (4) to (14), 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, and section 3(b) 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.

Findings and Purposes

Pub. L. 107–246, §2, Oct. 23, 2002, 116 Stat. 1511, provided that:

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

"(1) Since the dissolution of the Soviet Union, the leadership of the Russian Federation has publicly committed itself to building—

"(A) a society with democratic political institutions and practices, the observance of universally recognized standards of human rights, and religious and press freedom; and

"(B) a market economy based on internationally accepted principles of transparency, accountability, and the rule of law.

"(2) In order to facilitate this transition, the international community has provided multilateral and bilateral technical assistance, and the United States' contribution to these efforts has played an important role in developing new institutions built on democratic and liberal economic foundations and the rule of law.

"(3)(A) Since 1992, United States Government democratic reform programs and public diplomacy programs, including training, and small grants have provided access to and training in the use of the Internet, brought nearly 40,000 Russian citizens to the United States, and have led to the establishment of more than 65,000 nongovernmental organizations, thousands of independent local media outlets, despite governmental opposition, and numerous political parties.

"(B) These efforts contributed to the substantially free and fair Russian parliamentary elections in 1995 and 1999.

"(4) The United States has assisted Russian efforts to replace its centrally planned, state-controlled economy with a market economy and helped create institutions and infrastructure for a market economy. Approximately two-thirds of the Russian Federation's gross domestic product is now generated by the private sector, and the United States recognized Russia as a market economy on June 7, 2002.

"(5)(A) The United States has fostered grassroots entrepreneurship in the Russian Federation by focusing United States economic assistance on small- and medium-sized businesses and by providing training, consulting services, and small loans to more than 250,000 Russian entrepreneurs.

"(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

Pub. L. 107–246, §3, Oct. 23, 2002, 116 Stat. 1513, provided that:

"(a) Sense of Congress.—It is the sense of Congress that the United States Government should—

"(1) 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

"(2) continue and increase assistance to the democratic forces in the Russian Federation, including the independent media, regional administrations, democratic political parties, and nongovernmental organizations.

"(b) 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 organizers, 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

Pub. L. 107–246, §5, Oct. 23, 2002, 116 Stat. 1515, provided that:

"(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 2799aa or 2799aa–1 of this title or sections 5604(a)(1) and 5605 of this title;

(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving

the determination within that 30-day period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 2295b(k)(3) of this title) with, the Cuban Government; or

(6) for the Government of Russia if it has failed to make significant progress on the removal of Russian or Commonwealth of Independent States troops from Estonia, Latvia, and Lithuania or if it has failed to undertake good faith efforts, such as negotiations, to end other military practices that violate the sovereignty of the Baltics [1] states.

(c) Exceptions to ineligibility

Assistance prohibited by subsection (b) or any similar provision of law, other than assistance prohibited by the provisions referred to in subsection (b)(4), 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.].

(Pub. L. 87–195, pt. I, §498A, as added Pub. L. 102–511, title II, §201, Oct. 24, 1992, 106 Stat. 3326; amended Pub. L. 103–236, title VIII, §826(c), Apr. 30, 1994, 108 Stat. 519; Pub. L. 104–114, title I, §106(b), (c)(1), (3), (d)(2), Mar. 12, 1996, 110 Stat. 795–797.)

References in Text

This chapter, referred to in subsec. (d)(1), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Cooperative Threat Reduction Act of 1993, referred to in subsec. (d)(3)(G), is title XII of div. A of Pub. L. 103–160, Nov. 30, 1993, 107 Stat. 1777, which is classified generally to chapter 68A (§5951 et

seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5951 of this title and Tables.

Amendments

1996—Subsec. (a)(11). Pub. L. 104–114, §106(b), substituted "military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos" for "of military facilities".

Subsec. (b)(5), (6). Pub. L. 104–114, §106(c)(1), added par. (5) and redesignated former par. (5) as (6).

Subsec. (c)(4). Pub. L. 104–114, §106(c)(3), added par. (4).

Subsec. (d). Pub. L. 104–114, §106(d)(2), added subsec. (d).

1994—Subsec. (b)(4). Pub. L. 103–236 substituted "section 2799aa or 2799aa–1" for "section 2429 or 2429a".

Change of Name

The Conference on Security and Cooperation in Europe to be called the Organization for Security and Cooperation in Europe effective Jan. 1, 1995, pursuant to Ex. Ord. No. 13029, Dec. 3, 1996, 61 F.R. 64591.

Effective Date of 1994 Amendment

Amendment by Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

Transfer of Functions

United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.

Delegation of Functions

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. (a) and (c)(2) of this section delegated to Coordinator by section 2(c), (d) of Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, set out as a note under section 5812 of this title.

Functions of President under subsecs. (b)(1)–(3), (5), and (c)(1) of this section delegated to Secretary of State by section 1(2), (3) of Ex. Ord. No. 12884.

Functions of President under subsec. (c)(3) of this section and requirement to make reports under this section regarding determinations under subsec. (c)(3) delegated to Secretary of State by section 3(c) of Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, as amended.

Ineligibility for Assistance of Institutions Withholding Certain Documents of United States Nationals

Pub. L. 102–511, title II, §202, Oct. 24, 1992, 106 Stat. 3331, provided that:

"(a) Prohibition.—Except as provided in subsections (b) and (c), an agency, instrumentality, or other governmental entity of an independent state of the former Soviet Union shall not be eligible to receive assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.] if—

"(1) on the date of enactment of this Act [Oct. 24, 1992], there is outstanding a final judgment by a court of competent jurisdiction in that independent state that that governmental entity is withholding unlawfully books or other documents of religious or historical significance that are the property of United States persons; and

"(2) within 90 days of a request by such United States persons, the Secretary of State determines that execution of the court's judgment is blocked as the result of extrajudicial causes such as any of the following:

"(A) A declared refusal of the defendant to comply.

"(B) The unwillingness or failure of local authorities to enforce compliance.

"(C) The issuance of an administrative decree nullifying a court's judgment or forbidding compliance.

"(D) The passage of legislation, after a court's judgment, nullifying that judgment or forbidding compliance with that judgment.

"(b) Exception for Humanitarian Assistance.—The prohibition contained in subsection (a) shall not apply to the provision of assistance to alleviate suffering resulting from a natural or man-made disaster.

"(c) Waiver Authority.—The Secretary of State may waive the application of subsection (a) whenever the Secretary finds that—

"(1) the court's judgment has been executed; or

"(2) it is important to the national interest of the United States to do so.

"(d) REPORT.—Nine months after the date of enactment of this Act [Oct. 24, 1992], the Secretary of State shall report to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on the status of final judgments described in subsection (a)(1).

"(e) UNITED STATES PERSON.—For purposes of this section, the term 'United States person' means—

"(1) any citizen, national, or permanent resident alien of the United States; and

"(2) any corporation, partnership, or other juridical entity which is 50 percent or more beneficially owned by individuals described in paragraph (1)."

[1] *So in original. Probably should be "Baltic".*

§2295b. Authorities relating to assistance and other provisions

(a) Assistance through governments and nongovernmental organizations

Assistance under this part may be provided to governments or through nongovernmental organizations.

(b) Technical and managerial assistance

Technical assistance under this part shall, to the maximum extent feasible, be provided on a long term, on-site basis and shall emphasize the provision of practical, management and other problem-solving advice, particularly advice on private enterprise provided by United States business volunteers.

(c) Enterprise funds

Activities supported pursuant to this part may include the establishment of and the provision of support for one or more enterprise funds for the independent states of the former Soviet Union. If the President determines that an enterprise fund should be established and supported under this part, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 [22 U.S.C. 5421] (excluding the authorizations of appropriations provided in subsection (b) of that section) shall be deemed to apply with respect to such enterprise fund and to funds made available to such enterprise fund pursuant to this part.

(d) Cooperative development and research projects

Assistance under this part may include support for cooperative development projects, including cooperative development research projects, among the United States, other countries, and independent states of the former Soviet Union.

(e) Administration of justice programs

In order to strengthen the administration of justice in the independent states of the former Soviet Union under paragraph (2)(J) of section 2295 of this title, the President may exercise the same authorities as are available under section 2346c of this title, subject to the limitations and requirements of that section, other than subsection (c) and the last two sentences of subsection (e).

(f) Use of economic support funds

Any funds that have been allocated under part 4 of subchapter II of this chapter for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this part.

(g) Use of SEED agency funds and administrative authorities

The President may authorize any agency of the United States Government that has authority to conduct activities under the Support for East European Democracy (SEED) Act of 1989 [22 U.S.C. 5401 et seq.] to use—

(1) any funds that are available to it for activities related to international affairs outside Eastern Europe, and

(2) any administrative authorities that are available to it for activities with respect to Eastern Europe,

to conduct activities authorized by section 2295 of this title with respect to the independent states of the former Soviet Union.

(h) Procurement restrictions

Funds made available for assistance under this part may be used for procurement—

(1) in the United States, the independent states of the former Soviet Union, or a developing country; or

(2) in any other country but only if—

(A) the provision of such assistance requires commodities or services of a type that are not produced in and available for purchase in any country specified in paragraph (1); or

(B) the President determines, on a case-by-case basis, that procurement in such other country is necessary—

(i) to meet unforseen [1] circumstances, such as emergency situations, where it is important to permit procurement in a country not specified in paragraph (1), or

(ii) to promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives.

(i) Terms and conditions

Assistance under this part shall be provided on such terms and conditions as the President may determine, consistent with applicable provisions of law (except as otherwise provided in subsection (j)).

(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), may be used to provide assistance under this part notwithstanding any other provision of law, except for—

(A) this part;

(B) section 2394–1 of this title and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act;

(C) sections 2799aa and 2799aa–1 of this title and sections 5604 and 5605 of this title, to the extent that they apply to assistance to governments; and

(D) section 1341 of title 31 (commonly referred to as the "Anti-Deficiency Act"), the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Budget Enforcement Act of 1990.

(2) Nuclear reactor safety and related activities

Any provision that corresponds to section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (relating to the prohibition on 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".

(Pub. L. 87–195, pt. I, §498B, as added Pub. L. 102–511, title II, §201, Oct. 24, 1992, 106 Stat. 3328; amended Pub. L. 103–236, title VIII, §826(c), Apr. 30, 1994, 108 Stat. 519; Pub. L. 104–114, title I, §106(c)(2), Mar. 12, 1996, 110 Stat. 796; Pub. L. 107–246, §4(b), Oct. 23, 2002, 116 Stat. 1515.)

References in Text

The Support for East European Democracy (SEED) Act of 1989, referred to in subsec. (g), is Pub. L. 101–179, Nov. 28, 1989, 103 Stat. 1298, as amended, which is classified principally to chapter 63 (§5401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5401 of this title and Tables.

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (j)(1)(D), is Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (j)(1)(D), is title II of Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1038, as amended, which enacted chapter 20 (§900 et seq.) and sections 654 to 656 of Title 2, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106 and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public

Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

The Budget Enforcement Act of 1990, referred to in subsec. (j)(1)(D), is title XIII of Pub. L. 101–508, Nov. 5, 1990, 104 Stat. 1388–573. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 900 of Title 2 and Tables.

Section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, referred to in subsec. (j)(2), is section 510 of Pub. L. 101–513, title V, Nov. 5, 1990, 104 Stat. 2003, which is not classified to the Code.

Amendments

2002—Subsec. (e). Pub. L. 107–246 substituted "paragraph (2)(J)" for "paragraph (2)(G)".

1996—Subsec. (k)(3), (4). Pub. L. 104–114 added pars. (3) and (4).

1994—Subsec. (j)(1)(C). Pub. L. 103–236 substituted "sections 2799aa and 2799aa–1" for "sections 2429 and 2429a".

Effective Date of 1994 Amendment

Amendment by Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

Delegation of Functions

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, 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."

[1] *So in original. Probably should be "unforeseen".*

§2295c. Authorization of appropriations

(a) In general

To carry out this part, there are authorized to be appropriated to the President for fiscal year 1993 $410,000,000, in addition to amounts otherwise available for assistance for the independent states of the former Soviet Union. Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

(b) Operating expenses

(1) Authority to transfer program funds

Subject to paragraph (2), funds made available under subsection (a) 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) may be transferred pursuant to paragraph (1) unless, at least 15 days before transferring any additional amount, the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 2394–1 of this title.

(Pub. L. 87–195, pt. I, §498C, as added Pub. L. 102–511, title II, §201, Oct. 24, 1992, 106 Stat. 3330.)

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 certain functions of President under subsec. (b)(2), see section 3(b) 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.

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

PRIOR PROVISIONS

A prior part XII, consisting of section 2296, related to the Enterprise for the Americas Initiative, prior to repeal by Pub. L. 102–549, title VI, §602(b), Oct. 28, 1992, 106 Stat. 3669.

§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), 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).

(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) 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.

(Pub. L. 87–195, pt. I, §499, as added Pub. L. 106–113, div. B, §1000(a)(2) [title V, §596(b)], Nov. 29, 1999, 113 Stat. 1535, 1501A-123.)

PRIOR PROVISIONS

A prior section 2296, Pub. L. 87–195, pt. I, §499, as added Pub. L. 102–391, title V, §594(a), Oct. 6, 1992, 106 Stat. 1692, authorized reduction of certain debts owed to the United States, prior to repeal by Pub. L. 102–549, title VI, §602(b), Oct. 28, 1992, 106 Stat. 3669.

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), 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).

(c) Activities supported

In addition to the activities described in section 2295 of this title, activities supported by assistance under subsection (b) should support the development of the structures and means necessary for the growth of private

sector economies based upon market principles.

(Pub. L. 87–195, pt. I, §499A, as added Pub. L. 106–113, div. B, §1000(a)(2) [title V, §596(b)], Nov. 29, 1999, 113 Stat. 1535, 1501A-124.)

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), 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):

(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) 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.

(Pub. L. 87–195, pt. I, §499B, as added Pub. L. 106–113, div. B, §1000(a)(2) [title V, §596(b)], Nov. 29, 1999, 113 Stat. 1535, 1501A-124; amended Pub. L. 115–254, div. F, title VI, §1470(j)(2), Oct. 5, 2018, 132 Stat. 3517.)

Amendment of Subsection (b)(2)

Pub. L. 115–254, div. F, title VI, §1470(j)(2), (w), Oct. 5, 2018, 132 Stat. 3517, 3519, provided that, effective at the end of the transition period, as defined in section 9681 of this title, subsection (b)(2) of this section is amended by striking "Overseas Private Investment Corporation" and inserting "United States International Development Finance Corporation". See 2018 Amendment note below.

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 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.

Amendments

2018—Subsec. (b)(2). Pub. L. 115–254, which directed amendment of "section 449B(b)(2)" of the Foreign Assistance Act of 1961 by substituting "United States International Development Finance Corporation" for "Overseas Private Investment Corporation", was executed to this section, which is section 499B of the Foreign Assistance Act of 1961, to reflect the probable intent of Congress.

Effective Date of 2018 Amendment

Amendment by Pub. L. 115–254 effective at the end of the transition period, as defined in section 9681 of this title, see section 1470(w) of Pub. L. 115–254, set out as a note under section 905 of Title 2, The Congress.

§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(c)(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), the President is authorized to provide assistance to the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

(c) Activities supported

Activities that may be supported by assistance under subsection (b) include assisting those countries of the South Caucasus and Central Asia in developing capabilities to maintain national border guards, coast guard, and customs controls.

(Pub. L. 87–195, pt. I, §499C, as added Pub. L. 106–113, div. B, §1000(a)(2) [title V, §596(b)], Nov. 29, 1999, 113 Stat. 1535, 1501A-124.)

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), 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) include activities that are designed to advance progress toward the development of democracy.

(Pub. L. 87–195, pt. I, §499D, as added Pub. L. 106–113, div. B, §1000(a)(2) [title V, §596(b)], Nov. 29, 1999, 113 Stat. 1535, 1501A-125.)

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.

(Pub. L. 87–195, pt. I, §499E, as added Pub. L. 106–113, div. B, §1000(a)(2) [title V, §596(b)], Nov. 29, 1999, 113 Stat. 1535, 1501A-125.)

References in Text

The FREEDOM Support Act, referred to in subsec. (d), is Pub. L. 102–511, Oct. 24, 1992, 106 Stat. 3320, as amended, also known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 5801 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.

§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.

(Pub. L. 87–195, pt. I, §499F, as added Pub. L. 106–113, div. B, §1000(a)(2) [title V, §596(b)], Nov. 29, 1999, 113 Stat. 1535, 1501A-126.)

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.

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 so long as hostile countries continue by threat of military action, by the use of economic pressure, and by internal subversion, or other means to attempt to bring under their domination peoples now free and independent and continue to deny the rights of freedom and self-government to peoples and countries once free but now subject to such domination.

It is the sense of the Congress that an important contribution toward peace would be made by the establishment under the Organization of American States of an international military force.

In enacting this legislation, it is therefore the intention of the Congress to promote the peace of the world and the foreign policy, security, and general welfare of the United States by fostering an improved climate of political independence and individual liberty, improving the ability of friendly countries and international organizations to deter or, if necessary, defeat aggression, facilitating arrangements for individual and collective security, assisting friendly countries to maintain internal security, and creating an environment of security and stability in the developing friendly countries essential to their more rapid social, economic, and political progress. The Congress urges that all other countries able to contribute join in a common undertaking to meet the goals stated in subchapter II of this chapter.

It is the sense of the Congress that in the administration of subchapter II of this chapter priority shall be given to the needs of those countries in danger of becoming victims of aggression or in which the internal security is threatened by internal subversion inspired or supported by hostile countries.

Finally, the Congress reaffirms its full support of the progress of the members of the North Atlantic Treaty Organization toward increased cooperation in political, military, and economic affairs. In particular, the Congress welcomes the steps which have been taken to promote multilateral programs of coordinated procurement, research, development, and production of defense articles and urges that such programs be expanded to the fullest extent possible to further the defense of the North Atlantic Area.

(Pub. L. 87–195, pt. II, §501, formerly §502, Sept. 4, 1961, 75 Stat. 434, renumbered §501 and amended Pub. L. 90–137, pt. II, §201(a), Nov. 14, 1967, 81 Stat. 455; Pub. L. 103–199, title VII, §705(1), Dec. 17, 1993, 107 Stat. 2328.)

References in Text

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

References to Subchapter II Deemed To Exclude Certain Parts of Subchapter II

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

Prior Provisions

A prior section 501 of Pub. L. 87–195, provided that part II of Pub. L. 87–195 [subchapter II of this chapter] should be cited as the "International Peace and Security Act of 1961", prior to repeal by Pub. L. 88–205, pt. II, §201(b), Dec. 16, 1963, 77 Stat. 384.

Amendments

1993—Pub. L. 103–199, §705(1)(A), in second par., substituted "hostile countries" for "international communism and the countries it controls".

Pub. L. 103–199, §705(1)(B), in fourth par., struck out "Communist or Communist-supported" after "if necessary, defeat".

Pub. L. 103–199, §705(1)(C), in fifth par., substituted "aggression or in which the internal security is threatened by internal subversion inspired or supported by hostile countries." for "active Communist or Communist-supported aggression or those countries in which the internal security is threatened by Communist-inspired or Communist-supported internal subversion."

1967—Pub. L. 90–137 inserted par. to indicate that priority shall be given in the use of the funds available to defend against Communist aggression or Communist-inspired internal subversion.

Transfer of Proscribed Weapons to Persons or Entities in the West Bank and Gaza

Pub. L. 107–228, div. A, title VI, §699, Sept. 30, 2002, 116 Stat. 1418, provided that:

"(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].

"(b) Duration of Prohibition.—The period referred to in subsection (a) is the period commencing on the date on which a notification of a determination under subsection (a) is submitted to the appropriate congressional committees and ending on the date that is two years after such date.

"(c) Report.—In conjunction with the report required under title VIII of the P.L.O. Commitments Compliance Act of 1989 (Public Law 101–246) [104 Stat. 76], the President shall submit a report to the appropriate congressional committees on transfers reviewed pursuant to subsection (a).

"(d) Definition.—In this section, the term 'proscribed weapons' means arms, ammunition, and equipment the transfer of which is not in compliance with the Agreement on the Gaza Strip and the Jericho Area of May 4, 1994, its annexes, or subsequent agreements between Israel and the PLO, or Palestinian Authority, as appropriate."

[Functions of President under section 699 of Pub. L. 107–228, set out above, delegated to Secretary of State by Memorandum of President of the United States, Apr. 30, 2009, 74 F.R. 22637.]

[For definition of "appropriate congressional committees" as used in section 699 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.]

§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 nonproliferation 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 foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort.

(Pub. L. 87–195, pt. II, §502, formerly §505(a), Sept. 4, 1961, 75 Stat. 436; Pub. L. 88–205, pt. II, §202(b), Dec. 16, 1963, 77 Stat. 384; Pub. L. 89–171, pt. II, §201(c), Sept. 6, 1965, 79 Stat. 656; renumbered and amended Pub. L. 90–137, pt. II, §201(d), Nov. 14, 1967, 81 Stat. 456; Pub. L. 106–280, title VII, §701, Oct. 6, 2000, 114 Stat. 861.)

Codification

Section was formerly classified to section 2313 of this title.

Amendments

2000—Pub. L. 106–280 inserted "(including for antiterrorism and nonproliferation purposes)" after "internal security" in first sentence.

1967—Pub. L. 90–137 substituted "Defense articles and defense services" for "Military assistance".

1965—Pub. L. 89–171 authorized military assistance to any country for the purpose of assisting foreign military forces in less developed friendly countries (or the voluntary efforts of personnel of the Armed Forces of the United States in such countries) to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries, expressed the sense of Congress that such foreign military forces should not be maintained or established solely for civic action activities, and that such civic action activities should not significantly detract from the capability of the military forces to perform their military missions, and should be coordinated with and from part of the total economic and social development effort, and struck out prohibition against further assistance to Latin American countries, now incorporated in section 2319(c) of this title.

1963—Pub. L. 88–205 inserted proviso stopping further military assistance under this chapter to Latin American countries except to the extent necessary to fulfill prior commitments or to safeguard the security of the United States or of a country associated with the United States in the Alliance for Progress against the overthrow of a duly constituted government, now incorporated in section 2319(c) of this title.

Transfer to Republic of Korea of Defense Articles; Reimbursement for Transfer

Pub. L. 91–652, §3, Jan. 5, 1971, 84 Stat. 1942, authorized the President until June 30, 1972, to transfer to the Republic of Korea such Armed Forces defense articles located in Korea on July 1, 1970 as he determined appropriate and provided that no funds appropriated under Pub. L. 91–652 or this chapter were to be available for reimbursement to any Government agency for any such transfers of defense articles.

§2303. Repealed. Pub. L. 104–164, title I, §104(b)(2)(A), July 21, 1996, 110 Stat. 1426

Section, Pub. L. 87–195, pt. II, §502A, as added Pub. L. 93–189, §12(a), Dec. 17, 1973, 87 Stat. 720, directed that excess defense articles be provided whenever possible rather than new items.

§2304. Human rights and security assistance

(a) Observance of human rights as principal goal of foreign policy; implementation requirements

(1) The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.

(2) Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights. Security assistance may not be provided to the police, domestic intelligence, or similar law enforcement forces of a country, and licenses may not be issued under the Export Administration Act of 1979 for the export of crime control and detection instruments and equipment to a country, the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate (when licenses are to be issued pursuant to the Export Administration Act of 1979).[1] that extraordinary circumstances exist warranting provision of such assistance and issuance of such licenses. Assistance may not be provided under part V of this subchapter to a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that extraordinary circumstances exist warranting provision of such assistance.

(3) In furtherance of paragraphs (1) and (2), the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

(4) In determining whether the government of a country engages in a consistent pattern of gross violations of internationally recognized human rights, the President shall give particular consideration to whether the government—

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

(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.

(b) Report by Secretary of State on practices of proposed recipient countries; considerations

The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor and with the assistance of the Ambassador at Large for International Religious Freedom, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. Wherever applicable, such report shall include 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, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 6402 of this title). Wherever applicable, such report shall include 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 2151n(d)(8) 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 also 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) and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights.

(c) Congressional request for information; information required; 30-day period; failure to supply information; termination or restriction of assistance

(1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Secretary of State shall, within thirty days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor, with respect to the country designated in such request, setting forth—

(A) all the available information about observance of and respect for human rights and fundamental freedom in that country, and a detailed description of practices by the recipient government with respect thereto;

(B) the steps the United States has taken to—

(i) promote respect for and observance of human rights in that country and discourage any practices which are inimical to internationally recognized human rights, and

(ii) publicly or privately call attention to, and disassociate the United States and any security assistance provided for such country from, such practices;

(C) whether, in the opinion of the Secretary of State, notwithstanding any such practices—

(i) extraordinary circumstances exist which necessitate a continuation of security assistance for such country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section), and

(ii) on all the facts it is in the national interest of the United States to provide such assistance; and

(D) such other information as such committee or such House may request.

(2)(A) A resolution of request under paragraph (1) of this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) The term "certification", as used in section 601 of such Act, means, for the purposes of this subsection, a resolution of request of the Senate under paragraph (1) of this subsection.

(3) In the event a statement with respect to a country is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within thirty days after receipt of such request, no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law from such country unless and until such statement is transmitted.

(4)(A) In the event a statement with respect to a country is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing security assistance for such country. In the event such a joint resolution is adopted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

(d) Definitions

For the purposes of this section—

(1) the term "gross violations of internationally recognized human rights" includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person;

(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 to or for the armed forces, police, intelligence, or other internal security forces of a foreign country of—

(i) defense articles or defense services under section 38 of the Armed [2] Export Control Act (22 U.S.C. 2778); or

(ii) items listed under the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations; [3]

(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) 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) [4] 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.

(i) [4] Child marriage status

(1) In general

The report required under subsection (b) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country.

(2) Defined term

In this subsection, the term "child marriage" means the marriage of a girl or boy who is—

(A) younger than the minimum age for marriage under the laws of the country in which such girl or boy is a resident; or

(B) younger than 18 years of age, if no such law exists.

(Pub. L. 87–195, pt. II, §502B, as added Pub. L. 93–559, §46, Dec. 30, 1974, 88 Stat. 1815; amended Pub. L. 94–329, title III, §301(a), June 30, 1976, 90 Stat. 748; Pub. L. 95–105, title I, §109(a)(3), Aug. 17, 1977, 91 Stat. 846; Pub. L. 95–384, §§6(a)–(d)(1), (e), 10(b)(1), 12(b), Sept. 26, 1978, 92 Stat. 731, 732, 735, 737; Pub. L. 96–53, title V, §511, Aug. 14, 1979, 93 Stat. 380; Pub. L. 96–92, §4, Oct. 29, 1979, 93 Stat. 702; Pub. L. 96–533, title VII,

§§701(b), 704, Dec. 16, 1980, 94 Stat. 3156, 3157; Pub. L. 98–151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972; Pub. L. 99–64, title I, §124, July 12, 1985, 99 Stat. 156; Pub. L. 99–83, title XII, §1201, Aug. 8, 1985, 99 Stat. 276; Pub. L. 100–204, title I, §127(2), Dec. 22, 1987, 101 Stat. 1343; Pub. L. 103–236, title I, §162(e)(2), Apr. 30, 1994, 108 Stat. 405; Pub. L. 103–437, §9(a)(6), Nov. 2, 1994, 108 Stat. 4588; Pub. L. 104–319, title II, §201(b), Oct. 19, 1996, 110 Stat. 3866; Pub. L. 105–292, title I, §102(d)(2), title IV, §421(b), Oct. 27, 1998, 112 Stat. 2795, 2810; Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title II, §252, title VIII, §806(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-432, 1501A-471; Pub. L. 106–386, div. A, §104(b), Oct. 28, 2000, 114 Stat. 1472; Pub. L. 107–228, div. A, title VI, §§665(b), 683(b), Sept. 30, 2002, 116 Stat. 1407, 1411; Pub. L. 108–332, §6(a)(2), Oct. 16, 2004, 118 Stat. 1285; Pub. L. 111–166, §2(2), May 17, 2010, 124 Stat. 1187; Pub. L. 113–4, title XII, §1207(b)(2), Mar. 7, 2013, 127 Stat. 141; Pub. L. 113–276, title II, §§206, 208(b)(2), Dec. 18, 2014, 128 Stat. 2992, 2993.)

References in Text

The Export Administration Act of 1979, referred to in subsec. (a)(2), is Pub. L. 96–72, Sept. 29, 1979, 93 Stat. 503, which was classified principally to chapter 56 (§4601 et seq.) of Title 50, War and National Defense, prior to repeal by Pub. L. 115–232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232, except for sections 11A, 11B, and 11C thereof (50 U.S.C. 4611, 4612, 4613).

Section 2(a) of the Genocide Convention Implementation Act of 1987, referred to in subsec. (b), probably means section 2(a) of the Genocide Convention Implementation Act of 1987 (the Proxmire Act), Pub. L. 100–606, Nov. 4, 1988, 102 Stat. 3045, which enacted chapter 50A (§1091 et seq.) of Title 18, Crimes and Criminal Procedure.

Section 601 of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (c)(2)(A), (4)(B), is section 601 of Pub. L. 94–329, which was not classified to the Code.

The Arms Export Control Act, referred to in subsecs. (d)(2)(B) and (f), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

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

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Codification

The 1983 amendment by Pub. L. 98–151 is based on section 202(a) of H.R. 2992, Ninety-eighth Congress, 1st Session, as reported May 17, 1983, which was enacted into permanent law by Pub. L. 98–151.

Amendments

2014—Subsec. (b). Pub. L. 113–276, §208(b)(2)(A), substituted "Wherever applicable, such report shall include a description" for "Wherever applicable, a description" in introductory provisions.

Subsec. (d)(1). Pub. L. 113–276, §206(1), struck out "and" at end.

Subsec. (d)(2)(B). Pub. L. 113–276, §208(b)(2)(B), which directed substitution of "credits)" for "credits", was executed by making the substitution for "credits" after "participations in", to reflect the probable intent of Congress.

Subsec. (d)(2)(C). Pub. L. 113–276, §206(2), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: "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."

2013—Subsec. (i). Pub. L. 113–4 added subsec. (i) relating to child marriage status.

2010—Subsec. (i). Pub. L. 111–166 added subsec. (i) relating to report on status of freedom of the press in recipient countries.

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, including the descriptions of such acts required under section 2151n(d)(8) of this title."

2002—Subsec. (b). Pub. L. 107–228, §683(b), in introductory provisions, inserted after sixth sentence "Each report under this section shall also 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."

Pub. L. 107–228, §665(b), in introductory provisions, inserted after fourth sentence "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."

2000—Subsec. (h). Pub. L. 106–386 added subsec. (h).

1999—Subsec. (b). Pub. L. 106–113, in introductory provisions, inserted after first sentence "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)." 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."

1998—Subsec. (a)(4). Pub. L. 105–292, §421(b), added par. (4).

Subsec. (b). Pub. L. 105–292, §102(d)(2), in introductory provisions, inserted "and with the assistance of the Ambassador at Large for International Religious Freedom" after "Labor" and "Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 6402 of this title)." after "sterilization."

1996—Subsec. (b). Pub. L. 104–319 inserted "Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year." after second sentence.

1994—Subsec. (b). Pub. L. 103–236 substituted "Democracy, Human Rights, and Labor" for "Human Rights and Humanitarian Affairs" in introductory provisions.

Subsec. (c)(1). Pub. L. 103–437 substituted "Foreign Affairs" for "International Relations" in introductory provisions.

Pub. L. 103–236 substituted "Democracy, Human Rights, and Labor" for "Human Rights and Humanitarian Affairs" in introductory provisions.

1987—Subsec. (b). Pub. L. 100–204 inserted after first sentence "Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization."

1985—Subsec. (a)(2). Pub. L. 99–64 inserted "and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate (when licenses are to be issued pursuant to the Export Administration Act of 1979)."

Subsec. (g). Pub. L. 99–83 added subsec. (g).

1983—Subsec. (d)(2)(A). Pub. L. 98–151 inserted "or part VIII (antiterrorism assistance)".

1980—Subsec. (a)(2). Pub. L. 96–533, §704, substituted "Export Administration Act of 1979" for "Export Administration Act of 1969".

Subsec. (d)(1). Pub. L. 96–533, §701(b), defined "gross violations of internationally recognized human rights" to include causing the disappearance of persons by the abduction and clandestine detention of those persons.

1979—Subsec. (e). Pub. L. 96–53 added subsec. (e).

Subsec. (f). Pub. L. 96–92 added subsec. (f).

1978—Subsec. (a)(1). Pub. L. 95–384, §6(a), substituted "The United States shall" for "It is the policy of the United States", "throughout the world" for "for all", and "Accordingly" for "To this end".

Subsec. (a)(2). Pub. L. 95–384, §6(b), (d)(1), (e), substituted "Except" for "It is further the policy of the United States that, except" and inserted provisions prohibiting security assistance, including crime control and detection instruments, from being provided to police, domestic intelligence, or other police forces of governments which the executive branch determines are guilty of a consistent pattern of gross violations of internationally recognized human rights and prohibiting assistance under part V of this subchapter to a country the government of which, as determined by the executive branch, is engaged in a consistent pattern of gross violations of internationally recognized human rights.

Subsec. (a)(3). Pub. L. 95–384, §6(c), substituted "paragraphs (1) and (2)," for "the foregoing policy".

Subsec. (d)(2)(A). Pub. L. 95–384, §§10(b)(1), 12(b), substituted "(economic support fund)" for " (security supporting assistance)", inserted "or part VI (peacekeeping operations)" after "and training)", and struck out "or subchapter V (assistance to the Middle East) of this chapter" after "of this subchapter".

1977—Subsecs. (b), (c)(1). Pub. L. 95–105 substituted "Assistant Secretary of State" for "Coordinator".

1976—Pub. L. 94–329 restricted the power of the President by eliminating the extraordinary circumstances exception to termination of assistance for gross violations of recognized human rights, directed the Secretary of State, as part of the presentation materials for an assistance program, to transmit a full and complete report to Congress on the human rights practices of the proposed recipient country and, within 30 days of a request by Congress, to supply information concerning the human rights practices of a country receiving assistance for determination as to whether the assistance should be continued, restricted, or terminated, and defined "security assistance".

Effective Date of 2004 Amendment

Amendment by Pub. L. 108–332 applicable beginning with the first report under sections 2151n(d), 2304(b), and 6412(b) of this title submitted more than 180 days after Oct. 16, 2004, see section 6(c) of Pub. L. 108–332, set out as a note under section 2151n of this title.

Effective Date of 1994 Amendment

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

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Delegation of Functions

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.

[1] *So in original. The period probably should not appear.*

[2] *So in original. Probably should be "Arms".*

[3] *So in original. The semicolon probably should be a period.*

[4] *So in original. Two subsecs. (i) have been enacted.*

§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. 2763);

(2) chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.); and

(3) section 516 of the Foreign Assistance Act of 1961 [22 U.S.C. 2321j].

(Pub. L. 106–280, title V, §501, Oct. 6, 2000, 114 Stat. 854.)

References in Text

The Arms Export Control Act, referred to in subsec. (b)(9), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsecs. (b)(9) and (c)(2), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to this chapter. Chapter 5 of part II of the Act is classified generally to part V (§2347 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 Security Assistance Act of 2000, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Definition

Pub. L. 106–280, §2, Oct. 6, 2000, 114 Stat. 846, provided that: "In this Act [see Short Title of 2000 Amendments note set out under section 2151 of this title], the term 'appropriate committees of Congress' means the Committee on Foreign Relations of the Senate and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives."

Part II—Military Assistance

§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), 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); and

(5) the loan agreement provides that (A) if the defense article is damaged while on loan, the country or international organization to which it was loaned will reimburse the United States for the cost of restoring or replacing the defense article, and (B) if the defense article is lost or destroyed while on loan, the country or international organization to which it was loaned will pay to the United States an amount equal to the replacement cost (less any depreciation in the value) of the defense article.

(c) Appropriation charges; exceptions

(1) In the case of any loan of a defense article or defense service made under this section, there shall be a charge to the appropriation for military assistance for any fiscal year while the article or service is on loan in an amount based on—

(A) the out-of-pocket expenses authorized to be incurred in connection with such loan during such fiscal year; and

(B) the depreciation which occurs during such year while such article is on loan.

(2) The provisions of this subsection shall not apply—

(A) to any particular defense article or defense service which the United States Government agreed, prior to December 17, 1973, to lend; and

(B) to any defense article or defense service, or portion thereof, acquired with funds appropriated for military assistance under this chapter.

(Pub. L. 87–195, pt. II, §503, Sept. 4, 1961, 75 Stat. 435; Pub. L. 88–633, §201(a), Oct. 7, 1964, 78 Stat. 1011; Pub. L. 89–171, pt. II, §201(a), Sept. 6, 1965, 79 Stat. 656; Pub. L. 90–137, pt. II, §201(b), Nov. 14, 1967, 81 Stat. 455; Pub. L. 93–189, §12(b)(1), Dec. 17, 1973, 87 Stat. 720; Pub. L. 96–533, title I, §112(a), Dec. 16, 1980, 94 Stat. 3138; Pub. L. 97–113, title I, §§109(c), 110(c), Dec. 29, 1981, 95 Stat. 1526; Pub. L. 99–83, title I, §123(a), Aug. 8, 1985, 99 Stat. 205; Pub. L. 100–461, title V, §586(a), Oct. 1, 1988, 102 Stat. 2268–50.)

References in Text

The Arms Export Control Act, referred to in subsec. (a)(3), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

This chapter, referred to in subsec. (c)(2)(B), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Codification

A guaranty provision, formerly subsec. (e) of this section, was renumbered section 525(a) of Pub. L. 87–195 by Pub. L. 90–137, pt. II, §201(b)(3), Nov. 14, 1967, 81 Stat. 455, and classified to section 2345(a) of this title and repealed by Pub. L. 90–629, ch. 4, §45(a), Oct. 22, 1968, 82 Stat. 1327.

Amendments

1988—Subsec. (a). Pub. L. 100–461 inserted in last sentence "or from funds made available on a non-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".

1985—Subsec. (a). Pub. L. 99–83 inserted sentence relating to pricing of sales wholly paid from transferred funds.

1981—Subsec. (a)(3). Pub. L. 97–113, §110(c), substituted "country" for "specified in section 2312(a)(1) of this title, within the dollar limitations of that section".

Subsec. (b)(5). Pub. L. 97–113 substituted provision respecting payment of restoration or replacement costs for defense articles on loan for provision for making such a loan only if arrangements were made with the agency making the loan for reimbursement in the event the article was lost or destroyed while on loan, the reimbursement of which was to be made first out of any funds available to carry out this part and based on the depreciated value of the article at the time of loss or destruction.

1980—Subsec. (a)(3). Pub. L. 96–533 added par. (3).

1973—Pub. L. 93–189 designated existing provisions as subsec. (a), struck out references to making financial contributions to multilateral programs for the acquisition or construction of facilities for collective defense and providing financial assistance for expenses incident to participation by the United States government in regional or collective defense organizations, and added subsecs. (b) and (c).

1967—Subsec. (a). Pub. L. 90–137, §201(b)(1), substituted "or grant" for ", lease, sale, exchange, grant, or any other means".

Subsec. (d). Pub. L. 90–137, §201(b)(2), substituted a period for "; and".

Subsec. (e). Pub. L. 90–137, §201(b)(3), struck out subsec. (e) which related to the guaranty and insuring against political and credit risks in connection with credit sales for defense articles and services procured in the United States. See Codification note above.

1965—Subsec. (b). Pub. L. 89–171 struck out "in foreign countries" after "facilities".
1964—Subsec. (e). Pub. L. 88–633 added subsec. (e).

Effective Date of 1988 Amendment

Pub. L. 100–461, title V, §586(c), Oct. 1, 1988, 102 Stat. 2268–50, provided that: "This section [amending this section] shall be effective on October 1, 1989."

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

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.

Reports to Congressional Committees

Pub. L. 100–461, title III, Oct. 1, 1988, 102 Stat. 2268–17 provided in part: "That the Committees on Appropriations shall be furnished on March 1 of each year a complete report of the status of military assistance funds appropriated by this or any future Act committed for the payment of any sales under the Arms Export Control Act [22 U.S.C. 2751 et seq.] as regards the individual sale, item description, and estimated sales price."

Findings by Secretary of State

The Secretary of State, in the implementation of the functions delegated to him under section 2314(a)(1), (4), and (e) of this title, was authorized by section 1–701(e)(1) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title, to find, in the case of a proposed transfer of a defense article or a related training or a related defense service by a foreign country or international organization to a foreign country or international organization not otherwise eligible under subsec. (a) of this section, whether the proposed transfer would strengthen the security of the United States and promote world peace.

Review of Military Assistance Program; Reduction and Elimination Plan; Submittal to Congress

Pub. L. 93–559, §17, Dec. 30, 1974, 88 Stat. 1800, which set forth provisions respecting review of military assistance program and submittal to Congress of plan for reduction and elimination, was repealed by Pub. L. 95–384, §29(c)(4), Sept. 26, 1978, 92 Stat. 747.

§2312. Authorization of appropriations

(a) Authorization and availability of amounts

(1) There are authorized to be appropriated to the President to carry out the purposes of this part $805,100,000 for fiscal year 1986 and $805,100,000 for fiscal year 1987.

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

(b) Programing and budgeting procedures

In order to make sure that a dollar spent on military assistance to foreign countries is as necessary as a dollar spent for the United States military establishment, the President shall establish procedures for programing and budgeting so that programs of military assistance come into direct competition for financial support with other activities and programs of the Department of Defense.

(Pub. L. 87–195, pt. II, §504, Sept. 4, 1961, 75 Stat. 436; Pub. L. 88–205, pt. II, §202(a), Dec. 16, 1963, 77 Stat. 384; Pub. L. 88–633, pt. II, §201(b), Oct. 7, 1964, 78 Stat. 1011; Pub. L. 89–171, pt. II, §201(b), Sept. 6, 1965, 79 Stat. 656; Pub. L. 89–583, pt. II, §201(a), Sept. 19, 1966, 80 Stat. 802; Pub. L. 90–137, pt. II, §201(c), Nov. 14, 1967, 81 Stat. 455; Pub. L. 90–554, pt. II, §201(a), Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–175, pt. II, §201, Dec. 30, 1969, 83 Stat. 819; Pub. L. 92–226, pt. II, §201(a), Feb. 7, 1972, 86 Stat. 25; Pub. L. 93–189, §12(b)(2), Dec. 17, 1973, 87 Stat. 721; Pub. L. 93–559, §10, Dec. 30, 1974, 88 Stat. 1798; Pub. L. 94–329, title I, §101, June 30, 1976, 90 Stat. 729; Pub. L. 95–23, Apr. 30, 1977, 91 Stat. 54; Pub. L. 95–92, §5(a), Aug. 4, 1977, 91 Stat. 614; Pub. L. 95–384, §7(a), Sept. 26, 1978, 92 Stat. 732; Pub. L. 96–92, §5(a), Oct. 29, 1979, 93 Stat. 702; Pub. L. 96–

533, title I, §112(b), Dec. 16, 1980, 94 Stat. 3139; Pub. L. 97–113, title I, §110(a), Dec. 29, 1981, 95 Stat. 1526; Pub. L. 99–83, title I, §103, Aug. 8, 1985, 99 Stat. 195.)

Amendments

1985—Subsec. (a)(1). Pub. L. 99–83 amended par. (1) generally, substituting provisions authorizing appropriations of $805,100,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of not to exceed $238,500,000 for fiscal years 1982 and 1983.

1981—Subsec. (a). Pub. L. 97–113 in par. (1) substituted appropriations of $238,500,000 for fiscal years 1982 and 1983 for appropriation of $106,100,000 for fiscal year 1981 and struck out provision limiting assistance in listed amounts to Portugal ($51,000,000), Spain ($3,600,000), Philippines ($25,000,000), and Sudan ($1,700,000) for fiscal year 1981 and authorization of a 10-percent increase in any such amount when deemed necessary by the President, redesignated former par. (4) as (2), struck out former pars. (2), which limited assistance to those countries listed in par. (1), and par. (3), which provided that the authority contained in sections 2360(a) and 2364(a) of this title not be used to increase the amounts specified in par. (1) or the limitations in par. (2).

1980—Subsec. (a)(1). Pub. L. 96–533 substituted appropriations authorization of $106,100,000 for fiscal year 1981 with allocations of specified amounts for certain countries for fiscal year 1981 for such authorization of $110,200,000 for fiscal year 1980 with similar allocations for fiscal year 1980, included an allocation for The Sudan and deleted Jordan from the list.

1979—Subsec. (a)(1). Pub. L. 96–92 substituted appropriations authorization of $110,200,000 for fiscal year 1980 for prior authorization of $133,500,000 for fiscal year 1979, made the allocations available in specified amounts to Portugal, Spain, Jordan and the Philippines, struck out from the listing Greece, and struck out "for the fiscal year 1979" after "any such country" in provision limiting the percentage increment in an allotment to such fiscal year.

1978—Subsec. (a). Pub. L. 95–384 substituted provisions authorizing appropriations of $133,500,000 to the President for fiscal year 1979 to carry out the purposes of this part with specified amounts allocated to Portugal, Spain, Jordan, the Philippines, and Greece for provisions authorizing appropriations of $228,900,000 to the President for fiscal year 1978 to carry out the purposes of this part with specified amounts allocated to Greece, Portugal, Spain, Turkey, Jordan, Indonesia, the Philippines, and Thailand.

1977—Subsec. (a)(1). Pub. L. 95–92 substituted provisions authorizing appropriations for fiscal year 1978 to carry out the purposes of this part with specified amounts allocated to Greece, Portugal, Spain, Turkey, Jordan, Indonesia, Philippines, and Thailand, for provisions authorizing appropriations for fiscal years 1976 and 1977 to carry out the purposes of this part with specified amounts allocated to Greece, Indonesia, Jordan, Republic of Korea, Philippines, Thailand, Turkey, Ethiopia, and Portugal.

Pub. L. 95–23 substituted "$179,550,000" for "$177,300,000" and added Portugal, with a fiscal year 1977 limit of $32,250,000, to the table of countries.

Subsec. (a)(2). Pub. L. 95–92 substituted provisions prohibiting assistance to countries other than the countries specified in par. (1) except with respect to costs incurred under section 2321j(b) of this title or as otherwise required by law, for provisions setting forth limitations on amounts available for fiscal years 1976 and 1977 to carry out the purposes of this part with respect to assistance to international organizations and countries not designated in former par. (1).

Subsec. (a)(3). Pub. L. 95–92 substituted provisions relating to the authority of sections 2360(a) and 2364(a) of this title, for provisions setting forth limitations on the number of countries eligible for assistance under this part in fiscal years 1976 and 1977.

Subsec. (a)(4). Pub. L. 95–92 substituted provisions authorizing availability until expended of amounts appropriated under this subsection, for provisions relating to the authority of sections 2360(a) and 2364(a) of this title to increase appropriated amounts and making inapplicable to emergency assistance under section 2314(a) of this title limitations on appropriated funds under this section.

Subsec. (a)(5) to (8). Pub. L. 95–92 struck out pars. (5) to (8) which provided for appropriations for administrative and related expenses for fiscal years 1976 and 1977, restricted use of funds with respect to sophisticated weapons systems, authorized appropriated amounts to remain available until expended, and required assistance to Turkey under this part to be subject to section 2370(x) of this title, respectively.

1976—Subsec. (a). Pub. L. 94–329 designated existing provisions as par. (1), substituted provisions authorizing appropriations for the purpose of this part of $196,700,000 for fiscal 1976 and $177,300,000 for fiscal 1977, with limitations in expenditures for the specified countries, and authorizing an increase of not more than 10% of the specified amounts if the President finds it necessary for the purpose of this part, for provisions authorizing appropriations not to exceed $600,000,000 for fiscal 1975 with provisos limiting assistance under this part to thirty-one countries except for training in the United States, and prohibiting the furnishing of sophisticated weapons systems to underdeveloped countries unless the President determined that such systems were important to national security, and added pars. (2) to (8).

1974—Subsec. (a). Pub. L. 93–559 substituted "$600,000,000 for the fiscal year 1975" for "$512,500,000 for the fiscal year 1974" and designated existing provision as item (1) and added item (2).

1973—Subsec. (a). Pub. L. 93–189 substituted "$512,500,000 for the fiscal year 1974", for "$500,000,000 for the fiscal year 1972" and "thirty-one countries" for "forty countries".

1972—Subsec. (a). Pub. L. 92–226 substituted "$500,000,000 for the fiscal year 1972" for "$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971".

1969—Subsec. (a). Pub. L. 91–175 substituted "$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971" for "$375,000,000 for the fiscal year 1969," and inserted provisions cost-sharing expenses of United States participation in the military headquarters and related agencies program.

1968—Subsec. (a). Pub. L. 90–554 substituted "1969" and "$375,000,000" for "1968" and "$510,000,000", respectively, struck out provisions which made $24,100,000 of authorization available for fiscal year 1968, for cost-sharing expenses, and which prohibited other available funds from being used for cost-sharing expenses, and prohibited use of appropriated funds for weapons systems expenditures without Presidential determination of importance to national security and report to Congress, respectively.

1967—Subsec. (a). Pub. L. 90–137 substituted provisions authorizing appropriation of $510,000,000 for fiscal year 1968 for provisions authorizing appropriation of $875,000,000 for fiscal year 1967 in addition to such amounts as may be otherwise authorized to support Vietnamese forces and other free world forces in Vietnam, made $24,100,000 of such authorization available for fiscal year 1968 for cost-sharing expenses, and prohibited other available funds from being used for such cost-sharing expenses.

1966—Subsec. (a). Pub. L. 89–583 substituted provisions authorizing appropriation of $875,000,000 for fiscal year 1967 in addition to such amounts as may be otherwise authorized to support Vietnamese forces and other free world forces in Vietnam and limiting assistance to forty countries in any fiscal year for provisions authorizing appropriation of $1,170,000,000 for fiscal year 1966 and prescribing availability of minimum of $200,000,000 for use in Vietnam for fiscal year 1965 unless otherwise determined by the President and so reported to Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House.

1965—Pub. L. 89–171 substituted "1966" and "$1,170,000,000" for "1965" and "$1,055,000,000", respectively.

1964—Subsec. (a). Pub. L. 88–633 substituted "1965" and "$1,055,000,000" for "1964" and "$1,000,000,000", respectively, and required not less than $200,000,000 to be available for fiscal year 1965 for use in Vietnam unless the President determined and reported otherwise to Congressional committees.

1963—Subsec. (a). Pub. L. 88–205 substituted "fiscal year 1964" and "$1,000,000,000, which", for "the fiscal years 1962 and 1963" and "$1,700,000,000 for each such fiscal year, which sum", respectively.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

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.

§2313. Transferred

Codification

Section, Pub. L. 87–195, pt. II, §505(a), (b), Sept. 4, 1961, 75 Stat. 436, as amended, was renumbered §§502, 507(c) of Pub. L. 87–195 by Pub. L. 90–137, pt. II, §201(d)(1), (l), Nov. 14, 1967, 81 Stat. 456, 457, and transferred to sections 2302 and 2319 of this title.

§2314. Furnishing of defense articles or related training or other defense service on grant basis

(a) Conditions of eligibility

In addition to such other provisions as the President may require, no defense articles or related training or other defense service shall be furnished to any country on a grant basis unless it shall have agreed that—

(1) it will not, without the consent of the President—

(A) permit any use of such articles or related training or other defense service by anyone not an officer, employee, or agent of that country,

(B) transfer, or permit any officer, employee, or agent of that country to transfer such articles or related training or other defense service by gift, sale, or otherwise, or

(C) use or permit the use of such articles or related training or other defense service for purposes other than those for which furnished;

(2) it will maintain the security of such articles or related training or other defense service, and will provide substantially the same degree of security protection afforded to such articles or related training or other defense service by the United States Government;

(3) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such articles or related training or other defense service; and

(4) unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interests of the United States, such articles or related training or other defense service which are no longer needed for the purposes for which furnished.

(b) Limitation on amount; exceptions

No defense articles shall be furnished on a grant basis to any country at a cost in excess of $3,000,000 in any fiscal year unless the President determines—

(1) that such country conforms to the purposes and principles of the Charter of the United Nations;

(2) that such defense articles will be utilized by such country for the maintenance of its own defensive strength, or the defensive strength of the free world;

(3) that such country is taking all reasonable measures, consistent with its political and economic stability, which may be needed to develop its defense capacities; and

(4) that the increased ability of such country to defend itself is important to the security of the United States.

(c) Reduction and termination of grants to countries able to maintain adequate military forces without undue economic strain

The President shall regularly reduce and, with such deliberate speed as orderly procedure and other relevant considerations, including prior commitments, will permit, shall terminate all further grants of military equipment and supplies to any country having sufficient wealth to enable it, in the judgment of the President, to maintain and equip its own military forces at adequate strength, without undue burden to its economy.

(d) Termination of assistance; report of violation by President; conditions for reinstatement

(1) Assistance and deliveries of assistance under this part to any country shall be terminated as hereinafter provided, if such country uses defense articles or defense services furnished under this chapter, the Mutual Security Act of 1954, or any predecessor Foreign Assistance Act, in substantial violation (either in terms of quantities or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement entered into pursuant to any such Act (A) by using such articles or services for a purpose not authorized under section 2302 of this title or, if such agreement provides that such articles or services may only be used for purposes more limited than those authorized under section 2302 of this title, for a purpose not authorized under such agreement; (B) by transferring such articles or services to, or permitting any use of such articles or services by, anyone not an officer, employee, or agent of the recipient country without the consent of the President; or (C) by failing to maintain the security of such articles or services.

(2)(A) Assistance and deliveries of assistance shall be terminated pursuant to paragraph (1) of this subsection if the President so determines and so states in writing to the Congress, or if the Congress so finds by joint resolution.

(B) The President shall report to the Congress promptly upon the receipt of information that a violation described in paragraph (1) of this subsection may have occurred.

(3) Assistance to a country shall remain terminated in accordance with paragraph (1) of this subsection until such time as—

(A) the President determines that the violation has ceased; and

(B) the country concerned has given assurances satisfactory to the President that such violation will not recur.

(4) The authority contained in section 2364(a) of this title may not be used to waive the provisions of this section with respect to further assistance under this part.

(e) Consent by President to transfer

In considering a request for approval of any transfer of any weapon, weapons system, munitions, aircraft, military boat, military vessel, or other implement of war to another country, the President shall not give his consent under subsection (a)(1) or (a)(4) 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) to the transfer of any significant defense articles on the United States Munitions List unless the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

(f) Disposition of defense articles furnished on a grant basis; net proceeds to be paid over to the United States

Effective July 1, 1974, no defense article shall be furnished to any country on a grant basis unless such country shall have agreed that the net proceeds of sale received by such country in disposing of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war received under this part will be paid to the United States Government and shall be available to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.]. In the case of items which were delivered prior to 1985, the President may waive the requirement that such net proceeds be paid to the United States Government if he determines that to do so is in the national interest of the United States.

(g) Discrimination on basis of race, religion, national origin, or sex prohibited

(1) It is the policy of the United States that no assistance under this part should be furnished to any foreign country, the laws, regulations, official policies, or governmental practices of which prevent any United States person (as defined in section 7701(a)(30) of title 26) from participating in the furnishing of defense articles or defense services under this part on the basis of race, religion, national origin, or sex.

(2)(A) No agency performing functions under this part shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

(B) Each contract entered into by any such agency for the performance of any function under this part shall contain a provision to the effect that no person, partnership, corporation, or other entity performing functions pursuant to such contract, shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

(3) The President shall promptly transmit reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate concerning any transaction in which any United States person (as defined in section 7701(a)(30) of title 26) is prevented by a foreign government on the basis of race, religion, national origin, or sex, from participating in the furnishing of assistance under this part, or education and training under part V of this subchapter, to any foreign country. Such reports shall include (A) a description of the facts and circumstances of any such discrimination, (B) the response thereto on the part of the United States or any agency or employee thereof, and (C) the result of such response, if any.

(4)(A) Upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall, within 60 days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor, with respect to the country designated in such request, setting forth—

(i) all the available information about the exclusionary policies or practices of the government of such country when such policies or practices are based upon race, religion, national origin, or sex and prevent any such person from participating in a transaction involving the furnishing of any assistance under this part or any education and training under part V of this subchapter;

(ii) the response of the United States thereto and the results of such response;

(iii) whether, in the opinion of the President, notwithstanding any such policies or practices—

(I) extraordinary circumstances exist which necessitate a continuation of such assistance or education and training transaction, and, if so, a description of such circumstances and the extent to which such assistance or education and training transaction should be continued (subject to such conditions as Congress may impose under this section), and

(II) on all the facts it is in the national interest of the United States to continue such assistance or education and training transaction; and

(iv) such other information as such committee may request.

(B) In the event a statement with respect to an assistance or training transaction is requested pursuant to subparagraph (A) of this paragraph but is not transmitted in accordance therewith within 60 days after receipt of such request, such assistance or training transaction shall be suspended unless and until such statement is transmitted.

(C)(i) In the event a statement with respect to an assistance or training transaction is transmitted under subparagraph (A) of this paragraph, the Congress may at any time thereafter adopt a joint resolution terminating or restricting such assistance or training transaction.

(ii) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(iii) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under subparagraph (A) of this paragraph.

(Pub. L. 87–195, pt. II, §505, formerly §506, Sept. 4, 1961, 75 Stat. 436; Pub. L. 87–565, pt. II, §201(a), Aug. 1, 1962, 76 Stat. 259; Pub. L. 89–583, pt. II, §201(b), Sept. 19, 1966, 80 Stat. 803; renumbered §505, Pub. L. 90–137, pt. II, §201(e), Nov. 14, 1967, 81 Stat. 456 and amended Pub. L. 92–226, pt. II, §201(b), (c), Feb. 7, 1972, 86 Stat. 25; Pub. L. 93–189, §12(b)(3), Dec. 17, 1973, 87 Stat. 721; Pub. L. 94–329, title II, §§203(b), 204(b)(2), title III, §§302(a), 304(a), June 30, 1976, 90 Stat. 735, 736, 751, 754; Pub. L. 95–105, title I, §109(a)(4), Aug. 17, 1977, 91 Stat. 846; Pub. L. 99–83, title I, §123(b), Aug. 8, 1985, 99 Stat. 205; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 101–513, title III, Nov. 5, 1990, 104 Stat. 1998; Pub. L. 103–236, title I, §162(e)(2), Apr. 30, 1994, 108 Stat. 405; Pub. L. 103–437, §9(a)(6), Nov. 2, 1994, 108 Stat. 4588.)

References in Text

This chapter, referred to in subsec. (d)(1), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Mutual Security Act of 1954, referred to in subsec. (d)(1), is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§2–11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85–141, 71 Stat. 355; June 30, 1958, Pub. L. 85–477, ch. 1, §§101–103, ch. II, §§201–205, ch. III, §301, ch. IV, §401, ch. V, §501, 72 Stat. 261; July 24, 1959, Pub. L. 86–108, §2, ch. 1, §101, ch. II, §§201–205(a)–(i), (k)–(n), ch. III, §301, ch. IV, §401(a)–(k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86–472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, §8(m), 70 Stat. 559, Pub. L. 85–141, §§2(e) 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86–108, ch. II, §§205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86–472, ch. II, §§203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87–195, pt. III, §642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94–329, title II, §212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104–127, title II, §228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (f), is Pub. L. 87–256, Sept. 21, 1961, 5 Stat. 527, as amended, which is classified principally to chapter 33 (§2451 et. seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

Section 601 of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (g)(4)(C)(ii), is section 601 of Pub. L. 94–329, which was not classified to the Code.

Amendments

1994—Subsec. (g)(4)(A). Pub. L. 103–437 substituted "Foreign Affairs" for "International Relations" in introductory provisions.

Pub. L. 103–236 substituted "Democracy, Human Rights, and Labor" for "Human Rights and Humanitarian Affairs" in introductory provisions.

1990—Subsec. (f). Pub. L. 101–513 substituted "1985" for "1975" in second sentence.

1986—Subsec. (g)(1), (3). Pub. L. 99–514 substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954", which for purposes of codification was translated as "title 26" thus requiring no change in text.

1985—Subsec. (f). Pub. L. 99–83 inserted provisions relating to waiver for items delivered prior to 1975.

1977—Subsec. (g)(4)(A). Pub. L. 95–105 substituted "Assistant Secretary of State" for "Coordinator" in provisions preceding cl. (i).

1976—Subsec. (a). Pub. L. 94–329, §203(b), inserted "or related training or other defense service" after "articles" wherever appearing.

Subsec. (d). Pub. L. 94–329, §304(a), provided that either the President, by so stating in a writing to Congress, or Congress, by joint resolution, terminate assistance upon determining a violation, specified conditions for reinstatement of assistance, and denied the President the power, where a violation has been determined, of granting assistance on the basis of national security.

Subsec. (e). Pub. L. 94–329, §204(b)(2), struck out provisions relating to the President's notification of his consent to transfer war implements to another country, in writing, to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate indicating his justification for the transfer and the particular war implement transferred.

Subsec. (g). Pub. L. 94–329 added subsec. (g).

1973—Subsecs. (e), (f). Pub. L. 93–189 added subsecs. (e) and (f).

1972—Subsec. (b)(2). Pub. L. 92–226, §201(b), substituted "or" for "and".

Subsec. (e). Pub. L. 92–226, §201(c), repealed provisions respecting conditions of eligibility requiring agreements for use of foreign currencies from sale of surplus commodities for common defense including internal security.

1966—Subsec. (e). Pub. L. 89–583 added subsec. (e).

1962—Subsecs. (c), (d). Pub. L. 87–565 added subsecs. (c) and (d).

Effective Date of 1994 Amendment

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

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1976 Amendment

Pub. L. 94–329, title II, §203(b), June 30, 1976, 90 Stat. 735, 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.

§2314a. Repealed. Pub. L. 93–189, §26(4), Dec. 17, 1973, 87 Stat. 731

Section, Pub. L. 91–672, §9, Jan. 12, 1971, 84 Stat. 2055, related to transfer of defense articles to other countries under sections 2314(a)(1), (4) and 2753(a)(2) of this title and prerequisites for consent of President to transfer.

§§2315 to 2317. Transferred

Codification

Section 2315, Pub. L. 87–195, pt. II, §507, Sept. 4, 1961, 75 Stat. 437, as amended, which related to sale of defense articles and services, manner of payment, price of non-excess defense articles, value of excess defense articles, contracts for procurement, undertakings, and fixed-price sales agreements, was renumbered §§522, 523 of Pub. L. 87–195 by Pub. L. 90–137, pt. II, §201(f), (g), Nov. 14, 1967, 81 Stat. 456, and transferred to sections 2342 and 2343 of this title, respectively, which sections were subsequently repealed.

Section 2316, Pub. L. 87–195, pt. II, §508, Sept. 4, 1961, 75 Stat. 437, as amended, which related to reimbursements and transfers to separate fund account, was renumbered §524 of Pub. L. 87–195 by Pub. L. 90–137, pt. II, §201(h), Nov. 14, 1967, 81 Stat. 456, and transferred to section 2344 of this title.

Section 2317(a), Pub. L. 87–195, pt. II, §509(a), Sept. 4, 1961, 75 Stat. 437; Pub. L. 88–633, pt. II, §201(d), Oct. 7, 1964, 78 Stat. 1011, related to exchanges, and was repealed by Pub. L. 90–137, pt. II, §201(i)(1), Nov. 14, 1967, 81 Stat. 457.

Section 2317(b), Pub. L. 87–195, pt. II, §509(b), as added Pub. L. 88–633, pt. II, §201(d), Oct. 7, 1964, 78 Stat. 1011, which related to guaranties, was renumbered §525(b) of Pub. L. 87–195 by Pub. L. 90–137, pt. II, §201(i)(2), Nov. 14, 1967, 81 Stat. 457, transferred to section 2345(b) of this title, and subsequently repealed.

§2318. Special authority

(a) Unforeseen emergency; national interest; determinations and reports to Congress; limitation of defense articles, defense services, and military education and training furnished

(1) If the President determines and reports to the Congress in accordance with section 2411 of this title that—

(A) an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization; and

(B) the emergency requirement cannot be met under the authority of the Arms Export Control Act [22 U.S.C. 2751 et seq.] or any other law except this section;

he may direct, for the purposes of subchapter II of this chapter, the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not to exceed $100,000,000 in any fiscal year.

(2)(A) If the President determines and reports to the Congress in accordance with section 2411 of this title that it is in the national interest of the United States to draw down articles and services from the inventory and resources of any agency of the United States Government and military education and training from the Department of Defense, the President may direct the drawdown of such articles, services, and military education and training—

(i) for the purposes and under the authorities of—

(I) part VIII of subchapter I of this chapter (relating to international narcotics control assistance);

(II) part IX of subchapter I of this chapter (relating to international disaster assistance);

(III) part VIII of subchapter II of this chapter (relating to antiterrorism assistance);

(IV) part IX of subchapter II of this chapter (relating to nonproliferation assistance); or

(V) the Migration and Refugee Assistance Act of 1962 [22 U.S.C. 2601 et seq.]; or

(ii) for the purpose of providing such articles, services, and military education and training to Vietnam, Cambodia, and Laos as the President determines are necessary—

(I) to support cooperative efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War; and

(II) to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support Department of Defense-sponsored humanitarian projects associated with such efforts.

(B) An aggregate value of not to exceed $200,000,000 in any fiscal year of such articles, services, and military education and training may be provided pursuant to subparagraph (A) of this paragraph—

(i) not more than $75,000,000 of which may be provided from the drawdown from the inventory and resources of the Department of Defense;

(ii) not more than $75,000,000 of which may be provided pursuant to clause (i)(I) of such subparagraph; and

(iii) not more than $15,000,000 of which may be provided to Vietnam, Cambodia, and Laos pursuant to clause (ii) of such subparagraph.

(b) Notification and information to Congress of assistance furnished

(1) The authority contained in this section shall be effective for any such emergency only upon prior notification to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Appropriations of each House of Congress. In the case of drawdowns authorized by subclauses (I) and (III) of subsection (a)(2)(A)(i), notifications shall be provided to those committees at least 15 days in advance of the drawdowns in accordance with the procedures applicable to reprogramming notifications under section 2394–1 of this title.

(2) The President shall keep the Congress fully and currently informed of all defense articles, defense services, and military education and training provided under this section, including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.

(c) Commercial transportation and related services

For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.

(d) Authorization of appropriations for reimbursement of applicable funds

There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

(Pub. L. 87–195, pt. II, §506, formerly §510, Sept. 4, 1961, 75 Stat. 437; Pub. L. 87–565, pt. II, §201(d), Aug. 1, 1962, 76 Stat. 260; Pub. L. 88–205, pt. II, §202(c), Dec. 16, 1963, 77 Stat. 384; Pub. L. 88–633, pt. II, §201(e), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 89–171, pt. II, §201(g), Sept. 6, 1965, 79 Stat. 658; Pub. L. 89–583, pt. II, §201(d), Sept. 19, 1966, 80 Stat. 803; renumbered §506 and amended Pub. L. 90–137, pt. II, §201(j), Nov. 14, 1967, 81 Stat. 457; Pub. L. 90–554, pt. II, §201(b), Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–175, pt. II, §202, Dec. 30, 1969, 83 Stat. 820; Pub. L. 92–226, pt. II, §201(d), pt. III, §304(a)(2), Feb. 7, 1972, 86 Stat. 25, 28; Pub. L. 93–189, §12(b)(4), Dec. 17, 1973, 87 Stat. 721; Pub. L. 93–559, §11, Dec. 30, 1974, 88 Stat. 1798; Pub. L. 94–329, title I, §102, June 30, 1976, 90 Stat. 730; Pub. L. 96–92, §5(b), Oct. 29, 1979, 93 Stat. 702; Pub. L. 96–533, title I, §112(c), Dec. 16, 1980, 94 Stat. 3139; Pub. L. 97–113, title I, §110(b), Dec. 29, 1981, 95 Stat. 1526; Pub. L. 101–167, title V, §551(b), Nov. 21, 1989, 103 Stat. 1236; Pub. L. 104–164, title I, §103(a), (b), July 21, 1996, 110 Stat. 1423; Pub. L. 105–118, title V, §576, Nov. 26, 1997, 111 Stat. 2433; Pub. L. 106–280, title I, §121, Oct. 6, 2000, 114 Stat. 850.)

References in Text

The Arms Export Control Act, referred to in subsec. (a)(1)(B), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

The Migration and Refugee Assistance Act of 1962, referred to in subsec. (a)(2)(A)(i)(V), is Pub. L. 87–510, June 28, 1962, 76 Stat. 121, as amended, which is classified principally to chapter 36 (§2601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

References to Subchapter II Deemed To Exclude Certain Parts of Subchapter II

References to subchapter II of this chapter are deemed to exclude parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II, and references to subchapter I of this

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

AMENDMENTS

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; or".

Subsec. (a)(2)(B). Pub. L. 106–280, §121(a), substituted "$200,000,000" 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 United States Government transport assets".

Subsecs. (c), (d). Pub. L. 105–118, §576(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d).

1996—Subsec. (a)(1). Pub. L. 104–164, §103(a), substituted "$100,000,000" for "$75,000,000" in concluding provisions.

Subsec. (a)(2)(A). Pub. L. 104–164, §103(b)(1), substituted "articles and services from the inventory and resources of any agency of the United States Government and military education and training from the Department of Defense, the President may direct the drawdown of such articles, services, and military education and training—" and cls. (i) and (ii) for "defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, he may direct—

"(i) the drawdown of such articles, services, and the provision of such training for the purposes and under the authorities of parts VIII and IX of subchapter I of this chapter, as the case may be; and

"(ii) the drawdown of defense services for the purposes and under the authorities of the Migration and Refugee Assistance Act of 1962."

Subsec. (a)(2)(B). Pub. L. 104–164, §103(b)(2), substituted "$150,000,000 in any fiscal year of such articles, services, and military education and training may be provided pursuant to subparagraph (A) of this paragraph—" and cls. (i) to (iii) for "$75,000,000 in any fiscal year of defense articles, defense services, and military education and training may be provided pursuant to subparagraph (A) of this paragraph."

Subsec. (b)(1). Pub. L. 104–164, §103(b)(3), inserted at end "In the case of drawdowns authorized by subclauses (I) and (III) of subsection (a)(2)(A)(i), notifications shall be provided to those committees at least 15 days in advance of the drawdowns in accordance with the procedures applicable to reprogramming notifications under section 2394–1 of this title."

1989—Subsec. (a). Pub. L. 101–167 designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and added par. (2).

1981—Subsec. (a). Pub. L. 97–113 increased fiscal year limitation to $75,000,000 from $50,000,000 on aggregate value of assistance furnished.

1980—Subsec. (a). Pub. L. 96–533 increased to $50,000,000 from $10,000,000 fiscal year limitation on aggregate value of assistance furnished.

1979—Subsec. (a). Pub. L. 96–92 authorized military education and training assistance, substituted $10,000,000 fiscal year limitation on aggregate value of assistance furnished for $67,500,000 fiscal year limitation on total value of defense articles and defense services ordered, and eliminated requirement for determination that failure to respond immediately to the emergency would result in serious harm to vital United States security interests, deleted provision authorizing reimbursement from subsequent appropriations which is covered in subsec. (c), provision for effectiveness of authority only as provided in an appropriation Act, and requirement of information to Congress which is covered in subsec. (b)(2).

Subsec. (b). Pub. L. 96–92 required notification of Congressional Committees, reenacted former subsec. (a) provision for information to Congress respecting assistance furnished, included military education and training, and deleted authorization of Defense Department, in applicable appropriations, to incur obligations in anticipation of reimbursements, and authorization of appropriations for reimbursement purposes.

Subsec. (c). Pub. L. 96–92 incorporated reimbursement provision of former subsec. (b) and expanded section to include military education and training.

1976—Subsec. (a). Pub. L. 94–329 redesignated existing provisions as pars. (1) to (3), limited the President's authority to act by inserting requirements that he act only in cases of unforeseen emergencies requiring immediate military assistance to a foreign country or international organization where vital United States security interests are concerned when such emergency requirement cannot be met under authority of the Arms Export Control Act or any other law, reduced the President's

authority from $150 million to $67.5 million in any fiscal year, and required current reporting to Congress on the use of such authority.

1974—Subsec. (a). Pub. L. 93–559 substituted "fiscal year 1975" for "fiscal year 1974" wherever appearing and "$150,000,000" for "$250,000,000".

1973—Subsec. (a). Pub. L. 93–189 substituted "the fiscal year 1974", "in the security interests", and "$250,000,000" for "the fiscal year 1972", "vital to the security", and "$300,000,000", respectively.

1972—Subsec. (a). Pub. L. 92–226 substituted "1972" for "1970 and the fiscal year 1971" and "the fiscal year 1972" for "each of the fiscal years 1970 and 1971", and repealed last sentence providing for prompt notice of action taken to Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and Speaker of the House.

1969—Subsec. (a). Pub. L. 91–175 substituted "1970 and the fiscal year 1971" for "1969" in first sentence, and substituted "in each of the fiscal years 1970 and 1971" for "in the fiscal year 1969" in second sentence.

1968—Subsec. (a). Pub. L. 90–554 substituted "1969" for "1968" wherever appearing.

1967—Subsec. (a). Pub. L. 90–137 substituted "1968" for "1967" wherever appearing.

1966—Subsec. (a). Pub. L. 89–583 substituted "1967" for "1966" wherever appearing.

1965—Subsec. (a). Pub. L. 89–171 substituted "1966" for "1965" wherever appearing.

1964—Subsec. (a). Pub. L. 88–633 substituted "1965" for "1964" wherever appearing.

1963—Subsec. (a). Pub. L. 88–205 substituted "1964" for "1963" wherever appearing.

1962—Subsec. (a). Pub. L. 87–565 substituted "1963" for "1962" wherever appearing.

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.

§§2319 to 2321. Repealed. Pub. L. 93–189, §12(b)(5), Dec. 17, 1973, 87 Stat. 722

Section 2319, Pub. L. 87–195, pt. II, §507, formerly §§505(b), 511, Sept. 4, 1961, 75 Stat. 436, 438; amended Pub. L. 88–205, pt. II, §202(d), Dec. 16, 1963, 77 Stat. 384; Pub. L. 89–171, pt. II, §201(c), (h), Sept. 6, 1965, 79 Stat. 656, 658; renumbered §507 and amended Pub. L. 90–137, pt. II §201(k), (l), Nov. 14, 1967, 81 Stat. 457; Pub. L. 90–554, pt. II, §201(c), Oct. 8, 1968, 82 Stat. 963; Pub. L. 92–226, pt. II, §201(e), Feb. 7, 1972, 86 Stat. 25, placed certain restrictions on military aid to Latin America.

Section 2320, Pub. L. 87–195, pt. II, §508, formerly §512, as added Pub. L. 88–205, pt. II, §202(e), Dec. 16, 1963, 77 Stat. 384; amended Pub. L. 86–633, pt. II, §201(f), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 89–171, pt. II, §201(i), Sept. 6, 1965, 79 Stat. 658; Pub. L. 89–583, pt. II, §201(e), Sept. 19, 1966, 80 Stat. 803; renumbered §508 and amended Pub. L. 90–137, pt. II, §201(m), Nov. 14, 1967, 81 Stat. 457; Pub. L. 90–554, pt. II, §201(d), Oct. 8, 1968, 82 Stat. 963, placed certain restrictions on military aid to African countries.

Section 2321, Pub. L. 87–195, pt. II, §509, formerly §513, as added Pub. L. 88–633, pt. II, §201(g), Oct. 7, 1964, 78 Stat. 1012; renumbered §509 and amended Pub. L. 90–137, pt. II, §201(n), Nov. 14, 1967, 81 Stat. 457, provided for the giving of certification of recipients' capabilities to utilize defense articles effectively and for the making of a report to the Speaker of the House and the Senate's Foreign Relations and Appropriations Committees whenever articles are furnished without such certification.

§2321a. Repealed. Pub. L. 94–329, title I, §106(b)(1), June 30, 1976, 90 Stat. 733

Section, Pub. L. 87–195, pt. II, §510, as added Pub. L. 91–175, pt. II, §203, Dec. 30, 1969, 83 Stat. 820, limited the number of foreign military students to be trained in the United States out of funds appropriated under this subchapter, to not more than the number of foreign civilians brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) in the immediately preceding year.

Savings Provision

Pub. L. 94–329, title I, §106(c), June 30, 1976, 90 Stat. 734, provided that: "Except as may be expressly provided to the contrary in this Act [see Short Title of 1976 Amendment note under section 2151 of this title], all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law amended or repealed by this section [repealing this section and amending sections 2382, 2383, 2392, 2396, and 2403 of this title] shall continue in full force and effect until modified, revoked, or superseded by appropriate authority."

§2321b. Excess defense article

(a) to (c) Repealed. Pub. L. 94–329, title II, §210(c)(2), June 30, 1976, 90 Stat. 740

(d) Reports to Congress

The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress. The annual presentation materials for security assistance programs shall include a table listing by country the total value of all deliveries of excess defense articles, disclosing both the aggregate original acquisition cost and the aggregate value at the time of delivery.

(Pub. L. 91–672, §8, Jan. 12, 1971, 84 Stat. 2054; Pub. L. 92–226, pt. IV, §402, Feb. 7, 1972, 86 Stat. 33; Pub. L. 93–189, §26(1)–(3), Dec. 17, 1973, 87 Stat. 731; Pub. L. 93–559, §13, Dec. 30, 1974, 88 Stat. 1799; Pub. L. 94–329, title II, §210(c)(2), June 30, 1976, 90 Stat. 740; Pub. L. 95–384, §29(a), Sept. 26, 1978, 92 Stat. 747.)

Codification

Section was not enacted as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Amendments

1978—Subsec. (d). Pub. L. 95–384 substituted "The annual presentation materials for security assistance programs shall include a table" for "Additionally, the President shall also submit a quarterly report to the Congress".

1976—Subsec. (a). Pub. L. 94–329 struck out subsec. (a) which provided that the value of excess defense article granted to a foreign country or international organization shall be considered to be an expenditure from the funds of this chapter for military assistance, and established accounting procedure when an order for excess defense article was placed.

Subsec. (b). Pub. L. 94–329 struck out subsec. (b) which provided that in the case of excess defense articles that were generated abroad, provisions of former subsec. (a) shall apply during any fiscal year only to the extent that the aggregate value of excess defense articles ordered during that year exceeded $100,000,000.

Subsec. (c). Pub. L. 94–329 struck out subsec. (c) which defined "value" as that meaning found in section 2403m of this title, except the term shall not include a value for any excess defense article which was less than 331/3 percent of the amount the United States paid for such article when it was acquired.

Subsec. (e). Pub. L. 94–329 struck out subsec. (e) which provided that except for excess defense articles granted under this subchapter, the provisions of this section did not apply to grants of such articles to South Vietnam prior to July 1, 1972.

1974—Subsec. (b). Pub. L. 93–559, §13(a)(1), substituted "$100,000,000" for "$150,000,000".

Subsec. (c). Pub. L. 93–559, §13(a)(2), inserted exception provision respecting definitions of value for excess defense articles.

1973—Subsec. (a). Pub. L. 93–189, §26(1), inserted provision preceding cl. (1) relating to the subtraction of amounts to be transferred under section 2392(d) of this title.

Subsec. (b). Pub. L. 93–189, §26(2), substituted "In the case of excess defense articles which are generated abroad, the provisions", for "The provisions" and "$150,000,000" for "$185,000,000".

Subsec. (c). Pub. L. 93–189, §26(3), substituted provisions defining "value" as that meaning given it in section 2403(m) of this title, for provisions defining such term as not less than 331/3 per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

1972—Subsec. (a). Pub. L. 92–226, §402(1), substituted in first sentence "by any department, agency, or independent establishment of the United States Government (other than the Agency for International Development)" for "subchapter II of this chapter" and "the Foreign Assistance Act of 1961" for "that Act", codified in the text as "this chapter" and in second sentence "Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article" for "When an order is placed under the military assistance program with the military departments for a defense article".

Subsec. (b). Pub. L. 92–226, §402(2), substituted "$185,000,000" for "$100,000,000".

Subsec. (e). Pub. L. 92–226, §402(3), added subsec. (e).

Effective Date of 1976 Amendment

Pub. L. 94–329, title II, §210(c)(2), June 30, 1976, 90 Stat. 740, provided in part that the amendment of subsecs. (a) to (c) and (e) by Pub. L. 94–329 is effective July 1, 1976.

Delegation of Functions

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

Pub. L. 94–329, title II, §210(c)(2), June 30, 1976, 90 Stat. 740, 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 2314a [1] of this title—

(1) "defense article" and "excess defense articles" have the same meanings as given them in subsections (d) and (g), respectively, of section 2403 of this title; and

(2) "foreign country" includes any department, agency, or independent establishment of the foreign country.

(Pub. L. 91–672, §11, Jan. 12, 1971, 84 Stat. 2055.)

References in Text

Section 2314a, referred to in text, was repealed by Pub. L. 93–189, §26(4), Dec. 17, 1973, 87 Stat. 731.

Codification

Section was not enacted as part of the Foreign Assistance Act of 1961 which comprises this chapter.

[1] *See References in Text note below.*

§2321d. Considerations in furnishing military assistance

Decisions to furnish military assistance made under subchapter II of this chapter shall take into account whether such assistance will—

(1) contribute to an arms race;

(2) increase the possibility of outbreak or escalation of conflict; or

(3) prejudice the development of bilateral or multilateral arms control arrangements.

(Pub. L. 87–195, pt. II, §511, as added Pub. L. 92–226, pt. II, §201(f), Feb. 7, 1972, 86 Stat. 25; amended Pub. L. 94–141, title I, §150(c), Nov. 29, 1975, 89 Stat. 760; Pub. L. 105–277, div. G, subdiv. A, title XII, §1225(b), Oct. 21, 1998, 112 Stat. 2681–773.)

References to Subchapter II Deemed To Exclude Certain Parts of Subchapter II

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

Amendments

1998—Pub. L. 105–277 substituted "take into account" for "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to" in introductory provisions.

1975—Pub. L. 94–141 substituted "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to" for "take into account".

Effective Date of 1998 Amendment

Amendment by Pub. L. 105–277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 of this title.

§2321e. Repealed. Pub. L. 93–189, §12(b)(5), Dec. 17, 1973, 87 Stat. 722

Section, Pub. L. 87–195, pt. II, §512, as added Pub. L. 92–226, pt. II, §201(f), Feb. 7, 1972, 86 Stat. 25, provided for the diminution and consolidation of military assistance advisory groups and missions in

foreign countries.

§2321f. Repealed. Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 87–195, pt. II, §513, as added Pub. L. 92–226, pt. II, §201(f), Feb. 7, 1972, 86 Stat. 25; amended Pub. L. 93–189, §12(b)(6), Dec. 17, 1973, 87 Stat. 722; Pub. L. 93–559, §12, Dec. 30, 1974, 88 Stat. 1798, prohibited military assistance to Thailand, Laos, and South Vietnam after June 30, 1972, 1974, and 1976, respectively, without prior authorization.

§2321g. Repealed. Pub. L. 93–189, §12(b)(5), Dec. 17, 1973, 87 Stat. 722

Section, Pub. L. 87–195, pt. II, §514, as added Pub. L. 92–226, pt. II, §201(f), Feb. 7, 1972, 86 Stat. 26, covered special foreign country accounts, the deposit of currencies, use of special accounts for payments of certain costs, Presidential waiver authority, the nonapplicability of provisions for special accounts, and the limitations on the amount of deposits.

Special Foreign Country Accounts

Section 1–501(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title, authorized the Secretary of the Treasury to continue to administer any open special foreign country accounts established pursuant to this section prior to its repeal by Pub. L. 93–189.

§2321h. Stockpiling of defense articles for foreign countries

(a) Transfer of defense articles

No defense article in the inventory of the Department of Defense which is set aside, reserved, or in any way earmarked or intended for future use by any foreign country may be made available to or for use by any foreign country unless such transfer is authorized under this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] or any subsequent corresponding legislation, and the value of such transfer is charged against funds authorized under such legislation or against the limitations specified in such legislation, as appropriate, for the fiscal period in which such defense article is transferred. For purposes of this subsection, "value" means the acquisition cost plus crating, packing, handling, and transportation costs incurred in carrying out this section.

(b) Fiscal year limits on new stockpiles or additions to existing stockpiles located in foreign countries

(1) The value of defense articles to be set aside, earmarked, reserved, or intended for use as war reserve stocks for allied or other foreign countries (other than for purposes of the North Atlantic Treaty Organization or in the implementation of agreements with Israel) in stockpiles located in foreign countries may not exceed in any fiscal year an amount that is specified in security assistance authorizing legislation for that fiscal year.

(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $200,000,000 for each of fiscal years 2013, 2014, 2015, 2016, 2017, 2018, and 2019.

(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.

(Pub. L. 87–195, pt. II, §514, as added Pub. L. 93–559, §15, Dec. 30, 1974, 88 Stat. 1799; amended Pub. L. 94–329, title I, §103, June 30, 1976, 90 Stat. 730; Pub. L. 95–92, §6, Aug. 4, 1977, 91 Stat. 615; Pub. L. 95–384, §8, Sept. 26, 1978, 92 Stat. 732; Pub. L. 96–92, §6(a), Oct. 29, 1979, 93 Stat. 703; Pub. L. 96–533, title I, §113, Dec. 16, 1980, 94 Stat. 3139; Pub. L. 97–113, title I, §111, Dec. 29, 1981, 95 Stat. 1527; Pub. L. 98–473, title I, §101(1) [title V, §541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903; Pub. L. 99–83, title I, §124, Aug. 8, 1985, 99 Stat. 205; Pub. L. 100–202, §101(e) [title III, §301], Dec. 22, 1987, 101 Stat. 1329–131, 1329-147; Pub. L. 100–461, title

V, §555, Oct. 1, 1988, 102 Stat. 2268–36; Pub. L. 101–167, title V, §587(b), Nov. 21, 1989, 103 Stat. 1253; Pub. L. 101–510, div. A, title XIII, §1303(b), Nov. 5, 1990, 104 Stat. 1669; Pub. L. 101–513, title V, §573, Nov. 5, 1990, 104 Stat. 2042; Pub. L. 102–391, title V, §569, Oct. 6, 1992, 106 Stat. 1681; Pub. L. 103–87, title V, §535, Sept. 30, 1993, 107 Stat. 955; Pub. L. 103–306, title V, §535, Aug. 23, 1994, 108 Stat. 1637; Pub. L. 104–107, title V, §531B, Feb. 12, 1996, 110 Stat. 732; Pub. L. 105–118, title V, §575, Nov. 26, 1997, 111 Stat. 2433; Pub. L. 105–277, div. A, §101(d) [title V, §571], Oct. 21, 1998, 112 Stat. 2681–150, 2681-198; Pub. L. 106–113, div. B, §§1000(a)(2) [title V, §584], 1000(a)(7) [div. B, title XII, §1231], Nov. 29, 1999, 113 Stat. 1535, 1536, 1501A-117, 1501A-499; Pub. L. 106–280, title I, §111, Oct. 6, 2000, 114 Stat. 849; Pub. L. 107–228, div. B, title XII, §1261, Sept. 30, 2002, 116 Stat. 1434; Pub. L. 108–287, title X, §12002, Aug. 5, 2004, 118 Stat. 1011; Pub. L. 109–472, §13(a)(2), Jan. 11, 2007, 120 Stat. 3559; Pub. L. 111–266, title III, §302(b), Oct. 8, 2010, 124 Stat. 2804; Pub. L. 112–150, §5(a)(2), July 27, 2012, 126 Stat. 1148; Pub. L. 113–296, §5(b), Dec. 19, 2014, 128 Stat. 4076; Pub. L. 114–113, div. K, title VII, §7034(k)(11)(B), Dec. 18, 2015, 129 Stat. 2765; Pub. L. 115–31, div. J, title VII, §7034(k)(7)(B), May 5, 2017, 131 Stat. 651; Pub. L. 115–141, div. K, title VII, §7034(l)(7)(B), Mar. 23, 2018, 132 Stat. 896.)

References in Text

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

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Codification

Amendment by Pub. L. 98–473 is based on section 116(a) of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, which was enacted into permanent law by Pub. L. 98–473.

Amendments

2018—Subsec. (b)(2)(A). Pub. L. 115–141 substituted "2018, and 2019" for "and 2018".

2017—Subsec. (b)(2)(A). Pub. L. 115–31 substituted "2017, and 2018" for "and 2017".

2015—Subsec. (b)(2)(A). Pub. L. 114–113 substituted "2015, 2016, and 2017" for "and 2015".

2014—Subsec. (b)(2)(A). Pub. L. 113–296 substituted ", 2014, and 2015" for "and 2014".

2012—Subsec. (b)(2)(A). Pub. L. 112–150 substituted "fiscal years 2013 and 2014" for "fiscal years 2011 and 2012".

2010—Subsec. (b)(2)(A). Pub. L. 111–266 substituted "fiscal years 2011 and 2012" for "fiscal years 2007 and 2008".

2007—Subsec. (b)(2)(A). Pub. L. 109–472, §13(a)(2)(A), substituted "$200,000,000" for "$100,000,000" and "2007 and 2008" for "2004 and 2005".

Subsec. (b)(2)(B). Pub. L. 109–472, §13(a)(2)(B), substituted "$200,000,000" for "$100,000,000".

2004—Subsec. (b)(2)(A). Pub. L. 108–287, §12002(1), substituted "for each of fiscal years 2004 and 2005" for "for fiscal year 2003".

Subsec. (b)(2)(B). Pub. L. 108–287, §12002(2), substituted "for a fiscal year" for "for fiscal year 2003".

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."

2000—Subsec. (b)(2). Pub. L. 106–280 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 $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."

1999—Subsec. (b)(2). Pub. L. 106–113, §1000(a)(7) [title XII, §1231], amended par. (2) generally. Prior to amendment, par. (2) read as follows:

"(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) for fiscal year 1999, not more than $320,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand. 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)(A). Pub. L. 106–113, §1000(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 the 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, §1000(a)(2) [title V, §584(b)], 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 $10,000,000 may be made available for stockpiles in Thailand. Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand. Of the amount specified in subparagraph (A) for fiscal year 1999, not more than $320,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand." after "(B)" and inserted at end "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."

1998—Subsec. (b)(2)(A). Pub. L. 105–277, §101(d) [title V, §571(a)], substituted a comma for "and" after "1997" and inserted "and $340,000,000 for fiscal year 1999" before period at end.

Subsec. (b)(2)(B). Pub. L. 105–277, §101(d) [title V, §571(b)], inserted at end "Of the amount specified in subparagraph (A) for fiscal year 1999, not more than $320,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand."

1997—Subsec. (b)(2)(A). Pub. L. 105–118, §575(a), inserted "and $60,000,000 for fiscal year 1998" before period at end.

Subsec. (b)(2)(B). Pub. L. 105–118, §575(b), inserted at end "Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand."

1996—Subsec. (b)(1). Pub. L. 104–107, §531B(a), inserted "or in the implementation of agreements with Israel" after "North Atlantic Treaty Organization".

Subsec. (b)(2). Pub. L. 104–107, §531B(b), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "The value of such additions to stockpiles in foreign countries shall not exceed a total of $200,000,000 for stockpiles in Israel for fiscal years 1994 and 1995, up to $40,000,000 may be made available for stockpiles in the Republic of Korea, and up to $10,000,000 may be made available for stockpiles in Thailand for fiscal year 1995, up to $72,000,000 may be made available for stockpiles in the Republic of Korea, and up to $20,000,000 may be made available for stockpiles in Thailand."

Subsec. (c). Pub. L. 104–107, §531B(c), inserted heading and amended text generally. Prior to amendment, text read as follows: "Except for stockpiles in existence on June 30, 1976 and for stockpiles located in the Republic of Korea, Thailand, or countries which are members of the North Atlantic Treaty Organization, or major non-NATO allies, no stockpile may be located outside the boundaries of a United States military base or a military base used primarily by the United States."

1994—Subsec. (b)(2). Pub. L. 103–306 substituted "a total of $200,000,000 for stockpiles in Israel for fiscal years 1994 and 1995, up to $40,000,000 may be made available for stockpiles in the Republic of Korea, and up to $10,000,000 may be made available for stockpiles in Thailand for fiscal year 1995" for "$200,000,000 for stockpiles in Israel for fiscal year 1994".

1993—Subsec. (b)(2). Pub. L. 103–87 which directed amendment of par. (2) "by striking out '$389,000,000 for fiscal year 1993, of which amount not less than $200,000,000 shall be available for stockpiles in Israel, and up to $189,000,000 may be available for stockpiles in the Republic of Korea' and inserting in lieu thereof '$200,000,000 for stockpiles in Israel for fiscal year 1994', up to $72,000,000 may be made available for stockpiles in the Republic of Korea, and up to $20,000,000 may be made available for stockpiles in Thailand." was executed as if the end quotation mark for the inserted material followed "Thailand" rather than following "1994" to reflect the probable intent of Congress.

1992—Subsec. (b)(2). Pub. L. 102–391, which directed the substitution of "$389,000,000 for fiscal year 1993, of which amount not less than $200,000,000 shall be available for stockpiles in Israel, and up to $189,000,000 may be available for stockpiles in the Republic of Korea" for "$378,000,000 for fiscal year 1991, of which amount not less than $300,000,000 shall be available for stockpiles in Israel", was executed by making such substitution for "$378,000,000 for fiscal year 1991, of which amount not less than $300,000,000 shall be for stockpiles in Israel", to reflect the probable intent of Congress.

1990—Subsec. (b)(2). Pub. L. 101–513, §573(b), substituted "$378,000,000 for fiscal year 1991, of which amount not less than $300,000,000 shall be for stockpiles in Israel" for "$165,000,000 for fiscal year 1990".

Subsec. (c). Pub. L. 101–513, §573(a), inserted "or major non-NATO allies," after "Organization,".

Subsec. (e). Pub. L. 101–510 struck out subsec. (e) which read as follows: "The President shall promptly report to the Congress each new stockpile, or addition to an existing stockpile, described in this section of defense articles valued in excess of $10,000,000 in any fiscal year."

1989—Subsec. (b)(1). Pub. L. 101–167, §587(b)(1), substituted "an amount that is specified" for "an amount greater than is specified".

Subsec. (b)(2). Pub. L. 101–167, §587(b)(2), substituted "$165,000,000 for fiscal year 1990" for "$77,000,000 for fiscal year 1989".

1988—Subsec. (b)(2). Pub. L. 100–461 amended par. (2) generally, substituting "$77,000,000 for fiscal year 1989" for "$116,000,000 for fiscal year 1988".

1987—Subsec. (b)(2). Pub. L. 100–202 amended par. (2) generally, substituting "$116,000,000 for fiscal year 1988" for "$360,000,000 for fiscal year 1986 and shall not exceed $125,000,000 for fiscal year 1987".

Subsec. (c). Pub. L. 100–202 inserted ", Thailand," after "Korea".

1985—Subsec. (b)(2). Pub. L. 99–83 amended par. (2) generally, substituting provisions authorizing appropriations of not to exceed $360,000,000 for fiscal year 1986 and $125,000,000 for fiscal year 1987, for provisions 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 for the fiscal year 1985" for "$130,000,000 for the fiscal year 1982 and $125,000,000 for the fiscal year 1983".

1981—Subsec. (b)(2). Pub. L. 97–113 substituted "$130,000,000 for the fiscal year 1982 and $125,000,000 for the fiscal year 1983" for "$85,000,000 for the fiscal year 1981".

1980—Subsec. (b)(2). Pub. L. 96–533 substituted "$85,000,000 for the fiscal year 1981" for "$95,000,000 for the fiscal year 1980".

1979—Subsec. (b)(2). Pub. L. 96–92, §6(a)(1), substituted "$95,000,000 for the fiscal year 1980" for "$90,000,000 for the fiscal year 1979".

Subsec. (c). Pub. L. 96–92, §6(a)(2), inserted reference to stockpiles in Republic of Korea.

1978—Subsec. (b)(2). Pub. L. 95–384 substituted "$90,000,000 for the fiscal year 1979" for "$270,000,000 for the fiscal year 1978".

1977—Subsec. (b)(2). Pub. L. 95–92 substituted "$270,000,000 for the fiscal year 1978" for "$93,750,000 for the period beginning July 1, 1975, and ending September 30, 1976, and $125,000,000 for the fiscal year 1977".

1976—Subsec. (a). Pub. L. 93–329 substituted provisions prohibiting the transfer of any defense article earmarked for foreign use unless such transfer is authorized under this chapter or the Arms Export Control Act or subsequent legislation, requiring the charge-off of such transfer against funds authorized under such legislation, and defining "value", for provisions that no funds, other than funds made available under this part or section 401(a) of Pub. L. 89–367 (80 Stat. 37) be obligated for purposes of stockpiling any defense article or war reserve material if such article is earmarked for future foreign use.

Subsec. (b). Pub. L. 94–329 substituted provisions limiting the value of earmarked defense articles for allied or foreign use to an amount not greater than is specified in security assistance legislation for that fiscal year and limiting the value of additions to stockpiles in foreign countries not to exceed $93,750,000 for the period beginning July 1, 1975 and ending Sept. 30, 1976, and $125,000,000 for fiscal 1977 for provisions specifying a charge-off of the cost of any such article earmarked for use by or on behalf of the country referred to in section 401(a)(1) of Pub. L. 89–367 (80 Stat. 37) against the limitations specified in such section or subsequent legislation and against funds authorized under this part.

Subsecs. (c) to (e). Pub. L. 94–329 added subsecs. (c) to (e).

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1984 Amendment

Section 116(b) of H.R. 5119, as passed by the House of Representatives May 10, 1984, and enacted into permanent law by Pub. L. 98–473, title I, §101(1) [title V, §541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903, 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 573 of Pub. L. 101–513 [amending this section]. Section 571 of H.R. 2621, as referred to above, provided that: "Notwithstanding section 514(b) of the Foreign Assistance Act of 1961 [subsec. (b) of this section], additions may be made to stockpiles in Israel during fiscal year 1992 having a value of $300,000,000: *Provided*, That the word 'value' as used in this section shall have the same meaning as in section 514 of the Foreign Assistance Act of 1961 [this section]."

Republic of Korea Stockpiling Authorities; Report to Congress

Pub. L. 96–92, §6(b), Oct. 29, 1979, 93 Stat. 703, directed President to transmit to Congress, not later than Dec. 31, 1979, a report regarding stockpiling authorities for Republic of Korea, prior to repeal by Pub. L. 97–113, title VII, §734(a)(11), Dec. 29, 1981, 95 Stat. 1560.

§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 30 days in advance of the introduction of the additional military personnel.

(d) Costs

Effective October 1, 1989, the entire costs (excluding salaries of the United States military personnel other than the Coast Guard) of overseas management of international security assistance programs under this section shall be charged to or reimbursed from funds made available to carry out this part or the Arms Export Control Act [22 U.S.C. 2751 et seq.], other than any such costs which are either paid directly for such defense services under section 21(a) of the Arms Export Control Act [22 U.S.C. 2761(a)] or reimbursed from charges for services collected from foreign governments pursuant to section 21(e) [22 U.S.C. 2761(e)] and section 43(b) [22 U.S.C. 2792(b)] of that Act.

(e) Direction and supervision of assigned personnel

Members of the Armed Forces assigned to a foreign country under this section shall serve under the direction and supervision of the Chief of the United States Diplomatic Mission to that country.

(f) Presidential directive respecting purchase by foreign country of United States-made military equipment

The President shall continue to instruct United States diplomatic and military personnel in the United States missions abroad that they should not encourage, promote, or influence the purchase by any foreign country of

United States-made military equipment, unless they are specifically instructed to do so by an appropriate official of the executive branch.

(Pub. L. 87–195, pt. II, §515, as added Pub. L. 93–559, §16, Dec. 30, 1974, 88 Stat. 1799; amended Pub. L. 94–329, title I, §104, June 30, 1976, 90 Stat. 731; Pub. L. 95–92, §7(a), Aug. 4, 1977, 91 Stat. 615; Pub. L. 95–384, §9, Sept. 26, 1978, 92 Stat. 732; Pub. L. 96–92, §7, Oct. 29, 1979, 93 Stat. 703; Pub. L. 96–533, title I, §114, Dec. 16, 1980, 94 Stat. 3139; Pub. L. 97–113, title I, §112, Dec. 29, 1981, 95 Stat. 1527; Pub. L. 99–83, title I, §125, Aug. 8, 1985, 99 Stat. 205; Pub. L. 100–690, title IV, §4305(a), Nov. 18, 1988, 102 Stat. 4273; Pub. L. 101–165, title IX, §9104(a), Nov. 21, 1989, 103 Stat. 1152; Pub. L. 101–167, title III, Nov. 21, 1989, 103 Stat. 1213; Pub. L. 102–391, title V, §556(c), Oct. 6, 1992, 106 Stat. 1675; Pub. L. 104–164, title I, §143, July 21, 1996, 110 Stat. 1434.)

References in Text

The Arms Export Control Act, referred to in subsecs. (a) and (d), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Amendments

1996—Subsec. (a)(6). Pub. L. 104–164 struck out "among members of the North Atlantic Treaty Organization and with the Armed Forces of Japan, Australia, and New Zealand" after "defense cooperation measures".

1992—Subsec. (d). Pub. L. 102–391, which directed the substitution of "(excluding salaries of the United States military personnel other than the Coast Guard)" for "(excluding salaries of the United States military personnel)", was executed by making the substitution for "(excluding salaries of United States military personnel)", to reflect the probable intent of Congress.

1989—Subsec. (d). Pub. L. 101–167 inserted "or the Arms Export Control Act" after "this part".

Pub. L. 101–165 changed effective date from Oct. 1, 1982, to Oct. 1, 1989, and provided that costs would exclude rather than include salaries of U.S. military personnel.

1988—Subsec. (c)(1). Pub. L. 100–690 inserted "Colombia," after "Honduras,".

1985—Subsec. (c)(1). Pub. L. 99–83 substituted "Pakistan, Tunisia, El Salvador, Honduras" for "For the fiscal year 1982 and the fiscal year 1983".

1981—Subsec. (a). Pub. L. 97–113 substituted provision authorizing the President to assign members of the Armed Forces of the United States to a foreign country to perform one or more enumerated functions for provision requiring specific Congressional authorization for military assistance groups, etc., to operate in a foreign country, with exception of regular units of the Armed Forces of the United States engaged in routine functions designed to bring about standardization of military operation and procedures between United States forces and defense treaty allies.

Subsec. (b). Pub. L. 97–113 substituted provision directing that advisory and training assistance conducted by military personnel assigned under this section be kept to an absolute minimum for provision authorizing the President to assign military personnel under international security programs to Portugal, Spain, Jordan, the Philippines, the Republic of Korea, Panama, Greece, Turkey, Indonesia, Thailand, Morocco, Egypt, and Saudi Arabia to perform logistics management, transportation, fiscal management, and contract administration of country programs, designated the maximum number assignable, and provided for reimbursement from Saudi Arabia. See subsec. (a) of this section.

Subsec. (c). Pub. L. 97–113 substituted provision designating the maximum number of personnel assignable, waiver of this limitation, and the procedures applicable for provision relating to assignment of military personnel to countries not specified in former subsec. (b) of this section for performance of accounting and other management functions, the maximum number assignable, and an exception to that number if the Chief of the Diplomatic Mission so requests.

Subsec. (d). Pub. L. 97–113 substituted provision directing that, effective Oct. 1, 1982, the entire costs of overseas management of international security assistance programs be charged or reimbursed from funds made available to carry out this part, other than costs paid directly for defense services under section 2761(a) of this title or reimbursed from charges for services collected from foreign governments pursuant to sections 2761(e) and 2792(b) of this title, for provision that the maximum number of members of the Armed Forces assignable for fiscal year 1979 to all countries not exceed 790.

Subsec. (e). Pub. L. 97–113 substituted "under this section" for "under subsection (b) or (c) of this section" and "to that country" for "in that country".

Subsec. (f). Pub. L. 97–113 redesignated subsec. (h) as (f). Former subsec. (f), relating to performance of management functions by defense attaché's if that President determined it was the most economic and efficient means of performing those functions, was struck out.

Subsec. (g). Pub. L. 97–113 struck out subsec. (g) which provided that the entire cost of overseas management of international security assistance programs under this section be charged or reimbursed from funds made available to carry out this part, including costs reimbursed from charges for services collected from foreign governments pursuant to sections 2761(e) and 2792(b) of this title, and

that the prohibition of former subsec. (a) of this section and the numerical limitations of former subsecs. (b), (c), and (d) of this section not apply to Armed Forces members performing services for specific purposes and for fixed periods of time on a fully reimbursable basis under section 2761(a) of this title. See subsec. (d) of this section.

Subsec. (h). Pub. L. 97–113 redesignated subsec. (h) as (f).

1980—Subsec. (b)(1). Pub. L. 96–533, §114(1), substituted "fiscal year 1981" for "fiscal year 1980", substituted "Portugal, Spain, Jordan, the Philippines," for "the countries specified in section 2312(a) of this title and in", authorized assignment of military personnel for programs in Egypt, and deleted from the list of countries eligible for such programs Iran and Kuwait.

Subsec. (b)(3). Pub. L. 96–533, §114(2), substituted "assigned to Saudi Arabia" for "assigned to Iran, Kuwait, and Saudi Arabia", "assigned to such country" for "assigned to such countries" and "assigned to such country exceeds" for "assigned to each such country exceeds".

Subsec. (f). Pub. L. 96–533, §114(3), substituted "may not exceed six more than the number of defense attachés" for "may not exceed the number of defense attachés" and "December 31, 1979" for "December 31, 1978", and inserted "such countries and countries to which military personnel have been assigned pursuant to subsection (c) of this section" after "such countries".

1979—Subsec. (b)(1). Pub. L. 96–92, §7(1), substituted "fiscal year 1980" for "fiscal year 1979" and authorized assignment of military personnel for programs in Greece.

Subsec. (f). Pub. L. 96–92, §7(2), substituted "December 31, 1978" for "December 31, 1977".

1978—Subsec. (b)(1). Pub. L. 95–384, §9(a), substituted "fiscal year 1979" for "fiscal year 1978" and "Turkey, Indonesia, Thailand" for "Brazil".

Subsec. (d). Pub. L. 95–384, §9(b), substituted ", including any such members serving on a reimbursable basis pursuant to subsection (b)(3) of this section, may not exceed 790 for the fiscal year 1979" for "may not exceed 865 for the fiscal year 1978".

Subsec. (f). Pub. L. 95–384, §9(c), substituted "December 31, 1977, except that the President may assign an aggregate total of not to exceed eight additional defense attachés to such countries in order to perform overseas management functions under this subsection" for "December 31, 1976".

Subsec. (g). Pub. L. 95–384, §9(d), inserted "for fixed" after "for specific purposes and".

Subsec. (h). Pub. L. 95–384, §9(e), added subsec. (h).

1977—Subsec. (a). Pub. L. 95–92 substituted provisions requiring specific Congressional authorization for a military assistance advisory group, etc., to operate in any foreign country and set forth exceptions to such requirement, for provisions authorizing deductions of expenditures from military assistance appropriations during the period beginning July 1, 1976, and ending Sept. 30, 1977, under section 2312 of this title where under this section reimbursement is requested by the expending government agency or if the available funds are deposited in the Treasury as miscellaneous receipts.

Subsec. (b). Pub. L. 95–92 substituted provisions relating to assignment of military personnel to specified countries by President for implementation of management responsibilities during fiscal year 1978 under international security assistance programs, for provisions requiring specific Congressional authority for assignment of any military assistance advisory group, etc., to operate in any foreign country after Sept. 30, 1977, and provisions relating to assignment by the President of military personnel to diplomatic missions of the United States.

Subsec. (c). Pub. L. 95–92 substituted provisions relating to assignment of military personnel to nonspecified countries by President for performance of accounting and other management functions under international security assistance programs, for provisions limiting after Sept. 30, 1976, the number of military missions and groups to not more than 34.

Subsec. (d). Pub. L. 95–92 substituted provisions setting forth maximum number of military personnel assignable under subsecs. (b) and (c) of this section for fiscal year 1978 as 865, for provisions defining "military assistance advisory group, military mission, or other organization of United States military personnel performing similar military advisory functions under this chapter".

Subsecs. (e) to (g). Pub. L. 95–92 added subsecs. (e) to (g).

1976—Subsec. (a). Pub. L. 94–329, §104(1), designated existing provisions as subsec. (a) and substituted "During the period beginning July 1, 1976, and ending September 30, 1977" for "Effective July 1, 1976".

Subsecs. (b) to (d). Pub. L. 94–329, §104(2), added subsecs. (b) to (d).

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

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 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 $500,000,000.

(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) justifying the transfer of excess defense articles shall include an explanation of the general purposes of providing excess defense articles as well as a table which provides an aggregate annual total of transfers of excess defense articles in the preceding year by country in terms of offers and actual deliveries and in terms of acquisition cost and current value. Such table shall indicate whether such excess defense articles were provided on a grant or sale basis.

(i) Excess Coast Guard property

For purposes of this section, the term "excess defense articles" shall be deemed to include excess property of the Coast Guard, and the term "Department of Defense" shall be deemed, with respect to such excess property, to include the Coast Guard.

(Pub. L. 87–195, pt. II, §516, as added Pub. L. 99–661, div. A, title XI, §1101, Nov. 14, 1986, 100 Stat. 3960; amended Pub. L. 100–202, §101(b) [title VIII, §8143], Dec. 22, 1987, 101 Stat. 1321–43, 1329-89; Pub. L. 101–189, div. A, title IX, §934, Nov. 29, 1989, 103 Stat. 1538; Pub. L. 101–513, title V, §589, Nov. 5, 1990, 104 Stat. 2057; Pub. L. 102–190, div. A, title X, §1049(a), Dec. 5, 1991, 105 Stat. 1469; Pub. L. 102–391, title V, §574, Oct. 6, 1992, 106 Stat. 1683; Pub. L. 102–484, div. A, title XIII, §1313, Oct. 23, 1992, 106 Stat. 2548; Pub. L. 103–160, div. A, title XI, §1182(c)(2), title XIV, §1421, Nov. 30, 1993, 107 Stat. 1772, 1829; Pub. L. 103–236, title VII, §731(a), Apr. 30, 1994, 108 Stat. 502; Pub. L. 104–106, div. A, title X, §1012(g)(1), Feb. 10, 1996, 110 Stat. 422; Pub. L. 104–164, title I, §104(a), July 21, 1996, 110 Stat. 1424; Pub. L. 106–113, div. B, §1000(a)(7) [div. B, title XII, §§1211(b), 1213], Nov. 29, 1999, 113 Stat. 1536, 1501A-497, 1501A-498; Pub. L. 106–280, title I, §122, Oct. 6, 2000, 114 Stat. 851; Pub. L. 107–228, div. B, title XII, §1234, Sept. 30, 2002, 116 Stat. 1433; Pub. L. 113–276, title II, §202, Dec. 18, 2014, 128 Stat. 2990.)

References in Text

Section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, referred to in subsec. (b)(2), is section 573(e) of Pub. L. 101–167, which is set out in a note below.

The Arms Export Control Act, referred to in subsec. (f)(1), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Prior Provisions

A prior section 2321j, Pub. L. 87–195, pt. II, §516, as added Pub. L. 94–329, title I, §105, June 30, 1976, 90 Stat. 732; amended Pub. L. 95–92, §§5(b), 7(b), Aug. 4, 1977, 91 Stat. 615, 617; Pub. L. 95–384, §7(b), Sept. 26, 1978, 92 Stat. 732; Pub. L. 96–92, §5(c), Oct. 29, 1979, 93 Stat. 703; Pub. L. 96–533, title I, §112(d), Dec. 16, 1980, 94 Stat. 3139, provided for termination of authorities contained in this part other than the authorities contained in sections 2318, 2321h, and 2321i of this title, prior to repeal by Pub. L. 97–113, title I, §110(d), Dec. 29, 1981, 95 Stat. 1526.

Amendments

2014—Subsec. (g)(1). Pub. L. 113–276 substituted "$500,000,000" for "$425,000,000".

2002—Subsec. (c)(2). Pub. L. 107–228 substituted ", to major non-NATO allies on such southern and southeastern flank, 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" for "25,000".

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, §1213], 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 purpose of modernization of their defense capabilities.

Subsec. (g). Pub. L. 104–106 added subsec. (g) which prohibited certain transfers of vessels on a grant basis.

1994—Subsec. (b)(4). Pub. L. 103–236 added par. (4).

1993—Subsec. (a). Pub. L. 103–160, §1182(c)(2), made technical amendment to Pub. L. 102–484, §1313(2). See 1992 Amendment note below.

Subsec. (a)(3). Pub. L. 103–160, §1421, inserted "or fiscal year 1992" after "fiscal year 1991".

1992—Subsec. (a). Pub. L. 102–484, §1313(4), which directed the amendment of subsec. (a) by striking "and those countries which received Foreign Military Financing (FMF) assistance in fiscal year 1990 and which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf,", could not be executed because that language did not appear subsequent to amendment by Pub. L. 102–391. See below.

Pub. L. 102–484, §1313(3), inserted "and (3) to those countries which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf, and which either received Foreign Military Financing (FMF) assistance in fiscal year 1990 or are in the Near East Region and received Foreign Military Financing (FMF) assistance in fiscal year 1991," after "southeastern flank of NATO which are eligible for United States security assistance,".

Pub. L. 102–484, §1313(2), as amended by Pub. L. 103–160, §1182(c)(2), substituted "structure, (2)" for "structure, and".

Pub. L. 102–484, §1313(1), inserted "(1)" after "may transfer".

Pub. L. 102–391 repealed the amendment by Pub. L. 101–513. See 1990 Amendment note below.

1991—Subsec. (a). Pub. L. 102–190, §1049(a)(1), struck out "during the fiscal years 1987 through 1991," before "the President may transfer".

Subsec. (f). Pub. L. 102–190, §1049(a)(2), added subsec. (f).

1990—Subsec. (a). Pub. L. 101–513, which directed amendment of subsec. (a) by inserting "and those countries which received Foreign Military Financing (FMF) assistance in fiscal year 1990 and which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf," after the second occurrence of the words "United States security assistance,", was repealed by Pub. L. 102–391. See 1992 Amendment note above.

1989—Subsec. (a). Pub. L. 101–189 substituted "during the fiscal years 1987 through 1991" for "during the fiscal years 1987, 1988, and 1989" and inserted at end "Transfers to recipient countries under this subsection shall be consistent with the policy framework for the Eastern Mediterranean region established in section 2373 of this title."

1987—Subsec. (a). Pub. L. 100–202, §101(b) [title VIII, §8143(a), (b), (c)(1)], in first sentence substituted ", 1988, and 1989," for "and 1988", inserted ", and to major non-NATO allies on the southern and southeastern flank of NATO which are eligible for United States security assistance," after "military structure", and inserted "excess" before "defense articles", and in second sentence inserted "excess defense" before "articles".

Subsec. (b). Pub. L. 100–202, §101(b) [title VIII, §8143(c)(2)], in introductory text, inserted "excess" before "defense articles".

Subsecs. (c), (d). Pub. L. 100–202, §101(b) [title VIII, §8143(c)(2)], inserted "excess" before "defense articles".

Effective Date of 1996 Amendment

Pub. L. 104–106, title X, §1012(g)(2), Feb. 10, 1996, 110 Stat. 422, provided that: "The amendment made by paragraph (1) [amending this section] shall apply with respect to the transfer of a vessel on or after the date of the enactment of this Act [Feb. 10, 1996] (other than a vessel the transfer of which is authorized by subsection (a) [110 Stat. 421] or by law before the date of the enactment of this Act)."

Effective Date of 1993 Amendment

Pub. L. 103–160, title XI, §1182(c)(2), Nov. 30, 1993, 107 Stat. 1772, provided in part that the amendment made by that section is effective as of Oct. 23, 1992.

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.

Mediterranean Excess Defense Articles

Pub. L. 104–208, div. A, title I, §101(c) [title V, §535], Sept. 30, 1996, 110 Stat. 3009–121, 3009-153, provided that: "For the four-year period beginning on October 1, 1996, the President shall ensure that excess defense articles will be made available under section[s] 516 and 519 of the Foreign Assistance Act of 1961 [22 U.S.C. 2321j, 2321m] consistent with the manner in which the President made available excess defense articles under those sections during the four-year period that began on October 1, 1992, pursuant to section 573(e) of the Foreign Operations, Export Financing, Related Programs Appropriations Act, 1990 [Pub. L. 101–167, set out below]."

Similar provisions were contained in the following prior appropriation act:

Pub. L. 104–107, title V, §536, Feb. 12, 1996, 110 Stat. 735.

Avoiding Duplicative Amendments

Pub. L. 102–190, title X, §1049(b), Dec. 5, 1991, 105 Stat. 1469, which provided that if the International Cooperation Act of 1991 was enacted and made the same amendments to this section as did section 1049(a) of Pub. L. 102–190, then the duplicative amendments enacted by section 1049(a) would not take effect, was repealed by Pub. L. 102–484, div. A, title X, §1053(7), Oct. 23, 1992, 106 Stat. 2502.

Modernization of Military Capabilities of Certain Countries

Pub. L. 101–167, title V, §573, Nov. 21, 1989, 103 Stat. 1246, as amended by Pub. L. 102–391, title V, §578(a), Oct. 6, 1992, 106 Stat. 1685, provided that:

"(a) Authority To Transfer Excess Defense Articles.—

"(1) NATO southern flank countries.—The President may transfer—

"(A) to any NATO southern flank country which is eligible for United States security assistance and which is integrated into NATO's military structure; and

"(B) to any major non-NATO ally on the southern and southeastern flank of NATO which is eligible for United States security assistance, such excess defense articles as may be necessary to help modernize the defense capabilities of such country.

"(2) Major illicit drug producing countries.—Subject to subsection (f), the President may transfer to any country—

"(A) which is a major illicit drug producing country,

"(B) which has a democratic government, and

"(C) whose armed forces do not engage in a consistent pattern of gross violations of internationally recognized human rights, such excess defense articles as may be necessary to carry out subsection (f)(1).

"(3) Terms of transfers.—Excess defense articles may be transferred under this section without cost to the recipient country.

"(b) Limitations on Transfers.—The President may transfer excess defense articles under this section only if—

"(1) they are drawn from existing stocks of the Department of Defense;

"(2) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer; and

"(3) the President determines that the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States.

"(c) Notification to Congress.—

"(1) ADVANCE NOTICE.—The President may not transfer excess defense articles under this section until thirty days after the President has provided notice of the proposed transfer to the committees specified in paragraph (2). This notification shall include—

"(A) a certification of the need for the transfer;

"(B) an assessment of the impact of the transfer on the military readiness of the United States; and

"(C) the value of the excess defense articles to be transferred.

"(2) COMMITTEES TO BE NOTIFIED.—Notice shall be provided pursuant to paragraph (1) to the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

"(d) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 632(d) of the Foreign Assistance Act of 1961 [22 U.S.C. 2392(d)] does not apply with respect to transfers of excess defense articles under this section.

"(e) MAINTENANCE OF MILITARY BALANCE IN EASTERN MEDITERRANEAN.—

"(1) UNITED STATES POLICY.—The Congress intends that excess defense articles be made available under this section consistent with the United States policy, established by section 841 of the International Cooperation Act of 1989 [probably means section 841 of H.R. 2655, 101st Congress, which was not enacted], of maintaining the military balance in the Eastern Mediterranean.

"(2) MAINTENANCE OF BALANCE.—Accordingly, the President shall ensure that, over the four-year period beginning on October 1, 1992, the ratio of—

"(A) the value of excess defense articles made available for Turkey under this section, to

"(B) the value of excess defense articles made available for Greece under this section, closely approximates the ratio of—

"(i) the amount of foreign military financing provided for Turkey, to

"(ii) the amount of foreign military financing provided for Greece.

"(3) EXCEPTION TO REQUIREMENT.—This subsection shall not apply if either Greece or Turkey ceases to be eligible to receive excess defense articles under subsection (a).

"(f) MAJOR ILLICIT DRUG PRODUCING COUNTRIES IN LATIN AMERICA AND THE CARIBBEAN.—

"(1) PURPOSE.—Excess defense articles shall be transferred under subsection (a)(2) for the purpose of encouraging the military forces of an eligible country in Latin America and the Caribbean to participate with local law enforcement agencies in a comprehensive national antinarcotics program, conceived and developed by the government of that country, by conducting activities within that country and on the high seas to prevent the production, processing, trafficking, transportation, and consumption of illicit narcotic or psychotrophic [sic] drugs or other controlled substances.

"(2) USES OF EXCESS DEFENSE ARTICLES.—Excess defense articles may be furnished to a country under subsection (a)(2) only if that country ensures that those excess defense articles will be used only in support of antinarcotics activities.

"(3) ROLE OF THE SECRETARY OF STATE.—The Secretary of State shall determine the eligibility of countries to receive excess defense articles under subsection (a)(2) and insure that any transfer is coordinated with other antinarcotics enforcement programs assisted by the United States Government.

"(4) LIMITATION.—The aggregate value of excess defense articles transferred to a country under subsection (a)(2) in any fiscal year may not exceed $10,000,000.

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'excess defense article' has the meaning given that term by section 644(g) [probably means section 644(g) of Pub. L. 87–195, which is classified to section 2403(g) of this title];

"(2) the term 'made available' means that a good faith offer is made by the United States to furnish the excess defense articles to a country;

"(3) the term 'major non-NATO ally' includes Australia, Egypt, Israel, Japan, and New Zealand;

"(4) the term 'NATO' means the North Atlantic Treaty Organization; and

"(5) the term 'NATO southern flank countries' means Greece, Italy, Portugal, Spain, and Turkey."

[For delegation of functions of President under section 573 of Pub. L. 101–567, set out above, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.]

Provisions similar to those appearing in section 573(e) of Pub. L. 101–167, set out above, were contained in the following prior appropriation acts:

Pub. L. 100–461, title V, §569, Oct. 1, 1988, 102 Stat. 2268–43.

Pub. L. 100–202, §101(e) [title V, §582], Dec. 22, 1987, 101 Stat. 1329–131, 1329-182.

[1] *So in original. Probably should be "four-year period".*

§2321k. Designation of major non-NATO allies

(a) Notice to Congress

The President shall notify the Congress in writing at least 30 days before—

(1) designating a country as a major non-NATO ally for purposes of this chapter and the Arms Export Control Act (22 U.S.C. 2751 et seq.); or

(2) terminating such a designation.

(b) Initial designations

Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand shall be deemed to have been so designated by the President as of the effective date of this section, and the President is not required to notify the Congress of such designation of those countries.

(Pub. L. 87–195, pt. II, §517, as added Pub. L. 104–164, title I, §147(a)(1), July 21, 1996, 110 Stat. 1434.)

References in Text

This chapter, referred to in subsec. (a)(1), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (a)(1), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

The effective date of this section, referred to in subsec. (b), is July 21, 1996, the date of enactment of Pub. L. 104–164, which enacted this section.

Prior Provisions

A prior section 2321k, Pub. L. 87–195, pt. II, §517, as added Pub. L. 101–231, §5, Dec. 13, 1989, 103 Stat. 1957; amended Pub. L. 101–623, §15, Nov. 21, 1990, 104 Stat. 3357; Pub. L. 102–583, §9(a), Nov. 2, 1992, 106 Stat. 4934; Pub. L. 103–236, title VII, §731(b), Apr. 30, 1994, 108 Stat. 502, related to modernization of counternarcotics capabilities of certain Latin America and Caribbean countries, prior to repeal by Pub. L. 104–164, title I, §104(b)(2)(B), July 21, 1996, 110 Stat. 1427.

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.

Treatment of Taiwan Relating to Transfers of Defense Articles and Defense Services

Pub. L. 107–228, div. B, title XII, §1206, Sept. 30, 2002, 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(q))[)]."

[For definitions of "defense article" and "defense service" as used in section 1206 of Pub. L. 107–228, set out above, see section 1002 of Pub. L. 107–228, set out as a note under section 2151 of this title.]

Presidential Determinations Relating to Designations of Countries as Major Non-NATO Allies

The following Presidential Determinations designated the countries listed as major non-NATO allies of the United States for purposes of the Foreign Assistance 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.
Determination No. 98–9, Jan. 6, 1998, 63 F.R. 3635.—Argentina.
Determination No. 2002–10, Mar. 14, 2002, 67 F.R. 13247.—Bahrain.
Determination No. 2004–02, Oct. 6, 2003, 68 F.R. 59855.—Philippines.
Determination No. 2004–16, Dec. 30, 2003, 69 F.R. 2053.—Thailand.
Determination No. 2004–21, Jan. 15, 2004, 69 F.R. 4843.—Kuwait.
Determination No. 2004–35, June 3, 2004, 69 F.R. 34049.—Morocco.
Determination No. 2004–37, June 16, 2004, 69 F.R. 38797.—Pakistan.
Determination No. 2015–09, July 10, 2015, 80 F.R. 43613.—Tunisia.

§§2321*l* to 2321n. Repealed. Pub. L. 104–164, title I, §104(b)(2)(B), July 21, 1996, 110 Stat. 1427

Section 2321l, Pub. L. 87–195, pt. II, §518, as added Pub. L. 101–513, title V, §533(f), Nov. 5, 1990, 104 Stat. 2015, authorized President to transfer nonlethal excess defense articles and small arms to friendly countries and to international organizations and private and voluntary organizations for preservation of endangered animal and plant species.

Section 2321m, Pub. L. 87–195, pt. II, §519, as added Pub. L. 101–513, title V, §596(b), Nov. 5, 1990, 104 Stat. 2061; amended Pub. L. 103–236, title VII, §731(c), Apr. 30, 1994, 108 Stat. 502, authorized President to transfer to countries for whom foreign military financing program was justified such nonlethal excess defense articles as President determined necessary to help modernize defense capabilities of such countries.

Section 2321n, Pub. L. 87–195, pt. II, §520, as added Pub. L. 103–236, title IV, §408, Apr. 30, 1994, 108 Stat. 452, authorized President to transfer to international and regional organizations of which United States is a member such excess defense articles as President determined necessary to support and maintain international peacekeeping operations and security.

§2322. Transferred

Codification

Section, Pub. L. 87–195, pt. II, §521, formerly §514, as added Pub. L. 89–583, pt. II, §201(f), Sept. 19, 1966, 80 Stat. 803; renumbered §521, Pub. L. 90–137, pt. II, §201(o)(1), Nov. 14, 1967, 81 Stat. 457, which related to administration of sales programs, was transferred to section 2341 of this title and subsequently repealed by Pub. L. 90–629, §45(a), Oct. 22, 1968, 82 Stat. 1327.

§2323. Transfer of defense articles or services

(a) Notice to Congress

Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year and hereafter may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) Activities affected

This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) Contents of notice

A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

(Pub. L. 113–235, div. C, title VIII, §8050, Dec. 16, 2014, 128 Stat. 2264.)

Codification

Section was enacted as part of the Department of Defense Appropriations Act, 2015, and also as part of the Consolidated and Further Continuing Appropriations Act, 2015, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

"Congressional Defense Committees" Defined

For definition of "congressional defense committees", see section 8026 of div. C of Pub. L. 113–325, set out as a note under section 2731 of Title 10, Armed Forces.

§§2341 to 2343. Repealed. Pub. L. 90–629, ch. 4, §45(a), Oct. 22, 1968, 82 Stat. 1327

Section 2341, Pub. L. 87–195, pt. II, §521, formerly §514, as added Pub. L. 89–583, pt. II, §201(f), Sept. 19, 1966, 80 Stat. 803; renumbered §521 and amended Pub. L. 90–137, pt. II, §201(o)(1), (3)–(7), Nov. 14, 1967, 81 Stat. 457, provided for administration of sales programs involving defense articles and services. Subsec. (a) related to encouragement of regional arms control and disarmament agreements and discouragement of arms races; reimbursable basis of acquisitions; domestic procurement; and considerations. Subsec. (b) related to limitation on military assistance and sales for American Republics; and inclusion of assistance to inter-American military force under control of Organization of American States. Subsec. (c) related to furnishing of defense articles and services; conditions; and report to Congress. For subject matter of subsecs. (a) to (c), see sections 2751 and 2791, 2773, and 2753 of this title, respectively.

Section 2342, Pub. L. 87–195, pt. II, §522, formerly §507 (a), Sept. 4, 1961, 75 Stat. 437; amended Pub. L. 87–565, pt. II, §201(b), Aug. 1, 1962, 76 Stat. 259; Pub. L. 89–171, pt. II, §201(d)(1), Sept. 6, 1965, 79 Stat. 657; renumbered §522 and amended Pub. L. 90–137, pt. II, §201(f), Nov. 14, 1967, 81 Stat. 456, provided for sales of defense articles from stock and services, manner of payment, price of non-excess defense articles, and value of excess defense articles. See section 2761 of this title.

Section 2343, Pub. L. 87–195, pt. II, §523, formerly §507(b), Sept. 4, 1961, 75 Stat. 437; amended Pub. L. 87–565, pt. II, §201(c), Aug. 1, 1962, 76 Stat. 259; Pub. L. 88–633, pt. II, §201(c), Oct. 7, 1964, 78 Stat. 1011; Pub. L. 89–171, pt. II, §201(d)(2), Sept. 6, 1965, 79 Stat. 657; renumbered §523 and amended Pub. L. 90–137, pt. II, §201(g), Nov. 14, 1967, 81 Stat. 456, related to contracts for procurement for sales; undertakings; reimbursements; fixed-price sales agreements; prohibition against sales of articles available from commercial sources; and waiver of restrictions. See section 2762 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

SAVINGS PROVISION

Pub. L. 90–629, §46, Oct. 22, 1968, 82 Stat. 1328, provided that: "Except as may be expressly provided to the contrary in this Act [see Short Title note set out under section 2751 of this title], all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 45(a) [repealing sections 2341 to 2343, 2344(b)(3), 2345, 2394(g), and 2399a of this title] shall continue in full force and effect until modified by appropriate authority."

§2344. Reimbursements

(a) Separate fund account; transfers to such account

Whenever funds made available for use under subchapter II of this chapter have been or are used to furnish military assistance on cash or credit terms, United States dollar repayments, including dollar proceeds derived from the sale of foreign currency repayments to any agency or program of the United States Government, receipts received from the disposition of evidences of indebtedness and charges (including fees and premiums) or interest collected shall be credited to a separate fund account, and shall be available until expended solely for the purpose of financing sales and guaranties, including the overhead costs thereof, and, notwithstanding any provision of law relating to receipts and credits accruing to the United States Government, repayments in foreign currency may be used to carry out subchapter II of this chapter. Such amounts of the appropriations made available under subchapter II of this chapter (including unliquidated balances of funds heretofore obligated for financing sales and guarantees) as may be determined by the President shall be transferred to, and merged with, the separate fund account.

(b) Termination of account; special account for discharge of Federal liabilities and obligations; general fund for excess moneys

(1) The special fund account established under subsection (a) of this section shall terminate as of the end of June 30, 1968, or on such earlier date as may be selected by the President.

(2) Upon the termination of such fund account pursuant to paragraph (1), all of the assets of such fund account (including loans and other payments receivable) shall be transferred to a special account in the Treasury, which special account shall be available solely for the purpose of discharging outstanding liabilities and obligations of the United States arising out of credit sales agreements entered into, and guaranties issued, under subchapter II of this chapter prior to June 30, 1968. Any moneys in such special account in excess of the aggregate United States dollar amount of such liabilities and obligations shall be transferred from time to time to the general fund of the Treasury.

(Pub. L. 87–195, pt. II, §524, formerly §508, Sept. 4, 1961, 75 Stat. 437; Pub. L. 89–171, pt. II, §201(e), Sept. 6, 1965, 79 Stat. 657; Pub. L. 89–583, pt. II, §201(c), Sept. 19, 1966, 80 Stat. 803; renumbered §524 and amended Pub. L. 90–137, pt. II, §201(h), Nov. 14, 1967, 81 Stat. 456; Pub. L. 90–629, ch. 4, §45(a), Oct. 22, 1968, 82 Stat. 1327.)

References to Subchapter II Deemed To Exclude Certain Parts of Subchapter II

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

Codification

Section was formerly classified to section 2316 of this title.

Amendments

1968—Subsec. (b)(3). Pub. L. 90–629 repealed provisions of par. (3) which related to appropriations for financing sales, dollar value payments, general fund for payments, and exempt transactions, and is now covered by section 2763 of this title.

1967—Pub. L. 90–137 designated existing provisions as subsec. (a) and added subsec. (b).

1966—Pub. L. 89–583 provided for transfer to and merger with the separate fund account of such amounts of available appropriations (including unliquidated balances of funds heretofore obligated for financing sales and guarantees) as is determined by the President.

1965—Pub. L. 89–171 inserted "receipts received from the disposition of evidences of indebtedness and charges (including fees and premiums) or interest collected" and substituted "have been or are used" for "are used" and "financing sales and guaranties, including the overhead costs thereof" for "furnishing further military assistance on cash or credit terms."

Effective Date of 1968 Amendment

Amendment by Pub. L. 90–629 effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

Savings Provision

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of former subsec. (b)(3) of this section as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90–629, set out as a note under former section 2341 of this title.

Delegation of Functions

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, §100, Feb. 9, 1970, 84 Stat. 7, in part, limited increases in the military assistance program for any country to twenty per cent of the amount justified to Congress unless the President determined that such an increase was essential to the national interest of the United States and reported such determination to the Congress within thirty days after each such determination.

Similar provisions were contained in Pub. L. 90–249, title I, §100, Jan. 2, 1968, 81 Stat. 937; Pub. L. 90–581, title I, §100, Oct. 17, 1968, 82 Stat. 1138.

Expenditures by Underdeveloped Countries for Weapons Systems; Presidential Determination; Report to Congress

Pub. L. 91–194, title I, §119, Feb. 9, 1970, 84 Stat. 10, directed the President to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country for the purchase of sophisticated weapons systems from any country other than certain enumerated countries, unless the President determined that such a purchase was important to the national security of the United States and reported such determination to Congress within thirty days after each such determination.

Similar provisions were contained in Pub. L. 90–249, title I, §119, Jan. 2, 1968, 81 Stat. 940; Pub. L. 90–581, title I, §119, Oct. 17, 1968, 82 Stat. 1141.

Arms Races and Weapons Systems Restraints; Prohibitions Against Diversion of Resources for Economic and Agricultural Development to Military Purposes

Pub. L. 91–194, title I, §120, Feb. 9, 1970, 84 Stat. 10, as amended by Pub. L. 110–246, title III, §3001(c), June 18, 2008, 122 Stat. 1821, provided that:

"(a) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans, or supporting assistance to any country under this Act [Pub. L. 91–194], and before making sales under the 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."

§2345. Repealed. Pub. L. 90–629, ch. 4, §45(a), Oct. 22, 1968, 82 Stat. 1327

Section, Pub. L. 87–195, pt. II, §525, formerly §§503(e), 509(b), as added Pub. L. 88–633, pt. II, §201(a), (d), Oct. 7, 1964, 78 Stat. 1011; amended Pub. L. 89–171, pt. II, §201(f), Sept. 6, 1965, 79 Stat. 657; renumbered §525 and amended Pub. L. 90–137, pt. II, §201(b)(3), (i)(2), Nov. 14, 1967, 81 Stat. 455, 457, provided for guaranties until June 30, 1968. See section 2764 of this title.

Effective Date of Repeal

Repeal effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

Savings Provision

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued undertaken, or entered into under authority of any provision of former section 2345 of this title as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90–629, set out as a note under former section 2341 of this title.

Part IV—Economic Support Fund

§2346. Authority

(a) Policy requirements for assistance

The Congress recognizes that, under special economic, political, or security conditions, the national interests of the United States may require economic support for countries or in amounts which could not be justified solely under part I of subchapter I of this chapter or, in the case of countries in sub-Saharan Africa, part X of subchapter I of this chapter. In such cases, the President is authorized to furnish assistance to countries and organizations, on such terms and conditions as he may determine, in order to promote economic or political stability. To the maximum extent feasible, the President shall provide assistance under this part consistent with the policy directions, purposes, and programs of subchapter I of this chapter.

(b) Responsibility for policy decisions and justifications

The Secretary of State shall be responsible for policy decisions and justifications for economic support programs under this part, including determinations of whether there will be an economic support program for a country and the amount of the program for each country. The Secretary shall exercise this responsibility in cooperation with the Administrator of the agency primarily responsible for administering subchapter I of this chapter.

(c) Detailed justification for uses and purposes of funds

As part of the annual presentation materials for foreign assistance submitted to the Congress, the agency primarily responsible for administering subchapter II of this chapter shall provide a detailed justification for the uses and the purposes of the funds provided under this part. Such material shall include, but not be limited to, information concerning the amounts and kinds of cash grant transfers, the amounts and kinds of budgetary and balance-of-payments support provided, and the amounts and kinds of project assistance provided with funds made available under this part.

(d) Repealed. Pub. L. 105–277, div. A, §101(d) [title V, §533(a)(5)], Oct. 21, 1998, 112 Stat. 2681–150, 2681-180

(e) Availability of funds

Amounts appropriated to carry out this part shall be available for economic programs only and may not be used for military or paramilitary purposes.

(Pub. L. 87–195, pt. II, §531, as added Pub. L. 99–83, title II, §201(a), Aug. 8, 1985, 99 Stat. 210; amended Pub. L. 101–513, title V, §562(d)(8), Nov. 5, 1990, 104 Stat. 2031; Pub. L. 105–277, div. A, §101(d) [title V, §533(a)(5)], Oct. 21, 1998, 112 Stat. 2681–150, 2681-180.)

References to Subchapter I Deemed To Include This and Certain Other Parts of Subchapter II, and References to Subchapter II Deemed To Exclude Such Parts

Pub. L. 92–226, pt. II, §202(b), Feb. 7, 1972, 86 Stat. 27, provided that: "Chapter 4 of part I of the Foreign Assistance Act of 1961 [part IV of subchapter I of this chapter (sections 2241 to 2243 of this title)] is hereby repealed. References to such chapter [4 of part I of the Foreign Assistance Act of 1961 (former sections 2241 to 2243 of this title)] or any sections thereof shall hereafter [on and after Feb. 7, 1972] be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section [this part], or to appropriate sections thereof. All references to part I of the Foreign Assistance Act of 1961 [subchapter I of this chapter] shall hereafter be deemed to be references also to chapter 4 of part II [this part], and all references to part II of such Act [subchapter II of this chapter] shall be deemed not to include chapter 4 of such part II [this part]".

References to subchapter I of this chapter are deemed to include parts VI (§2348 et seq.) and VIII (§2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See sections 2348c and 2349aa–5 of this title.

Reference to Part I Deemed To Include Section 2293

Reference to part I of subchapter I of this chapter deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Prior Provisions

A prior section 2346, Pub. L. 87–195, pt. II, §531, as added Pub. L. 92–226, pt. II, §202(a), Feb. 7, 1972, 86 Stat. 26; amended Pub. L. 95–92, §8(a), Aug. 4, 1977, 91 Stat. 617; Pub. L. 95–384, §10(a), Sept. 26, 1978, 92 Stat. 733; 1979 Reorg. Plan No. 2, §6(b)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379; Pub. L. 96–92, §8(a), Oct. 29, 1979, 93 Stat. 703; Pub. L. 96–533, title II, §201, Dec. 16, 1980, 94 Stat. 3142; Pub. L. 97–113, title II, §201, Dec. 29, 1981, 95 Stat. 1528, authorized President to furnish assistance to countries and organizations to promote economic or political stability, prior to repeal by Pub. L. 99–83, title II, §201(a), Aug. 8, 1985, 99 Stat. 210.

Amendments

1998—Subsec. (d). Pub. L. 105–277 struck out subsec. (d) which read as follows: "To the maximum extent feasible, funds made available pursuant to this part for commodity import programs or other program assistance shall be used to generate local currencies, not less than 50 percent of which shall be available to support activities consistent with the objectives of sections 2151a through 2151d of this title, and administered by the agency primarily responsible for administering subchapter I of this chapter."

1990—Subsec. (a). Pub. L. 101–513 inserted "or, in the case of countries in sub-Saharan Africa, part X of subchapter I of this chapter" after "part I of subchapter I of this chapter".

Effective Date

Section effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as an Effective Date of 1985 Amendment note under section 2151–1 of this title.

Delegation of Functions

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 to Lebanon

Pub. L. 107–228, div. B, title XII, §1224, Sept. 30, 2002, 116 Stat. 1432, provided that:

"(a) Prohibition.—Notwithstanding any other provision of law, $10,000,000 of the amounts made available for fiscal year 2003 or any subsequent fiscal year that are allocated for assistance to Lebanon under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the economic support fund) 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 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

Pub. L. 99–83, title IX, §904, Aug. 8, 1985, 99 Stat. 268, provided that:

"(a) AUTHORIZATION.—The President may make available funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 [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 pursuant to subsection (a) of this section.

"(c) EFFECTIVE DATES.—This section shall take effect on the date of enactment of this Act [Aug. 8, 1985], except that subsection (b) shall not apply to fiscal year 1985."

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."

[For delegation of functions of President under section 1205(b) of Pub. L. 99–83, set out above, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.]

REFERENCES TO SECURITY SUPPORTING ASSISTANCE AS REFERENCES TO ASSISTANCE UNDER PART IV OF SUBCHAPTER II OF THIS CHAPTER

Pub. L. 95–384, §10(b)(6), Sept. 26, 1978, 92 Stat. 735, provided that: "After September 30, 1978, any reference in any law to security supporting assistance shall be deemed to be a reference to assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 [this part]."

SECURITY SUPPORTING ASSISTANCE PROGRAM FOR EGYPT

Pub. L. 95–92, §9, Aug. 4, 1977, 91 Stat. 619, as amended by Pub. L. 95–384, §29(c)(2)(A), Sept. 26, 1978, 92 Stat. 747, provided that: "It is the sense of the Congress that the security supporting assistance program for Egypt plays an important role in the Middle East peace effort and that the Executive branch should concentrate its efforts in order to make the program a success."

§2346a. Authorizations of appropriations

(a) Recipients and purposes of funds

There are authorized to be appropriated to the President to carry out the purposes of this part—

(1) $2,015,000,000 for the fiscal year 1986 and $2,015,000,000 for the fiscal year 1987 for the following countries signing the Camp David agreement: Israel and Egypt; and

(2) $1,785,000,000 for the fiscal year 1986 and $1,785,000,000 for the fiscal year 1987 for assistance under this part for recipients or purposes other than the countries referred to in paragraph (1).

(b) Availability of amounts

Amounts appropriated to carry out this part are authorized to remain available until expended.

(Pub. L. 87–195, pt. II, §532, as added Pub. L. 99–83, title II, §201(a), Aug. 8, 1985, 99 Stat. 211.)

Prior Provisions

A prior section 2346a, Pub. L. 87–195, pt. II, 532, as added Pub. L. 97–113, title II, §202, Dec. 29, 1981, 95 Stat. 1529; amended Pub. L. 98–151, §101(b)(2), Nov. 14, 1983, 97 Stat. 970, earmarked specific funds for Israel and Egypt, prior to repeal by Pub. L. 99–83, title II, §201(a), Aug. 8, 1985, 99 Stat. 210.

Another prior section 2346a, Pub. L. 87–195, pt. II, §532, as added Pub. L. 96–533, title II, §202, Dec. 16, 1980, 94 Stat. 3142, related to Middle East programs and use of fiscal year funds, prior to repeal by Pub. L. 97–113, title II, §202, Dec. 29, 1981, 95 Stat. 1529.

Another prior section 2346a, Pub. L. 87–195, pt. II, §532, as added Pub. L. 92–226, pt. II, §202(a), Feb. 7, 1972, 86 Stat. 26; amended Pub. L. 93–189, §13(1), Dec. 17, 1973, 87 Stat. 722; Pub. L. 93–559, §18, Dec. 30, 1974, 88 Stat. 1800; Pub. L. 94–329, title V, §501(a), June 30, 1976, 90 Stat. 762; Pub. L. 95–92, §8(b), Aug. 4, 1977, 91 Stat. 617; Pub. L. 95–384, §10(a), Sept. 26, 1978, 92 Stat. 733; Pub. L. 96–92, §8(b), Oct. 29, 1979, 93 Stat. 703, related to Middle East program, providing policy requirements, availability of funds, amount of grants, and cash transfers, regional programs, comprehensive peace settlement and process of peace, and assistance to Syria, prior to repeal by Pub. L. 96–533, title II, §202, Dec. 16, 1980, 94 Stat. 3142.

Effective Date

Section effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as an Effective Date of 1985 Amendment note under section 2151–1 of this title.

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

Pub. L. 98–164, title X, §1004, Nov. 22, 1983, 97 Stat. 1057, provided that:

"(a) After the enactment of this section [Nov. 22, 1983], funds available to the Agency for International Development may not be used for any payment or reimbursement of any kind to the Government of Syria or for the delivery of any goods or services of any kind to the Government of Syria.

"(b) The Administrator of the Agency for International Development shall deobligate all funds which have been obligated for Syria under the Foreign Assistance Act of 1961 [this chapter] prior to the enactment of this section [Nov. 22, 1983], except that—

"(1) such funds may continue to be used to finance the training or studies outside of Syria of students whose course of study began before the enactment of this section;

"(2) the Administrator may adopt as a contract of the United States Government any contract with a United States or third-country contractor which would otherwise be terminated pursuant to this subsection, and may assume in whole or in part any liabilities arising under such contract, except that the authority provided by this paragraph may be exercised only to the extent that budget authority is available to meet the obligations of the United States under such contracts; and

"(3) amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955 [31 U.S.C. 1108(c), 1501, 1502(a)], as having been obligated for Syria under chapter 4 of part II of the Foreign Assistance Act of 1961 [this part] shall continue to be available until expended to meet necessary expenses arising from the termination of assistance programs for Syria pursuant to this subsection."

Pub. L. 98–151, §101(b)(1), Nov. 14, 1983, 97 Stat. 964, provided that: "None of the funds heretofore appropriated or otherwise made available for Syria for the purposes of carrying out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 [this part] shall be expended after the date of enactment of this joint resolution [Nov. 14, 1983]. The Administrator of the Agency for International Development is directed to terminate the economic assistance program to Syria and to deobligate all funds heretofore obligated for assistance to Syria, except that such funds may continue to be available to finance the training or studies outside of Syria of students whose course of study or training program began before enactment of this joint resolution. The Administrator of the Agency for International Development is authorized to adopt as a contract of the United States Government, and assume any liabilities arising thereunder (in whole or in part), any contract with a United States contractor which had been funded by the Agency for International Development prior to the date of enactment of this joint resolution. Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955 [31 U.S.C. 1108(c), 1501, 1502(a)], as having been obligated against appropriations heretofore made pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (and predecessor legislation) for Syria are hereby continued available until expended to meet necessary expenses arising from the termination under this subsection of assistance programs for

Syria authorized by such chapter: *Provided*, That this shall not be construed as permitting payments or reimbursements of any kind to the Government of Syria."

Negotiations Between Israel and Egypt; Promotion, Etc.

Pub. L. 95–384, §28, Sept. 26, 1978, 92 Stat. 746, provided that:

"(a) The Congress finds that—

"(1) a lasting settlement of the Arab-Israel conflict is vital to United States national interests as well as to the interests of the countries of the region;

"(2) support for a strong and secure Israel and the maintenance for this purpose of Israel's effective defense capabilities as essential to peace remains a fundamental tenet of United States foreign policy;

"(3) direct, face-to-face negotiations between Israel and Egypt without preconditions is an historic opening for peace, and the support of such negotiations by other moderate Arab countries, can best promote a peace settlement based on mutual concessions and accommodations;

"(4) the establishment of secure, recognized, and defensible borders between Israel and its neighbors will discourage hostilities; and

"(5) full, normalized relations between Israel and its Arab neighbors, including trade, travel, tourism, communications, and diplomatic relations are vital for peace.

"(b) It is the sense of the Congress that the Government of the United States should continue to promote direct negotiations between Israel and Egypt and to encourage other Arab countries to enter into negotiations leading to peace treaties with Israel.

"(c) It is further the sense of the Congress that the United States should be responsive to Israel's economic needs and defense requirements, including the provision of additional advanced aircraft, in order to maintain Israel's defense capability which is essential to peace."

§2346b. Emergency assistance

(a) Of the funds appropriated to carry out this part, up to $75,000,000 for the fiscal year 1986 and up to $75,000,000 for the fiscal year 1987 may be made available for emergency use under this part when the national interests of the United States urgently require economic support to promote economic or political stability.

(b) Notwithstanding any provision of this part or of an appropriations Act (including a joint resolution making continuing appropriations) which earmarks funds available to carry out this part for a specific country or purpose, up to 5 percent of each amount so earmarked may be used to carry out this section.

(Pub. L. 87–195, pt. II, §533, formerly §535, as added Pub. L. 97–113, title II, §202, Dec. 29, 1981, 95 Stat. 1530; renumbered §533 and amended Pub. L. 99–83, title II, §201(b), Aug. 8, 1985, 99 Stat. 211.)

Codification

Section was classified to section 2346d of this title prior to renumbering by Pub. L. 99–83.

Prior Provisions

A prior section 2346b, Pub. L. 87–195, pt. II, §533, as added Pub. L. 97–113, title II, §202, Dec. 29, 1981, 95 Stat. 1530, related to grants for eastern Mediterranean programs, prior to repeal by Pub. L. 99–83, title II, §201(a), Aug. 8, 1985, 99 Stat. 210.

Another prior section 2346b, Pub. L. 87–195, pt. II, §533, as added Pub. L. 96–533, title II, §202, Dec. 16, 1980, 94 Stat. 3143, related to Central American economic support, prior to repeal by Pub. L. 97–113, §202, Dec. 29, 1981, 95 Stat. 1529.

Another prior section 2346b, Pub. L. 87–195, pt. II, §533, as added Pub. L. 95–92, §8(c), Aug. 4, 1977, 91 Stat. 618; amended Pub. L. 95–384, §10(a), Sept. 26, 1978, 92 Stat. 735; Pub. L. 96–92, §8(c), Oct. 29, 1979, 93 Stat. 704, provided for a Southern Africa economic support program, including availability of funds and assistance requirements and limitations, prior to repeal by Pub. L. 96–533, title II, §202, Dec. 16, 1980, 94 Stat. 3142.

Another prior section 2346b, Pub. L. 87–195, pt. II, §533, as added Pub. L. 92–226, pt. II, §202(a), Feb. 7, 1972, 86 Stat. 27, provided for a Vietnam special dollar account for coverage of United States refund claims, amount in account, and maintenance of dollar level, prior to repeal by Pub. L. 93–189, §13(2), Dec. 17, 1973, 87 Stat. 722.

Amendments

1985—Subsec. (a). Pub. L. 99–83, §202(b)(1), substituted "1986" and "1987" for "1982" and "1983", respectively.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

§2346c. Administration of justice

(a) Authorization of assistance; purposes

The President may furnish assistance under this part to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in countries in Latin America and the Caribbean.

(b) Scope of assistance

Assistance under this section may only include—

(1) support for specialized professional training, scholarships, and exchanges for continuing legal education;

(2) programs to enhance prosecutorial and judicial capabilities and protection for participants in judicial cases;

(3) notwithstanding section 2420 of this title—

(A) programs to enhance professional capabilities to carry out investigative and forensic functions conducted under judicial or prosecutorial control;

(B) programs to assist in the development of academic instruction and curricula for training law enforcement personnel;

(C) programs to improve the administrative and management capabilities of law enforcement agencies, especially their capabilities relating to career development, personnel evaluation, and internal discipline procedures; and

(D) programs, conducted through multilateral or regional institutions, to improve penal institutions and the rehabilitation of offenders;

(4) strengthening professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform;

(5) increasing the availability of legal materials and publications;

(6) seminars, conferences, and training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and internationally recognized human rights; and

(7) revision and modernization of legal codes and procedures.

(c) Availability of funds

Not more than $20,000,000 of the funds made available to carry out this part for any fiscal year shall be available to carry out this section, in addition to amounts otherwise available for such purposes.

(d) Obligation of funds

Funds may not be obligated for assistance under this section unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified of the amount and nature of the proposed assistance at least 15 days in advance in accordance with the procedures applicable to reprogrammings pursuant to section 2394–1 of this title.

(e) Participation of Defense personnel in training prohibited; availability of funds; expiration of authority

Personnel of the Department of Defense and members of the United States Armed Forces may not participate in the provision of training under this section. Of the funds made available to carry out this section, not more than $10,000,000 may be made available in fiscal year 1991 to carry out the provisions of subsection (b)(3) of this section. The authority of this section shall expire on September 30, 1991.

(Pub. L. 87–195, pt. II, §534, as added Pub. L. 99–83, title VII, §712, Aug. 8, 1985, 99 Stat. 244; amended Pub. L. 100–202, §101(e) [title V, §579], Dec. 22, 1987, 101 Stat. 1329–131, 1329-181; Pub. L. 101–167, title II, Nov. 21, 1989, 103 Stat. 1206; Pub. L. 101–513, title II, Nov. 5, 1990, 104 Stat. 1990; Pub. L. 101–623, §2(b)(6), Nov. 21, 1990, 104 Stat. 3351.)

Prior Provisions

A prior section 2346c, Pub. L. 87–195, pt. II, §534, as added Pub. L. 97–113, title II, §202, Dec. 29, 1981, 95 Stat. 1530, prohibited the use of funds for nuclear facilities in foreign countries except under certain circumstances, prior to repeal by Pub. L. 99–83, title II, §201(a), Aug. 8, 1985, 99 Stat. 210.

Another prior section 2346c, Pub. L. 87–195, pt. II, §534, as added Pub. L. 95–384, §10(a), Sept. 26, 1978, 92 Stat. 735; amended Pub. L. 96–92, §8(d), Oct. 29, 1979, 93 Stat. 704, provided economic support for Turkey and Cyprus in amounts of $98,000,000 and $15,000,000 for fiscal year 1980, prior to repeal by Pub. L. 96–533, title II, §202, Dec. 16, 1980, 94 Stat. 3142.

Amendments

1990—Subsec. (e). Pub. L. 101–623, §2(b)(6)(A), which directed the substitution of "$10,000,000 may be made available in fiscal year 1991" for "$7,000,000 may be made available in fiscal year 1990", was executed by making the substitution for "$7,000,000 may be made available in fiscal year 1991" to reflect the probable intent of Congress and the intervening substitution of "fiscal year 1991" for "fiscal year 1990" by Pub. L. 101–513. See below.

Pub. L. 101–623, §2(b)(6)(B), and Pub. L. 101–513, amended subsec. (e) identically, substituting "September 30, 1991" for "September 30, 1990".

Pub. L. 101–513 substituted "fiscal year 1991" for "fiscal year 1990".

1989—Subsec. (e). Pub. L. 101–167 substituted "fiscal year 1990" for "each of fiscal years 1988 and 1989" and "September 30, 1990" for "September 30, 1989".

1987—Subsec. (b)(3). Pub. L. 100–202, §101(e) [title V, §579(a)], amended par. (3) generally. Prior to amendment, par. (3) read as follows: "notwithstanding section 2420 of this title, programs to enhance investigative capabilities, conducted under judicial or prosecutorial control;".

Subsec. (e). Pub. L. 100–202, §101(e) [title V, §579(b)], amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: "The authority of this section shall expire on September 30, 1987."

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.

Administration of Justice Activities

Pub. L. 108–199, 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 '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)]."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108–7, div. E, title V, §536, Feb. 20, 2003, 117 Stat. 195.
Pub. L. 107–115, title V, §536, Jan. 10, 2002, 115 Stat. 2152.
Pub. L. 106–429, §101(a) [title V, §540], Nov. 6, 2000, 114 Stat. 1900, 1900A-37.
Pub. L. 106–113, div. B, §1000(a)(2) [title V, §540], Nov. 29, 1999, 113 Stat. 1535, 1501A-95.
Pub. L. 105–277, div. A, §101(d) [title V, §542], Oct. 21, 1998, 112 Stat. 2681–150, 2681-184.
Pub. L. 105–118, title V, §541, Nov. 26, 1997, 111 Stat. 2418.
Pub. L. 104–208, div. A, title I, §101(c) [title V, §543], Sept. 30, 1996, 110 Stat. 3009–121, 3009-157.
Pub. L. 104–107, title V, §543, Feb. 12, 1996, 110 Stat. 739.
Pub. L. 103–306, title V, §549(a), (c), Aug. 23, 1994, 108 Stat. 1643, 1644.
Pub. L. 103–87, title V, §551(a)(1), (b), Sept. 30, 1993, 107 Stat. 962.
Pub. L. 102–391, title V, §588(a)(1), (b), Oct. 6, 1992, 106 Stat. 1689, 1690.

Anti-Narcotics Update

Pub. L. 102–145, §124, as added by Pub. L. 102–266, §102, Apr. 1, 1992, 106 Stat. 97, provided that: "The program authorized by section 534 of the Foreign Assistance Act of 1961 [22 U.S.C. 2346c] may continue from funds appropriated by this joint resolution for foreign operations, export financing, and related programs, notwithstanding the last sentence of section 534(e) of that Act: *Provided*, That such programs may include the protection of participants in judicial cases, notwithstanding section 660 of that Act [22 U.S.C. 2420]: *Provided further*, That, notwithstanding sections 534(c) and 660 of that Act, (1) up to $10,000,000 to provide support for a professional civilian police force for Panama, except that such assistance shall not include more than $5,000,000 for the procurement of equipment for law enforcement purposes, and shall not include lethal equipment, and (2) up to $16,000,000 for Bolivia, Colombia, and Peru."

§2346d. Repealed. Pub. L. 103–149, §4(a)(3)(B), Nov. 23, 1993, 107 Stat. 1505

Section, Pub. L. 87–195, pt. II, §535, as added Pub. L. 99–440, title V, §511(a), Oct. 2, 1986, 100 Stat. 1111; amended Pub. L. 99–631, §1(b)(3), Nov. 7, 1986, 100 Stat. 3519, related to economic support for disadvantaged South Africans.

§§2346e to 2346i. Repealed. Pub. L. 99–83, title II, §201(a), Aug. 8, 1985, 99 Stat. 210

Section 2346e, Pub. L. 87–195, pt. II, §536, as added Pub. L. 97–113, title II, §202, Dec. 29, 1981, 95 Stat. 1531, related to special requirements fund.

A prior section 2346e, Pub. L. 87–195, pt. II, §536, as added Pub. L. 96–257, §2, May 31, 1980, 94 Stat. 422, provided for Central American economic support for fiscal year 1980, in amount of $80,000,000, prior to repeal by Pub. L. 96–533, title II, §202, Dec. 16, 1980, 94 Stat. 3142.

Section 2346f, Pub. L. 87–195, pt. II, §537, as added Pub. L. 97–113, title II, §202, Dec. 29, 1981, 95 Stat. 1531, related to programs for Tunisia.

Section 2346g, Pub. L. 87–195, pt. II, §538, as added Pub. L. 97–113, title II, §202, Dec. 29, 1981, 95 Stat. 1531, related to programs for Costa Rica.

Section 2346h, Pub. L. 87–195, pt. II, §539, as added Pub. L. 97–113, title II, §202, Dec. 29, 1981, 95 Stat. 1531, related to programs for Nicaragua.

Section 2346i, Pub. L. 87–195, pt. II, §540, as added Pub. L. 97–113, title VII, §708(c), Dec. 29, 1981, 95 Stat. 1546, related to programs for Poland.

Effective Date of Repeal

Repeal effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as an Effective Date of 1985 Amendment note under section 2151–1 of this title.

Part V—International Military Education and Training

§2347. General authority

(a) The President is authorized to furnish, on such terms and conditions consistent with this chapter as the President may determine (but whenever feasible on a reimbursable basis), military education and training to military and related civilian personnel of foreign countries. Such civilian personnel shall include foreign governmental personnel of ministries other than ministries of defense, and may also include legislators and individuals who are not members of the government, if the military education and training would (i) contribute to responsible defense resource management, (ii) foster greater respect for and understanding of the principle of civilian control of the military, (iii) contribute to cooperation between military and law enforcement personnel with respect to counternarcotics law enforcement efforts, or (iv) improve military justice systems and procedures in accordance with internationally recognized human rights. Such training and education may be provided through—

(1) attendance at military educational and training facilities in the United States (other than Service academies) and abroad;

(2) attendance in special courses of instruction at schools and institutions of learning or research in the United States and abroad; and

(3) observation and orientation visits to military facilities and related activities in the United States and abroad.

(b) The President shall seek reimbursement for military education and training furnished under this part from countries using assistance under section 2763 of this title (relating to the Foreign Military Financing Program) to purchase such military education and training at a rate comparable to the rate charged to countries receiving grant assistance for military education and training under this part.

(Pub. L. 87–195, pt. II, §541, as added Pub. L. 94–329, title I, §106(a), June 30, 1976, 90 Stat. 732; amended Pub. L. 101–513, title III, Nov. 5, 1990, 104 Stat. 1997; Pub. L. 102–583, §10, Nov. 2, 1992, 106 Stat. 4934; Pub. L. 104–164, title I, §112(a), July 21, 1996, 110 Stat. 1427; Pub. L. 109–102, title V, §534(l)(3), Nov. 14, 2005, 119 Stat. 2211.)

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. 104–164 inserted "and individuals who are not members of the government" after "legislators" in second sentence of introductory provisions.

1992—Pub. L. 102–583, in introductory provisions, inserted ", and may also include legislators," after "ministries of defense" and substituted "(iii) contribute to cooperation between military and law enforcement personnel with respect to counternarcotics law enforcement efforts, or (iv)" for "or (iii)".

1990—Pub. L. 101–513 inserted after first sentence "Such civilian personnel shall include foreign governmental personnel of ministries other than ministries of defense if the military education and training would (i) contribute to responsible defense resource management, (ii) foster greater respect for and understanding of the principle of civilian control of the military, or (iii) improve military justice systems and procedures in accordance with internationally recognized human rights."

Delegation of Functions

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

Pub. L. 94–329, title I, §106(d), June 30, 1976, 90 Stat. 734, provided that: "Funds made available pursuant to other provisions of law for foreign military educational and training activities shall remain available for obligation and expenditure for their original purposes in accordance with the provisions of law originally applicable to those purposes or in accordance with the provisions of law currently applicable to those purposes."

§2347a. Authorization of appropriations

There are authorized to be appropriated to the President to carry out the purposes of this part $56,221,000 for fiscal year 1986 and $56,221,000 for fiscal year 1987.

(Pub. L. 87–195, pt. II, §542, as added Pub. L. 94–329, title I, §106(a), June 30, 1976, 90 Stat. 732; amended Pub. L. 95–92, §10, Aug. 4, 1977, 91 Stat. 619; Pub. L. 95–384, §11(a), Sept. 26, 1978, 92 Stat. 736; Pub. L. 96–92, §9, Oct. 29, 1979, 93 Stat. 705; Pub. L. 96–533, title I, §115(a), Dec. 16, 1980, 94 Stat. 3140; Pub. L. 97–113, title I, §113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1528, 1560; Pub. L. 99–83, title I, §104, Aug. 8, 1985, 99 Stat. 195.)

Amendments

1985—Pub. L. 99–83 amended section generally, substituting provisions authorizing appropriations of $56,221,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of $42,000,000 for fiscal years 1982 and 1983.

1981—Pub. L. 97–113, §§113, 734(a)(1), substituted appropriations authorization of $42,000,000 for fiscal years 1982 and 1983 for appropriation of $34,000,000 for fiscal year 1981 and deleted prohibition against any training after June 30, 1976, outside the United States without a prior Presidential report to the Speaker of the House and the Senate Foreign Relations Committee and justification for the training.

1980—Pub. L. 96–533 substituted appropriations authorization of $34,000,000 for fiscal year 1981 for authorization of $31,800,000 for fiscal year 1980, including prohibition against availability of any amount for Inter-American regional programs unless the foreign country participants collectively contribute an equivalent amount to carry out the programs.

1979—Pub. L. 96–92 substituted appropriations authorization of $31,800,000 for fiscal year 1980, for identical authorization for fiscal year 1979, and required collective contribution of an equivalent amount by the foreign countries participating in Inter-American regional programs before such amount became available from the appropriation for such programs.

1978—Pub. L. 95–384 substituted "$31,800,000 for the fiscal year 1979" for "$31,000,000 for the fiscal year 1978".

1977—Pub. L. 95–92 substituted "$31,000,000 for the fiscal year 1978" for "$27,000,000 for the fiscal year 1976 and $30,200,000 for the fiscal year 1977".

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Delegation of Functions

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.

§2347b. Congressional declaration of purpose

Education and training activities conducted under this part shall be designed—

(1) to encourage effective and mutually beneficial relations and increased understanding between the United States and foreign countries in furtherance of the goals of international peace and security;

(2) to improve the ability of participating foreign countries to utilize their resources, including defense articles and defense services obtained by them from the United States, with maximum effectiveness, thereby contributing to greater self-reliance by such countries; and

(3) to increase the awareness of nationals of foreign countries participating in such activities of basic issues involving internationally recognized human rights.

(Pub. L. 87–195, pt. II, §543, as added Pub. L. 94–329, title I, §106(a), June 30, 1976, 90 Stat. 733; amended Pub. L. 95–384, §11(b), Sept. 26, 1978, 92 Stat. 736.)

Amendments

1978—Pub. L. 95–384 added par. (3).

§2347c. Exchange training; reciprocity agreement

(a) 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 2392(d) of this title), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one, reciprocal basis each fiscal year between those United States professional military education institutions and comparable institutions of foreign countries and international organizations.

(b) 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 and integrated air and missile defense 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 and integrated air and missile defense 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 appropriations accounts or funds of the participating United States Government agencies.

(4) The President shall report to the appropriate congressional committees (as defined in section 2416(e) of this title) annually on the activities undertaken in the programs authorized under this subsection.

(Pub. L. 87–195, pt. II, §544, as added Pub. L. 99–83, title I, §126, Aug. 8, 1985, 99 Stat. 205; amended Pub. L. 104–164, title I, §112(b), July 21, 1996, 110 Stat. 1427; Pub. L. 107–228, div. B, title XII, §1213, Sept. 30, 2002, 116 Stat. 1429; Pub. L. 113–66, div. A, title XII, §1233, Dec. 26, 2013, 127 Stat. 920; Pub. L. 113–276, title II, §203, Dec. 18, 2014, 128 Stat. 2990.)

Amendments

2014—Subsec. (c)(4). Pub. L. 113–276 added par. (4).

2013—Subsec. (c)(1). Pub. L. 113–66 inserted "and integrated air and missile defense programs" after "tactical leadership programs" and "and integrated air and missile defense training" after "tactical leadership training".

2002—Subsec. (c). Pub. L. 107–228 added subsec. (c).

1996—Pub. L. 104–164 designated existing provisions as subsec. (a) and added subsec. (b).

Effective Date

Section effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as an Effective Date of 1985 Amendment note under section 2151–1 of this title.

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

Pub. L. 101–189, div. A, title IX, §935, Nov. 29, 1989, 103 Stat. 1538, provided that:

"(a) Authority.—The United States Army Russian Institute in Garmisch-Partenkirchen, Federal Republic of Germany, shall be treated for purposes of section 544 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c) as if it were located in the United States.

"(b) Expiration of Authority.—Subsection (a) shall cease to be in effect upon the enactment in foreign assistance authorizing legislation of an amendment to section 544 of the Foreign Assistance Act of 1961 that provides the same authority as is provided by subsection (a)."

§2347d. Training in maritime skills

The President is encouraged to allocate a portion of the funds made available each fiscal year to carry out this part for use in providing education and training in maritime search and rescue, operation and maintenance of aids to navigation, port security, at-sea law enforcement, international maritime law, and general maritime skills.

(Pub. L. 87–195, pt. II, §545, as added Pub. L. 99–83, title I, §127(a), Aug. 8, 1985, 99 Stat. 205.)

Effective Date

Section effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as an Effective Date of 1985 Amendment note under section 2151–1 of this title.

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) for military education and training of military and related civilian personnel of such country.

(b) High-income foreign countries described

The high-income foreign countries described in this subsection are Austria, Finland, the Republic of Korea, Singapore, and Spain.

(Pub. L. 87–195, pt. II, §546, as added Pub. L. 104–164, title I, §112(c)(1), July 21, 1996, 110 Stat. 1427.)

§2347f. Consultation requirement

The selection of foreign personnel for training under this part shall be made in consultation with the United States defense attache to the relevant country.

(Pub. L. 87–195, pt. II, §547, as added Pub. L. 106–280, title II, §202, Oct. 6, 2000, 114 Stat. 851.)

§2347g. Records regarding foreign participants

(a) Development and maintenance of database

In order to contribute most effectively to the development of military professionalism in foreign 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.

(Pub. L. 87–195, pt. II, §548, as added Pub. L. 106–280, title II, §202, Oct. 6, 2000, 114 Stat. 851; amended Pub. L. 107–228, div. B, title XII, §1212(b), Sept. 30, 2002, 116 Stat. 1429.)

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) shall be in unclassified form, but may include a classified annex.

(Pub. L. 87–195, pt. II, §549, as added Pub. L. 107–228, div. B, title XII, §1212(a), Sept. 30, 2002, 116 Stat. 1428.)

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 287d–1 of this title, except that such reimbursements may not exceed $5,000,000 in any fiscal year unless a greater amount is specifically authorized by this section.

(Pub. L. 87–195, pt. II, §551, as added Pub. L. 95–384, §12(a), Sept. 26, 1978, 92 Stat. 736; amended Pub. L. 96–92, §10(b), Oct. 29, 1979, 93 Stat. 705.)

Amendments

1979—Pub. L. 96–92 authorized reimbursement of Department of Defense for expenses incurred in furnishing assistance to the United States limited to $5,000,000 per fiscal year unless specifically authorized.

Delegation of Functions

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 in the same manner and to the same extent as a concurrent resolution of the type described in section 5(c) of Public Law 93–148 [section 1544(c) of Title 50, War and National Defense] is privileged under section 7 of such law [section 1546 of title 50, War and National Defense].

"SEC. 3. The United States civilian personnel participating in the early warning system in Sinai shall include only individuals who have volunteered to participate in such system.

"SEC. 4. Whenever United States civilian personnel, pursuant to this resolution, participate in an early warning system, the President shall, so long as the participation of such personnel continues, submit written reports to the Congress periodically, but no less frequently than once every six months, on (1) the status, scope, and anticipated duration of their participation, and (2) the feasibility of ending or reducing as soon as possible their participation by substituting nationals of other countries or by making technological changes. The appropriate committees of the Congress shall promptly hold hearings on each report of the President and report to the Congress any findings, conclusions, and recommendations.

"SEC. 5. The authority contained in this joint resolution to implement the 'United States Proposal for the Early Warning System in Sinai' does not signify approval of the Congress of any other agreement, understanding, or commitment made by the executive branch."

EXECUTIVE ORDER NO. 11896

Ex. Ord. No. 11896, Jan. 13, 1976, 41 F.R. 2067, as amended by Ex. Ord. No. 12150, July 23, 1979, 44 F.R. 43455; Ex. Ord. No. 12227, July 22, 1980, 45 F.R. 49237; Ex. Ord. No. 12357, Apr. 6, 1982, 47 F.R. 15093, which established the United States Sinai Support Mission, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

§2348a. Authorization of appropriations

(a) Fiscal years 1986 and 1987

There are authorized to be appropriated to the President to carry out the purposes of this part, in addition to amounts otherwise available for such purposes, $37,000,000 for fiscal year 1986 and $37,000,000 for fiscal year 1987.

(b) Availability of funds

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

(c) Emergency transfer of funds

If the President determines that, as the result of an unforeseen emergency, the provision of assistance under this part in amounts in excess of funds otherwise available for such assistance is important to the national interests of the United States, the President may (1) exercise the authority of section 2360(a) of this title to transfer funds available to carry out part IV of this subchapter for use under this part without regard to the 20-percent increase limitation contained in such section, except that the total amount so transferred in any fiscal year may not exceed $15,000,000; and (2) in the event the President also determines that such unforeseen emergency requires the immediate provision of assistance under this part, direct the drawdown of commodities and services from the inventory and resources of any agency of the United States Government of an aggregate value not to exceed $25,000,000 in any fiscal year.

(d) Reimbursement of applicable appropriation, fund, or account

There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for commodities and services provided under subsection (c)(2).

(Pub. L. 87–195, pt. II, §552, as added Pub. L. 95–384, §12(a), Sept. 26, 1978, 92 Stat. 736; amended Pub. L. 96–92, §10(a), (c), Oct. 29, 1979, 93 Stat. 705; Pub. L. 96–533, title I, §116(a), Dec. 16, 1980, 94 Stat. 3140; Pub. L. 97–113, title I, §114, Dec. 29, 1981, 95 Stat. 1528; Pub. L. 99–83, title I, §105(a), (b)(1), Aug. 8, 1985, 99 Stat. 195.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99–83, §105(a), amended subsec. (a) generally, substituting provisions authorizing appropriations of $37,000,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of $19,000,000 for fiscal years 1982 and 1983.

Subsec. (c). Pub. L. 99–83, §105(b)(1)(A), (B), designated existing provisions as cl. (1) and added cl. (2).

Subsec. (d). Pub. L. 99–83, §105(b)(1)(C), added subsec. (d).

1981—Subsec. (a). Pub. L. 97–113, §114(a), substituted "$19,000,000 for the fiscal year 1982 and $19,000,000 for the fiscal year 1983" for "$25,000,000 for the fiscal year 1981".

Subsec. (b). Pub. L. 97–113, §114(b), increased to $15,000,000 from $10,000,000 amount of funds authorized to be transferred in any fiscal year and deleted restriction on transfer of earmarked funds.

1980—Subsec. (a). Pub. L. 96–533 substituted "$25,000,000 for the fiscal year 1981" for "$21,100,000 for the fiscal year 1980".

1979—Subsec. (a). Pub. L. 96–92, §10(a), substituted "$21,100,000 for the fiscal year 1980" for "$30,900,000 for the fiscal year 1979".

Subsec. (c). Pub. L. 96–92, §10(c), added subsec. (c).

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Delegation of Functions

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.

§2348b. Repealed. Pub. L. 96–533, title I, §116(b), Dec. 16, 1980, 94 Stat. 3140

Section, Pub. L. 87–195, pt. II, §553, as added Pub. L. 95–384, §12(a), Sept. 26, 1978, 92 Stat. 736, provided for Middle East special requirements fund and funding limitations and requirements, including use of $3,500,000 for fiscal year 1979 for international peacekeeping in the Middle East.

§2348c. Administrative authorities

Except where expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include reference to this part and any reference in any law to subchapter II of this chapter shall be deemed to exclude reference to this part.

(Pub. L. 87–195, pt. II, §553, formerly §554, as added Pub. L. 95–384, §12(a), Sept. 26, 1978, 92 Stat. 737; renumbered §553, Pub. L. 96–533, title I, §116(b), Dec. 16, 1980, 94 Stat. 3140.)

References to Subchapter I Deemed To Include Certain Parts of Subchapter II, and References to Subchapter II Deemed To Exclude Such Parts

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

§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.

(Pub. L. 87–195, pt. II, §554, as added Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title VII, §722], Nov. 29, 1999, 113 Stat. 1536, 1501A-462.)

References in Text

Section 8079 of the Department of Defense Appropriations Act, 1998, referred to in subsec. (a), is section 8079 of Pub. L. 105–56, title VIII, Oct. 8, 1997, 111 Stat. 1236, which is not classified to the Code.

Prior Provisions

A prior section 554 of Pub. L. 87–195 was renumbered section 553 and is classified to section 2348c 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.

Part VII—Air Base Construction in Israel

§2349. General authority

The President is authorized—

(1) to construct such air bases in Israel for the Government of Israel as may be agreed upon between the Government of Israel and the Government of the United States to replace the Israeli air bases located at Etzion and Etam on the Sinai peninsula that are to be evacuated by the Government of Israel; and

(2) for purposes of such construction, to furnish as a grant to the Government of Israel, on such terms and conditions as the President may determine, defense articles and defense services, which he may acquire from any source, of a value not to exceed the amount appropriated pursuant to section 2349a(a) of this title.

(Pub. L. 87–195, pt. II, §561, as added Pub. L. 96–35, §3, July 20, 1979, 93 Stat. 89.)

Delegation of Functions

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.

§2349a. Authorization and utilization of funds

(a) Authorization of appropriation

There is authorized to be appropriated to the President to carry out this part not to exceed $800,000,000, which may be made available until expended.

(b) Presidential authority to incur obligations and enter into contracts

Upon agreement by the Government of Israel to provide to the Government of the United States funds equal to the difference between the amount required to complete the agreed construction work and the amount appropriated pursuant to subsection (a) of this section, and to make those funds available, in advance of the time when payments are due, in such amounts and at such times as may be required by the Government of the United States to meet those additional costs of construction, the President may incur obligations and enter into contracts to the extent necessary to complete the agreed construction work, except that this authority shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(c) Crediting of funds to proper appropriation account

Funds made available by the Government of Israel pursuant to subsection (b) of this section may be credited to the appropriation account established to carry out the purposes of this section for the payment of obligations incurred and for refund to the Government of Israel if they are unnecessary for that purpose, as determined by the President. Credits and the proceeds of guaranteed loans made available to the Government of Israel pursuant to the Arms Export Control Act [22 U.S.C. 2751 et seq.], as well as any other source of financing available to it, may be used by Israel to carry out its undertaking to provide such additional funds.

(Pub. L. 87–195, pt. II, §562, as added Pub. L. 96–35, §3, July 20, 1979, 93 Stat. 90.)

References in Text

The Arms Export Control Act, referred to in subsec. (c), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Delegation of Functions

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.

§2349b. Waiver authorities

(a) Efficient and timely completion of authorized construction

It is the sense of the Congress that the President should take all necessary measures consistent with law to insure the efficient and timely completion of the construction authorized by this part, including the exercise of authority vested in him by section 2393(a) of this title.

(b) Use of funds to pay for personal services abroad

The provisions of paragraph (3) of section 2396(a) of this title shall be applicable to the use of funds available to carry out this part, except that no more than sixty persons may be engaged at any one time under that paragraph for purposes of this part.

(Pub. L. 87–195, pt. II, §563, as added Pub. L. 96–35, §3, July 20, 1979, 93 Stat. 90.)

Delegation of Functions

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.

(Pub. L. 87–195, pt. II, §571, as added Pub. L. 98–151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972; amended Pub. L. 104–164, title I, §121(a), July 21, 1996, 110 Stat. 1428.)

Codification

Section 571 of Pub. L. 87–195 is based on section 201 of title II of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98–151.

Amendments

1996—Pub. L. 104–164 substituted "Notwithstanding any other provision of law that restricts assistance to foreign countries (other than sections 2304 and 2371 of this title)" for "Subject to the provisions of this part".

Effective Date

Section 203 of title II of H.R. 2992, as enacted into permanent law by Pub. L. 98–151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972, 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.

(Pub. L. 87–195, pt. II, §572, as added Pub. L. 98–151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972.)

Codification

Section 572 of Pub. L. 87–195 is based on section 201 of title II of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98–151.

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.

(Pub. L. 87–195, pt. II, §573, as added Pub. L. 98–151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972; amended Pub. L. 99–83, title V, §501(b), (c), Aug. 8, 1985, 99 Stat. 220; Pub. L. 99–399, title V, §507, Aug. 27, 1986, 100 Stat. 873; Pub. L. 101–604, title II, §213(b), Nov. 16, 1990, 104 Stat. 3086; Pub. L. 103–236, title I, §162(e)(3), Apr. 30, 1994, 108 Stat. 405; Pub. L. 104–132, title III, §328(a), Apr. 24, 1996, 110 Stat. 1257; Pub. L. 104–164, title I, §121(b), July 21, 1996, 110 Stat. 1428.)

References in Text

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

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Codification

Section 573 of Pub. L. 87–195 is based on section 201 of title II of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98–151.

Amendments

1996—Pub. L. 104–164, §121(b)(1), substituted "Limitations" for "Specific authorities and limitations" as section catchline.

Subsecs. (a), (b). Pub. L. 104–164, §121(b)(2), (3), redesignated subsecs. (b) and (c) as (a) and (b), respectively, and struck out former subsec. (a) which read as follows: "Notwithstanding section 2420 of this title, services and commodities may be granted for the purposes of this part to eligible foreign countries, subject to reimbursement of the value thereof (within the meaning of section 2403(m) of this title) pursuant to section 2392 of this title from funds available to carry out this part."

Subsec. (c). Pub. L. 104–164, §121(b)(4), which directed the amendment of subsec. (c) by striking out pars. (1) and (2), redesignating pars. (3) to (5) as (1) to (3), respectively, and amending par. (2) generally, could not be executed because subsec. (c) [formerly (d)] did not contain pars. (3) to (5) subsequent to amendment by Pub. L. 104–132, §328(a)(2), see below.

Pub. L. 104–164, §121(b)(3), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Pub. L. 104–132, §328(a)(1), struck out "development and implementation of the antiterrorism assistance program under this part, including" after "shall be consulted in the".

Subsec. (d). Pub. L. 104–164, §121(b)(3), redesignated subsecs. (e) as (d). Former subsec. (d) redesignated (c).

Pub. L. 104–132, §328(a)(2), amended subsec. (d) generally, substituting pars. (1) and (2) for former pars. (1) to (5) which related to location for training and advice, law enforcement personnel training, availability of items on United States Munitions List, and services, equipment, personnel, and facilities involved in collection of intelligence.

Subsec. (e). Pub. L. 104–164, §121(b)(3), which directed redesignation of subsec. (f) as (e), could not be executed because of prior amendment by Pub. L. 104–132, §328(a)(3), see below. Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 104–132, §328(a)(3), struck out subsec. (f) which read as follows: "Funds made available to carry out this part may not be used for personnel compensation or benefits."

1994—Subsec. (c). Pub. L. 103–236 substituted "Democracy, Human Rights, and Labor" for "Human Rights and Humanitarian Affairs".

1990—Subsec. (d)(1) to (3). Pub. L. 101–604 added pars. (1) to (3) and struck out former pars. (1) to (3) which read as follows:

"(1) Training services provided pursuant to this part shall not be conducted outside the United States.

"(2) Personnel of the United States Government authorized to advise eligible foreign countries on antiterrorism matters shall carry out their responsibilities, to the maximum extent possible, within the United States. Such personnel may provide advice outside the United States on antiterrorism matters to eligible foreign countries for periods not to exceed thirty consecutive calendar days.

"(3) Employees of the Department of State shall not engage in the training of law enforcement personnel or provision of services under this part, except that employees of the Office of Security of the Department of State may provide training and services to law enforcement personnel for the physical protection of internationally protected persons and related facilities."

1986—Subsec. (d)(4). Pub. L. 99–399, in amending par. (4) generally, included articles in category X and articles in par. (b), (c), or (d) of category XIII as articles on the United States Munitions List which could be made available, struck out availability of articles only for fiscal years 1986 and 1987, substituted provision that the value in any fiscal year not exceed 25 percent of the funds available to carry out this part for that fiscal year for provision that the value not exceed $325,000 in fiscal year 1986 or 1987, and provided that no shock batons or similar devices be provided under this part.

1985—Subsec. (d)(4). Pub. L. 99–83, §501(b), in amending par. (4) generally, designated existing provisions as subpar. (A), inserted provisions excepting subpar. (B), and added subpars. (B) and (C).

Subsec. (f). Pub. L. 99–83, §501(c), added subsec. (f).

Effective Date of 1994 Amendment

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

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Authority of Secretary of State

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103–236, set out as a note under section 2651a of this title.

Delegation of Functions

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–3. Repealed. Pub. L. 104–164, title I, §121(c), July 21, 1996, 110 Stat. 1428

Section, Pub. L. 87–195, pt. II, §574, as added Pub. L. 98–151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972, directed President to transmit to Congress, not less than 30 days before providing assistance to foreign country under this part, a report which specified terms and objectives of such assistance, and

required annual presentation to Congress of information on all countries that received assistance under this part for each fiscal year.

§2349aa–4. Authorization of appropriations

(a) There are authorized to be appropriated to the President to carry out this part $72,000,000 for fiscal year 2001, $73,000,000 for fiscal year 2002, and $64,200,000 for fiscal year 2003.

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

(Pub. L. 87–195, pt. II, §574, formerly §575, as added Pub. L. 98–151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972; amended Pub. L. 99–83, title V, §501(a), Aug. 8, 1985, 99 Stat. 219; Pub. L. 99–399, title IV, §401(a)(2), Aug. 27, 1986, 100 Stat. 862; renumbered §574, Pub. L. 104–164, title I, §121(d), July 21, 1996, 110 Stat. 1428; Pub. L. 106–280, title IV, §401, Oct. 6, 2000, 114 Stat. 854; Pub. L. 107–228, div. B, title XII, §1251, Sept. 30, 2002, 116 Stat. 1433.)

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 $64,200,000 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 1986 and $14,680,000 for fiscal year 1987".

1986—Subsec. (a). Pub. L. 99–399 substituted "$14,680,000 for the fiscal year 1987" for "$9,840,000 for the fiscal year 1987".

1985—Pub. L. 99–83, in amending section generally, designated existing provisions as subsecs. (a) and (b), and in subsec. (a) as so designated, substituted provisions appropriating $9,840,000 for fiscal years 1986 and 1987 for provisions appropriating $5,000,000 for fiscal year 1984.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

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.

(Pub. L. 87–195, pt. II, §575, formerly §576, as added Pub. L. 98–151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972; renumbered §575, Pub. L. 104–164, title I, §121(d), July 21, 1996, 110 Stat. 1428.)

References to Subchapter I Deemed To Include Certain Parts of Subchapter II, and References to Subchapter II Deemed To Exclude Such Parts

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

Codification

Section 575, formerly 576, of Pub. L. 87–195 is based on section 201 of title II of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98–151.

Prior Provisions

A prior section 575 of Pub. L. 87–195 was renumbered section 574 and is classified to section 2349aa–4 of this title.

§2349aa–6. Repealed. Pub. L. 99–83, title V, §501(d), Aug. 8, 1985, 99 Stat. 220

Section, Pub. L. 87–195, pt. II, §577, as added Pub. L. 98–151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972, provided for expiration of authorities of this part on Sept. 30, 1985.

Effective Date of Repeal

Repeal effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as an Effective Date of 1985 Amendment note under section 2151–1 of this title.

§2349aa–7. Coordination of all United States terrorism-related assistance to foreign countries

(a) Responsibility

The Secretary of State shall be responsible for coordinating all assistance related to 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.

(Pub. L. 99–83, title V, §502, Aug. 8, 1985, 99 Stat. 220; Pub. L. 99–399, title V, §503, Aug. 27, 1986, 100 Stat. 871.)

References in Text

Executive Order 12333, referred to in subsec. (c), is set out as a note under section 3001 of Title 50, War and National Defense.

Codification

Section was enacted as part of the International Security and Development Cooperation Act of 1985, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Amendments

1986—Pub. L. 99–399, §503(1), substituted "terrorism-related" for "anti-terrorism" in section catchline.

Subsec. (a). Pub. L. 99–399, §503(2), substituted "assistance related to international terrorism which is provided by the United States Government to foreign countries" for "anti-terrorism assistance to foreign countries provided by the United States Government".

Subsec. (b). Pub. L. 99–399, §503(3), substituted "assistance related to international terrorism which was" for "anti-terrorism assistance".

Subsec. (c). Pub. L. 99–399, §503(4), added subsec. (c).

Effective Date

Section effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as an Effective Date of 1985 Amendment note under section 2151–1 of this title.

§2349aa–8. Prohibition on imports from and exports to Libya

(a) Prohibition on imports

Notwithstanding any other provision of law, the President may prohibit any article grown, produced, extracted, or manufactured in Libya from being imported into the United States.

(b) Prohibition on exports

Notwithstanding any other provision of law, the President may prohibit any goods or technology, including technical data or other information, subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States, from being exported to Libya.

(c) "United States" defined

For purposes of this section, the term "United States", when used in a geographical sense, includes territories and possessions of the United States.

(Pub. L. 99–83, title V, §504, Aug. 8, 1985, 99 Stat. 221.)

Codification

Section was enacted as part of the International Security and Development Cooperation Act of 1985, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Effective Date

Section effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as an Effective Date of 1985 Amendment note under section 2151–1 of this title.

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–9. Ban on importing goods and services from countries supporting terrorism

(a) Authority

The President may ban the importation into the United States of any good or service from any country which supports terrorism or terrorist organizations or harbors terrorists or terrorist organizations.

(b) Consultation

The President, in every possible instance, shall consult with the Congress before exercising the authority granted by this section and shall consult regularly with the Congress so long as that authority is being exercised.

(c) Reports

Whenever the President exercises the authority granted by this section, he shall immediately transmit to the Congress a report specifying—

(1) the country with respect to which the authority is to be exercised and the imports to be prohibited;
(2) the circumstances which necessitate the exercise of such authority;
(3) why the President believes those circumstances justify the exercise of such authority; and
(4) why the President believes the prohibitions are necessary to deal with those circumstances.

At least once during each succeeding 6-month period after transmitting a report pursuant to this subsection, the President shall report to the Congress with respect to the actions taken, since the last such report, pursuant to this section and with respect to any changes which have occurred concerning any information previously furnished pursuant to this subsection.

(d) "United States" defined

For purposes of this section, the term "United States" includes territories and possessions of the United States.

(Pub. L. 99–83, title V, §505, Aug. 8, 1985, 99 Stat. 221.)

Codification

Section was enacted as part of the International Security and Development Cooperation Act of 1985, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Effective Date

Section effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as an Effective Date of 1985 Amendment note under section 2151–1 of this title.

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 designated 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.

(Pub. L. 104–132, title III, §328, Apr. 24, 1996, 110 Stat. 1257.)

References in Text

Section 2349aa–4 of this title, referred to in subsec. (b)(1), was in the original "section 575", which was translated as meaning section 575 of the Foreign Assistance Act of 1961. Section 575 of the Act was renumbered section 574 by section 121(d) of Pub. L. 104–164 without corresponding amendment to this section.

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 that section.

Codification

Section is comprised of section 328 of Pub. L. 104–132. Subsec. (a) of section 328 of Pub. L. 104–132 amended section 2349aa–2 of this title.

Section was enacted as part of the Antiterrorism and Effective Death Penalty Act of 1996, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

"Assistance" Defined

Pub. L. 104–132, title III, §329, Apr. 24, 1996, 110 Stat. 1258, provided that: "For purposes of this title [enacting this section and sections 262p–4q, 2377, 2378, and 2781 of this title, section 1189 of Title 8, Aliens and Nationality, and sections 2332d and 2339B of Title 18, Crimes and Criminal Procedure, amending section 2349aa–2 of this title, section 2339A of Title 18, and section 44906 of Title 49, Transportation, and enacting provisions set out as notes under section 2377 of this title and sections 2332d and 2339B of Title 18]—

"(1) the term 'assistance' means assistance to or for the benefit of a government of any country that is provided by grant, concessional sale, guaranty, insurance, or by any other means on terms more favorable than generally available in the applicable market, whether in the form of a loan, lease, credit, debt relief, or otherwise, including subsidies for exports to such country and favorable tariff treatment of articles that are the growth, product, or manufacture of such country; and

"(2) the term 'assistance' does not include assistance of the type authorized under chapter 9 of part 1 of the Foreign Assistance Act of 1961 [22 U.S.C. 2292 et seq.] (relating to international disaster assistance)."

[1] *See References in Text note below.*

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.

(Pub. L. 87–195, pt. II, §581, as added Pub. L. 106–280, title III, §301, Oct. 6, 2000, 114 Stat. 851.)

Nonproliferation Technology Acquisition Programs for Friendly Foreign Countries

Pub. L. 107–228, div. B, title XIII, §1302, Sept. 30, 2002, 116 Stat. 1435, provided that:

"(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 by section 585 [586] of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) [22 U.S.C. 2349bb–4], the Secretary is authorized to make available—

"(1) $5,000,000 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.

(Pub. L. 87–195, pt. II, §582, as added Pub. L. 106–280, title III, §301, Oct. 6, 2000, 114 Stat. 852.)

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) 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.

(Pub. L. 87–195, pt. II, §583, as added Pub. L. 106–280, title III, §301, Oct. 6, 2000, 114 Stat. 852; amended Pub. L. 109–472, §10(c), Jan. 11, 2007, 120 Stat. 3557.)

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.

(Pub. L. 87–195, pt. II, §584, as added Pub. L. 107–228, div. B, title XIII, §1303(2), Sept. 30, 2002, 116 Stat. 1436.)

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.

(Pub. L. 87–195, pt. II, §585, formerly §584,as added Pub. L. 106–280, title III, §301, Oct. 6, 2000, 114 Stat. 852; renumbered §585, Pub. L. 107–228, div. B, title XIII, §1303(1), Sept. 30, 2002, 116 Stat. 1436.)

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) 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) shall be considered to be made available pursuant to this part.

(d) Covered activities

The activities referred to in subsection (c) 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 or the FREEDOM Support Act (22 U.S.C. 5801 et seq.).

(Pub. L. 87–195, pt. II, §586, formerly §585, as added Pub. L. 106–280, title III, §301, Oct. 6, 2000, 114 Stat. 852; renumbered §586 and amended Pub. L. 107–228, div. B, title XIII, §§1301(a), 1303(1), Sept. 30, 2002, 116 Stat. 1435, 1436.)

References in Text

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, referred to in subsec. (c), is Pub. L. 107–115, Jan. 10, 2002, 115 Stat. 2118, also known as the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002. For complete classification of this Act to the Code, see Tables.

The FREEDOM Support Act, referred to in subsec. (d)(4), is Pub. L. 102–511, Oct. 24, 1992, 106 Stat. 3320, as amended, also known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

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".

Subsec. (c). Pub. L. 107–228, §1301(a)(2), struck out "fiscal year 2001" before "appropriations" in heading and substituted "2002" for "2001" 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.

§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.

(Pub. L. 109–472, §10(a), Jan. 11, 2007, 120 Stat. 3557.)

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.

(Pub. L. 109–472, §11, Jan. 11, 2007, 120 Stat. 3557.)

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-Portable 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 and since the end of 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 IN 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 submittal 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 any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

"(iv) 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.

"(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

"(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives."

[Memorandum of President of the United States, Apr. 20, 2012, 77 F.R. 28757, delegated the reporting functions conferred upon the President by section 1235(c) of Pub. L. 112–81, set out above, to the Secretary of State.]

PART I—GENERAL PROVISIONS

§2351. Encouragement of free enterprise and private participation

(a) Policy of United States

The Congress of the United States recognizes the vital role of free enterprise in achieving rising levels of production and standards of living essential to economic progress and development. Accordingly, it is declared to be the policy of the United States to encourage the efforts of other countries to increase the flow of international trade, to foster private initiative and competition, to encourage the development and use of cooperatives, credit unions, and savings and loan associations, to discourage monopolistic practices, to improve the technical efficiency of their industry, agriculture, and commerce, and to strengthen free labor unions; and to encourage the contribution of United States enterprise toward economic strength of less developed friendly countries, through private trade and investment abroad, private participation in programs carried out under this chapter (including the use of private trade channels to the maximum extent practicable in carrying out such programs), and exchange of ideas and technical information on the matters covered by this subsection.

(b) Action by President to facilitate participation to maximum extent

In order to encourage and facilitate participation by private enterprise to the maximum extent practicable in achieving any of the purposes of this chapter, the President shall—

(1) make arrangements to find, and draw the attention of private enterprise to, opportunities for investment and development in less-developed friendly countries and areas;

(2) establish an effective system for obtaining adequate information with respect to the activities of, and opportunities for, nongovernmental participation in the development process, and for utilizing such information in the planning, direction, and execution of programs carried out under this chapter, and in the coordination of such programs with the ever-increasing developmental activities of nongovernmental United States institutions;

(3) accelerate a program of negotiating treaties for commerce and trade, including tax treaties, which shall include provisions to encourage and facilitate the flow of private investment to, and its equitable treatment in, friendly countries and areas participating in programs under this chapter;

(4) seek, consistent with the national interest, compliance by other countries or areas with all treaties for commerce and trade and taxes, and take all reasonable measures under this chapter or other authority to secure compliance therewith and to assist United States citizens in obtaining just compensation for losses sustained by them or payments exacted from them as a result of measures taken or imposed by any country or area thereof in violation of any such treaty;

(5) to the maximum extent practicable carry out programs of assistance through private channels and to the extent practicable in conjunction with local private or governmental participation, including loans under the authority of section 2151t of this title to any individual, corporation, or other body of persons;

(6) take appropriate steps to discourage nationalization, expropriation, confiscation, seizure of ownership or control, of private investment and discriminatory or other actions having the effect thereof, undertaken by countries receiving assistance under this chapter, which divert available resources essential to create new wealth, employment, and productivity in those countries and otherwise impair the climate for new private investment essential to the stable economic growth and development of those countries;

(7) utilize wherever practicable the services of United States private enterprise (including, but not limited to, the services of experts and consultants in technical fields such as engineering); and

(8) utilize wherever practicable the services of United States private enterprise on a cost-plus incentive fee contract basis to provide the necessary skills to develop and operate a specific project or program of assistance in a less developed friendly country or area in any case in which direct private investment is not readily encouraged, and provide where appropriate for the transfer of equity ownership in such project or program to private investors at the earliest feasible time.

(c) International Private Investment Advisory Council on Foreign Aid; establishment; composition; selection of members by Administrator; duration of service; Chairman; duties of Council; compensation; travel and other expenses; funds for payment of expenses of Council

(1) There is hereby established an International Private Investment Advisory Council on Foreign Aid to be composed of such number of leading American business specialists as may be selected, from time to time, by the Administrator of the Agency for International Development for the purpose of carrying out the provisions of this subsection. The members of the Council shall serve at the pleasure of the Administrator, who shall designate one member to serve as Chairman.

(2) It shall be the duty of the Council, at the request of the Administrator, to make recommendations to the Administrator with respect to particular aspects of programs and activities under this chapter where private enterprise can play a contributing role and to act as liaison for the Administrator to involve specific private enterprises in such programs and activities.

(3) The members of the Advisory Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 for travel and other expenses incurred by them in the performance of their functions under this subsection.

(4) The expenses of the Advisory Council shall be paid by the Administrator from funds otherwise available under this chapter.

(d) Engineering and professional services of United States firms

It is the sense of Congress that the Agency for International Development should continue to encourage, to the maximum extent consistent with the national interest, the utilization of engineering and professional services of United States firms (including, but not limited to, any corporation, company, partnership, or other association) or by an affiliate of such United States firms in connection with capital projects financed by funds authorized under this chapter.

(e) Contracts on basis of competitive selection procedures

(1) The Congress finds that significantly greater effort must be made in carrying out programs under subchapter I of this chapter to award contracts on the basis of competitive selection procedures. All such contracts should be let on the basis of competitive selection procedures except in those limited cases in which the procurement regulations governing the agency primarily responsible for administering subchapter I of this chapter allow noncompetitive procedures to be used.

(2) Repealed. Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560.

(Pub. L. 87–195, pt. III, §601, Sept. 4, 1961, 75 Stat. 438; Pub. L. 88–205, pt. III, §301(a), (b), Dec. 16, 1963, 77 Stat. 385; Pub. L. 88–633, pt. III, §301(a), (b), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 89–583, pt. III, §301(a), Sept. 19, 1966, 80 Stat. 803; Pub. L. 90–137, pt. III, §301(a), Nov. 14, 1967, 81 Stat. 458; Pub. L. 95–424, title I, §102(g)(2)(B), title V, §501, Oct. 6, 1978, 92 Stat. 942, 956; Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560.)

References in Text

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

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Amendments

1981—Subsec. (e)(2). Pub. L. 97–113 struck out par. (2) which required reports to Congress on Agency for International Development contracts over $100,000 entered into without competitive selection. See section 2394(a)(2)(F) of this title.

1978—Subsec. (b)(5). Pub. L. 95–424 substituted "section 2151t" for "section 2161".

Subsec. (e). Pub. L. 95–424 added subsec. (e).

1967—Subsec. (c)(3). Pub. L. 90–137 substituted reference to section 5703 for former section 73b–2 of title 5.

1966—Subsec. (b)(2) to (8). Pub. L. 89–583, §301(a)(1)–(3), added par. (2), redesignated former pars. (2) to (6) as (3) to (7), respectively, and added par. (8).

Subsec. (c). Pub. L. 89–583, §301(a)(4), substituted provisions relating to International Private Investment Advisory Council on Foreign Aid for former provisions relating to Advisory Committee on Private Enterprise in Foreign Aid.

1964—Subsec. (c)(4). Pub. L. 88–633, §301(a), substituted "June 30, 1965" for "December 31, 1964".

Subsec. (d). Pub. L. 88–633, §301(b), added subsec. (d).

1963—Subsec. (b). Pub. L. 88–205, §301(a), substituted "to the maximum extent practicable" for "wherever appropriate" in par. (4), and added pars. (5) and (6).

Subsec. (c). Pub. L. 88–205, §301(b), added subsec. (c).

Effective Date of 1978 Amendment

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

Delegation of Functions

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 Business, in such agency of the United States Government as the President may direct, to assist in carrying out the provisions of subsection (a) of this section.

(c) Information with respect to certain purchases by Department of Defense

The Secretary of Defense shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchases made by the Department of Defense pursuant to subchapter II of this chapter, such information to be furnished as far in advance as possible.

(Pub. L. 87–195, pt. III, §602, Sept. 4, 1961, 75 Stat. 439.)

References in Text

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

References to Subchapter II Deemed To Exclude Certain Parts of Subchapter II

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

Delegation of Functions

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

Pub. L. 107–228, div. A, title VI, §687, Sept. 30, 2002, 116 Stat. 1411, provided that:

"(a) 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 business concerns owned and controlled by women;

"(iv) small businesses participating in the program under section 8(a) of such Act [probably means section 8(a) of the Small Business 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 contract 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 for 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.

PROCUREMENTS FROM SMALL BUSINESSES

Pub. L. 94–329, title VI, §602, June 30, 1976, 90 Stat. 766, provided that: "In order to encourage procurements from small business concerns under chapter 4 of the Foreign Assistance Act of 1961 [part IV of subchapter II of this chapter], the Administrator of the Agency for International Development shall report to the Congress every six months on the extent to which small businesses have participated in procurements under such chapter [part] and on what efforts the Agency has made to foster such procurements from small business concerns. The Small Business Administration shall lend all available assistance to the Agency for the purposes of carrying out this section."

[For termination, effective May 15, 2000, of reporting provisions in section 602 of Pub. L. 94–329, set out above, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 130 of House Document No. 103–7.]

§2353. Shipping on United States vessels

The ocean transportation between foreign countries of commodities and defense articles purchased with foreign currencies made available or derived from funds made available under this chapter or the Food for Peace Act, as amended [7 U.S.C. 1691 et seq.], and transfers of fresh fruit and products thereof under this chapter, shall not be governed by the provisions of section 55305 of title 46, or any other law relating to the ocean transportation of commodities on United States flag vessels.

(Pub. L. 87–195, pt. III, §603, Sept. 4, 1961, 75 Stat. 439; Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

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 Food for Peace Act, as amended, referred to in text, 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.

CODIFICATION

In text, "section 55305 of title 46" substituted for "section 901(b) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1241)" on authority of Pub. L. 109–304, §18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 55305 of Title 46, Shipping.

AMENDMENTS

2008—Pub. L. 110–246 substituted "Food for Peace Act" for "Agricultural Trade Development and Assistance Act of 1954".

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.

§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 941, which have attained a competitive capability in international markets for construction services or engineering services.
(2) Paragraph (1) does not apply with respect to an advanced developing country which—
(A) is receiving direct economic assistance under part I of subchapter I of this chapter or part IV of subchapter II of this chapter, and
(B) if the country has its own foreign assistance programs which finance the procurement of construction or engineering services, permits United States firms to compete for those services.

(Pub. L. 87–195, pt. III, §604, Sept. 4, 1961, 75 Stat. 439; Pub. L. 89–583, pt. III, §301(b), Sept. 19, 1966, 80 Stat. 804; Pub. L. 90–554, pt. III, §301(a), Oct. 8, 1968, 82 Stat. 963; Pub. L. 96–533, title VII, §705, Dec. 16, 1980, 94 Stat. 3157; Pub. L. 99–83, title XII, §1207, Aug. 8, 1985, 99 Stat. 278; Pub. L. 102–391, title V, §597, Oct. 6, 1992, 106 Stat. 1694; Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

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 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa–5 of this title.

References to Part I Deemed To Include Section 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Amendments

2008—Subsec. (c). Pub. L. 110–246 substituted "Food for Peace Act" for "Agricultural Trade Development and Assistance Act of 1954".

1992—Subsec. (a). Pub. L. 102–391 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Funds made available under this chapter may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States, and only if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment."

1985—Subsec. (g). Pub. L. 99–83 designated existing provisions as par. (1) and added par. (2).

1980—Subsec. (e). Pub. L. 96–533, §705(a), authorized use of funds for procurement of a commodity outside the United States when the commodity to be financed could not reasonably be procured in the United States in fulfillment of objectives of a particular assistance program under which such commodity procurement is to be financed.

Subsec. (g). Pub. L. 96–533, §705(b), added subsec. (g).

1968—Subsec. (f). Pub. L. 90–554 added subsec. (f).

1966—Subsec. (c). Pub. L. 89–583, §301(b)(1), struck out "surplus" before "agricultural commodity" in three places and inserted "or products thereof available for disposition under the Agricultural Trade Development and Assistance Act of 1954, as amended," after "commodity" where first appearing.

Subsec. (e). Pub. L. 89–583, §301(b)(2), added subsec. (e).

Effective Date of 2008 Amendment

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Delegation of Functions

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

§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.

(Pub. L. 87–195, pt. III, §605, Sept. 4, 1961, 75 Stat. 440; Pub. L. 89–171, pt. III, §301(a), Sept. 6, 1965, 79 Stat. 658.)

References in Text

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

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Amendments

1965—Subsecs. (c), (d). Pub. L. 89–171 added subsecs. (c) and (d).

Delegation of Functions

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, within six years after the cause of action arises. Any period during which the United States Government is in possession of a written claim under subsection (b) of this section before mailing a notice of denial of that claim does not count in computing the six years. In any such suit, the United States Government may plead any defense that may be pleaded by a private person in such an action. The last paragraph of section 1498(a) of title 28 shall apply to inventions and information covered by this section.

(b) Settlement of claims

Before suit against the United States Government has been instituted, the head of the agency of the United States Government concerned may settle and pay any claim arising under the circumstances described in subsection (a) of this section. No claim may be paid under this subsection unless the amount tendered is accepted by the claimant in full satisfaction.

(c) Drug products manufactured outside the United States

Funds appropriated pursuant to this chapter shall not be expended by the United States Government for the acquisition of any drug product or pharmaceutical product manufactured outside the United States if the manufacture of such drug product or pharmaceutical product in the United States would involve the use of, or be covered by, an unexpired patent of the United States which has not previously been held invalid by an unappealed or unappealable judgment or decree of a court of competent jurisdiction, unless such manufacture is expressly authorized by the owner of such patent.

(Pub. L. 87–195, pt. III, §606, Sept. 4, 1961, 75 Stat. 440; Pub. L. 97–164, title I, §160(a)(6), Apr. 2, 1982, 96 Stat. 48; Pub. L. 102–572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

References in Text

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

Amendments

1992—Subsec. (a). Pub. L. 102–572 substituted "United States Court of Federal Claims" for "United States Claims Court".

1982—Subsec. (a). Pub. L. 97–164 substituted "United States Claims Court" for "Court of Claims".

Effective Date of 1992 Amendment

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

Effective Date of 1982 Amendment

Amendment by Pub. L. 97–164 effective Oct. 1, 1982, see section 402 of Pub. L. 97–164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

§2357. Furnishing of services and commodities

(a) Advance-of-funds or reimbursement basis

Whenever the President determines it to be consistent with and in furtherance of the purposes of subchapter I of this chapter and within the limitations of this chapter, any agency of the United States Government is authorized to furnish services and commodities on an advance-of-funds or reimbursement basis to friendly countries, international organizations, the American Red Cross, and voluntary nonprofit relief agencies registered with and approved by the Agency for International Development (including foreign voluntary nonprofit relief agencies so registered and approved when no United States voluntary nonprofit relief agency is available). Such advances or reimbursements may be credited to the currently applicable appropriation, account, or fund of the agency concerned and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used, under the following circumstances:

(1) Advances or reimbursements which are received under this section within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered.

(2) Advances or reimbursements received pursuant to agreements executed under this section in which reimbursement will not be completed within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered: *Provided*, That such agreements require the payment of interest at the current rate established pursuant to section 635(b)(1)(B) of title 12, and repayment of such principal and interest does not exceed a period of three years from the date of signing of the agreement to provide the service: *Provided further*, That funds available for this paragraph in any fiscal year shall not exceed $1,000,000 of the total funds authorized for use in such fiscal year by part I of subchapter I of this chapter, and shall be available only to the extent provided in appropriation Acts. Interest shall accrue as of the date of disbursement to the agency or organization providing such services.

(b) Agency contracts with individuals to perform services

When any agency of the United States Government provides services on an advance-of-funds or reimbursable basis under this section, such agency may contract with individuals for personal service abroad or in the United States to perform such services or to replace officers or employees of the United States Government who are assigned by the agency to provide such services. Such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Director of the Office of Personnel Management.

(c) Excess property

(1) Except as provided in subsection (d), 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), Government-owned excess property made available under this section or section 2358 of this title in order to support activities carried out under subchapter I of this chapter which are designed to enhance environmental protection in foreign countries if the Secretary of State makes a written determination—

(1) that there is a need for such property in the quantity requested and that such property is suitable for the purpose requested;

(2) as to the status and responsibility of the designated end-user and his ability effectively to use and maintain such property; and

(3) that the residual value, serviceability, and appearance of such property would not reflect unfavorably on the image of the United States and would justify the costs of packing, crating, handling, transportation, and other accessorial costs, and that the residual value at least equals the total of these costs.

(Pub. L. 87–195, pt. III, §607, Sept. 4, 1961, 75 Stat. 441; Pub. L. 90–554, pt. III, §301(b), Oct. 8, 1968, 82 Stat. 963; Pub. L. 94–161, title III, §315, Dec. 20, 1975, 89 Stat. 867; Pub. L. 95–88, title I, §122(a), Aug. 3, 1977, 91 Stat. 541; Pub. L. 95–424, title V, §503, Oct. 6, 1978, 92 Stat. 959; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 96–53, title I, §121, Aug. 14, 1979, 93 Stat. 366; Pub. L. 99–93, title I, §129, Aug. 16, 1985, 99 Stat. 419.)

References in Text

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

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

References to Part I Deemed To Include Section 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Amendments

1985—Subsec. (c)(1). Pub. L. 99–93, §129(1)(A), (B), designated existing provisions of subsec. (c) as par. (1), redesignated existing pars. (1), (2), and (3) as subpars. (A), (B), and (C), respectively, and in introductory provisions of par. (1) as so designated substituted "Except as provided in subsection (d), no" for "No".

Subsec. (c)(2). Pub. L. 99–93, §129(1)(C), added par. (2).

Subsec. (d). Pub. L. 99–93, §129(2), added subsec. (d).

1979—Subsec. (a). Pub. L. 96–53 substituted "Agency for International Development" for "Advisory Committee on Voluntary Foreign Aid".

1978—Subsecs. (b), (c). Pub. L. 95–424 added subsec. (b) and redesignated former subsec. (b) as (c).

1977—Subsec. (a). Pub. L. 95–88 inserted "(including foreign voluntary nonprofit relief agencies so registered and approved when no United States voluntary nonprofit relief agency is available)" after "and voluntary nonprofit relief agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid" in provisions preceding par. (1).

1975—Subsec. (a). Pub. L. 94–161 substituted "currently" for "current", incorporated text following "Such advances or reimbursements" in provisions designated cl. (1) and added cl. (2).

1968—Pub. L. 90–554 designated existing provisions as subsec. (a) and added subsec. (b).

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

Regulations

Pub. L. 95–88, title I, §122(b), Aug. 3, 1977, 91 Stat. 541, provided that: "For purposes of implementing the amendment made by subsection (a) [amending this section], the President shall issue regulations governing registration with and approval by the Advisory Committee on Voluntary Foreign Aid of foreign voluntary nonprofit agencies."

Transfer of Functions

"Director of the Office of Personnel Management" substituted for "Civil Service Commission" in subsec. (b) pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in the United States Civil Service Commission to the Director of the Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

Authority of Secretary of State

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103–236, set out as a note under section 2651a of this title.

Delegation of 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.

Delegation of Authority

Memorandum of President of the United States, Feb. 16, 1995, 60 F.R. 10793, provided:

Memorandum for the Secretary of State [and] the Administrator of the Agency for International Development

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate as follows certain authorities vested in the President:

(A) the functions under section 607 of the Foreign Assistance Act of 1961, as amended (FAA) [22 U.S.C. 2357], to the Secretary of State and to the Administrator of the Agency for International Development, respectively, for matters within their respective areas of responsibility; and

(B) the functions in the first proviso under the heading "Population, Development Assistance," contained in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306) [108 Stat. 1611], and in comparable provisions in successor legislation, to the Secretary of State relating to those organizations and programs for which the Secretary of State has funding responsibility.

The delegations of authority described in subparagraph (A) are in addition to other delegations of such authority to the International Development Cooperation Agency.

The delegation of authority described above in subparagraph (B) shall be exercised in lieu of the delegation of the comparable authority to the Administrator of the Agency for International Development by section 1–102(a)(7) of Executive Order No. 12163, as amended [22 U.S.C. 2381 note].

Any reference in this memorandum to any Act, order, determination, or delegation of authority shall be deemed to be a reference to such Act, order, determination, or delegation of authority as amended from time to time.

The functions delegated by this memorandum may be redelegated within the Department of State or the Agency for International Development, as appropriate.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§2358. Foreign and domestic excess property

(a) Advance acquisition of property; special account for payment of costs; limitation; use of property

It is the sense of the Congress that in furnishing assistance under subchapter I of this chapter excess personal property, or (if a substantial savings would occur) other property already owned by an agency of the United States Government, shall be utilized wherever practicable in lieu of or supplementary to the procurement of new items for United States-assisted projects and programs. The President is authorized to maintain in a separate account, which shall, notwithstanding section 1535(d) of title 31, be free from fiscal year limitation, $5,000,000 of funds made available under part I of subchapter I of this chapter, which may be used to pay costs (including personnel costs) of acquisition, storage, renovation and rehabilitation, packing, crating, handling, transportation, and related costs of property classified as domestic or foreign excess property pursuant to chapters 1 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, 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 1 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 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 1 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.

(Pub. L. 87–195, pt. III, §608, Sept. 4, 1961, 75 Stat. 441; Pub. L. 89–583, pt. III, §301(c), Sept. 19, 1966, 80 Stat. 804; Pub. L. 90–137, pt. III, §301(b), Nov. 14, 1967, 81 Stat. 458; Pub. L. 95–424, title I, §102(g)(2)(C), Oct. 6, 1978, 92 Stat. 942; Pub. L. 97–113, title VII, §701, Dec. 29, 1981, 95 Stat. 1543.)

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

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

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

CODIFICATION

In text, "chapters 1 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" substituted for references to the Federal Property and

Administrative Services Act of 1949, as amended, on authority of Pub. L. 107–217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (a), "section 1535(d) of title 31" substituted for "section 1210 of the General Appropriation Act, 1951 (64 Stat. 765) [31 U.S.C. 686–1]" on authority of Pub. L. 97–258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

In subsec. (b), "section 549(a) to (e) of title 40" substituted for "section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended" and "those subsections" substituted for "that subsection" on authority of Pub. L. 107–217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

Amendments

1981—Subsec. (a). Pub. L. 97–113 authorized for subchapter I assistance use of property already owned by an agency of the United States (if a substantial savings would occur) as supplementary to procurement of new items for United States-assisted projects and programs and use of separate account funds for payment of costs of any property available from an agency of the United States.

1978—Subsec. (a). Pub. L. 95–424 substituted "part 1 of subchapter 1 of this chapter" for "section 2172 of this title".

1967—Subsec. (a). Pub. L. 90–137 required, in furnishing assistance under subchapter I of this chapter, utilization of excess personal property wherever practicable in lieu of new items for United States-assisted projects and programs.

1966—Subsec. (a). Pub. L. 89–583 permitted personnel costs attributable to the excess property program to be charged to the separate account for the advance acquisition of property.

Effective Date of 1978 Amendment

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

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.

§2359. Repealed. Pub. L. 105–277, div. A, §101(d) [title V, §533(a)(5)], Oct. 21, 1998, 112 Stat. 2681–150, 2681-180

Section, Pub. L. 87–195, pt. III, §609, Sept. 4, 1961, 75 Stat. 442, related to special accounts for proceeds from sales of commodities furnished on a grant basis.

§2360. Transfer of funds between accounts

(a) Necessity of transfer; limitations

Whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 10 per centum of the funds made available for any provision of this chapter (except funds made available pursuant to subpart IV of part II of subchapter I of this chapter or for section 2763 of this title) may be transferred to, and consolidated with, the funds made available for any provision of this chapter (except funds made available under part II of subchapter II of this chapter), and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 20 per centum of the amount of funds made available for such provision.

(b) Augmentation of other appropriations

The authority contained in this section and in sections 2261, 2318 and 2364 of this title, shall not be used to augment appropriations made available pursuant to sections 2396(g)(1) and 2397 of this title or used otherwise to finance activities which normally would be financed from appropriations for administrative expenses.

(c) Military and development assistance purposes

Any funds which the President has notified Congress pursuant to section 2413 of this title that he intends to provide in military assistance to any country may be transferred to, and consolidated with, any other funds he has notified Congress pursuant to such section that he intends to provide to that country for development assistance purposes.

(Pub. L. 87–195, pt. III, §610, Sept. 4, 1961, 75 Stat. 442; Pub. L. 87–565, pt. III, §301(a), Aug. 1, 1962, 76 Stat. 260; Pub. L. 89–371, §3, Mar. 18, 1966, 80 Stat. 74; Pub. L. 89–583, pt. III, §301(d), Sept. 19, 1966, 80 Stat. 804; Pub. L. 90–137, pt. III, §301(c), Nov. 14, 1967, 81 Stat. 458; Pub. L. 91–175, pt. III, §301, Dec. 30, 1969, 83 Stat. 820; Pub. L. 93–559, §19(a), Dec. 30, 1974, 88 Stat. 1800; Pub. L. 95–384, §10(b)(2), Sept. 26, 1978, 92 Stat. 735; Pub. L. 101–623, §10(a), Nov. 21, 1990, 104 Stat. 3356.)

References in Text

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

Amendments

1990—Subsec. (a). Pub. L. 101–623 inserted "or for section 2763 of this title" after "subchapter I of this chapter" and struck out "other" after second reference to "funds made available for any".

1978—Subsec. (b). Pub. L. 95–384 struck out provisions authorizing transfer and consolidation of not to exceed $9,000,000 of the funds appropriated under section 2242 of this title with the funds appropriated under section 2397(a) of this title to be available solely for additional administrative expenses incurred in connection with programs in Vietnam.

1974—Subsec. (a). Pub. L. 93–559, §19(a)(1), inserted provisions excepting funds made available under part II of subchapter II of this chapter from the designation of funds subject to consolidation.

Subsec. (c). Pub. L. 93–559, §19(a)(2), added subsec. (c).

1969—Subsec. (a). Pub. L. 91–175 inserted provision excepting funds made available pursuant to subpart IV of part II of subchapter I of this chapter form the designation of funds subject to consolidation.

1967—Subsec. (b). Pub. L. 90–137 increased limitation on funds available for transfer from $5,000,000 to $9,000,000.

1966—Subsec. (b). Pub. L. 89–583 substituted provisions authorizing transfer of $5,000,000 for administrative expenses for any fiscal year incurred in connection with programs in Vietnam for provisions authorizing transfer of $1,400,000 for administrative expenses for fiscal year 1966 incurred in connection with programs in the Republic of Vietnam.

Pub. L. 89–371 authorized transfer of $1,400,000 for administrative expenses for fiscal year 1966 incurred in connection with programs in the Republic of Vietnam.

1962—Pub. L. 87–565 designated existing provisions as subsec. (a) and added subsec. (b).

Effective Date of 1990 Amendment

Pub. L. 101–623, §10(b), Nov. 21, 1990, 104 Stat. 3356, 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 1501 of title 31 shall be made for any assistance authorized under part I of subchapter I of this chapter, subpart II of part II of subchapter I of this chapter, or part IV of subchapter II of this chapter—

(1) if such agreement or grant requires substantive technical or financial planning, until engineering, financial, and other plans necessary to carry out such assistance, and a reasonably firm estimate of the cost to the United States Government of providing such assistance, have been completed; and

(2) if such agreement or grant requires legislative action within the recipient country, unless such legislative action may reasonably be anticipated to be completed in time to permit the orderly accomplishment of the purposes of such agreement or grant.

(b) Plans for water or related land resource construction projects; computation of benefits and costs

Plans required under subsection (a) of this section for any water or related land resource construction project or program shall include a computation of benefits and costs made insofar as practicable in accordance with the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or acts amendatory or supplementary thereto.

(c) Contracts for construction outside United States; competitive basis

To the maximum extent practicable, all contracts for construction outside the United States made in connection with any agreement or grant subject to subsection (a) of this section shall be made on a competitive basis.

(d) Engineering, financial, and other plans

Subsection (a) of this section shall not apply to any assistance furnished for the sole purpose of preparation of engineering, financial, and other plans.

(e) Certification of country capability to maintain and utilize projects as prerequisite to assistance for capital projects exceeding cost limitations

In addition to any other requirements of this section, no assistance authorized under part I of subchapter I of this chapter, subpart II of part II of subchapter I of this chapter, or part IV of subchapter II of this chapter shall be furnished with respect to any capital assistance project estimated to cost in excess of $1,000,000 until the head of the agency primarily responsible for administering subchapter I of this chapter has received and taken into consideration a certification from the principal officer of such agency in the country in which the project is located as to the capability of the country (both financial and human resources) to effectively maintain and utilize the project taking into account among other things the maintenance and utilization of projects in such country previously financed or assisted by the United States.

(Pub. L. 87–195, pt. III, §611, Sept. 4, 1961, 75 Stat. 442; Pub. L. 87–565, pt. III, §301(b), Aug. 1, 1962, 76 Stat. 260; Pub. L. 88–205, pt. III, §301(c), Dec. 16, 1963, 77 Stat. 385; Pub. L. 90–137, pt. II, §301(d), Nov. 14, 1967, 81 Stat. 458; Pub. L. 95–424, title I, §102(g)(2)(D), (E), Oct. 6, 1978, 92 Stat. 943; Pub. L. 96–53, title I, §117, Aug. 14, 1979, 93 Stat. 365; Pub. L. 99–83, title XII, §§1208, 1211(b)(2), Aug. 8, 1985, 99 Stat. 278, 279.)

References in Text

The Water Resources Planning Act, referred to in subsec. (b), is Pub. L. 89–80, July 22, 1965, 79 Stat. 244, as amended, which is classified generally to chapter 19B (§1962 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1962 of Title 42 and Tables.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

References to Part I Deemed To Include Section 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Amendments

1985—Subsec. (a). Pub. L. 99–83, §1208(1), substituted "$500,000" for "$100,000".

Pub. L. 99–83, §1211(b)(2), substituted reference to section 1501 of title 31, for reference to section 1311 of the Supplemental Appropriation Act, 1955.

Subsec. (b). Pub. L. 99–83, §1208(2), substituted "the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or acts amendatory or supplementary thereto" for "the procedures set forth in the Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973, with respect to such computations".

1979—Subsec. (b). Pub. L. 96–53 substituted "Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973" for "Memorandum of the President dated May 15, 1962".

1978—Subsec. (a). Pub. L. 95–424, §102(g)(2)(D), substituted "part I of subchapter I of this chapter, subpart II of part II of subchapter I of this chapter, or part IV of subchapter II of this chapter" for "subparts I, II, and VI of part II and part IV of subchapter I of this chapter".

Subsec. (e). Pub. L. 95–424, §102(g)(2)(E), substituted "part I of subchapter I of this chapter, subpart II of part II of subchapter I of this chapter, or part IV of subchapter II of this chapter" for "subparts I, II, or VI of part II or part IV of subchapter I of this chapter".

1967—Subsec. (e). Pub. L. 90–137 added subsec. (e).

1963—Subsec. (b). Pub. L. 88–205 substituted "the Memorandum of the President dated May 15, 1962," for "circular A–47 of the Bureau of the Budget."

1962—Subsec. (a). Pub. L. 87–565 included subpart VI of part II of subchapter I of this chapter within the restriction.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

§2362. Use of foreign currencies

(a) Currencies received in payment for nonmilitary assistance; foreign obligations

Except as otherwise provided in this chapter or other Acts, foreign currencies received either (1) as a result of the furnishing of nonmilitary assistance under the Mutual Security Act of 1954, as amended, or any Act repealed thereby, and unobligated on September 3, 1961, or (2) on or after September 4, 1961, as a result of the furnishing of nonmilitary assistance under the Mutual Security Act of 1954, as amended, or any Act repealed thereby, or (3) as a result of the furnishing of assistance under subchapter I of this chapter, which are in excess of amounts reserved under authority of section 2455(d) of this title or any other Act relating to educational and cultural exchanges, may be sold by the Secretary of the Treasury to agencies of the United States Government for payment of their obligations outside the United States, and the United States dollars received as reimbursement shall be deposited into miscellaneous receipts of the Treasury. Foreign currencies so received which are in excess of the amounts so reserved and of the requirements of the United States Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President, shall be available for the authorized purposes of subchapter I of this chapter in such amounts as may be specified from time to time in appropriation Acts.

(b) United States operations abroad; excess foreign currencies

Any Act of the Congress making appropriations to carry out programs under this chapter or any other Act for United States operations abroad is hereby authorized to provide for the utilization of United States-owned excess foreign currencies to carry out any such operations authorized by law.

As used in this subsection, the term "excess foreign currencies" means foreign currencies or credits owned by or owed to the United States which are, under applicable agreements with the foreign country concerned, available for the use of the United States Government and are determined by the President to be excess to the normal requirements of departments and agencies of the United States for such currencies or credits and are not prohibited from use under this subsection by an agreement entered into with the foreign country concerned.

The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars. Dollar funds made available pursuant to this chapter shall not be expended for goods and services when United States-owned foreign currencies are available for such purposes unless the administrative official approving the voucher certifies as to the reason for the use of dollars in each case.

(c) Voluntary family planning programs; limitation

In addition to funds otherwise available, excess foreign currencies, as defined in subsection (b), may be made available to friendly foreign governments and to private, nonprofit United States organizations to carry out voluntary family planning programs in countries which request such assistance. No such program shall be assisted unless the President has received assurances that in the administration of such program the recipient will take reasonable precautions to insure that no person receives any family planning assistance or supplies unless he desires such services. The excess foreign currencies made available under this subsection shall not, in any one year, exceed 5 per centum of the aggregate of all excess foreign currencies. As used in this subsection, the term "voluntary family planning program" includes, but is not limited to, demographic studies, medical and psychological research, personnel training, the construction and staffing of clinics and rural health centers, specialized training of doctors and paramedical personnel, the manufacture of medical supplies, and the dissemination of family planning information, medical assistance, and supplies to individuals who desire such assistance.

(d) Reciprocal release of dollar value equivalents

In furnishing assistance under this chapter to the government of any country in which the United States owns excess foreign currencies as defined in subsection (b) of this section, except those currencies generated under the 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.

(Pub. L. 87–195, pt. III, §612, Sept. 4, 1961, 75 Stat. 443; Pub. L. 88–205, pt. III, §301(d), Dec. 16, 1963, 77 Stat. 385; Pub. L. 88–633, pt. III, §301(c), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 88–638, §2(1), Oct. 8, 1964, 78 Stat. 1037; Pub. L. 89–171, pt. III, §301(b), Sept. 6, 1965, 79 Stat. 659; Pub. L. 89–583, pt. III, §301(e), Sept. 19, 1966, 80 Stat. 805; Pub. L. 91–175, pt. III, §302, Dec. 30, 1969, 83 Stat. 820; Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

References in Text

This chapter, referred to in subsecs. (a), (b), and (d), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For

complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Mutual Security Act of 1954, referred to in subsec. (a), is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85–141, 71 Stat. 355; June 30, 1958, Pub. L. 85–477, ch. 1, §§101 to 103, ch. II, §§201 to 205, ch. III, §301, ch. IV, §401, ch. V, §501, 72 Stat. 261; July 24, 1959, Pub. L. 86–108, §2, ch. 1, §101, ch. II, §§201 to 205(a) to (i), (k) to (n), ch. III, §301, ch. IV, §401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86–472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, §8(m), 70 Stat. 559, Pub. L. 85–141, §§2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86–108, ch. II, §§205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86–472, ch. II, §§203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87–195, pt. III, §642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94–329, title II, §212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104–127, title II, §228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

The Food for Peace Act, as amended, referred to in subsec. (d), 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 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

2008—Subsec. (d). Pub. L. 110–246 substituted "Food for Peace Act" for "Agricultural Trade Development and Assistance Act of 1954".

1969—Subsec. (d). Pub. L. 91–175 added subsec. (d).

1966—Subsec. (c). Pub. L. 89–583 added subsec. (c).

1965—Subsecs. (b), (c). Pub. L. 89–171 redesignated subsec. (c) as (b) and prohibited dollar funds made available pursuant to this chapter from being expended for goods and services when United States-owned 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.

1964—Subsec. (b). Pub. L. 88–638 redesignated subsec. (b), as added by Pub. L. 88–205, as subsec. (t) of section 1704 of Title 7, Agriculture.

Subsec. (c). Pub. L. 88–633 added subsec. (c).

1963—Pub. L. 88–205 designated existing provisions as subsec. (a) and added subsec. (b).

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 2381 of this title.

Separate Accounts for Local Currencies and Cash Transfers

Pub. L. 115–141, div. K, title VII, §7026, Mar. 23, 2018, 132 Stat. 877, provided that:

"(a) Separate Accounts for Local Currencies.—

"(1) Agreements.—If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I [22 U.S.C. 2151 et seq., 2293 et seq.] or chapter 4 of part II [22 U.S.C. 2346 et seq.] of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

"(A) require that local currencies be deposited in a separate account established by that government;

"(B) enter into an agreement with that government which sets forth—

"(i) the amount of the local currencies to be generated; and

"(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

"(C) establish by agreement with that government the responsibilities of USAID [United States Agency for International Development] and that government to monitor and account for deposits into and disbursements from the separate account.

"(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

"(A) to carry out 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)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

"(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under 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), 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) REPORT.—The USAID Administrator shall report as part of the congressional budget justification 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 or to be used for such purpose in each applicable country.

"(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

"(1) IN GENERAL.—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 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 such 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 paragraph (1) only through the regular notification procedures of the Committees on Appropriations."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 115–31, div. J, title VII, §7026, May 5, 2017, 131 Stat. 633.
Pub. L. 114–113, div. K, title VII, §7026, Dec. 18, 2015, 129 Stat. 2748.
Pub. L. 113–235, div. J, title VII, §7026, Dec. 16, 2014, 128 Stat. 2614.
Pub. L. 113–76, div. K, title VII, §7026, Jan. 17, 2014, 128 Stat. 505.
Pub. L. 112–74, div. I, title VII, §7026, Dec. 23, 2011, 125 Stat. 1206.
Pub. L. 111–117, div. F, title VII, §7027, Dec. 16, 2009, 123 Stat. 3355.
Pub. L. 111–8, div. H, title VII, §7027, Mar. 11, 2009, 123 Stat. 871.
Pub. L. 110–161, div. J, title VI, §628, Dec. 26, 2007, 121 Stat. 2325.
Pub. L. 109–102, title V, §529, Nov. 14, 2005, 119 Stat. 2206.
Pub. L. 108–447, div. D, title V, §529, Dec. 8, 2004, 118 Stat. 3003.
Pub. L. 108–199, div. D, title V, §529, Jan. 23, 2004, 118 Stat. 178.
Pub. L. 108–7, div. E, title V, §529, Feb. 20, 2003, 117 Stat. 190.
Pub. L. 107–115, title V, §529, Jan. 10, 2002, 115 Stat. 2148.
Pub. L. 106–429, §101(a) [title V, §532], Nov. 6, 2000, 114 Stat. 1900, 1900A-32.
Pub. L. 106–113, div. B, §1000(a)(2) [title V, §532], Nov. 29, 1999, 113 Stat. 1535, 1501A-91.
Pub. L. 105–277, div. A, §101(d) [title V, §533], Oct. 21, 1998, 112 Stat. 2681–150, 2681-179.
Pub. L. 105–118, title V, §532, Nov. 26, 1997, 111 Stat. 2414.
Pub. L. 104–208, div. A, title I, §101(c) [title V, §531], Sept. 30, 1996, 110 Stat. 3009–121, 3009-150.
Pub. L. 104–107, title V, §532, Feb. 12, 1996, 108 Stat. 732.
Pub. L. 103–306, title V, §536, Aug. 23, 1994, 108 Stat. 1637.

Pub. L. 103–87, title V, §537, Sept. 30, 1993, 107 Stat. 955.
Pub. L. 102–391, title V, §571, Oct. 6, 1992, 106 Stat. 1681.
Pub. L. 101–513, title V, §575, Nov. 5, 1990, 104 Stat. 2042.
Pub. L. 101–167, title II, title V, §592, Nov. 21, 1989, 103 Stat. 1207, 1253.
Pub. L. 100–461, title II, Oct. 1, 1988, 102 Stat. 2268–12.
Pub. L. 100–202, §101(e) [title II], Dec. 22, 1987, 101 Stat. 1329–131, 1329-143.
Pub. L. 99–500, §101(f) [title II], Oct. 18, 1986, 100 Stat. 1783–213, 1783-221, and Pub. L. 99–591, §101(f) [title II], Oct. 30, 1986, 100 Stat. 3341–214, 3341-221.

§2363. Accounting, valuation, reporting, and administration of foreign currencies

(a) Responsibility of Secretary of the Treasury; regulations

Under the direction of the President, the Secretary of the Treasury shall have responsibility for valuation and central accounting with respect to foreign credits (including currencies) owed to or owned by the United States. In order to carry out such responsibility the Secretary shall issue regulations binding upon all agencies of the Government.

(b) Establishment of exchange rates

The Secretary of the Treasury shall have sole authority to establish for all foreign currencies or credits the exchange rates at which such currencies are to be reported by all agencies of the Government.

(c) Repealed. Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(d) Interest income on foreign currency proceeds; regulations; waiver; report to Congress

In cases where assistance is to be furnished to any recipient country in furtherance of the purposes of this chapter or any other Act on a basis which will result in the accrual of foreign currency proceeds to the United States, the Secretary of the Treasury shall issue regulations requiring that agreements, in respect of such assistance, include provisions for the receipt of interest income on the foreign currency proceeds deposited in authorized depositaries: *Provided*, That whenever the Secretary of State determines it not to be in the national interest to conclude arrangements for the receipt of interest income he may waive the requirement thereof: *Provided further*, That the Secretary of State, or his delegate, shall promptly make a complete report to the Congress on each such determination and the reasons therefor.

(Pub. L. 87–195, pt. III, §613, Sept. 4, 1961, 75 Stat. 443; Pub. L. 89–171, pt. III, §301(c), Sept. 6, 1965, 79 Stat. 659; Pub. L. 94–273, §46, Apr. 21, 1976, 90 Stat. 382; Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560.)

References in Text

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

Amendments

1981—Subsec. (c). Pub. L. 97–113 struck out subsec. (c) which provided for semi-annual reports on foreign currencies acquired without payment of dollars by the United States. See section 2394(a)(8) of this title.
1976—Subsec. (c). Pub. L. 94–273 inserted provision relating to reports after Dec. 31, 1975.
1965—Subsec. (d). Pub. L. 89–171 added subsec. (d).

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.

§2364. Special authorities

(a) Furnishing of assistance and arms export sales, credits, and guaranties upon determination and notification of Congress of importance and vitality of such action to security interests and national security interests of United States; policy justification; fiscal year limitations; transfers between accounts

(1) The President may authorize the furnishing of assistance under this chapter without regard to any provision of this chapter, the Arms Export Control Act [22 U.S.C. 2751 et seq.], any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this chapter, in furtherance of any of the purposes of this chapter, when the President determines, and so notifies in writing the

Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the security interests of the United States.

(2) The President may make sales, extend credit, and issue guaranties under the Arms Export Control Act [22 U.S.C. 2751 et seq.], without regard to any provision of this chapter, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the Arms Export Control Act, in furtherance of any of the purposes of such Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is vital to the national security interests of the United States.

(3) Before exercising the authority granted in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(4)(A) The authority of this subsection may not be used in any fiscal year to authorize—

(i) more than $750,000,000 in sales to be made under the Arms Export Control Act [22 U.S.C. 2751 et seq.];

(ii) the use of more than $250,000,000 of funds made available for use under this chapter or the Arms Export Control Act; and

(iii) the use of more than $100,000,000 of foreign currencies accruing under this chapter or any other law.

(B) If the authority of this subsection is used both to authorize a sale under the Arms Export Control Act and to authorize funds to be used under the Arms Export Control Act or under this chapter with respect to the financing of that sale, then the use of the funds shall be counted against the limitation in subparagraph (A)(ii) and the portion, if any, of the sale which is not so financed shall be counted against the limitation in subparagraph (A)(i).

(C) Not more than $50,000,000 of the $250,000,000 limitation provided in subparagraph (A)(ii) may be allocated to any one country in any fiscal year unless that country is a victim of active aggression, and not more than $500,000,000 of the aggregate limitation of $1,000,000,000 provided in subparagraphs (A)(i) and (A)(ii) may be allocated to any one country in any fiscal year.

(5) The authority of this section may not be used to waive the limitations on transfers contained in section 2360(a) of this title.

(b) United States obligations in West Germany

Whenever the President determines it to be important to the national interest, he may use funds available for the purposes of part IV of subchapter I of this chapter in order to meet the responsibilities or objectives of the United States in Germany, including West Berlin, and without regard to such provisions of law as he determines should be disregarded to achieve this purpose.

(c) Certification by President of inadvisability to specify nature of use of funds; reports to Congress

The President is authorized to use amounts not to exceed $50,000,000 of the funds made available under this chapter pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient voucher for such amounts. The President shall fully inform the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority member of the Committee on Foreign Relations of the Senate of each use of funds under this subsection prior to the use of such funds.

(Pub. L. 87–195, pt. III, §614, Sept. 4, 1961, 75 Stat. 444; Pub. L. 89–583, pt. III, §301(f), (g), Sept. 19, 1966, 80 Stat. 805; Pub. L. 90–137, pt. III, §301(e), Nov. 14, 1967, 81 Stat. 459; Pub. L. 93–559, §19(b), Dec. 30, 1974, 88 Stat. 1800; Pub. L. 96–533, title I, §117(a), Dec. 16, 1980, 94 Stat. 3140; Pub. L. 99–83, title I, §128, Aug. 8, 1985, 99 Stat. 206; Pub. L. 101–222, §8, Dec. 12, 1989, 103 Stat. 1899; Pub. L. 103–199, title VII, §705(2), Dec. 17, 1993, 107 Stat. 2328.)

References in Text

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

The Arms Export Control Act, referred to in subsec. (a)(1), (2), (4)(A), (B), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

References to Part IV of Subchapter I Deemed References to Part IV of Subchapter II

Part IV of subchapter I (§2241 et seq.) of this chapter has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§2346 et seq.) of this chapter, or to appropriate sections thereof. See section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

Amendments

1993—Subsec. (a)(4)(C). Pub. L. 103–199 struck out "Communist or Communist-supported" after "victim of active".

1989—Subsec. (c). Pub. L. 101–222 amended second sentence generally. Prior to amendment, second sentence read as follows: "The President shall promptly and fully inform the Speaker of the House of Representatives and the chairman and ranking minority member of the Committee on Foreign Relations of the Senate of each use of funds under this subsection."

1985—Subsec. (a)(4). Pub. L. 99–83 designated existing provisions as subpar. (A), added cl. (i) and designations "(ii)" and "(iii)", struck out fiscal year limitation for any one country, and added subpars. (B) and (C).

1980—Subsec. (a). Pub. L. 96–533, in revising subsec. (a), incorporated part of existing first sentence in provisions designated par. (1), inserted reference to Arms Export Control Act, struck out reference to Mutual Defense Assistance Control Act of 1951, required notification of the Speaker of the House and chairman of the Senate Committee on Foreign Relations, and substituted "security interests" for "security"; inserted pars. (2) and (3); incorporated part of existing first sentence, second sentence, and substance of third sentence in provisions designated par. (4) and inserted reference to the Arms Export Control Act; and designated fourth sentence as par. (5) and substituted therein "may not" for "shall not".

1974—Subsec. (a). Pub. L. 93–559 provided that the authority of the section shall not be used to waive the limitations on transfers contained in section 2360(a) of this title.

1967—Subsec. (a). Pub. L. 90–137 substituted "506" for "510", classified to the Code as section 2318 of this title.

1966—Subsec. (a). Pub. L. 89–583, §301(f), provided that the $50,000,000 limitation on allocation of funds to any country in any one fiscal year shall not apply to any country which is a victim of active Communist or Communist-supported aggression.

Subsec. (c). Pub. L. 89–583, §301(g), inserted provision for reports to Congress of use of funds under this subsec.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Delegation of Functions

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

§2365. Contract authority

Provisions of this chapter authorizing the appropriation of funds shall be construed to authorize the granting in any appropriation Act of authority to enter into contracts, within the amounts so authorized to be appropriated, creating obligations in advance of appropriations.

(Pub. L. 87–195, pt. III, §615, Sept. 4, 1961, 75 Stat. 444.)

References in Text

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

§2366. Availability of funds

Except as otherwise provided in this chapter, funds shall be available to carry out the provisions of this chapter as authorized and appropriated to the President each fiscal year.

(Pub. L. 87–195, pt. III, §616, Sept. 4, 1961, 75 Stat. 444.)

References in Text

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

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

Pub. L. 87–329, title I, §112, Sept. 30, 1961, 75 Stat. 719, provided that funds appropriated under Pub. L. 87–329, popularly known as the Foreign Assistance and Related Agencies Appropriation Act, 1962, should be administered with a favorable view toward those recipient nations which share the view of the United States on the world crisis.

§2367. Termination 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.

(Pub. L. 87–195, pt. III, §617, Sept. 4, 1961, 75 Stat. 444; Pub. L. 93–189, §14, Dec. 17, 1973, 87 Stat. 722; Pub. L. 96–533, title III, §310, Dec. 16, 1980, 94 Stat. 3148; Pub. L. 106–113, div. B, §1000(a)(7) [div. B, title XII, §1221], Nov. 29, 1999, 113 Stat. 1536, 1501A-498; Pub. L. 106–264, title III, §302, Aug. 19, 2000, 114 Stat. 760.)

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 2151 of this title and Tables.

The Arms Export Control Act and such Act, referred to in subsecs. (a) and (b), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Amendments

2000—Pub. L. 106–264 amended section generally. Prior to amendment, section read as follows: "Assistance under any provision of this chapter may, unless sooner terminated by the President, be terminated by concurrent resolution. Funds made available under this chapter shall remain available for a period not to exceed eight months from the date of termination of assistance under this chapter for the necessary expenses of winding up programs related thereto. In order to ensure the effectiveness of assistance under this chapter, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated. Such expenses for orderly termination of programs under the Arms Export Control Act may include the obligation and expenditure of funds to complete the training or studies outside the countries of origin of students whose course of study or training program began before assistance was terminated, as long as the origin country's termination was not a result of activities beyond default of financial responsibilities."

1999—Pub. L. 106–113 inserted at end "Such expenses for orderly termination of programs under the Arms Export Control Act may include the obligation and expenditure of funds to complete the training or studies outside the countries of origin of students whose course of study or training program began before assistance was terminated, as long as the origin country's termination was not a result of activities beyond default of financial responsibilities."

1980—Pub. L. 96–533 authorized expenses for termination of programs to include completion of training or studies for students commenced outside their countries of origin prior to such termination.

1973—Pub. L. 93–189 substituted "eight months" for "twelve months".

Delegation of Functions

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.

§2368. Assistance for a reconstruction and stabilization crisis

(a) Assistance

(1) In general

If the President determines that it is in the national security interests of the United States for United States civilian agencies or non-Federal employees to assist in reconstructing and stabilizing a country or region 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 transferred or reprogrammed for purposes of this section, 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.

(Pub. L. 87–195, pt. III, §618, as added Pub. L. 110–417, [div. A], title XVI, §1604, Oct. 14, 2008, 122 Stat. 4654.)

References in Text

This chapter, referred to in subsec. (a)(2), 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.

Prior Provisions

A prior section 2368, Pub. L. 87–195, pt. III, §618, as added Pub. L. 87–565, pt. III, §301(c), Aug. 1, 1962, 76 Stat. 260, related to payment to the United States regarding the Settlement of Postwar Economic Assistance to Japan, prior to repeal by Pub. L. 95–424, title VI, §§604, 605, Oct. 6, 1978, 92 Stat. 961, effective Oct. 1, 1978.

Another prior section 2368, Pub. L. 87–195, pt. III, §618, Sept. 4, 1961, 75 Stat. 444, related to economic assistance to Latin America, prior to repeal by Pub. L. 87–565, pt. III, §301(c), Aug. 1, 1962, 76 Stat. 260.

Findings

Pub. L. 110–417, [div. A], title XVI, §1602, Oct. 14, 2008, 122 Stat. 4653, as amended by Pub. L. 111–383, div. A, title X, §1075(e)(18), Jan. 7, 2011, 124 Stat. 4375, provided that: "Congress finds the following:

"(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 3000.05, 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

Pub. L. 110–417, [div. A], title XVI, §1607, Oct. 14, 2008, 122 Stat. 4657, provided that:

"(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.]

§2369. Repealed. Pub. L. 95–424, title VI, §604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. III, §619, Sept. 4, 1961, 75 Stat. 444, related to assistance to newly independent countries.

Effective Date of Repeal

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

§2370. Prohibitions against furnishing assistance

(a) Cuba; embargo on all trade

(1) No assistance shall be furnished under this chapter to the present government of Cuba. As an additional means of implementing and carrying into effect the policy of the preceding sentence, the President is authorized to establish and maintain a total embargo upon all trade between the United States and Cuba.

(2) Except as may be deemed necessary by the President in the interest of the United States, no assistance shall be furnished under this chapter to any government of Cuba, nor shall Cuba be entitled to receive any quota authorizing the importation of Cuban sugar into the United States or to receive any other benefit under any law of the United States, until the President determines that such government has taken appropriate steps according to international law standards to return to United States citizens, and to entities not less than 50 per centum beneficially owned by United States citizens, or to provide equitable compensation to such citizens and entities for property taken from such citizens and entities on or after January 1, 1959, by the Government of Cuba.

(b) Repealed. Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(c) Indebtedness of foreign country to United States citizen or person

No assistance shall be provided under this chapter to the government of any country which is indebted to any United States citizen or person for goods or services furnished or ordered where (i) such citizen or person has exhausted available legal remedies, which shall include arbitration, or (ii) the debt is not denied or contested by such government, or (iii) such indebtedness arises under an unconditional guaranty of payment given by such government, or any predecessor government, directly or indirectly, through any controlled entity: *Provided*, That the President does not find such action contrary to the national security.

(d) Productive enterprises competing with United States enterprise; conditions on assistance; import controls; waiver of restriction by President

No assistance shall be furnished on a loan basis under part I of subchapter I of this chapter for construction or operation of any productive enterprise in any country where such enterprise will compete with United States enterprise unless such country has agreed that it will establish appropriate procedures to prevent the exportation for use or consumption in the United States of more than twenty per centum of the annual production of such facility during the life of the loan. In case of failure to implement such agreement by the other contracting party, the President is authorized to establish necessary import controls to effectuate the agreement. The restrictions imposed by or pursuant to this subsection may be waived by the President where he determines that such waiver is in the national security interest.

(e) Nationalization, expropriation or seizure of property of United States citizens, or taxation or other exaction having same effect; failure to compensate or to provide relief from taxes, exactions, or conditions; report on full value of property by Foreign Claims Settlement Commission; act of state doctrine

(1) The President shall suspend assistance to the government of any country to which assistance is provided under this chapter or any other Act when the government of such country or any government agency or subdivision within such country on or after January 1, 1962—

(A) has nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(B) has taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(C) has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned,

and such country, government agency, or government subdivision fails within a reasonable time (not more than six months after such action, or, in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received) to take appropriate steps, which may include arbitration, to discharge its obligations under international law toward such citizen or entity, including speedy compensation for such property in convertible foreign exchange, equivalent to the full value thereof, as required by international law, or fails to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be; and such suspension shall continue until the President is satisfied that appropriate steps are being taken, and provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interests of the United States. Such certification shall be reported immediately to Congress.

Upon request of the President (within seventy days after such action referred to in subparagraphs (A), (B), or (C) of this paragraph, the Foreign Claims Settlement Commission of the United States (established pursuant to Reorganization Plan No. 1 of 1954, 68 Stat. 1279) is hereby authorized to evaluate expropriated property, determining the full value of any property nationalized, expropriated, or seized, or subjected to discriminatory or other actions as aforesaid, for purposes of this subsection and to render an advisory report to the President within ninety days after such request. Unless authorized by the President, the Commission shall not publish its advisory report except to the citizen or entity owning such property. There is hereby authorized to be appropriated such amount, to remain available until expended, as may be necessary from time to time to enable the Commission to carry out expeditiously its functions under this subsection.

(2) Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which a claim of title or other rights to property is asserted by any party including a foreign state (or a party claiming through such state) based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in this subsection: *Provided*, That this subparagraph shall not be applicable (1) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right to property acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking, or (2) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court.

(f) Prohibition against assistance to Communist countries; conditions for waiver of restriction by President; enumeration of Communist countries; removal from application of provisions; preconditions

(1) No assistance shall be furnished under this chapter, (except section 2174(b) of this title) to any Communist country. This restriction may not be waived pursuant to any authority contained in this chapter unless the President finds and promptly reports to Congress that: (A) such assistance is vital to the security of the United States; (B) the recipient country is not controlled by the international Communist conspiracy; and (C) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" includes specifically, but is not limited to, the following countries:

Democratic People's Republic of Korea,
People's Republic of China,
Republic of Cuba,
Socialist Republic of Vietnam,
Tibet,[1]

(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President may 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).

(i) Repealed. Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(j) Damage or destruction by mob action of United States property; termination of assistance

The President shall consider terminating assistance under this chapter or any other Act to any country which permits, or fails to take adequate measures to prevent, the damage or destruction by mob action of United States property within such country, and fails to take appropriate measures to prevent a recurrence thereof and to provide adequate compensation for such damage or destruction.

(k) Maximum amount of assistance, including military assistance to individual countries without approval of or presentation to Congress

Without the express approval of Congress, no assistance shall be furnished under this chapter to any country for construction of any productive enterprise with respect to which the aggregate value of assistance to be furnished by the United States will exceed $100,000,000, except that this sentence does not apply with respect to assistance for construction of any productive enterprise in Egypt which is described in the presentation materials to Congress. Except as otherwise provided in section 2318 of this title, no military assistance shall be furnished to any country under this chapter for carrying out any program, with respect to which the aggregate value of assistance to be furnished beginning July 1, 1966, by the United States will exceed $100,000,000 unless such program has been included in the presentation to the Congress during its consideration of authorizations for appropriations under this chapter or of appropriations pursuant to authorizations contained in this chapter. No provision of this chapter or any other Act shall be construed to authorize the President to waive the provisions of this subsection.

(l) Institution of investment guaranty program

The President shall consider denying assistance under this chapter to the government of any less developed country which, after December 31, 1966, has failed to enter into an agreement with the President to institute the investment guaranty program under section 2194(a)(1) of this title, providing protection against the specific risks of inconvertibility under subparagraph (A), and expropriation or confiscation under subparagraph (B), of such section 2194(a)(1).

(m) Repealed. Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(n) Repealed. Pub. L. 95–88, title I, §123(b), Aug. 3, 1977, 91 Stat. 541

(o) Exclusion from assistance of countries seizing or imposing penalties or sanctions against United States fishing vessels

In determining whether or not to furnish assistance under this chapter, consideration shall be given to excluding from such assistance any country which hereafter seizes, or imposes any penalty or sanction against, any United States fishing vessel on account of its fishing activities in international waters. The provisions of this subsection shall not be applicable in any case governed by international agreement to which the United States is a party.

(p) Repealed. Pub. L. 93–559, §44, Dec. 30, 1974, 88 Stat. 1813

(q) Defaults in principal or interest payments on loans; meeting obligations under loans; notice to Congressional committees

No assistance shall be furnished under this chapter to any country which is in default, during a period in excess of six calendar months, in payment to the United States of principal or interest on any loan made to such country under this chapter, unless such country meets its obligations under the loan or unless the President determines that assistance to such country is in the national interest and notifies the Speaker of the House of Representatives and the 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.

(v) Repealed. Pub. L. 93–559, §24, Dec. 30, 1974, 88 Stat. 1802

(w) Repealed. Pub. L. 95–424, title V, §502(d)(1), Oct. 6, 1978, 92 Stat. 959

(x) Omitted

(y) Limitation on assistance to countries aiding Cuba nuclear development

(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this chapter or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelelco, and Cuba is in compliance with the requirements of either such Treaty;

(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any entity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits.

(Pub. L. 87–195, pt. III, §620, Sept. 4, 1961, 75 Stat. 444; Pub. L. 87–565, pt. III, §301(d), Aug. 1, 1962, 76 Stat. 260; Pub. L. 88–205, pt. III, §301(e), Dec. 16, 1963, 77 Stat. 386; Pub. L. 88–633, pt. III, §301(d)–(g), Oct. 7, 1964,

78 Stat. 1013; Pub. L. 89–171, pt. III, §301(d), Sept. 6, 1965, 79 Stat. 659; Pub. L. 89–583, pt. III, §301(h), Sept. 19, 1966, 80 Stat. 805, 806; Pub. L. 90–137, pt. III, §301(f), Nov. 14, 1967, 81 Stat. 459; Pub. L. 90–554, pt. III, §301(c), Oct. 8, 1968, 82 Stat. 963; Pub. L. 91–175, pt. III, §303, Dec. 30, 1969, 83 Stat. 820; Pub. L. 92–226, pt. III, §301, Feb. 7, 1972, 86 Stat. 27; Pub. L. 93–189, §15, Dec. 17, 1973, 87 Stat. 722; Pub. L. 93–559, §§22–24, 44, Dec. 30, 1974, 88 Stat. 1801, 1802, 1813; Pub. L. 94–104, §2(c)(1), (2), Oct. 6, 1975, 89 Stat. 509; Pub. L. 94–329, title IV, §403, title VI, §606, June 30, 1976, 90 Stat. 757, 768; Pub. L. 95–88, title I, §123(a), (b), Aug. 3, 1977, 91 Stat. 541; Pub. L. 95–92, §22(d), Aug. 4, 1977, 91 Stat. 624; Pub. L. 95–384, §13(a), Sept. 26, 1978, 92 Stat. 737; Pub. L. 95–424, title I, §§102(g)(2)(F), 115(k), title V, §502(d)(1), Oct. 6, 1978, 92 Stat. 943, 952, 959; Pub. L. 96–533, title II, §203, Dec. 16, 1980, 94 Stat. 3145; Pub. L. 97–113, title VII, §§702, 707, 734(a)(1), (13), (b), Dec. 29, 1981, 95 Stat. 1544, 1546, 1560; Pub. L. 99–83, title XII, §§1202, 1203, Aug. 8, 1985, 99 Stat. 276, 277; Pub. L. 102–511, title IX, §901, Oct. 24, 1992, 106 Stat. 3355; Pub. L. 103–199, title VII, §705(3), Dec. 17, 1993, 107 Stat. 2328; Pub. L. 103–306, title V, §573, Aug. 23, 1994, 108 Stat. 1653; Pub. L. 105–277, div. G, subdiv. B, title XXVIII, §2810(a), Oct. 21, 1998, 112 Stat. 2681–850; Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

Amendment of Section

Pub. L. 104–114, title II, §204(d)(1), (2), Mar. 12, 1996, 110 Stat. 810, provided that on date on which President submits determination under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, this section is amended by repealing subsec. (a) and by striking out "Republic of Cuba" in subsec. (f).

References in Text

This chapter, referred to in subsecs. (a), (c), (e), (f)(1), (g), (j) to (l), (o), (q) to (t), (u), and (y), was in the original "this Act", except in subsec. (u), where it was "the Foreign Assistance Act of 1961", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Reorganization Plan No. 1 of 1954, 68 Stat. 1279, referred to in subsec. (e)(1), is set out in the Appendix to Title 5, Government Organization and Employees.

The Food for Peace Act, referred to in subsecs. (s)(1) and (t), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

References to Part I Deemed To Include Section 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Codification

Subsec. (s)(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. 103–7.

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

2008—Subsecs. (s)(1), (t). Pub. L. 110–246 substituted "Food for Peace Act" for "Agricultural Trade Development and Assistance Act of 1954".

1998—Subsec. (y). Pub. L. 105–277 added subsec. (y).

1994—Subsec. (f)(1). Pub. L. 103–306, which directed the amendment of par. (1) by striking out from the list of countries "Mongolian People's Republic.", was executed by striking out "Mongolian People's Republic," to reflect the probable intent of Congress.

1993—Subsec. (h). Pub. L. 103–199 substituted "any country that is a Communist country for purposes of subsection (f)" for "the Communist-bloc countries".

1992—Subsec. (f)(1). Pub. L. 102–511, which directed the amendment of par. (1) by striking out from the list of countries "Czechoslovak Socialist Republic.", "Estonia.", "German Democratic Republic.", "Hungarian People's Republic.", "Latvia.", "Lithuania.", "People's Republic of Albania.", "People's Republic of Bulgaria.", "Polish People's Republic.", "Socialist Federal Republic of Yugoslavia.", "Socialist Republic of Romania.", and "Union of Soviet Socialist Republics (including its captive constituent republics).", was executed by striking out those countries and the comma which followed each country in the original and not a period as shown in the directory language.

1985—Subsec. (f). Pub. L. 99–83, §1202, designated existing provisions as par. (1) and redesignated cls. (1), (2), and (3) as (A), (B), and (C), respectively, and added par. (2).

Subsec. (g). Pub. L. 99–83, §1203, inserted provisions relating to waiver of prohibitions in cases of land reform programs.

1981—Subsec. (b). Pub. L. 97–113, §734(a)(1), struck out subsec. (b) which prohibited aid to countries unless the President determined that they were not dominated by the international Communist movement. See subsec. (f) of this section.

Subsec. (f). Pub. L. 97–113, §707, substituted "includes specifically, but is not limited to" for "shall include specifically, but not be limited to", repeated in a different sequence the list of countries included within the phrase "Communist country", and substituted "Democratic People's Republic of Korea" for "North Korean Peoples Republic", "German Democratic Republic" for "German Democratic Republic (East Germany)", "Mongolian People's Republic" for "Outer Mongolia-Mongolian Peoples Republic", "Republic of Cuba" for "Cuba", "Socialist Federal Republic of Yugoslavia" for "Federal Peoples Republic of Yugoslavia", "Socialist Republic of Romania" for "Rumanian Peoples Republic", and "Socialist Republic of Vietnam" for "North Vietnam".

Subsec. (i). Pub. L. 97–113, §734(a)(1), struck out subsec. (i) which prohibited aid to countries determined by the President to be engaging in or prepared for aggressive military efforts, insurrection, or subversion against the United States or any country receiving United States aid.

Subsec. (k). Pub. L. 97–113, §702, struck out "for fiscal year 1977, fiscal year 1980, or fiscal year 1981" after "presentation materials to Congress".

Subsec. (m). Pub. L. 97–113, §734(a)(1), struck out subsec. (m) which prohibited grant assistance, except for International Military Education and Training, to any economically developed nation capable of sustaining its own defense burden and economic growth.

Subsec. (s)(1). Pub. L. 97–113, §734(b), substituted in subpar. (B) "foreign exchange or other resources" for "foreign exchange resources" and struck out subpar. (C), which directed the President to take into account the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

1980—Subsec. (k). Pub. L. 96–533 exempted from express Congressional approval productive enterprises in Egypt described in the presentation to Congress for fiscal years 1980 and 1981.

1978—Subsec. (d). Pub. L. 95–424, §102(g)(2)(F), substituted "on a loan basis under part I of subchapter I of this chapter" for "under section 2161 of this title".

Subsec. (l). Pub. L. 95–424, §115(k), substituted "2194(a)(1)" for "2181(b)(1)" in two places.

Subsec. (w). Pub. L. 95–424, §502(d)(1), struck out subsec. (w) relating to suspension and future resumption of military, economic, etc., assistance to the Government of Pakistan.

1977—Subsec. (a)(1). Pub. L. 95–88, §123(a)(1), struck out provision that no assistance be furnished to any country which furnished assistance to the government of Cuba unless the President determined that assistance to the supplying country was in the national interest of the United States.

Subsec. (a)(3). Pub. L. 95–88, §123(a)(2), struck out par. (3) which had directed that no funds be used to furnish assistance to countries which had not taken steps to prevent ships or aircraft of their registry from transporting equipment, materials, or commodities to Cuba.

Subsec. (n). Pub. L. 95–88, §123(b), struck out subsec. (n) which had prohibited the giving of aid to countries that sold or furnished to North Vietnam, or permitted their ships or aircraft to carry to or from North Vietnam, equipment, materials, or commodities, unless the President determined that the giving of aid was in the national interest.

Subsec. (x)(1). Pub. L. 95–92 substituted "1978" for "1976, the period beginning July 1, 1976, and ending 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. (k). Pub. L. 94–329, §606, inserted provision exempting from the condition of express approval of Congress any productive enterprise in Egypt which is described in the presentation to Congress for fiscal year 1977.

Subsec. (x)(1). Pub. L. 94–329, §403, further modified existing restrictions on assistance to Turkey by allowing the procurement under specified conditions of $125 million in defense articles and defense services by Turkey, provided that the President determines that such articles and services are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization.

1975—Subsec. (x). Pub. L. 94–104 redesignated existing provisions as par. (1), substituted provisions authorizing the President to suspend the provisions of this section and of section 2753(c) of this title with respect to sales, credits, and guaranties under the Foreign Military Sales Act, for the procurement of defense articles and services certified by the President to be necessary to enable Turkey to fulfill her defense responsibilities as a member of NATO and that such suspension shall be effective only while Turkey observes the cease-fire and neither increases its forces on Cyprus nor transfers to Cyprus any United States supplied arms, ammunition, and implements of war for provisions authorizing the President to suspend the provisions of this section and certain other Acts if he determined that such

suspension would further negotiations for a peaceful solution of the Cyprus conflict and that such suspension shall be effective only until Feb. 5, 1975, and if, during that time, Turkey observed cease-fire and neither increased its forces on Cyprus nor transferred to Cyprus any United States supplied implements of war, and added par. (2).

1974—Subsec. (n). Pub. L. 93–559, §23, authorized assistance when determined by the President to be in the national interest of the United States.

Subsec. (p). Pub. L. 93–559, §44, repealed subsec. (p) relating to assistance to United Arab Republic if essential to national interest of United States, and without any aid to aggressive actions by the United Arab Republic, and reports to Congressional committees.

Subsec. (v). Pub. L. 93–559, §24, repealed subsec. (v) relating to prohibition against assistance to Greece, waiver of the restriction by the President, report to Congress, and fiscal year limitation of assistance made available to Greece.

Subsec. (x). Pub. L. 93–559, §22, added subsec. (x).

1973—Subsec. (e)(1). Pub. L. 93–189 substituted "the provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interest of the United States. Such certification shall be reported immediately to Congress", for "no other provision of this chapter shall be so construed to authorize the President to waive the provisions of this subsection".

1972—Subsecs. (v), (w). Pub. L. 92–226 added subsecs. (v) and (w).

1969—Subsec. (s). Pub. L. 91–175, §303(a), struck out provision empowering President to terminate assistance when he finds it is being diverted to military expenditures, continued provision requiring President to take military expenditures into account when furnishing assistance under this chapter and under the Agricultural Trade Development and Assistance Act of 1954, as amended, inserted provision requiring President to take into account amount spent by recipient on sophisticated weapons systems, and inserted provision requiring President to report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this section.

Subsec. (v). Pub. L. 91–175, §303(b), repealed subsec. (v) covering the withholding of assistance to countries with expenditures for weapons systems. See subsec. (s) of this section.

1968—Subsec. (v). Pub. L. 90–554, added subsec. (v).

1967—Subsec. (j). Pub. L. 90–137, §301(f)(1), substituted provisions for termination of assistance to countries because of damage or destruction by mob action of United States property (incorporated from former penultimate paragraph of section 2151 of this title) for former provisions for assistance to Indonesia if essential to national interests of United States and reports thereof to Congress.

Subsec. (k). Pub. L. 90–137, §301(f)(2), substituted "506" for "510", classified to the Code as section 2318 of this title.

Subsec. (n). Pub. L. 90–137, §301(f)(3), restated the prohibition against assistance to define the kind of assistance meant, that is, loans, credits, guarantees, or grants or other assistance, to extend the prohibition to assistance under any other Act and to sales under the Agricultural Trade Development and Assistance Act of 1954, and to eliminate specific reference to such items of transportation as items of economic assistance, and war materials, such as arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items of primary strategic significance used in production of arms, ammunition, and implements of war.

Subsecs. (s) to (u). Pub. L. 90–137, §301(f)(4), added subsecs. (s) to (u).

1966—Subsec. (i). Pub. L. 89–583, §301(h)(1), provided for denial of assistance to any country which hereafter is officially represented at any international conference when that representation includes planning of activities involving insurrection or subversion, which military efforts, insurrection, or subversion are directed as described in the subsec., for Executive determination that such representation has ceased and for report to Congress that such representation will not be renewed or repeated.

Subsec. (k). Pub. L. 89–583, §301(h)(2), made permanent the temporary (calendar year 1965) prohibition against the initiation of projects exceeding $100,000,000 without the express approval of Congress and included military assistance amounting in the aggregate to more than $100,000,000.

Subsec. (l). Pub. L. 89–583, §301(h)(3), substituted "The President shall consider denying assistance under this chapter to the government of any less developed country which, after December 31, 1966," for "No assistance shall be provided under this chapter after December 31, 1966, to the government of any less developed country which".

Subsec. (n). Pub. L. 89–583, §301(h)(4), substituted "no assistance shall be furnished" and "September 19, 1966" for "the President shall consider denying assistance" and "September 6, 1965", respectively.

Subsecs. (p) to (r). Pub. L. 89–583, §301(h)(5), added subsecs. (p) to (r).

1965—Subsec. (e)(2). Pub. L. 89–171, §301(d)(2), substituted "other right to property" for "other right" in two places and deleted cl. (3) which made this subparagraph inapplicable in any case in which the proceedings are commenced after Jan. 1, 1966.

Subsec. (l). Pub. L. 89–171, §301(d)(3), substituted "December 31, 1966" for "December 31, 1965".

Subsecs. (n), (o). Pub. L. 89–171, §301(d)(4), added subsecs. (n) and (o).

1964—Subsec. (e). Pub. L. 88–633, §301(d), designated existing provisions as par. (1), redesignated subpars. (1) to (3) thereof as subpars. (A) to (C), substituted therein "subparagraphs (A), (B), or (C) of this paragraph" for "paragraphs (1), (2), or (3) of this subsection", and added par. (2).

Subsec. (f). Pub. L. 88–633, §301(e), inserted "(including its captive constituent republics)" after "Union of Soviet Socialist Republics".

Subsec. (k). Pub. L. 88–633, §301(f), substituted "1965" for "1964" in two places.

Subsec. (m). Pub. L. 88–633, §301(g), substituted "during each fiscal year" for "during fiscal year 1964" and "$500,000" for "$1,000,000".

1963—Subsec. (a). Pub. L. 88–205, §301(e)(1), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (e). Pub. L. 88–205, §301(e)(2), empowered the President to suspend assistance provided under any other act as well as under this chapter, inserted references to the repudiation or nullification of existing contracts or agreements with U.S. citizens or corporations, partnerships or associations not less than 50 percent beneficially owned by U.S. citizens, substituted "in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received" for "after August 1, 1962, whichever is later", required compensation for property to be "equivalent to the full value thereof", and authorized the Foreign Claims Settlement Commission to determine the full value of property nationalized, expropriated, or seized upon the President's request, and to render an advisory report to him thereon.

Subsecs. (i) to (m). Pub. L. 88–205, §301(e)(3), added subsecs. (i) to (m).

1962—Subsec. (a). Pub. L. 87–565, §301(d)(1), prohibited assistance to any country which furnishes assistance to the present government of Cuba unless the President determines that such assistance is in the national interest of the United States.

Subsec. (c). Pub. L. 87–565, §301(d)(2), extended the prohibition against providing assistance to cases where the goods or services have been ordered, and where the indebtedness arises under an unconditional guaranty of payment, provided the President does not find such action contrary to the national security, and inserted "which shall include arbitration" after "exhausted available legal remedies".

Subsecs. (e) to (h). Pub. L. 87–565, §301(d)(3), added subsecs. (e) to (h).

Effective Date of 2008 Amendment

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Effective Date of 1998 Amendment

Pub. L. 105–277, div. G, subdiv. B, title XXVIII, §2810(b), Oct. 21, 1998, 112 Stat. 2681–851, provided that: "Section 620(y) of the Foreign Assistance Act of 1961 [22 U.S.C. 2370(y)], as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act [Oct. 21, 1998]."

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1978 Amendment

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

Effective Date of 1975 Amendment

Pub. L. 94–104, §2(c)(5), Oct. 6, 1975, 89 Stat. 510, provided that: "This subsection [amending this section] shall become effective only upon enactment of foreign assistance legislation authorizing sales, credits, and guaranties under the Foreign Military Sales Act [section 2751 et seq. of this title] for fiscal year 1976."

Repeals

Pub. L. 95–92, §22(d), Aug. 4, 1977, 91 Stat. 624, cited as a credit to this section, was repealed by Pub. L. 97–113, title VII, §734(a)(13), Dec. 29, 1981, 95 Stat. 1560.

Delegation of Functions

For delegation of 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

Pub. L. 97–113, title VII, §725(b), (c), Dec. 29, 1981, 95 Stat. 1553, related to the provision of assistance and credits, loan guarantees, defense articles and services, export licenses, etc., by United States to Argentina, prior to repeal by Pub. L. 101–162, title V, Nov. 21, 1989, 103 Stat. 1030.

Limitations on Assistance, Sales, Credits, and Export Licenses to Chile

Pub. L. 97–113, title VII, §726(b), (c), Dec. 29, 1981, 95 Stat. 1554, as amended by Pub. L. 99–83, title VII, §715, Aug. 8, 1985, 99 Stat. 247; Pub. L. 101–513, title V, §544(b), Nov. 5, 1990, 104 Stat. 2019, provided that:

"(b) Notwithstanding any other provision of law—

"(1) no assistance may be furnished under chapter 2, 4, 5, or 6 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2311 et seq., 2346 et seq., 2347 et seq., 2348 et seq.] to Chile;

"(2) no sale of defense articles or services may be made under the Arms Export Control Act [22 U.S.C. 2751 et seq.] to Chile;

"(3) no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act [22 U.S.C. 2751 et seq.] with respect to Chile; and

"(4) no export licenses may be issued under section 38 of the Arms Export Control Act [22 U.S.C. 2778] to or for the Government of Chile;

unless and until the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a detailed report certifying—

"(A) that the Government of Chile has made significant progress in complying with internationally recognized principles of human rights;

"(B) that the provision of such assistance, articles or services is in the national interest of the United States; and

"(C) that the Government of Chile is not aiding or abetting international terrorism and has taken appropriate steps to cooperate to bring to justice by all legal means available in the United States or Chile those indicted by a United States grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt.

"(c) The prohibition contained in subsection (b) does not prohibit the sale, or the licensing for export, of cartridge actuated devices, propellant actuated devices, components, parts, tools, technical manuals, time compliance to technical orders (TCTOs), or TCTO retrofits for aircraft of the F–5E/F, A/T–37, or C–130E/H type owned by the Chilean Air Force, so long as the items are provided only for purposes of enhancing the safety of the aircraft crew."

Pub. L. 94–329, title IV, §406, June 30, 1976, 90 Stat. 758, as amended by Pub. L. 95–384, §§10(b)(5), 12(c)(5), Sept. 26, 1978, 92 Stat. 735, 737, set forth limitations with respect to assistance, sales and credit for Chile, prior to repeal by Pub. L. 97–113, title VII, §726(a), Dec. 29, 1981, 95 Stat. 1554.

Pub. L. 93–559, §25, Dec. 30, 1974, 88 Stat. 1802, provided that notwithstanding any other provision of law, the total amount of assistance that was to be made available for Chile under this chapter, and the Foreign Military Sales Act, section 2751 et seq. of this title, during fiscal year 1975, was not to exceed $25,000,000, none of which was to be made available for the purpose of providing military assistance (including security supporting assistance, sales, credit sales, or guaranties or the furnishing by any means of excess defense articles or items from stockpiles of the Department of Defense), prior to repeal by Pub. L. 97–113, title VII, §734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

Assistance for El Salvador

Pub. L. 101–513, title V, §531, Nov. 5, 1990, 104 Stat. 2009, as amended by Pub. L. 103–236, title I, §139(22), Apr. 30, 1994, 108 Stat. 399, provided that:

"(a) Statement of Policy.—United States military assistance to the Government of El Salvador shall seek three principal foreign policy objectives, as follows: (1) to promote a permanent settlement and cease-fire to the conflict in El Salvador, with the Secretary General of the United Nations serving as an active mediator between the opposing parties; (2) to foster greater respect for basic human rights, and the rule of law; and (3) to advance political accommodation and national reconciliation.

"(b) Maximum Level of Military Assistance.—Of the funds available for United States military assistance for fiscal year 1991, not more than $85,000,000 shall be made available for El Salvador.

"(c) Prohibition of Military Assistance.—(1) Prohibition.—Subject to paragraph (2), no United States military assistance may be furnished to the Government of El Salvador if the President determines and reports in writing to the Congress that—

"(A) after he has consulted with the Secretary General of the United Nations, the Government of El Salvador has declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict of El Salvador;

"(B) the Government of El Salvador has rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

"(C) the Government of El Salvador has rejected a plan for the settlement of the conflict which—

"(i) has been put forward by the Secretary General of the United Nations in accordance with the terms and procedures in the April 4, 1990 Geneva Communique and the May 21, 1990 Caracas Accord between the Government of El Salvador and the FMLN;

"(ii) includes a proposal for an internationally monitored cease-fire; and

"(iii) has been accepted, within 15 days from its announcement, by the FMLN and is being complied with by the FMLN;

"(D) the Government of El Salvador has failed to conduct a thorough and professional investigation into, and prosecution of those responsible for the eight murders at the University of Central America on November 16, 1989; or

"(E) the military and security forces of El Salvador are assassinating or abducting civilian noncombatants, are engaging in other acts of violence directed at civilian targets, or are failing to control such activities by elements subject to the control of those forces; or

"(F) the Government of El Salvador has failed to actively seek and encourage a law enforcement service from outside El Salvador, such as Scotland Yard or INTERPOL, to accompany and monitor investigators of the Government of El Salvador in their investigation into the eight murders at the University of Central America on November 16, 1989.

"(2) Requirement for resumption of assistance.—Assistance prohibited under paragraph (1) may only be resumed pursuant to a law subsequently enacted by the Congress.

"(d) Withholding of Military Assistance.—(1) In General.—Fifty per centum of the total United States military assistance allocated for El Salvador for fiscal year 1991 shall be withheld from obligation or expenditure (as the case may be) except as provided in paragraphs (2) and (3).

"(2) Release of Assistance.—The United States military assistance withheld pursuant to paragraph (1) may be obligated and expended only if the President determines and reports in writing to the Congress that—

"(A) after he has consulted with the Secretary General of the United Nations, the representatives of the FMLN—

"(i) have declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict in El Salvador, or

"(ii) have rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

"(B) the FMLN has rejected a plan for the settlement of the conflict which—

"(i) has been put forward by the Secretary General of the United Nations in accordance with the terms and procedures in the April 4, 1990 Geneva Communique and the May 21, 1990 Caracas Accord between the Government of El Salvador and the FMLN;

"(ii) includes a proposal for an internationally monitored cease-fire; and

"(iii) has been accepted, within 15 days from its announcement, by the Government of El Salvador and is being complied with by the Government of El Salvador;

"(C) the survival of the constitutional Government of El Salvador is being jeopardized by substantial and sustained offensive military actions or operations by the FMLN;

"(D) proof exists that the FMLN is continuing to acquire or receive significant shipments of lethal military assistance from outside El Salvador, and this proof has been shared with the Congress; or

"(E) the FMLN is assassinating or abducting civilian noncombatants, is engaging in other acts of violence directed at civilian targets, or is failing to control such activities by elements subject to FMLN control.

"(3) Exception.—Notwithstanding any other provision of law, funds withheld pursuant to paragraph (1) of this subsection may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds under this subsection.

"(e) Condition for Termination of All United States Assistance.—(1) Prohibition.—Subject to paragraph (2), no United States assistance may be furnished to El Salvador if the duly-elected head of Government of El Salvador is deposed by military coup or decree.

"(2) Requirement for Resumption of Assistance.—Assistance prohibited under paragraph (1) may only be resumed pursuant to a law subsequently enacted by the Congress.

"(f) Establishment of a Fund for Cease-Fire Monitoring, Demobilization, and Transition to Peace.—(1) Establishment of Fund.—There is hereby established in the Treasury of the United States a fund to assist with the costs of monitoring a permanent settlement of the conflict, including a cease-fire, and the demobilization of combatants in the conflict in El Salvador, and their transition to peaceful pursuits, which shall be known as the 'Demobilization and Transition Fund' (hereafter in this section referred to as the 'Fund'). Amounts in this Fund shall be available for obligation and expenditure only upon notification by the President to the Congress that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a cease-fire.

"(2) Transfer of Certain Military Assistance Funds.—Upon notification of the Congress of a permanent settlement of the conflict, including an agreement on a cease-fire, or on September 30,

1991, if no such notification has occurred prior to that date, the President shall transfer to the Fund any United States military assistance funds withheld pursuant to subsection (d) of this section.

"(3) Use of the Fund.—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and reemployment in 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.

"(g) Strengthening Civilian Control Over the Military.—In order to strengthen the control of the democratically-elected civilian Government of El Salvador over the armed forces of that country, United States military assistance for any fiscal year may be delivered to the armed forces of El Salvador only with the prior approval of the duly elected President of El Salvador.

"(h) Support for Democracy.—(1) Establishing a Program.—The Secretary of State, through agreement with the National Endowment for Democracy or other qualified organizations, shall establish and carry out a program of education, training, and dialogue for the purpose of strengthening democratic political and legal institutions in El Salvador.

"(2) Election Monitoring.—Of the amounts made available to carry out this subsection, up to $2,000,000 may be used for support for monitoring the 1991 municipal and National Assembly elections in El Salvador, and for monitoring the registration and campaign processes leading up to those elections, by appropriate organizations such as the United Nations, the Organization of American States, the Carter Center, the National Democratic Institute for International Affairs, the National Republican Institute for International Affairs, and the Center for Electoral Assistance and Promotion (CAPEL) of San Jose, Costa Rica.

"(3) Assistance.—Up to $10,000,000 of funds appropriated under the heading 'Economic Support Fund' for fiscal year 1991 may be used to carry out this subsection.

"(i) [Repealed. Pub. L. 103–236, title I, §139(22), Apr. 30, 1994, 108 Stat. 399.]

"(j) Definitions.—For purposes of this section—

"(1) the term 'United States assistance' has the same meaning as is given to such term by section 481(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(4)) and includes United States military assistance as defined in paragraph (2); and

"(2) the term 'United States military assistance' means—

"(A) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2311 et seq., 2347 et seq.]; and

"(B) assistance to carry out section 23 of the Arms Export Control Act [22 U.S.C. 2763]."

[For Presidential determination required by section 531(d) of Pub. L. 101–513, set out above, and for delegation of functions of President under section 531(i) of Pub. L. 101–513, see Determination of President, No. 91–15, Jan. 15, 1991, 56 F.R. 4713.]

Pub. L. 97–113, title VII, §728, Dec. 29, 1981, 95 Stat. 1555, as amended by Pub. L. 97–233, Aug. 10, 1982, 96 Stat. 260; Pub. L. 98–53, July 15, 1983, 97 Stat. 287, set forth findings of Congress concerning recent civil strife in El Salvador and need for substantial assistance to El Salvador and for fiscal years 1982 and 1983, restricted funds that could be obligated for assistance for El Salvador under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq., 2347 et seq.), letters of offer that could be issued and credits and guarantees that could be extended for El Salvador under the Arms Export Control Act (22 U.S.C. 2751 et seq.), and members of the Armed Forces that could be assigned or detailed to El Salvador to carry out functions under the Foreign Assistance Act of 1961 (this chapter) or the Arms Export Control Act, only if not later than thirty days after Dec. 29, 1981, and every one hundred and eighty days thereafter, the President makes a specific certification.

Caribbean Development Bank; Assumption of Member Loans

Pub. L. 96–533, title III, §315, Dec. 16, 1980, 94 Stat. 3148, 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

Pub. L. 96–533, title VII, §714, Dec. 16, 1980, 94 Stat. 3161, required reports respecting Soviet military activity in Cuba, prior to repeal by Pub. L. 97–113, title VII, §734(a)(2), Dec. 29, 1981, 95 Stat. 1560.

Cuban Presence in Africa

Pub. L. 95–426, title VI, §613, Oct. 7, 1978, 92 Stat. 990, as amended by Pub. L. 97–241, title V, §505(a)(2), (b)(1), Aug. 24, 1982, 96 Stat. 299, provided that: "The Congress finds that—

"(1) the President authorized the exchange of notes of May 30, 1977, between the Governments of the United States and Cuba which established an Interests Section for the United States in the Embassy of Switzerland in Havana and an Interests Section for Cuba in the Embassy of Czechoslovakia in Washington;

"(2) the President has the authority under the Export Administration Act of 1969 [50 U.S.C. 4601 et seq.] to limit trade with Cuba being conducted by subsidiaries of American firms operating in third countries;

"(3) the President has the power to sever all diplomatic and economic relations with Cuba; and

"(4) there has been a sharp increase in the number of Cuban military personnel serving in Africa in the past year."

Resumption of Military Assistance to Turkey; Determination and Certification to Congress by President of Military Cooperation as in Best Interests of United States and NATO

Pub. L. 95–384, §13(a), Sept. 26, 1978, 92 Stat. 737, provided that: "Section 620(x) of the Foreign Assistance Act of 1961 [subsec. (x) of this section] shall be of no further force and effect upon the President's determination and certification to the Congress that the resumption of full military cooperation with Turkey is in the national interest of the United States and in the interest of the North Atlantic Treaty Organization and that the Government of Turkey is acting in good faith to achieve a just and peaceful settlement of the Cyprus problem, the early peaceable return of refugees to their homes and properties, and continued removal of Turkish military troops from Cyprus in the context of a solution to the Cyprus problem, and the early serious resumption of inter-communal talks aimed at a just, negotiated settlement."

Determination and Certification Regarding Resumption of Full Military Cooperation With Turkey

Memorandum of the President of the United States, dated Sept. 26, 1978, provided:

Pursuant to the authority vested in me by Section 13(a) of the International Security Assistance Act of 1978, I hereby determine and certify:

(1) that the resumption of full military cooperation with Turkey is in the national interest of the United States and in the interest of the North Atlantic Treaty Organization; and

(2) that the Government of Turkey is acting in good faith to achieve a just and peaceful settlement of the Cyprus problem, the early peaceable return of refugees to their homes and properties, and continued removal of Turkish military troops from Cyprus in the context of a solution to the Cyprus problem, and the early serious resumption of inter-communal talks aimed at a just, negotiated settlement.

You are requested on my behalf to report this determination and certification to the Congress.

This determination and certification shall be published in the Federal Register.

Jimmy Carter.

Restrictions on Assistance During Fiscal Year 1978 Involving Military or Paramilitary Operations in Zaire

Pub. L. 95–92, §25, Aug. 4, 1977, 91 Stat. 625, required a Presidential determination that furnishing aid to Zaire during fiscal year 1978 was in the national interest and submission to the Congress of a Presidential certification for such aid, prior to repeal by Pub. L. 97–113, title VII, §734(a)(13), Dec. 29, 1981, 95 Stat. 1560.

Restrictions on Assistance to India

Pub. L. 93–559, §27, Dec. 30, 1974, 88 Stat. 1802, provided that the total amount of assistance provided under this chapter and of credit sales made or guaranteed under the Foreign Military Sales Act, section 2751 et seq. of this title, for India was not to exceed $50,000,000 in fiscal year 1975, prior to repeal by Pub. L. 97–113, title VII, §734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

Restrictions on Military Assistance and Excess Defense Articles to Korea

Pub. L. 93–559, §26, Dec. 30, 1974, 88 Stat. 1802, provided that the aggregated amount of funds obligated or reserved for military assistance, including supply operations, under part II of subchapter II of this chapter, the acquisition cost of excess defense articles, if any, ordered under subchapter II of this chapter and not charged against appropriations for military assistance, credits including participations in credits, extended pursuant to section 2763 of this title, and the principal amount of loans guaranteed pursuant to section 2764(a) of this title, with respect to South Korea was not to exceed $145,000,000 for fiscal year 1975 until the President submitted a report to the Congress after Dec. 30, 1974, stating that the government of South Korea was making substantial progress in the observance

of internationally recognized standards of human rights, after which the aggregate amount described above, with respect to South Korea, was not to exceed $165,000,000 for fiscal year 1975, with provisions of sections 2318 and 2364 of this title, or of any other law, not to be used to exceed these limitations, prior to repeal by Pub. L. 97–113, title VII, §734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

Repayment of Loans in Default

Pub. L. 93–559, §56, Dec. 30, 1974, 88 Stat. 1820, provided that: "It is the sense of the Congress that any country receiving assistance under the Foreign Assistance Act of 1961 [this chapter] which is in default, at least 90 days prior to the date of enactment of this Act [Dec. 30, 1974], of any payment of principal or interest due on any loan or credit received from the United States shall promptly pay all such principal and interest. It is further the sense of the Congress that the President shall promptly enter into negotiations with each such country to help effectuate the payment of such principal and interest, or to effectuate the transfer by such country to the United States of goods, services, concessions, or actions beneficial to the United States, in lieu of the payment of such principal and interest."

Restrictions on Assistance to Nations Whose Government Is Based Upon Communism

Pub. L. 91–194, title I, §109, Feb. 9, 1970, 84 Stat. 8, provided that:

"(a) No assistance shall be furnished to any nation, whose government is based upon that theory of government known as communism under the Foreign Assistance Act of 1961, as amended [this chapter], for any arms, ammunition, implements of war, atomic energy materials, or any articles, materials, or supplies, such as petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war, contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended [section 1611 et seq. of this title].

"(b) No economic assistance shall be furnished to any nation whose government is based upon that theory of government known as communism under the Foreign Assistance Act of 1961, as amended [this chapter] except section 214(b) [section 2174(b) of this title], unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the House of Representatives and the Senate. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the committees and shall contain a statement by the President of the reasons for such determination."

Similar provisions were contained in the following prior acts:

Pub. L. 90–581, title I, §109, Oct. 17, 1968, 82 Stat. 1140.
Pub. L. 90–249, title I, §109, Jan. 2, 1968, 81 Stat. 939.
Pub. L. 89–691, title I, §109, Oct. 15, 1966, 80 Stat. 1020.
Pub. L. 89–273, title I, §109, Oct. 20, 1965, 79 Stat. 1004.
Pub. L. 88–634, title I, §109, Oct. 7, 1964, 78 Stat. 1018.
Pub. L. 88–272, title I, §109, Jan. 6, 1964, 77 Stat. 859.
Pub. L. 87–872, title I, §109, Oct. 23, 1962, 76 Stat. 1165.

Restrictions on Assistance to Countries Selling, Furnishing, or Permitting Ships To Carry Certain Items to Cuba or to North Vietnam

Pub. L. 91–194, title I, §107, Feb. 9, 1970, 84 Stat. 8, provided that:

"(a) No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended [this chapter], to any country which sells, furnishes, or permits any ships under its registry to carry to Cuba, so long as it is governed by the Castro regime, in addition to those items contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended [section 1611 et seq. of this title], any arms, ammunition, implements of war, atomic energy materials, or any other articles, materials, or supplies of primary strategic significance used in the production of arms, ammunition, and implements of war or of strategic significance to the conduct of war, including petroleum products.

"(b) No economic assistance shall be furnished under the Foreign Assistance Act of 1961, as amended [this chapter], to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam."

Similar provisions were contained in the following prior acts:

Pub. L. 90–581, title I, §107, Oct. 17, 1968, 82 Stat. 1139.
Pub. L. 90–249, title I, §107, Jan. 2, 1968, 81 Stat. 938.
Pub. L. 89–691, title I, §107, Oct. 15, 1966, 80 Stat. 1020.
Pub. L. 89–273, title I, §107, Oct. 20, 1965, 79 Stat. 1004.
Pub. L. 88–634, title I, §107, Oct. 7, 1964, 78 Stat. 1018.
Pub. L. 88–258, title I, §107, Jan. 6, 1964, 77 Stat. 859.

Pub. L. 87–872, title I, §107, Oct. 23, 1962, 76 Stat. 1165.

Restrictions on Assistance to Countries Selling, Furnishing or Permitting Ships To Carry Certain Items to North Vietnam

Pub. L. 91–194, title I, §116, Feb. 9, 1970, 84 Stat. 10, forbid assistance under the Foreign Assistance Act of 1961, as amended, to any country that sold, furnished or permitted any ships under its registry to carry to North Vietnam certain enumerated items unless the President determined that the withholding of such assistance was contrary to the national interest of the United States and reported such determination to Congress.

Similar provisions were contained in the following prior acts:

Pub. L. 90–581, title I, §116, Oct. 17, 1968, 82 Stat. 1141.

Pub. L. 90–249, title I, §116, Jan. 2, 1968, 81 Stat. 940.

Pub. L. 89–691, title I, §116, Oct. 15, 1966, 80 Stat. 1022.

Pub. L. 89–273, title I, §116, Oct. 20, 1965, 79 Stat. 1005.

Interdiction of the Delivery of Offensive Weapons to Cuba

For Presidential proclamation prohibiting the delivery of offensive weapons to Cuba, see Proc. No. 3504, Oct. 23, 1962, 27 F.R. 10401, set out as a note preceding section 1 of Title 50, War and National Defense.

Proc. No. 3447. Embargo on Trade With Cuba

Proc. No. 3447, Feb. 3, 1962, 27 F.R. 1085, provided:

WHEREAS the Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance, in its Final Act resolved that the present Government of Cuba is incompatible with the principles and objectives of the Inter-American system; and, in light of the subversive offensive of Sino-Soviet Communism with which the Government of Cuba is publicly aligned, urged the member states to take those steps that they may consider appropriate for their individual and collective self-defense;

WHEREAS the Congress of the United States, in section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended [subsection (a) of this section], has authorized the President to establish and maintain an embargo upon all trade between the United States and Cuba; and

WHEREAS the United States, in accordance with its international obligations, is prepared to take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alignment with the communist powers:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended [subsection (a) of this section], do

1. Hereby proclaim an embargo upon trade between the United States and Cuba in accordance with paragraphs 2 and 3 of this proclamation.

2. Hereby prohibit, effective 12:01 A.M., Eastern Standard Time, February 7, 1962, the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba; and I hereby authorize and direct the Secretary of the Treasury to carry out such prohibition, to make such exceptions thereto, by license or otherwise, as he determines to be consistent with the effective operation of the embargo hereby proclaimed, and to promulgate such rules and regulations as may be necessary to perform such functions.

3. AND FURTHER, I do hereby direct the Secretary of Commerce, under the provisions of the Export Control Act of 1949, as amended (50 U.S.C. App. 2021–2032), to continue to carry out the prohibition of all exports from the United States to Cuba, and I hereby authorize him, under that Act, to continue, make, modify or revoke exceptions from such prohibition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this third day of February, in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

John F. Kennedy.

[1] *So in original. The comma probably should be a period.*

§2370a. Expropriation of United States property

(a) Prohibition

None of the funds made available to carry out this Act, the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], or the Arms Export Control Act [22 U.S.C. 2751 et seq.] may be provided to a government or any agency or instrumentality thereof, if the government of such country (other than a country described if [1] subsection (d))—

(1) has on or after January 1, 1956—

(A) nationalized or expropriated the property of any United States person,

(B) repudiated or nullified any contract with any United States person, or

(C) taken any other action (such as the imposition of discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(2) has not, within the period specified in subsection (c), either—

(A) returned the property,

(B) provided adequate and effective compensation for such property in convertible foreign exchange or other mutually acceptable compensation equivalent to the full value thereof, as required by international law,

(C) offered a domestic procedure providing prompt, adequate and effective compensation in accordance with international law, or

(D) submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes or other mutually agreeable binding international arbitration procedure.

(b) Other actions

The President shall instruct the United States Executive Directors of each multilateral development bank and international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of any country to which assistance is prohibited under subsection (a), 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) 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), 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) and an instruction to vote against loans under subsection (b) 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).

(f) Reporting requirement

Not later than 90 days after April 30, 1994, and at the beginning of each fiscal year thereafter, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, a report containing the following:

(1) A list of every country in which the United States Government is aware that a United States person has an outstanding expropriation claim.

(2) The total number of such outstanding expropriation claims made by United States persons against each such country.

(3) The period of time in which each such claim has been outstanding.

(4) The status of each case and efforts made by the United States Government and the government of the country in which such claim has been made, to take one or more of the steps described in subsection (a)(2).

(5) Each project a United States Executive Director voted against as a result of the action described in subsection (b).

(g) Waiver

The President may waive the prohibitions in subsections (a) and (b) 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) 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) 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

(B) 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.

(Pub. L. 103–236, title V, §527, Apr. 30, 1994, 108 Stat. 475; Pub. L. 108–447, div. D, title V, §584(c), Dec. 8, 2004, 118 Stat. 3032.)

References in Text

This Act, referred to in subsec. (a), is Pub. L. 103–236, Apr. 30, 1994, 108 Stat. 382, known as the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 2651 of this title and Tables.

The Foreign Assistance Act of 1961, as amended, referred to in subsec. (a), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to this chapter (§2151 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Codification

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Amendments

2004—Subsec. (i). Pub. L. 108–447 added subsec. (i).

Delegation of Responsibilities Under Foreign Relations Authorization Act, Fiscal Years 1994 and 1995

Memorandum of President of the United States, July 26, 1994, 59 F.R. 40205, provided:

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of State the functions vested in the President by the following provisions of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) (the "Act"): sections 102(g) [22 U.S.C. 287e note], 161(c) [22 U.S.C. 2651a note], 401(b) [108 Stat. 446], 407(a) [22 U.S.C. 287b note], 409 [22 U.S.C. 287e note], 431(b) [108 Stat. 459], 514(b) [22 U.S.C. 1928 note], 523 [108 Stat. 473], 527(e) and (g) [22 U.S.C. 2370a(e), (g)], 528 [108 Stat. 477], 532(a) [108 Stat. 480], 574 [22 U.S.C. 2656 note], 583(b)(1) and (b)(6) [108 Stat. 489, 490], 733 [22 U.S.C. 2779a] and 735(d) [22 U.S.C. 2797b–1].

The functions under section 407(a) of the Act [22 U.S.C. 287b note] shall be exercised in coordination with the Secretary of Defense.

The functions under section 527(e) and (g) of the Act [22 U.S.C. 2370a(e), (g)] shall be exercised in consultation with the Secretary of the Treasury and the heads of other departments and agencies, as appropriate.

Any reference in this memorandum to any act, order, determination, or delegation of authority shall be deemed to be a reference to such act, order, determination, or delegation of authority as amended from time to time.

The functions delegated by this memorandum may be redelegated within the Department of State.

You are authorized and directed to publish this memorandum in the Federal Register.

William J. Clinton.

Memorandum of President of the United States, Jan. 4, 1995, 60 F.R. 3335, provided:

Memorandum for the Secretary of the Treasury

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of the Treasury the functions under section 527(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) [22 U.S.C. 2370a(b)].

Any reference in this memorandum to any Act, order, determination, or delegation of authority shall be deemed to be a reference to such Act, order, determination, or delegation of authority as

amended.

The functions delegated by this memorandum may be redelegated within the Department of the Treasury.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

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

§2370b. 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) 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.

(Pub. L. 109–13, div. A, title II, §2110, May 11, 2005, 119 Stat. 268.)

CODIFICATION

Section was enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

ASSIGNMENT OF FUNCTIONS RELATING TO THE REPORT TO THE CONGRESS ON IMPLEMENTATION OF HUMANITARIAN ASSISTANCE CODE OF CONDUCT

Memorandum of President of the United States, May 12, 2006, 71 F.R. 30549, provided:

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Constitution and laws of the United States, including section 301 of title 3, United States Code, the functions of the President under section 2110(c) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (title II of Public Law 109–13) (22 U.S.C. 2370b), are assigned to the Secretary of State.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

§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, police, or other security forces;

(ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces, police, or other security forces;

(iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces, police, or other security forces; or

(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 clause (ii), (iii), or (iv) of subparagraph (A) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

(Pub. L. 110–457, title IV, §402, Dec. 23, 2008, 122 Stat. 5088; Pub. L. 115–425, title II, §212(a), Jan. 8, 2019, 132 Stat. 5485.)

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 this Act 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.

Amendments

2019—Par. (2)(A)(i) to (iii). Pub. L. 115–425, §212(a)(1), inserted ", police, or other security forces" after "governmental armed forces".

Par. (2)(B). Pub. L. 115–425, §212(a)(2), substituted "clause" for "clauses".

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 4028 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]."

Findings

Pub. L. 115–425, title II, §211, Jan. 8, 2019, 132 Stat. 5485, provided that: "Congress finds the following:

"(1) The recruitment or use of children in armed conflict is unacceptable for any government or government-supported entity receiving United States assistance.

"(2) The recruitment or use of children in armed conflict, including direct combat, support roles, and sexual slavery, occurred during 2016 or 2017 in Afghanistan, Iran, Mali, Niger, South Sudan, Sudan, Burma, the Democratic Republic of the Congo, Iraq, Nigeria, Rwanda, Somalia, Syria, and Yemen.

"(3) Entities of the Government of Afghanistan, particularly the Afghan Local Police and Afghan National Police, continue to recruit children to serve as combatants or as servants, including as sex slaves.

"(4) Police forces of the Government of Afghanistan participate in counterterrorism operations, direct and indirect combat, security operations, fight alongside regular armies, and are targeted for violence by the Taliban and other opposition groups.

"(5) In February 2016, a 10-year-old boy was assassinated by the Taliban after he had been publicly honored by Afghan local police forces for his assistance in combat operations against the Taliban.

"(6) Recruitment and use of children in armed conflict by government forces has continued in South Sudan with the return to hostilities.

"(7) At least 19,000 children have been recruited since South Sudan's civil war began in 2013."

§2370c–1. Prohibition

(a) In general

Subject to subsections (b) through (f), the authorities contained in sections 2321j, 2347, and 2348 of this title or section 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, police, or other security forces, or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or 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

(A) In general

Not later than 45 days after the date on which each report is submitted under section 7107(b) of this title, the Secretary of State shall formally notify each government included in the list under paragraph (1) that such government is included in such list.

(B) Congressional notification

As soon as practicable after making all of the notifications required under subparagraph (A) with respect to a report, the Secretary of State shall notify the appropriate congressional committees that the requirements of subparagraph (A) have been met.

(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 and certifies to the appropriate congressional committees that the government of such country is taking effective and continuing steps to address the problem of child soldiers.

(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 under section 2347 of this title through the Defense Institute for International Legal Studies or the Center for Civil-Military Relations at the Naval Post-Graduate School, and may provide nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10), to a country subject to the prohibition 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.

(f) Exception for peacekeeping operations

The limitation set forth in subsection (a) that relates to section 2348 of this title shall not apply to programs that support military professionalization, security sector reform, heightened respect for human rights, peacekeeping preparation, or the demobilization and reintegration of child soldiers.

(Pub. L. 110–457, title IV, §404, Dec. 23, 2008, 122 Stat. 5089; Pub. L. 113–4, title XII, §1208, Mar. 7, 2013, 127 Stat. 142; Pub. L. 115–425, title II, §212(b), Jan. 8, 2019, 132 Stat. 5485.)

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 this Act 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.

Amendments

2019—Subsec. (a). Pub. L. 115–425, §212(b)(1), inserted ", police, or other security forces," after "governmental armed forces" and substituted "recruit or use child soldiers" for "recruit and use child soldiers".

Subsec. (b)(2). Pub. L. 115–425, §212(b)(2), amended par. (2) generally. Prior to amendment, text read as follows: "The Secretary of State shall formally notify any government identified pursuant to subsection (a)."

Subsec. (c)(1). Pub. L. 115–425, §212(b)(3), inserted before period at end "and certifies to the appropriate congressional committees that the government of such country is taking effective and continuing steps to address the problem of child soldiers".

Subsec. (e)(1). Pub. L. 115–425, §212(b)(4), substituted "under section 2347 of this title through the Defense Institute for International Legal Studies or the Center for Civil-Military Relations at the Naval Post-Graduate School, and may provide nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10), to a country subject to the prohibition under subsection (a)" for "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)".

2013—Subsec. (a). Pub. L. 113–4, §1208(1), substituted "(b) through (f), the authorities contained in sections 2321j, 2347, and 2348 of this title" for "(b), (c), and (d), the authorities contained in section 2321j or 2347 of this title".

Subsec. (f). Pub. L. 113–4, §1208(2), added subsec. (f).

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.

§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 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 description and the amount of any assistance withheld under this title pursuant to the application to those countries of the prohibition in section 2370c–1(a) of this title;

(3) a list of any waivers or exceptions exercised under sections 2370c to 2370c–2 of this title;

(4) justification for any such waivers and exceptions; and

(5) a description and the amount of any assistance provided under sections 2370c to 2370c–2 of this title pursuant to the issuance of such waiver.

(d) Information to be included in annual trafficking in persons report

If the Secretary of State notifies a country pursuant to section 2370c–1(b)(2) of this title, or the President grants a waiver pursuant to section 2370c–1(c)(1) of this title, the Secretary of State shall include, in each report required under section 7107(b) of this title, the information required to be included in the annual report to Congress under paragraphs (1) through (5) of subsection (c).

(Pub. L. 110–457, title IV, §405, Dec. 23, 2008, 122 Stat. 5090; Pub. L. 115–425, title II, §212(c), Jan. 8, 2019, 132 Stat. 5486.)

References in Text

Sections 2370c to 2370c–2 of this title, referred to in subsec. (c)(1), (3), (5), 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 this Act 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.

Amendments

2019—Subsec. (c)(1). Pub. L. 115–425, §212(c)(1)(A), struck out ", during any of the 5 years following December 23, 2008," after "If" and substituted "waiver" for "wavier".

Subsec. (c)(2) to (5). Pub. L. 115–425, §212(c)(1)(B)–(D), added par. (2), redesignated former pars. (2) to (4) as (3) to (5), respectively, and in par. (5), inserted "and the amount" after "a description".

Subsec. (d). Pub. L. 115–425, §212(c)(2), added subsec. (d).

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.

Delegation of Authority

Memorandum of President of the United States, June 14, 2012, 77 F.R. 37551, 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 301 of title 3, United States Code, I hereby delegate to you the functions conferred upon the President by section 405(c) of the Child Soldiers Prevention Act of 2008, title IV of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457).

You are authorized and directed to publish this memorandum in the Federal Register.

Barack Obama.

§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), including each determination in effect on December 12, 1989, shall be published in the Federal Register.

(c) Rescission

A determination made by the Secretary of State under subsection (a) 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) 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), except that humanitarian reasons may not be used to justify assistance under subchapter II of this chapter (including part IV, part VI, and part VIII), or the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.]; and

(2) at least 15 days before the waiver takes effect, the President consults with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the proposed waiver and submits a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate containing—

(A) the name of the recipient country;

(B) a description of the national security interests or humanitarian reasons which require the waiver;

(C) the type and amount of and the justification for the assistance to be provided pursuant to the waiver; and

(D) the period of time during which such waiver will be effective.

The waiver authority granted in this subsection may not be used to provide any assistance under this chapter which is also prohibited by section 2780 of this title.

(Pub. L. 87–195, pt. III, §620A, as added Pub. L. 94–329, title III, §303, June 30, 1976, 90 Stat. 753; amended Pub. L. 99–83, title V, §503(a), Aug. 8, 1985, 99 Stat. 220; Pub. L. 99–190, §101(i) [title V, §521], Dec. 19, 1985, 99 Stat. 1291, 1305; Pub. L. 101–222, §5, Dec. 12, 1989, 103 Stat. 1897; Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

References in Text

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

The 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. 341, 59 Stat. 526, as amended, which is classified generally to chapter 6A (§635 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables.

Amendments

2008—Subsec. (a). Pub. L. 110–246 substituted "Food for Peace Act" for "Agricultural Trade Development and Assistance Act of 1954".

1989—Pub. L. 101–222 amended section generally, in subsec. (a) substituting provisions prohibiting assistance if Secretary of State determines country has repeatedly supported terrorism, for provisions prohibiting assistance if President determines country grants sanctuary to terrorists or otherwise supports terrorism; redesignating subsec. (b) as (d) and inserting provisions prohibiting justification of waiver of assistance under specified Acts and provisions describing contents of report on proposed waiver; adding subsecs. (b) and (c); and striking out subsec. (c) which related to imposition of sanction by other countries.

1985—Subsec. (a). Pub. L. 99–190 inserted reference to the Export-Import Bank Act of 1945.

Pub. L. 99–83 amended subsec. (a) generally, substituting provisions relating to covered programs and Presidential determinations respecting termination of assistance, for provisions relating to termination of assistance to countries granting sanctuary to international terrorists and period of ineligibility.

Subsec. (b). Pub. L. 99–83 amended subsec. (b) generally, substituting provisions relating to waiver of application of subsec. (a), for provisions relating to reports respecting continuation of assistance to any country falling within provisions of former subsec. (a) of this section.

Subsec. (c). Pub. L. 99–83, in amending section generally, added subsec. (c).

Effective Date of 2008 Amendment

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Delegation of Functions

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

Self-Defense in Accordance With International Law

Pub. L. 101–222, §10, Dec. 12, 1989, 103 Stat. 1900, provided that: "The use by any government of armed force in the exercise of individual or collective self-defense in accordance with applicable international agreements and customary international law shall not be considered an act of international terrorism for purposes of the amendments made by this Act [see Short Title of 1989 Amendment note, set out under section 2151 of this title]."

§2372. Repealed. Pub. L. 97–113, title VII, §725(a), Dec. 29, 1981, 95 Stat. 1553

Section, Pub. L. 87–195, pt. III, §620B, as added Pub. L. 95–92, §11, Aug. 4, 1977, 91 Stat. 619; amended Pub. L. 95–384, §12(c)(1), Sept. 26, 1978, 92 Stat. 737, prohibited assistance and sales to Argentina.

§2372a. Renewal, reissuance, etc., of export licenses to or for Argentina

Any export license referred to in section 2372 [1] of this title which is issued initially on or before September 30, 1978 may from time to time thereafter be renewed, reissued or modified (or in the event of lapse of such license, replacement licenses may be issued), provided that any such renewal, reissuance or modification (or any such replacement license) does not change significantly any such license as initially issued.

(Pub. L. 95–240, title II, §210, Mar. 7, 1978, 92 Stat. 118.)

References in Text

Section 2372 of this title, referred to in text, was in the original "Section 11 of Public Law 95–92", meaning section 11 of Pub. L. 95–92, Aug. 4, 1977, 91 Stat. 619, which added section 620B of Pub. L. 87–195. Section 620B of Pub. L. 87–195 was classified to section 2372 of this title and was repealed by Pub. L. 97–113, title VII, §725(a), Dec. 29, 1981, 95 Stat. 1553.

Codification

Section was enacted as part of the Supplemental Appropriations Act, 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

[1] *See References in Text note below.*

§2373. Eastern Mediterranean policy requirements

(a) Congressional declaration and statement of findings

The Congress declares that the achievement of a just and lasting Cyprus settlement is and will remain a central objective of United States foreign policy. The Congress further declares that any action of the United States with respect to section 2370(x) [1] of this title shall not signify a lessening of the United States commitment to a just solution to the conflict on Cyprus but is authorized in the expectation that this action will be conducive to achievement of a Cyprus solution and a general improvement in relations among Greece, Turkey, and Cyprus and between those countries and the United States. The Congress finds that—

(1) a just settlement on Cyprus must involve the establishment of a free and independent government on Cyprus and must guarantee that the human rights of all of the people of Cyprus are fully protected;

(2) a just settlement on Cyprus must include the withdrawal of Turkish military forces from Cyprus;

(3) the guidelines for inter-communal talks agreed to in Nicosia in February 1977 and the United Nations resolutions regarding Cyprus provide a sound basis for negotiation of a just settlement on Cyprus;

(4) serious negotiations, under United Nations auspices, will be necessary to achieve agreement on, and implementation of, constitutional and territorial terms within such guidelines; and

(5) the recent proposals by both Cypriot communities regarding the return of the refugees to the city of New Famagusta (Varosha) constitute a positive step and the United States should actively support the efforts of the Secretary General of the United Nations with respect to this issue.

(b) Governing principles

United States policy regarding Cyprus, Greece, and Turkey shall be directed toward the restoration of a stable and peaceful atmosphere in the Eastern Mediterranean region and shall therefore be governed by the following principles:

(1) The United States shall actively support the resolution of differences through negotiations and internationally established peaceful procedures, shall encourage all parties to avoid provocative actions, and shall strongly oppose any attempt to resolve disputes through force or threat of force.

(2) The United States will accord full support and high priority to efforts, particularly those of the United Nations, to bring about a prompt, peaceful settlement on Cyprus.

(3) All defense articles furnished by the United States to countries in the Eastern Mediterranean region will be used only in accordance with the requirements of this chapter, the Arms Export Control Act [22 U.S.C. 2751 et seq.], and the agreements under which those defense articles were furnished.

(4) The United States will furnish security assistance for Greece and Turkey only when furnishing that assistance is intended solely for defensive purposes, including when necessary to enable the recipient country to fulfill its responsibilities as a member of the North Atlantic Treaty Organization, and shall be designed to ensure that the present balance of military strength among countries of the region, including between Greece and Turkey, is preserved. Nothing in this paragraph shall be construed to prohibit the transfer of defense articles to Greece or Turkey for legitimate self defense or to enable Greece or Turkey to fulfill their North Atlantic Treaty Organization obligations.

(5) The United States shall use its influence to ensure the continuation of the ceasefire on Cyprus until an equitable negotiated settlement is reached.

(6) The United States shall use its influence to achieve the withdrawal of Turkish military forces from Cyprus in the context of a solution to the Cyprus problem.

(c) Review of policy; report to Congress

Because progress toward a Cyprus settlement is a high priority of United States policy in the Eastern Mediterranean, the President and the Congress shall continually review that progress and shall determine United States policy in the region accordingly. To facilitate such a review the President shall, within 60 days after the date of enactment of this section and at the end of each succeeding 60-day period, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on progress made toward the conclusion of a negotiated solution of the Cyprus problem. Such transmissions shall include any relevant reports prepared by the Secretary General of the United Nations for the Security Council.

(d) Certification by President to Congress of assistance to Greece and Turkey

In order to ensure that United States assistance is furnished consistent with the policies established in this section, the President shall, whenever requesting any funds for security assistance under this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] for Greece and Turkey, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate his certification, with a full explanation thereof, that the furnishing of such assistance will be consistent with the principles set forth in subsection (b). The President shall also submit such a certification with any notification to the Congress, pursuant to section 36(b) of the Arms Export Control Act [22 U.S.C. 2776(b)], of a proposed sale of defense articles or services to Greece or Turkey.

(e) Arms sales agreements to prohibit transfer to Cyprus

(1) Any agreement for the sale or provision of any article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act [22 U.S.C. 2778]) entered into by the United States after December 22, 1987, shall expressly state that the article is being provided by the United States only with the understanding that it will not be transferred to Cyprus or otherwise used to further the severance or division of Cyprus.

(2) The President shall report to Congress any substantial evidence that equipment provided under any such agreement has been used in a manner inconsistent with the purposes of this subsection.

(Pub. L. 87–195, pt. III, §620C, as added Pub. L. 95–384, §13(b), Sept. 26, 1978, 92 Stat. 737; amended Pub. L. 100–202, §101(e) [title V, §562], Dec. 22, 1987, 101 Stat. 1329–131, 1329-171.)

References in Text

Section 2370(x) of this title, referred to in subsec. (a), was omitted. See Codification note set out under section 2370 of this title.

This chapter, referred to in subsecs. (b)(3) and (d), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsecs. (b)(3) and (d), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Prior Provisions

Provisions similar to those in subsec. (e) of this section were contained in the following appropriation acts:

Pub. L. 102–391, title V, §557, Oct. 6, 1992, 106 Stat. 1676.

Pub. L. 101–513, title V, §560, Nov. 5, 1990, 104 Stat. 2026.

Pub. L. 101–167, title V, §570, Nov. 21, 1989, 103 Stat. 1245.

Pub. L. 100–461, title V, §579, Oct. 1, 1988, 102 Stat. 2268–48.

Amendments

1987—Subsec. (e). Pub. L. 100–202 added subsec. (e).

Delegation of Functions

For delegation of congressional reporting functions of President under subsec. (c) of this section, see section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.

Special Ambassadorial Commission for Cyprus and the Aegean

Pub. L. 100–202, §101(e) [title V, §586], Dec. 22, 1987, 101 Stat. 1329–131, 1329-185, provided that:

"(a) Findings.—The Congress finds that—

"(1) the inability to achieve a just and lasting Cyprus settlement will continue to affect relations among the United States and its close NATO allies, Greece and Turkey, to the detriment of larger, mutually shared, security interests in the Eastern Mediterranean region;

"(2) it is of paramount importance that Cyprus, Greece, and Turkey resolve their differences through negotiations and otherwise peaceful procedures, and that the United States should support the resolution of these differences through all the diplomatic means at its disposal;

"(3) it is in the national interest of the United States that the President make a significant new diplomatic demarche towards bringing this dispute to a resolution; and

"(4) it is also in the national interest of the United States to undertake a diplomatic initiative to promote the peaceful and equitable resolution of differences between Greece and Turkey in the Aegean by fostering a renewed and sustained bilateral dialogue between those countries on such issues as: the delineation of the continental shelf, the definition of the territorial seas, air traffic control over the Aegean, NATO command and control arrangements in the Aegean, and the status of Lemnos and NATO exercises in the Aegean.

"(b) Appointment of Special Ambassador.—The President is authorized to appoint a special ambassadorial level envoy who shall be responsible for representing the United States in direct negotiations with the parties to the Cyprus dispute, for representing the United States in negotiations through international intermediaries and, generally, lending the good offices of the United States to the parties in this dispute in order to facilitate a peaceful settlement on Cyprus. As agreed to by Greece and Turkey, the special envoy shall also represent the United States in promoting mutual discussions between those countries concerning their differences on Aegean issues. The special ambassador appointed under this section shall have available the services of two deputies (one to specialize on the Cyprus question, the other on general Aegean issues) and such senior level Department of State personnel as may be required by the special ambassador in order to carry out his responsibilities.

"(c) Report.—Not later than June 1, 1988, the President shall submit a report to the Congress describing in detail the activities being undertaken by the special ambassador, the progress being made toward achievement of a peaceful resolution of the Cyprus dispute, an assessment of the obstacles to achievement of such a resolution and of the future role of the United States in acheiving [sic] a settlement on Cyprus, and an assessment of the progress being made toward resolution of issues affecting the Aegean region.

"(d) Funding.—Up to $500,000 of the funds appropriated under any heading of this Act [Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as enacted by section 101(e) of Pub. L. 101–202] which are allocated for Greece and up to $500,000 of the funds appropriated under any heading of this Act which are allocated for Turkey, may be used by the Department of State for any administrative costs associated with the activities of the special ambassador and supporting personnel, including transportation, salaries and per diem."

[1] *See References in Text note below.*

§2374. Repealed. Pub. L. 108–458, title VII, §7104(l), Dec. 17, 2004, 118 Stat. 3788

Section, Pub. L. 87–195, pt. III, §620D, as added Pub. L. 96–53, title V, §505, Aug. 14, 1979, 93 Stat. 378, related to prohibition on assistance to Afghanistan.

§2375. Assistance to Pakistan

(a) Congressional policy, findings, and goals

The Congress recognizes that Soviet forces occupying Afghanistan pose a security threat to Pakistan. The Congress also recognizes that an independent and democratic Pakistan with continued friendly ties with the United

States is in the interest of both nations. The Congress finds that United States assistance will help Pakistan maintain its independence. Assistance to Pakistan is intended to benefit the people of Pakistan by helping them meet the burdens imposed by the presence of Soviet forces in Afghanistan and by promoting economic development. In authorizing assistance to Pakistan, it is the intent of Congress to promote the expeditious restoration of full civil liberties and representative government in Pakistan. The Congress further recognizes that it is in the mutual interest of Pakistan and the United States to avoid the profoundly destabilizing effects of the proliferation of nuclear explosive devices or the capacity to manufacture or otherwise acquire nuclear devices.

(b) Reaffirmation of 1959 bilateral agreement

The United States reaffirms the commitment made in its 1959 bilateral agreement with Pakistan relating to aggression from a Communist or Communist-dominated state.

(c) Availability; defensive aspects of assistance

Security assistance for Pakistan shall be made available in order to assist Pakistan in dealing with the threat to its security posed by the Soviet presence in Afghanistan. The United States will take appropriate steps to ensure that defense articles provided by the United States to Pakistan are used for defensive purposes.

(d) Waiver of limitations respecting nuclear transfers

The President may waive the prohibitions of section 2799aa of this title with respect to any grounds for the prohibition of assistance under that section arising before the effective date of part B of the Nuclear Proliferation Prevention Act of 1994 to provide assistance to Pakistan if he determines that to do so is in the national interest of the United States.

(e) Nuclear non-proliferation conditions on military assistance; exception

(1) No military assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, pursuant to the authorities contained in this chapter or any other Act, unless the President shall have certified in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which military assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States military assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.

(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:

(A) International narcotics control (including part VIII of subchapter I of this chapter) or any provision of law available for providing assistance for counternarcotics purposes.

(B) Facilitating military-to-military contact, training (including part V of subchapter II of this chapter) and humanitarian and civic assistance projects.

(C) Peacekeeping and other multilateral operations (including part VI of subchapter II of this chapter relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment provided under this subparagraph shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided.

(D) Antiterrorism assistance (including part VIII of subchapter II of this chapter relating to antiterrorism assistance) or any provision of law available for antiterrorism assistance purposes.

(3) The restrictions of this subsection shall continue to apply to contracts for the delivery of F–16 aircraft to Pakistan.

(4) Notwithstanding the restrictions contained in this subsection, military equipment, technology, or defense services, other than F–16 aircraft, may be transferred to Pakistan pursuant to contracts or cases entered into before October 1, 1990.

(f) Storage costs

The President may release the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) and may reimburse the Government of Pakistan for any such amount paid, on such terms and conditions as the President may prescribe: *Provided*, That such payments have no budgetary impact.

(g) Inapplicability of restrictions to previously owned items

Subsection (e) 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 4612 of title 50 or section 2797b of this title.

(Pub. L. 87–195, pt. III, §620E, as added Pub. L. 97–113, title VII, §736, Dec. 29, 1981, 95 Stat. 1561; amended Pub. L. 99–83, title IX, §902, Aug. 8, 1985, 99 Stat. 267; Pub. L. 100–202, §101(e) [title V, §557], Dec. 22, 1987, 101 Stat. 1329–131, 1329-170; Pub. L. 101–167, title V, §591, Nov. 21, 1989, 103 Stat. 1253; Pub. L. 101–513, title V, §574(a), Nov. 5, 1990, 104 Stat. 2042; Pub. L. 102–145, §118, as added Pub. L. 102–266, §102, Apr. 1,

1992, 106 Stat. 93; Pub. L. 102–391, title V, §570(a), Oct. 6, 1992, 106 Stat. 1681; Pub. L. 103–87, title V, §536(a), Sept. 30, 1993, 107 Stat. 955; Pub. L. 103–236, title VIII, §822(b)(2), Apr. 30, 1994, 108 Stat. 512; Pub. L. 104–107, title V, §559(a), Feb. 12, 1996, 110 Stat. 743.)

References in Text

For effective date of part B of the Nuclear Proliferation Prevention Act of 1994, referred to in subsec. (d), as the date 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

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

Codification

Amendment by Pub. L. 102–145 is based on section 572(a) of H.R. 2621, One Hundred Second Congress, 1st Session, as passed by the House of Representatives on June 19, 1991, which was enacted into law by Pub. L. 102–145, §118, as added by Pub. L. 102–266, §102, Apr. 1, 1992, 106 Stat. 93. Section 118 of Pub. L. 102–145 provided that the authority and conditions provided in such section 572 shall be applicable to funds appropriated by Pub. L. 102–145 (and are hereby enacted) in lieu of the authority and conditions provided in section 574 of Pub. L. 101–513. See 1990, 1991, and 1992 Amendment notes below.

Amendments

1996—Subsec. (e). Pub. L. 104–107, §559(a)(1), designated existing provisions as par. (1), substituted "military assistance" for "assistance" wherever appearing, and added par. (2).

Subsecs. (f) to (h). Pub. L. 104–107, §559(a)(2), added subsecs. (f) to (h).

1994—Subsec. (d). Pub. L. 103–236 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "The President may waive the prohibitions of section 2429 of this title at any time during the period beginning on December 29, 1981, and ending on September 30, 1994, to provide assistance to Pakistan during that period if he determines that to do so is in the national interest of the United States."

1993—Subsec. (d). Pub. L. 103–87, which directed the substitution of "September 30, 1994" for the date specified in subsec. (d), was executed by substituting "September 30, 1994" for "September 30, 1993". See 1992 Amendment note below.

1992—Subsec. (d). Pub. L. 102–391, which directed the substitution of "September 30, 1993" for the date specified in subsec. (d), was executed by substituting "September 30, 1993" for "April 1, 1993". See 1991 Amendment note below.

Pub. L. 102–266 added Pub. L. 102–145, §118. See 1991 Amendment note below.

1991—Subsec. (d). Pub. L. 102–145, §118, as added by Pub. L. 102–266, which directed the amendment of subsec. (d) by substituting "April 1, 1993" for "April 1, 1991" in lieu of amendment by Pub. L. 101–513, §574(a), was executed by substituting "April 1, 1993" for "April 1, 1992" to reflect the probable intent of Congress. See Codification note above and 1990 Amendment note below.

1990—Subsec. (d). Pub. L. 101–513 substituted "April 1, 1992" for "April 1, 1991".

1989—Subsec. (d). Pub. L. 101–167 substituted "April 1, 1991" for "April 1, 1990".

1987—Subsec. (d). Pub. L. 100–202 substituted "April 1, 1990" for "September 30, 1987".

1985—Subsec. (e). Pub. L. 99–83 added subsec. (e).

Effective Date of 1994 Amendment

Amendment by Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

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

Pub. L. 110–53, title XX, §2042(a)–(f), Aug. 3, 2007, 121 Stat. 520–523, provided that:

"(a) Congressional Findings.—Congress finds the following:

"(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 correlative 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 then-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 [sic] society in helping to achieve the correlative 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.

"(3) 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) BIANNUAL REPORTS TO CONGRESS.—

"(A) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a biannual 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."

[For definition of "appropriate congressional committees" as used in section 2042(a)–(f) of Pub. L. 110–53, set out above, see section 2002 of Pub. L. 110–53, set out as a note under section 2151 of this title.]

[Functions of President under section 2042(c)(1), (d) of Pub. L. 110–53, set out above, assigned to Secretary of State by Memorandum of President of the United States, Sept. 28, 2007, 72 F.R. 56871, set out as a note under section 2228 of this title.]

Nuclear Non-Proliferation Conditions on Assistance for Pakistan

Determination of President of the United States, No. 90–15, Mar. 28, 1990, 55 F.R. 17417, provided:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 620E(d) of the Foreign Assistance Act of 1961, as amended ("the Act") (22 U.S.C. 2375(d)), I hereby determine, pursuant to section 620E(d) of the Act, that provision of assistance to Pakistan under the Act [22 U.S.C. 2151 et seq.] through April 1, 1991, is in the national interest of the United States, and therefore waive the prohibitions of section 669 of the Act (22 U.S.C. 2429) with respect to that period.

You are authorized and directed to transmit this determination, together with the statement setting forth specific reasons therefor, to the Congress immediately.

This determination shall be published in the Federal Register.

George Bush.

Prior determinations and certifications were contained in the following:

Determination of President of the United States, No. 90–1, Oct. 5, 1989, 54 F.R. 43797.
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. 88–4, Dec. 17, 1987, 53 F.R. 773.
Determination of President of the United States, No. 87–3, Oct. 27, 1986, 51 F.R. 40301.
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.

Sanctions contained in subsec. (e) waived in certain regards by Determination of President of the United States, No. 2000–4, Oct. 27, 1999, 64 F.R. 60649, 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.

(Pub. L. 87–195, pt. III, §620F, as added Pub. L. 102–391, title V, §585(a), Oct. 6, 1992, 106 Stat. 1688; amended Pub. L. 105–277, div. G, subdiv. B, title XXII, §2219(b), Oct. 21, 1998, 112 Stat. 2681–817; Pub. L. 113–188, title XIV, §1401, Nov. 26, 2014, 128 Stat. 2023.)

Amendments

2014—Subsec. (c). Pub. L. 113–188 struck out subsec. (c). Text read as follows: "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."

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

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.

Delegation of Authority With Respect to Reports to Congress Concerning Progress Toward Nonproliferation in South Asia

Memorandum of President of the United States, Mar. 30, 1994, 59 F.R. 17229, delegated to the Secretary of State the reporting functions vested in the President by former subsec. (c) of this section.

§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) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

(1) a statement of the determination;
(2) a detailed explanation of the assistance to be provided;
(3) the estimated dollar amount of the assistance; and
(4) an explanation of how the assistance furthers United States national interests.

(Pub. L. 87–195, pt. III, §620G, as added Pub. L. 104–132, title III, §325, Apr. 24, 1996, 110 Stat. 1256.)

References in Text

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

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. 56673, as amended, set out as a note under section 2381 of this title.

Congressional Findings

Pub. L. 104–132, title III, §324, Apr. 24, 1996, 110 Stat. 1255, provided that: "The Congress finds that—

"(1) international terrorism is among the most serious transnational threats faced by the United States and its allies, far eclipsing the dangers posed by population growth or pollution;

"(2) the President should continue to make efforts to counter international terrorism a national security priority;

"(3) because the United Nations has been an inadequate forum for the discussion of cooperative, multilateral responses to the threat of international terrorism, the President should undertake immediate efforts to develop effective multilateral responses to international terrorism as a complement to national counter terrorist efforts;

"(4) the President should use all necessary means, including covert action and military force, to disrupt, dismantle, and destroy international infrastructure used by international terrorists, including overseas terrorist training facilities and safe havens;

"(5) the Congress deplores decisions to ease, evade, or end international sanctions on state sponsors of terrorism, including the recent decision by the United Nations Sanctions Committee to allow airline flights to and from Libya despite Libya's noncompliance with United Nations resolutions; and

"(6) the President should continue to undertake efforts to increase the international isolation of state sponsors of international terrorism, including efforts to strengthen international sanctions, and should oppose any future initiatives to ease sanctions on Libya or other state sponsors of terrorism."

"Assistance" Defined

Assistance defined for purposes of title III of Pub. L. 104–132, see section 329 of Pub. L. 104–132, set out as a note under section 2349aa–10 of this title.

§2378. Prohibition on assistance to countries that provide military equipment to terrorist states

(a) Prohibition

(1) In general

The President shall withhold assistance under this chapter to the government of any country that provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 4605(j) [1] of title 50, or 2371 of this title.

(2) Applicability

The prohibition under this section with respect to a foreign government shall terminate 1 year after that government ceases to provide lethal military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after April 24, 1996.

(b) Waiver

Notwithstanding any other provision of law, assistance may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

(1) a statement of the determination;

(2) a detailed explanation of the assistance to be provided;

(3) the estimated dollar amount of the assistance; and

(4) an explanation of how the assistance furthers United States national interests.

(Pub. L. 87–195, pt. III, §620H, as added Pub. L. 104–132, title III, §326, Apr. 24, 1996, 110 Stat. 1256.)

References in Text

This chapter, referred to in subsec. (a)(1), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Section 4605(j) of title 50, referred to in subsec. (a)(1), was repealed by Pub. L. 115–232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

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. 56673, as amended, set out as a note under section 2381 of this title.

"Assistance" Defined

Assistance defined for purposes of title III of Pub. L. 104–132, see section 329 of Pub. L. 104–132, set out as a note under section 2349aa–10 of this title.

[1] *See References in Text note below.*

§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) 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), the President shall notify the Committee on International Relations, the Committee on Foreign Relations, and the Committees on Appropriations of the Senate and House of Representatives of his intention to make such a determination, the effective date of the determination, and the reasons for making the determination.

(Pub. L. 87–195, pt. III, §620I, as added Pub. L. 104–208, div. A, title I, §101(c) [title V, §559], Sept. 30, 1996, 110 Stat. 3009–121, 3009-161.)

References in Text

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

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

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.

§2378a. Depleted uranium ammunition

(a) Prohibition

Except as provided in subsection (b), none of the funds made available to carry out this chapter or any other Act may be made available to facilitate in any way the sale of M–833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than—

(1) a country that is a member of the North Atlantic Treaty Organization;
(2) a country that has been designated as a major non-NATO ally (as defined in section 2403(q) of this title); or
(3) Taiwan.

(b) Exception

The prohibition contained in subsection (a) shall not apply with respect to the use of funds to facilitate the sale of antitank shells to a country if the President determines that to do so is in the national security interest of the United States.

(Pub. L. 87–195, pt. III, §620J, formerly §620G, as added Pub. L. 104–164, title I, §149, July 21, 1996, 110 Stat. 1436; renumbered §620J, Pub. L. 109–446, §2(b)(1), Dec. 21, 2006, 120 Stat. 3318.)

References in Text

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

Codification

Another section 620J of Pub. L. 87–195 was renumbered section 620m and is classified to section 2378d 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.

§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 unauthorized 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.

(c) 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 under section 2394–1(a) of this title.

(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.

(Pub. L. 87–195, pt. III, §620K, as added, Pub. L. 109–446, §2(b)(2), Dec. 21, 2006, 120 Stat. 3318.)

References in Text

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

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, as amended by Pub. L. 114–323, title VII, §715(b)(3), Dec. 16, 2016, 130 Stat. 1946, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Palestinian Anti-Terrorism Act of 2006'.

"SEC. 2. 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 contact with and refrain from supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap.

"(b) Amendments.—

"(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], 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, 2006].

"SEC. 3. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

"(a) Amendment.—[Enacted section 2378c of this title.]

"(b) Oversight and Related Requirements.—

"(1) OVERSIGHT.—For each of the fiscal years 2007 and 2008, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of such assistance.

"(2) VETTING.—Prior to any obligation of amounts for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this paragraph and shall terminate assistance to any individual or entity that the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

"(3) PROHIBITION.—No amounts made available for fiscal year 2007 or 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

"(4) AUDITS.—

"(A) IN GENERAL.—The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, that receive amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 are conducted for each of the fiscal years 2007 and 2008 to ensure, among other things, compliance with this subsection.

"(B) AUDITS BY INSPECTOR GENERAL OF USAID.—Of the amounts available for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, up to $1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of subparagraph (A). Such amounts are in addition to amounts otherwise available for such purposes.

"SEC. 4. DESIGNATION OF TERRITORY CONTROLLED BY THE PALESTINIAN AUTHORITY AS TERRORIST SANCTUARY.

"It is the sense of Congress that, 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 [former] section 6(j)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(5)) [former 50 U.S.C. 4605(j)(5)] and section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

"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) should 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 maintain 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 for a district in which a violation of subsection (a) occurs 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 maintenance 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 should direct the United States Executive Director at each international financial institution to use the voice, vote, 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 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) should 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. 262r(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 such organization—

"(1) recognizes Israel's right to exist;

"(2) renounces the use of terrorism;

"(3) dismantles the infrastructure in areas within its jurisdiction necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and

"(4) recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestinian Authority.

"SEC. 10. ISRAELI–PALESTINIAN PEACE, RECONCILIATION AND DEMOCRACY FUND.

"(a) Establishment of Fund.—Not later than 60 days after the date of the enactment of this Act [Dec. 21, 2006], the Secretary of State shall establish a fund to be known as the 'Israeli-Palestinian Peace, Reconciliation and Democracy Fund' (in this section referred to as the 'Fund'). The purpose of the Fund shall be to support, primarily, through Palestinian and Israeli 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) 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 the rule of law and to fulfill his duties as President, including, among other things, to maintain control of the management and security of border crossings and to foster the Middle East peace process; and, with respect to independent agencies:

• it is in the national security interest of the United States to provide such assistance;

• as the case may be, the President of the Palestinian Authority, the President's party, and independent agencies and any members thereof, including any individual or entity for which assistance is proposed to be provided, are not members of, appointed by, or effectively controlled by Hamas or any other foreign terrorist organization; and

• such assistance provided hereunder will not be transferred or retransferred to any member of Hamas or other foreign terrorist organization or to any entity effectively controlled by Hamas or other foreign terrorist organization.

Accordingly, I hereby waive section 550(a) of the FOAA, as amended, and section 620K(a) of the Foreign Assistance Act, as amended, with respect to such assistance, and authorize such assistance for the above purposes.

Furthermore, I hereby determine that, with respect to assistance to nongovernmental organizations for the West Bank and Gaza other than assistance covered by paragraphs (b)(1), (2), and (3) of section 620L of the Foreign Assistance Act, as amended, it is in the national security interest of the United States to provide such assistance as the Secretary of State deems appropriate, and assign to the Secretary of State the functions under section 620L(b)(4)(B) regarding the specific programs, projects, and activities to be carried out using such assistance.

I also hereby assign the functions of the President under section 550(b) and (c) of the FOAA, as amended and as carried forward under the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), to the Secretary of State.

You are hereby authorized and directed to report this determination to the Congress and publish it in the Federal Register.

GEORGE W. BUSH.

§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 certification described in section 2378b(b) of this title is in effect with respect to the Palestinian Authority.

(b) Exceptions

Subsection (a) shall not apply with respect to the following:

(1) Assistance to meet basic human needs

Assistance to meet food, water, medicine, health, or sanitation needs, or other assistance to meet basic human needs.

(2) Assistance to promote democracy

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 any other foreign terrorist organization.

(3) Assistance for individual members of the Palestinian Legislative Council

Assistance, other than funding of salaries or salary supplements, to individual members of 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 American people or the United States Government unless the Secretary of State or, as appropriate, the Administrator of the United States Agency for International Development, 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 the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 2394–1(a) of this title.

(e) Definitions

In this section:

(1) Appropriate congressional committees

the [1] 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.

(Pub. L. 87–195, pt. III, §620L, as added Pub. L. 109–446, §3(a), Dec. 21, 2006, 120 Stat. 3320.)

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. 34973, set out as a note under section 2378b of this title.

[1] *So in original. Probably should be capitalized.*

§2378c–1. Limitation on assistance to the West Bank and Gaza

(a) Limitation

(1) In general

Funds authorized to be appropriated or otherwise made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund) and available for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority may only be made available for such purpose if, except as provided in subsection (d), not later than 30 days after March 23, 2018, and every 180 days thereafter, the Secretary of State certifies in writing to the appropriate congressional committees that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations—

(A) are taking credible steps to end acts of violence against Israeli citizens and United States citizens that are perpetrated or materially assisted by individuals under their jurisdictional control, such as the March 2016 attack that killed former United States Army officer Taylor Force, a veteran of the wars in Iraq and Afghanistan;

(B) have terminated payments for acts of terrorism against Israeli citizens and United States citizens to any individual, after being fairly tried, who has been imprisoned for such acts of terrorism and to any individual who died committing such acts of terrorism, including to a family member of such individuals;

(C) have revoked any law, decree, regulation, or document authorizing or implementing a system of compensation for imprisoned individuals that uses the sentence or period of incarceration of an individual imprisoned for an act of terrorism to determine the level of compensation paid, or have taken comparable action that has the effect of invalidating any such law, decree, regulation, or document; and

(D) are publicly condemning such acts of violence and are taking steps to investigate or are cooperating in investigations of such acts to bring the perpetrators to justice.

(2) Additional certification requirement

The Secretary of State shall include in the certification required under paragraph (1) the definition of "acts of terrorism" that the Secretary used for purposes of making the determination in subparagraph (B) of such paragraph.

(b) Exception

(1) In general

Subject to paragraph (2), the limitation on assistance under subsection (a) shall not apply to—

(A) payments made to the East Jerusalem Hospital Network;

(B) assistance for wastewater projects not exceeding $5,000,000 in any one fiscal year; and

(C) assistance for any other program, project, or activity that provides vaccinations to children not exceeding $500,000 in any one fiscal year.

(2) Notification

The Secretary of State shall notify in writing the appropriate congressional committees not later than 15 days prior to making funds available for assistance under subparagraph (A), (B), or (C) of paragraph (1).

(c) Rule of construction

Funds withheld pursuant to this section—

(1) shall be deemed to satisfy any similar withholding or reduction required under any other provision of law relating to the Palestinian Authority's payments for acts of terrorism; and

(2) shall be in an amount that is not less than the total amount required by such other provision of law.

(d) Initial use and disposition of withheld funds

(1) Period of availability

Funds withheld pursuant to this section are authorized to remain available for an additional 2 years from the date on which the availability of such funds would otherwise have expired.

(2) Use of funds

Funds withheld pursuant to this section may be made available for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority upon a certification by the Secretary of State that the Palestinian

Authority, the Palestine Liberation Organization, and any successor or affiliated organizations have met the conditions set forth in subsection (a). Except as provided in paragraph (3), such funds may not be made available for any purpose other than for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority.

(3) Disposition of unused funds

Beginning on the date that is 180 days after the last day on which the initial availability of funds withheld pursuant to this section would otherwise have expired, such funds are authorized to be made available to the Department of State for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund) in the following manner—

(A) 50 percent for purposes of assistance other than that deemed benefiting the Palestinian Authority; and

(B) 50 percent for purposes other than assistance for the West Bank and Gaza.

(e) Report

(1) In general

If the Secretary of State is unable to certify in writing to the appropriate congressional committees that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations have met the conditions described in subsection (a), the Secretary shall, not later than 15 days after the date on which the Secretary is unable to make such certification, submit to the appropriate congressional committees a report that contains the following:

(A) The reasons why the Secretary was unable to certify in writing that such organizations have met such requirements.

(B) The definition of "acts of terrorism" that the Secretary used for purposes of making the determination in subparagraph (B) of subsection (a)(1).

(C) The total amount of funds to be withheld.

(2) Form

The report required by this subsection shall be submitted in unclassified form but may include a classified annex.

(f) List of criteria

(1) In general

Not later than 15 days after March 23, 2018, the Secretary of State shall submit to the appropriate congressional committees a list of the criteria that the Secretary uses to determine whether assistance for the West Bank and Gaza is assistance that directly benefits the Palestinian Authority for purposes of carrying out this section.

(2) Update

The Secretary of State shall submit to the appropriate congressional committees an updated list under paragraph (1) not later than 15 days after the date on which the Secretary makes any modification to the list.

(Pub. L. 115–141, div. S, title X, §1004, Mar. 23, 2018, 132 Stat. 1144.)

References in Text

The Foreign Assistance Act of 1961, referred to in subsecs. (a)(1) and (d)(3), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Chapter 4 of part II of the Act is classified generally to part IV (§2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Codification

Section was enacted as part of the Taylor Force Act, and also as part of the Consolidated Appropriations Act, 2018, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Findings

Pub. L. 115–141, div. S, title X, §1002, Mar. 23, 2018, 132 Stat. 1143, provided that: "Congress makes the following findings:

"(1) The Palestinian Authority's practice of paying salaries to terrorists serving in Israeli prisons, as well as to the families of deceased terrorists, is an incentive to commit acts of terror.

"(2) The United States does not provide direct budgetary support to the Palestinian Authority. The United States does pay certain debts held by the Palestinian Authority and funds programs for which the Palestinian Authority would otherwise be responsible.

"(3) The United States Government supports community-based programs in the West Bank and Gaza that provide for basic human needs, such as food, water, health, shelter, protection, education, and livelihoods, and that promote peace and development.

"(4) Since fiscal year 2015, annual appropriations legislation has mandated the reduction of Economic Support Fund aid for the Palestinian Authority as a result of their payments for acts of terrorism including, in fiscal year 2017, a reduction 'by an amount the Secretary determines is

equivalent to the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations with such entities as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year'."

Appropriate Congressional Committees Defined

Pub. L. 115–141, div. S, title X, §1007, Mar. 23, 2018, 132 Stat. 1147, provided that: "In this title [see Short Title of 2018 Amendment note set out under section 2151 of this title], the term 'appropriate congressional committees' means—

"(1) the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives; and

"(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate."

§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 of 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 an individual is designated to receive United States training, equipment, or other types of assistance the individual's unit is vetted as well as the individual;

(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).

(Pub. L. 87–195, pt. III, §620M, formerly §620J, as added Pub. L. 110–161, div. J, title VI, §651, Dec. 26, 2007, 121 Stat. 2341; renumbered §620M and amended Pub. L. 112–74, div. I, title VII, §7034(k), Dec. 23, 2011, 125 Stat. 1216; Pub. L. 113–76, div. K, title VII, §7034(l), Jan. 17, 2014, 128 Stat. 515.)

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, 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

2014—Subsec. (d)(5). Pub. L. 113–76 substituted "an individual is designated to receive United States training, equipment, or other types of assistance the individual's unit is vetted as well as the individual;" for "when vetting an individual for eligibility to receive United States training the individual's unit is also vetted;".

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".

Subsec. (d). Pub. L. 112–74, §7034(k)(4), added subsec. (d).

Part II—Administrative Provisions

§2381. Exercise of functions

(a) Delegation by President; rules and regulations; utilization of goods and services from private enterprise, and facilities and resources of Federal agencies when not competitive with private enterprise

The President may exercise any functions conferred upon him by this chapter through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions, and may delegate authority to perform any such functions, including, if he shall so specify, the authority successively to redelegate any of such functions to any of his subordinates. In providing technical assistance under this chapter, the head of any such agency or such officer shall utilize, to the fullest extent practicable, goods and professional and other services from private enterprise on a contract basis. In such fields as education, health, housing, or agriculture, the facilities and resources of other Federal agencies shall be utilized when such facilities are particularly or uniquely suitable for technical assistance, are not competitive with private enterprise, and can be made available without interfering unduly with domestic programs.

(b) Eligibility of suppliers; debarment period; causes for debarment; conditions for reinstatement; periodic review

The President shall issue and enforce regulations determining the eligibility of any person to receive funds made available under this chapter. A person may be suspended under such regulations for a temporary period pending the completion of an investigation and any resulting judicial or debarment proceedings, upon cause for belief that such person or an affiliate thereof probably has undertaken conduct which constitutes a cause for debarment; and, after an opportunity has been afforded to such person for a hearing, he may be debarred for an additional period, not to exceed three years. Among the causes for debarment shall be (1) offering or accepting a bribe or other illegal payment or credit in connection with any transaction financed with funds made available under this chapter; or (2) committing a fraud in the procurement or performance of any contract financed with funds made available under this chapter; or (3) acting in any other manner which shows a lack of integrity or honesty in connection with any transaction financed with funds made available under this chapter. Reinstatement of eligibility in each particular case shall be subject to such conditions as the President shall direct. Each person whose eligibility is denied or suspended under this subsection shall, upon request, be entitled to a review of his eligibility not less often than once every two years.

(Pub. L. 87–195, pt. III, §621, Sept. 4, 1961, 75 Stat. 445; Pub. L. 87–565, pt. III, §302(a), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88–205, pt. III, §302(a), Dec. 16, 1963, 77 Stat. 388; Pub. L. 90–554, pt. III, §302(a), Oct. 8, 1968, 82 Stat. 964.)

References in Text

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

Amendments

1968—Pub. L. 90–554 designated existing provisions as subsec. (a) and added subsec. (b).

1963—Pub. L. 88–205 provided that goods and professional and other services from private enterprise should be utilized on a contract basis, and that Federal agencies be utilized only when not competitive with private enterprise and available without interfering unduly with domestic programs.

1962—Pub. L. 87–565 struck out designation "(a)" from provisions of subsec. (a), and repealed subsecs. (b) to (e) which related to the abolition of the Development Loan Fund, International Cooperation Administration, and the Office of Inspector General and Comptroller, the transfer of their functions, and the transfer of the function of the Export-Import Bank under section 1704(e) of title 7.

Delegation of Functions

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

Pub. L. 105–277, div. A, §101(d) [title V, §587], Oct. 21, 1998, 112 Stat. 2681–150, 2681-204, as amended by Pub. L. 106–31, title V, §5002(b), May 21, 1999, 113 Stat. 109, provided that:

"(a) Establishment of Office.—There shall be established within the Office of the Administrator of the Agency for International Development, an Office of Security. Such Office of Security shall, notwithstanding any other provision of law except section 207 of the Foreign Service Act of 1980 [22 U.S.C. 3927] and section 103 of Public Law 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 to and merged with funds appropriated by this Act under the heading 'Operating Expenses of the Agency for International Development' [112 Stat. 2681–157].

"(c) Transfer of Employees.—Any employee in the career service who is transferred pursuant to this section shall be placed in a position in the Office of Security established by subsection (a) which is comparable to the position the employee held in the Office of the Inspector General of the Agency for International Development."

Agency for International Development Budget Submission

Pub. L. 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 detailed budget justification 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 obligational authority 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 obligational authority 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."

Pub. L. 102–391, title V, §599E, Oct. 6, 1992, 106 Stat. 1698, provided that: "The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Agency for International Development."

REORGANIZATION PLAN NO. 2 OF 1979

Reorganization Plan No. 2 of 1979, 44 F.R. 41165, 93 Stat. 1378, which established the United States International Development Cooperation Agency, was repealed by Pub. L. 105–277, div. G, subdiv. A, title XIV, §§1401, 1422(a)(1), Oct. 21, 1998, 112 Stat. 2681–790, 2681-792, effective Apr. 1, 1999.

Executive Order No. 10973

Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, as amended, which related to the administration of foreign assistance and related functions, was revoked by Ex. Ord. No. 12163, §1–903(a)(1), Sept. 29, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out below.

Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, as amended, was superseded insofar as any provision therein was in conflict with any provision of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

Ex. Ord. No. 12163. Administration of Foreign Assistance and Related Functions

Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended by Ex. Ord. No. 12226, July 22, 1980, 45 F.R. 49235; Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13968; Ex. Ord. No. 12321, Sept. 14, 1981, 46 F.R. 46109; Ex. Ord. No. 12365, May 24, 1982, 47 F.R. 22933; Ex. Ord. No. 12423, May 26, 1983, 48 F.R. 24025; Ex. Ord. No. 12458, Jan. 14, 1984, 49 F.R. 1977; Ex. Ord. No. 12500, Jan. 24, 1985, 50 F.R. 3733; Ex. Ord. No. 12560, May 24, 1986, 51 F.R. 19159; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617; Ex. Ord. No. 12620, Dec. 24, 1987, 52 F.R. 49135; Ex. Ord. No. 12639, May 6, 1988, 53 F.R. 16691; Ex. Ord. No. 12680, July 5, 1989, 54 F.R. 28995; Ex. Ord. No. 12695, Nov. 1, 1989, 54 F.R. 46589; Ex. Ord. No. 12738, §§1–6, Dec. 14, 1990, 55 F.R. 52033; Ex. Ord. No. 13030, §1, Dec. 12, 1996, 61 F.R. 66187; Ex. Ord. No. 13091, §2, June 29, 1998, 63 F.R. 36153; Pub. L. 105–277, div. G, subdiv. A, title XIV, §1422(a)(2), Oct. 21, 1998, 112 Stat. 2681–792; Ex. Ord. No. 13118, §§1–9, Mar. 31, 1999, 64 F.R. 16595–16598; Ex. Ord. No. 13346, §3, July 8, 2004, 69 F.R. 41905; Ex. Ord. No. 13361, Nov. 16, 2004, 69 F.R. 67633; Ex. Ord. No. 13656, §6, Jan. 17, 2014, 79 F.R. 4263, provided:

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 [this chapter], Reorganization Plan No. 2 of 1979 [set out above], the International Development Cooperation Act of 1979 [see Short Title of 1979 Amendment note set out under section 2151 of this title], and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

1–1. 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. 2314(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 consent;

(ii) except that with respect to section 505(b) of the Act, such functions only insofar as those functions pertain to countries that agree to the conditions set forth therein;

(2) section 1205(b) of the International Security and Development Cooperation Act of 1985 ("ISDCA of 1985") [Pub. L. 99–83, 22 U.S.C. 2346 note];

(3) section 8(d) of the Act of January 12, 1971 (22 U.S.C. 2321b(d));

(4) section 607 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2394a);

(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. 2681–153];

(7) section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461) [22 U.S.C. 2151v note];

(8) sections 508, 517 [22 U.S.C. 5814 note], 518, 528(a), 535 [50 U.S.C. 1701 note], 539 [50 U.S.C. 1701 note], 544, 561, 563, 572, 574, 575, 585, 594 [22 U.S.C. 2753 note] of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Public Law 105–277) [112 Stat. 2681–150, 2681–171, 2681–174, 2681–176, 2681–178, 2681–181, 2681–182, 2681–185, 2681–191, 2681–193, 2681–198, 2681–199, 2681–203, 2681–215];

(9) section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Public Law 105–277) [112 Stat. 2681–177], which shall be exercised in consultation with the Secretary of the Treasury;

(10) section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Public Law 105–277) [112 Stat. 2681–187];

(11) section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105–118) [111 Stat. 2439], and the provisions of law referenced therein;

(12) section 821(b) of the Western Hemisphere Drug Elimination Act (as contained in Public Law 105–277) [22 U.S.C. 2291 note];

(13) title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115), under the heading "Assistance for the Independent States of the Former Soviet Union, [sic]" in subsections (g)(4) and (6) [22 U.S.C. 5812 note];

(14) section 512 of Division D of the Consolidated Appropriations Act, 2004 (Public Law 108–199) [118 Stat. 170];

(15) sections 5(c) and 6 of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415), as amended [100 Stat. 948, 949];

(16) the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25) (the "HIV/AIDS Act"), as amended [22 U.S.C. 7601 et seq.], and amendments made by the HIV/AIDS Act, which the Secretary shall perform, in the case of section 304 [22 U.S.C. 7634], after consultation with the Secretary of Health and Human Services.

(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 Defense, insofar as they relate to functions under the Act administered by the Department of Defense, and the Director of the Office of Management and Budget.

(c) The functions under sections 239(f), 620(e), 620(g), 620(j), 620(q), and 620(s) of the Act [22 U.S.C. 2199(f), 2370(e), (g), (j), (q), (s)] delegated to the Secretary shall be exercised in consultation with the Administrator of the United States Agency for International Development.

(d) The Secretary shall perform all public information functions abroad with respect to the foreign assistance, aid, and development programs of the United States Government, to the extent such functions are not specifically assigned by statute to be performed by a different officer.

(e) 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 624(a) of the Act [22 U.S.C. 2384(a)].

(c) The officers provided for in section 624(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 602(a), 605(a), 625(a), 625(d)(1), 625(h), 627, 628, 630(3), 631(a), 634(B), 635(b) (except with respect to negotiation, conclusion, and termination of international agreements), 635(d), 635(g), and 636(i) of the Act [22 U.S.C. 2352(a), 2355(a), 2385(a), (d)(1), (h), 2387, 2388, 2390(3), 2391(a), 2394–1a, 2395(b), (d), (g), and 2396(i)].

(c) Those functions under section 634A of the Act [22 U.S.C. 2394–1], to the extent they relate to notifications to the Congress concerning changes in programs under 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 2390(3)] delegated to the Secretary of Defense shall be exercised in consultation with the Secretary of State.

(e) the functions under section 655 of the Act [22 U.S.C. 2415] insofar as they relate to defense articles, defense services, and international military education and training furnished by grant or sale by the Secretary of Defense, except to the extent otherwise delegated.

(f) Those functions conferred upon the President under section 616 of the ISDCA of 1985 [Pub. L. 99–83, Aug. 8, 1985, 99 Stat. 232].

(g) The functions conferred upon the President under section 573 [22 U.S.C. 2321j note] and section 581(b)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) [Nov. 21, 1989, 103 Stat. 1246, 1250].

(h) The functions conferred upon the President under section 3 of the International Narcotics Control Act of 1989 (Public Law 101–231) [Dec. 13, 1989, 103 Stat. 1955], which shall be exercised in consultation with the Secretary of State.

1–302. *Reports and Information*. In carrying out the functions under section 514 of the Act [22 U.S.C. 2321h] delegated to him by section 301 of this order, the Secretary of Defense shall consult with the Secretary of State.

1–4. Institute for Scientific and Technological Cooperation

[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. 2362(a)];

(3) section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1754); and

(4) section 655(c) of the Act [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 92–226 (86 Stat. 25) and repealed by Section 12(b)(5) of Public Law 93–189 (87 Stat. 722) [22 U.S.C. 2321g].

(c) The functions under section 305 of the Act [22 U.S.C. 2225] delegated to the Secretary of the Treasury shall be exercised in consultation with the 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. 2351(b)(1)] as consists of drawing the attention of private enterprise to opportunities for investment and development in less developed friendly countries and areas.

1–503. *Office of Personnel Management*. There is hereby delegated to the Director of the Office of Personnel Management the function of prescribing regulations conferred upon the President by the proviso contained in section 625(b) of the Act [22 U.S.C. 2385(b)].

[1–504. Revoked by Ex. Ord. No. 13118, §5(2), Mar. 31, 1999, 64 F.R. 16597.]

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 661(d) of the Act [22 U.S.C. 2421(d)].

[1–506. Revoked by Ex. Ord. No. 13118, §5(4), Mar. 31, 1999, 64 F.R. 16597.]

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 Secretary shall authorize such of the agencies that administer programs under the Act [this chapter] as he may deem appropriate to perform any of the functions under section 625(d) of the Act to the extent that the said functions relate to the programs administered by the respective agencies.

(b) Persons appointed, employed, or assigned after May 19, 1959, under section 527(c) of the Mutual Security Act of 1954 [former 22 U.S.C. 1787(c)] or section 625(d) of the Act [22 U.S.C. 2385(d)] for the purpose of performing functions under such Acts outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 310 of the Foreign Service Act of 1980 (22 U.S.C. 3950) in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1–603. *Special Missions and Staffs Abroad*. The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances authorized for a chief of mission as defined in section 102(a)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3902(a)(3)), all under section 631 of the Act [22 U.S.C. 2391], shall be subject to the approval of the Secretary of State.

1–604. *International Agreements*. The negotiation, conclusion, and termination of international agreements pursuant to the Act [this chapter] shall be subject to the requirements of 1 U.S.C. 112b and

to applicable regulations and procedures.

1–605. *Interagency Consultation*. Each officer to whom functions are delegated by this order, shall, in carrying out such functions, consult with the heads of other departments and agencies, including the Director of the Office of Management and Budget, on matters pertaining to the responsibilities of departments and agencies other than his or her own.

1–7. Reserved Functions

1–701. *Reservation of Functions to the President*. There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(a) The functions conferred upon the President by sections 122(e), 298(a), 493, 504(b), 613(a), 614(a), 620(a), 620(d), 620(x), 620A, 620C(c), 621(a), 622(b), 622(c), 633(a), 633(b), 640B, and 663(b) of the Act [22 U.S.C. 2151t(e), 2220c(a), 2292b, 2312(b), 2363(a), 2364(a), 2370(a), (d), (x), 2371, 2373(c), 2381(a), 2382(b), (c), 2393(a), (b), 2399c, and 2423(b)].

(b) The functions conferred upon the President by the Act [this chapter] and section 408(b) of the Mutual Security Act of 1954 [22 U.S.C. 1928] with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate and with respect to the appointment of officers pursuant to sections 233(b) and 624(c) of the Act [22 U.S.C. 2193(b), 2384(c)].

(c) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 209(d), 303, 465(b), 490(h), 505(d)(2)(A), 505(d)(3), 506(a), 552(c), 552(e), 610, 614(c), 620E, 632(b), 633A, 663(a) of the Act [22 U.S.C. 2169(d), 2223, 2275(b), 2291j(h), 2314(d)(2)(A), (d)(3), 2318(a), 2348a(c), (e), 2360, 2364(c), 2375, 2392(b), 2393a, 2423(a)].

[(d) Redesignated (c).]

(e) The following-described functions conferred upon the President:

(1) Those under section 503(a) [22 U.S.C. 2311(a)] that relate to findings: *Provided*, that the Secretary of State, in the implementation of the functions delegated to him under section 505(a)(1), (a)(4), and (e) of the Act [22 U.S.C. 2314(a)(1), (a)(4), and (e)], is authorized to find, in the case of a proposed transfer of a defense article or related training or a related defense service by a foreign country or international organization to a foreign country or international organization not otherwise eligible under section 503(a) of the Act, whether the proposed transfer will strengthen the security of the United States and promote world peace.

(2) Those under section 505(b) [22 U.S.C. 2314(b)] in respect of countries that do not agree to the conditions set forth therein.

(3) That under section 614(b) [22 U.S.C. 2364(b)] with respect to determining any provisions of law to be disregarded to achieve the purpose of that section.

(4) That under the second sentence of section 654(c) [22 U.S.C. 2414(c)] with respect to the publication in the Federal Register of any findings or determination reserved to the President: *Provided*, that any officer to whom there is delegated the function of making any finding or determination within the purview of section 654(a) [22 U.S.C. 2414(a)] is also authorized to reach the conclusion specified in performance of the function delegated to him.

(f) That under section 523(d) of the Mutual Security Act of 1954 (22 U.S.C. 1783(d)).

(g) Those under sections 130 [Pub. L. 99–83, Aug. 8, 1985, 99 Stat. 207], 504 and 505 [22 U.S.C. 2349aa–8, 2349aa–9] of the ISDCA of 1985[.]

(h) Those functions conferred by section 1(f)(1) and section 1(f)(2)(B)(ii)(VII) [now IX] of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2651a).

(i) Those functions conferred by section 202(d)(4)(C)(i) and (ii) of the HIV/AIDS Act, as amended [22 U.S.C. 7622(d)(4)(C)(i), (ii)].

1–702. *Subsequent Amendments*. Functions conferred upon the President by subsequent amendments to the Act [this chapter] are delegated to the Secretary only insofar as they do not relate directly and necessarily to the conduct of programs and activities that either the President or an agency other than 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

1–800. *Allocation of 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 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.].

(c) There are allocated to the Secretary of the Treasury all funds made available for carrying out section 129 of the Act [22 U.S.C. 2151aa].

(d) The Secretary of State, the Secretary of Defense, and the Secretary of the Treasury may allocate or transfer as appropriate any funds received under subsections (a), (b), and (c) of this section, respectively, to any agency or part thereof for obligation or expenditure thereby consistent with applicable law.

1–9. General Provisions

1–901. *Definition*. As used in this order, the word "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

1–902. *References to Orders and Acts*. Except as may for any reason be inappropriate:

(a) References in this order or in any other Executive order to (1) the Foreign Assistance Act of 1961 [this chapter] (including references herein to "the Act"), (2) unrepealed provisions of the Mutual Security Act of 1954 [act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended], or (3) any other act that relates to the subject of this order shall be deemed to include references to any subsequent amendments thereto.

(b) References in any prior Executive order to the Mutual Security Act of 1954 [act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended] or any provisions thereof shall be deemed to be references to the Act [this chapter] or the corresponding provision, if any, thereof.

(c) References in this order to provisions of any Act, and references in any other Executive order or in any memorandum delegation to provisions of any Act related to the subject of this order shall be deemed to include references to any provision of law that is the same or substantially the same as such provisions, respectively.

(d) References in this order or in any other Executive order to this order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(e) References in any prior Executive order not superseded by this order to any provisions of any Executive order so superseded shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

1–903. *Prior Executive Orders*. (a) The following are revoked:

(1) Executive Order No. 10973 [22 U.S.C. 2381 note] of November 3, 1961, as amended;

(2) section 2(a) of Executive Order No. 11579 [22 U.S.C. 2191 note], of January 19, 1971; and

(3) Executive Order No. 10893 [22 U.S.C. 2382 note] of November 8, 1960.

(b) The following are amended:

(1) section 3(a) of Executive Order No. 11846 of March 27, 1975, as amended [19 U.S.C. 2111 note], by adding the following new paragraph (12) after paragraph (11):

"(12) The Director of the United States International Development Cooperation Agency";

(2) section 1–202 of [former] Executive Order 12065 of June 28, 1978, by striking out "The Administrator, Agency for International Development" and inserting in lieu thereof "The Director of the United States International Development Cooperation Agency";

(3) section 2(a) of Executive Order No. 11958 of January 18, 1977 [22 U.S.C. 2751 note], by striking out "the Administrator of the Agency for International Development" and inserting in lieu thereof "the Director of the United States International Development Cooperation Agency";

(4) section 3 of Executive Order 10900 of January 5, 1961 [7 U.S.C. 1691 note], by adding thereto the following new subsection:

"(d) The Secretary of State may redelegate to the Director of the United States International Development Cooperation Agency, or to any other officer or agency of the Executive branch, functions delegated to such Secretary by this order.";

(5) section 4 of Executive Order 11223 of May 12, 1965 [22 U.S.C. 2393 note], by inserting immediately following "the Secretary of State" the words "or the Director of the United States International Development Cooperation Agency (with respect to functions vested in or delegated to the Director)"; and

(6) the President's memorandum of October 18, 1961, entitled "Determination Under Section 604(a) of the Foreign Assistance Act of 1961" (26 FR 10543) is amended by inserting after "the Secretary of State" each time it appears in such memorandum the words "or the Director of the United States International Development Cooperation Agency (with respect to non-military programs administered by such Agency)".

[(c), (d) Revoked by Ex. Ord. No. 13118, §9, Mar. 31, 1999, 64 F.R. 16598.]

1–904. *Saving Provisions*. Except to the extent inconsistent with this order, all delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1–905. *Effective Date*. The provisions of this order shall become effective as of October 1, 1979.

1–906. *Implementation*. In carrying out this order, officers of the United States shall ensure that all actions taken by them are consistent with the President's constitutional authority to: (a) conduct the foreign affairs of the United States; (b) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties; (c) recommend for congressional consideration such measures as the President may judge necessary and expedient; and (d) supervise the unitary executive branch.

[Pub. L. 105–277, div. G, subdiv. A, title XIV, §1422(a)(2), Oct. 21, 1998, 112 Stat. 2681–792, provided that sections 1–101 through 1–103, 1–401 through 1–403, and 1–801(a), and other provisions of Ex. Ord. No. 12163 that relate to the United States International Development Cooperation Agency or the Director thereof were repealed.]

§2381a. Strengthened management practices

(a) Declaration of beliefs

The Congress believes that United States foreign aid funds could be utilized more effectively by the application of advanced management decisionmaking, information and analysis techniques such as systems analysis, automatic data processing, benefit-cost studies, and information retrieval.

(b) Management system; establishment; scope

To meet this need, the President shall establish a management system that includes: the definition of objectives and programs for United States foreign assistance; the development of quantitative indicators of progress toward these objectives; the orderly consideration of alternative means for accomplishing such objectives; and the adoption of methods for comparing actual results of programs and projects with those anticipated when they were undertaken. The system should provide information to the agency and to Congress that relates agency resources, expenditures, and budget projections to such objectives and results in order to assist in the evaluation of program performance, the review of budgetary requests, and the setting of program priorities.

(Pub. L. 87–195, pt. III, §621A, as added Pub. L. 90–554, pt. III, §302(b), Oct. 8, 1968, 82 Stat. 964; amended Pub. L. 95–424, title V, §502(d)(1), Oct. 6, 1978, 92 Stat. 959.)

Amendments

1978—Subsec. (c). Pub. L. 95–424 struck out subsec. (c) relating to annual reports to Congress by the President evaluating the progress made toward implementation of this section.

Effective Date of 1978 Amendment

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

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.

§2382. Coordination with foreign policy

(a) Powers or functions of Secretary of State

Nothing contained in this chapter shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) Coordination among representatives of United States

The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission. The Chief of the diplomatic mission shall make sure that recommendations of such representatives pertaining to military assistance (including civic action) and military education and training programs are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.

(c) Responsibility for supervision and general direction of assistance programs

Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance, and military education and training programs,

including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

(Pub. L. 87–195, pt. III, §622, Sept. 4, 1961, 75 Stat. 446; Pub. L. 89–171, pt. III, §302(a), Sept. 6, 1965, 79 Stat. 660; Pub. L. 89–583, pt. III, §302(a), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90–629, ch. 4, §45(b)(1), (2), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 94–329, title I, §106(b)(2), June 30, 1976, 90 Stat. 733.)

References in Text

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

Amendments

1976—Subsec. (b). Pub. L. 94–329, §106(b)(2)(A), inserted "and military education and training" after "(including civic action)".

Subsec. (c). Pub. L. 94–329, §106(b)(2)(B), inserted reference to military education and training programs in two places.

1968—Subsec. (b). Pub. L. 90–629, §45(b)(1), struck out "or sales" before "programs".

Subsec. (c). Pub. L. 90–629, §45(b)(2), struck out "and sales" and "or sales" before "programs" and "program", respectively.

1966—Subsec. (b). Pub. L. 89–583, §302(a)(1), substituted "(including civic action) or sales programs" for "(including any civic action and sales program)".

Subsec. (c). Pub. L. 89–583, §302(a)(2), substituted "economic assistance and military assistance and sales programs" and "military assistance (including civic action) or sales program" for "the assistance programs authorized by this chapter" and "military assistance program (including civic action and sales program)", respectively.

1965—Subsec. (b). Pub. L. 89–171, §302(a)(1), inserted "(including any civic action and sales program)".

Subsec. (c). Pub. L. 89–171, §302(a)(2), inserted "including any civic action and sales program)".

Effective Date of 1968 Amendment

Amendment by Pub. L. 90–629 effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

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.

Ex. Ord. No. 10338. Coordination Procedures

Ex. Ord. No. 10338, Apr. 4, 1952, 17 F.R. 3009, provided:

Section 1. *Functions of the Chief of the United States Diplomatic Mission*. (a) The Chief of the United States Diplomatic Mission in each country, as the representative of the President and acting on his behalf, shall coordinate the activities of the United States representatives (including the chiefs of economic missions, military assistance advisory groups, and other representatives of agencies of the United States Government) in such country engaged in carrying out programs under the Mutual Security Act of 1951 (hereinafter referred to as the Act) [section 1509 et seq. of this title], and he shall assume responsibility for assuring the unified development and execution of the said programs in such country. More particularly, the functions of each Chief of United States Diplomatic Mission shall include, with respect to the programs and country concerned:

(1) Exercising general direction and leadership of the entire effort.

(2) Assuring that recommendations and prospective plans and actions of the United States representatives are effectively coordinated and are consistent with and in furtherance of the established policy of the United States.

(3) Assuring that the interpretations and application of instructions received by the United States representatives from higher authority are in accordance with the established policy of the United States.

(4) Guiding the United States representatives in working out measures to prevent duplication in their efforts and to promote the most effective and efficient use of all United States officers and employees having mutual security responsibilities.

(5) Keeping the United States representatives fully informed as to current and prospective United States policies.

(6) Prescribing procedures governing the coordination of the activities of the United States representatives, and assuring that these representatives shall have access to all available information essential to the accomplishment of their prescribed duties.

(7) Preparing and submitting such reports on the operation and status of the programs under the Act as may be directed by the Director for Mutual Security.

(b) Each Chief of United States Diplomatic Mission shall perform his functions under this order in accordance with instructions from higher authority and subject to established policies and programs of the United States.

(c) No Chief of United States Diplomatic Mission shall delegate any function conferred upon him by the provisions of this order which directly involves the exercise of direction, coordination, or authority.

SEC. 2. *Referral of unresolved matters*. The Chief of the United States Diplomatic Mission in each country shall initiate steps to reconcile any divergent views arising in the country concerned with respect to programs under the Act. If agreement cannot be reached the Chief of the United States Diplomatic Mission shall recommend a course of action, and such course of action shall be followed unless a United States representative requests that the issue be referred to higher authority for decision. If such a request is made, the parties concerned shall promptly refer the issue to higher authority for resolution prior to taking action at the country level. The Director for Mutual Security shall assure expeditious decisions on matters so submitted.

SEC. 3. *Effect of order on United States representatives*. (a) All United States representatives in each country shall be subject to the responsibilities imposed upon the Chief of the United States Diplomatic Mission in such country by section 507 of the Mutual Security Act of 1951 [section 1658 of this title] and by this order.

(b) Subject to compliance with the provisions of this order and with the prescribed procedures of their respective agencies, all United States representatives affected by this order (1) shall have direct communication with their respective agencies and with such other parties and in such manner as may be authorized by their respective agencies, (2) shall keep the respective Chiefs of United States Diplomatic Missions and each other fully and currently informed on all matters, including prospective plans, recommendations, and actions, relating to programs under the Act, and (3) shall furnish to the respective Chiefs of United States Diplomatic Missions, upon their request, documents and information concerning the said programs.

SEC. 4. *Further coordination procedures*. The Director for Mutual Security shall be responsible for assuring the carrying out of the provisions of this order. He is authorized to prescribe, after consultation with the interested Government agencies, any additional procedures he may find necessary to carry out the provisions of this order.

SEC. 5. *Prior orders*. (a) To the extent that provisions of any prior order are inconsistent with the provisions of this order, the latter shall control, and any such prior provisions are amended accordingly. All orders, regulations, rulings, certificates, directives, and other actions relating to any function affected by this order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

(b) Nothing in this order shall affect Executive Orders Nos. 10062, 10063, and 10144 of June 6, 1949, June 13, 1949, and July 21, 1950, respectively.

(c) Executive Orders Nos. 9857, 9862, 9864, 9914, 9944, 9960, 10208, and 10259 of May 22, 1947, May 31, 1947, December 26, 1947, April 9, 1948, May 19, 1948, January 25, 1951, and June 27, 1951, respectively, are hereby revoked.

EXECUTIVE ORDER NO. 10893

Ex. Ord. No. 10893, Nov. 8, 1960, 25 F.R. 10731, as amended, which related to the administration of mutual security and related functions, was revoked by Ex. Ord. No. 12163, §1–903(a)(3), Sept. 29, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out as a note under section 2381 of this title. Ex. Ord. No. 10893 was also revoked, except section 201 thereof, by section 1–501(h) of Ex. Ord. No. 12220, June 27, 1980, 45 F.R. 44247, formerly set out as a note under section 1691 of Title 7, Agriculture.

EXECUTIVE ORDER NO. 12066

Ex. Ord. No. 12066, June 29, 1978, 43 F.R. 28965, which related to the inspection of foreign assistance programs, was revoked by section 10(k) of Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13968, set out as a note under section 3901 of this title.

§2383. Responsibilities of the Secretary of Defense; priorities in procurement, delivery, and allocation of military equipment

(a) In the case of assistance under subchapter II of this chapter, the Secretary of Defense shall have primary responsibility for—

(1) the determination of military end-item requirements;

(2) the procurement of military equipment in a manner which permits its integration with service programs;

(3) the supervision of end-item use by the recipient countries;

(4) the supervision of the training of foreign military and related civilian personnel;

(5) the movement and delivery of military end-items; and

(6) within the Department of Defense, the performance of any other functions with respect to the furnishing of military assistance, education and training.

(b) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall be determined by the Secretary of Defense.

(Pub. L. 87–195, pt. III, §623, Sept. 4, 1961, 75 Stat. 446; Pub. L. 94–329, title I, §106(b)(3), June 30, 1976, 90 Stat. 733.)

References to Subchapter II Deemed To Exclude Certain Parts of Subchapter II

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

Amendments

1976—Subsec. (a)(4). Pub. L. 94–329, §106(b)(3)(A), inserted "and related civilian" after "military".
Subsec. (a)(6). Pub. L. 94–329, §106(b)(3)(B), inserted "education and training" after "assistance".

§2384. Statutory officers

(a) Appointment

The President may appoint, by and with the advice and consent of the Senate, twelve officers in the agency primarily responsible for administering subchapter I of this chapter, and in the selection of one of such persons due consideration shall be given to persons qualified as professional engineers.

(b) Rate of compensation; title of officers; order of succession

Within the limitations established by subsection (a) of this section, the President may fix the rate of compensation, and may designate the title of, any officer appointed pursuant to the authority contained in that subsection. The President may also fix the order of succession among the officers provided for in subsection (a) of this section in the event of the absence, death, resignation, or disability of one or more of said officers.

(c) Appointment of certain statutory officers to comparable positions

Any person who was appointed by and with the advice and consent of the Senate, to any statutory position authorized by any provision of law repealed by section 642(a) and who is serving in one of such positions at the time of transfer of functions pursuant to subsections (c) and (d) of section 2381 of this title, may be appointed by the President to a comparable position authorized by subsection (a) of this section on the date of the establishment of the agency primarily responsible for administering subchapter I of this chapter, without further action by the Senate.

(d) Repealed. Pub. L. 95–88, title I, §124(a)(1), Aug. 3, 1977, 91 Stat. 541

(e) Coordinator for security assistance

In addition to the officers otherwise provided for in this section, the President shall appoint, by and with the advice and consent of the Senate, one officer for the purpose of coordinating security assistance programs.

(Pub. L. 87–195, pt. III, §624, Sept. 4, 1961, 75 Stat. 447; Pub. L. 87–565, pt. III, §302(b), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88–205, pt. III, §302(b), Dec. 16, 1963, 77 Stat. 388; Pub. L. 88–426, title III, §305(33), (42), Aug. 14, 1964, 78 Stat. 426, 428; Pub. L. 89–171, pt. III, §302(b), Sept. 6, 1965, 79 Stat. 660; Pub. L. 89–583, pt. III, §302(b), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90–137, pt. III, §302(a), Nov. 14, 1967, 81 Stat. 460; Pub. L. 91–175, pt. III, §304, Dec. 30, 1969, 83 Stat. 821; Pub. L. 92–226, pt. III, §302, Feb. 7, 1972, 86 Stat. 28; Pub. L. 94–329, title III, §301(b), June 30, 1976, 90 Stat. 750; Pub. L. 95–88, title I, §124(a)(1), Aug. 3, 1977, 91 Stat. 541; Pub. L. 95–105, title I, §109(a)(1), Aug. 17, 1977, 91 Stat. 846; Pub. L. 95–424, title V, §504, Oct. 6, 1978, 92 Stat. 959; Pub. L. 96–533, title VII, §706, Dec. 16, 1980, 94 Stat. 3158; Pub. L. 97–113, title VII, §705(b)(1), Dec. 29, 1981, 95 Stat. 1545; Pub. L. 98–164, title X, §1002(b), Nov. 22, 1983, 97 Stat. 1052; Pub. L. 103–236, title I, §162(e)(4), Apr. 30, 1994, 108 Stat. 405.)

References in Text

Section 642(a), referred to in subsec. (c), means section 642(a) of Pub. L. 87–195, which is set out as a note under section 2151 of this title.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Amendments

1994—Subsec. (f). Pub. L. 103–236 struck out subsec. (f) which provided for an Assistant Secretary of State for Human Rights and Humanitarian Affairs and prescribed the Assistant Secretary's duties.

1983—Subsec. (f)(2)(C). Pub. L. 98–164 inserted provisions relating to providing advice to the Administrator of the Agency for International Development on policy framework.

1981—Subsec. (g). Pub. L. 97–113 struck out subsec. (g) which related to the Inspector General and the duties, responsibilities, and compensation of such official. See sections 2, 8A, and 11 of the Inspector General Act of 1978, Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, set out in the Appendix to Title 5, Government Organization and Employees.

1980—Subsec. (g). Pub. L. 96–533 substituted in pars. (1) to (5) "Inspector General" for "Auditor General" wherever appearing; in par. (3), imposed upon the Inspector General requirement of supervising, directing, and controlling security activities, including audit, investigative, and security activities relating to programs and operations within the United States International Development Cooperation Agency; in par. (4) required submission of an annual report to the Director; and added pars. (6) to (9).

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

1977—Subsec. (d). Pub. L. 95–88 struck out subsec. (d) which provided for an Inspector General, Foreign Assistance.

Subsec. (f)(1). Pub. L. 95–105, §109(a)(1)(A), substituted references to the Assistant Secretary of State for Human Rights and Humanitarian Affairs for references to the Coordinator for Human Rights and Humanitarian Affairs.

Subsec. (f)(2). Pub. L. 95–105, §109(a)(1)(B), substituted "Assistant Secretary of State" for "Coordinator".

1976—Subsec. (f). Pub. L. 94–329 added subsec. (f).

1972—Subsec. (e). Pub. L. 92–226 added subsec. (e).

1969—Subsec. (d)(2)(A). Pub. L. 91–175, §304(1), inserted provision including the Overseas Private Investment Corporation in Inspector General's reviews and audits, and inserted provision authorizing the conduct of such reviews and audits for programs under section 290f of this title.

Subsec. (d)(5), (7). Pub. L. 91–175, §304(2), (3), included section 290f of this title within provisions of this section.

1967—Subsec. (d)(2)(B). Pub. L. 90–137 struck out "of assistance" after "programs" in two places.

1966—Subsec. (d)(8). Pub. L. 89–583 added par. (8).

1965—Subsec. (b). Pub. L. 89–171, §302(b)(1), struck out "paragraph (3) of" before "subsection (a) of this section" the second time it appears and substituted "of one or more of said officers" for "of the officers provided for in paragraphs (1) and (2) of that subsection".

Subsec. (d)(2)(A), (5), (7). Pub. L. 89–171, §302(b)(2), substituted "the Latin American Development Act, as amended" for "Public Law 86–735".

1964—Subsec. (a). Pub. L. 88–426, §305(42), repealed provisions which related to the appointment of an Under Secretary, Deputy Under Secretary and ten Assistant Secretaries and prescribed their rates of compensation.

Subsec. (d)(1). Pub. L. 88–426, §305(33), repealed provisions which prescribed the compensation of the Inspector General, Deputy Inspector General and Assistant Inspector Generals. See section 5315 of Title 5, Government Organization and Employees.

1963—Subsecs. (a)(2), (3). Pub. L. 88–205, §302(b)(1), (2), reduced the number of Deputy Under Secretaries from two to one in par. (2), and increased the number of Assistant Secretaries from 9 to 10 in par. (3).

Subsec. (b). Pub. L. 88–205, §302(b)(3), made conforming changes in language to reflect that only one Deputy Under Secretary may now be appointed.

Subsec. (d)(1). Pub. L. 88–205, §302(b)(4), inserted "who shall be appointed by the President by and with the advice and consent of the Senate," and increased the salary of the Deputy Inspector General, Foreign Assistance, from $19,500 to $20,000.

1962—Subsecs. (d), (e). Pub. L. 87–565 redesignated subsec. (e) as (d), inserted ", and programs being conducted by United States Government Agencies under sections 1942 to 1945 of this title," in par. 2(A), and ", and sections 1942 to 1945 of this title," in pars. (5) and (7), and repealed former subsec. (d) which related to the temporary continuation of certain statutory positions.

Effective Date of 1994 Amendment

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

Effective Date of 1978 Amendment

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

Effective Date of 1977 Amendment

Pub. L. 95–88, title I, §124(c), Aug. 3, 1977, 91 Stat. 542, provided that: "The amendments made by this section [amending this section and section 5315 of Title 5, Government Organization and Employees, and enacting provisions set out as a note under this section] shall take effect on July 1, 1978."

Effective Date of 1964 Amendment

Amendment by Pub. L. 88–426 effective on first day of first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88–426, see Pub. L. 88–426, title V, §501, Aug. 14, 1964, 78 Stat. 435.

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.

Assistant Administrator for Management

Pub. L. 112–166, §2(v)(1), Aug. 10, 2012, 126 Stat. 1288, provided that: "Notwithstanding section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), the appointment by the President of the Assistant Administrator for Management at the United States Agency for International Development shall not be subject to the advice and consent of the Senate."

Assumption of Duties by Coordinator for Human Rights and Humanitarian Affairs

Pub. L. 95–105, title I, §109(a)(6), Aug. 17, 1977, 91 Stat. 846, provided that: "The individual holding the position of Coordinator for Human Rights and Humanitarian Affairs on the date of enactment of this section [Aug. 17, 1977] shall assume the duties of the Assistant Secretary of State for Human Rights and Humanitarian Affairs and shall not be required to be reappointed by reason of the enactment of this section."

Report to Speaker of the House and Congressional Committees on Office of Assistant Secretary for Human Rights and Humanitarian Affairs

Pub. L. 95–105, title I, §109(a)(7), Aug. 17, 1977, 91 Stat. 847, which required the Secretary of State, not later than Jan. 31, 1978, to transmit to the Speaker of the House of Representatives and the chairmen of the Senate Committee on Foreign Relations and the Senate Committee on the Judiciary a comprehensive report on the Office of the Assistant Secretary for Human Rights and Humanitarian Affairs, including its current mandate and operations, the mandate and operations of its predecessor offices, and proposals for the reorganization of the Department of State that would strengthen human rights and humanitarian considerations in the conduct of United States foreign policy and promote the ability of the United States to participate effectively in international humanitarian efforts, was repealed by Pub. L. 97–241, title V, §505(a)(3), Aug. 24, 1982, 96 Stat. 299, and Pub. L. 98–164, title X, §1011(a)(5), Nov. 22, 1983, 97 Stat. 1061.

Assignment of Duties and Responsibilities to Inspector General, Foreign Service

Pub. L. 95–88, title I, §124(a)(2), Aug. 3, 1977, 91 Stat. 542, which provided that the President (A) may assign to the Inspector General, Foreign Service, any of the duties and responsibilities vested by such section 624(d) [subsec. (d) of this section] in the Inspector General, Foreign Assistance, and (B) may authorize the Inspector General, Foreign Service, to exercise such of the authorities granted by such section 624(d) [subsec. (d) of this section] to the Inspector General, Foreign Assistance, as the President determines are necessary to carry out any duties or responsibilities so assigned, was repealed by Pub. L. 96–465, title II, §2205(11), Oct. 17, 1980, 94 Stat. 2160. See section 3929 of this title.

Agency for International Development

For appointments under subsec. (a) to United States Agency for International Development, see section 1–200(b) and (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.

§2385. Employment of personnel

(a) Authorization

Any agency or officer of the United States Government carrying out functions under this chapter is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this chapter.

(b) Appointments excepted from civil-service laws; supergrade positions; reinstatement

Of the personnel employed in the United States to carry out subchapter I of this chapter or coordinate subchapter I and subchapter II of this chapter, not to exceed one hundred and ten may be appointed, compensated, or removed without regard to the provisions of any law, of whom not to exceed fifty-one may be compensated at rates higher than those provided for grade 15 of the general schedule established by section 5332 of title 5, but not in excess of the highest rate of grade 18 of such general schedule: *Provided*, That, under such regulations as the President shall prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 5108 of title 5.

(c) Additional supergrade positions

Of the personnel employed in the United States to carry out subchapter II of this chapter, or any Act superseding subchapter II of this chapter in whole or in part, not to exceed eight may be compensated at rates higher than those provided for grade 15 of the general schedule established by section 5332 of title 5, but not in excess of the highest rate of grade 18 of such general schedule. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 5108 of title 5.

(d) Employment or assignment of officers and employees to perform functions outside United States

For the purpose of performing functions under this chapter outside the United States, the President may employ or assign individuals, or may authorize the employment or assignment of officers or employees by agencies of the United States Government which are not authorized to utilize the Foreign Service personnel system, who shall receive compensation at any of the rates provided for under section 402 or section 403 of the Foreign Service Act of 1980 [22 U.S.C. 3962, 3963], or under chapter 53 of title 5, or at any other rate authorized by law, together with allowances and benefits under the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.]. Individuals so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 310 of that Act [22 U.S.C. 3950] for individuals appointed to the Foreign Service.

(e) Repealed. Pub. L. 96–465, title II, §2205(8), Oct. 17, 1980, 94 Stat. 2160

(f) Funds for personnel services

Funds provided for in agreements with foreign countries for the furnishing of services under this chapter with respect to specific projects shall be deemed to be obligated for the services of personnel employed by agencies of the United States Government (other than the agencies primarily responsible for administering subchapter I or II of this chapter) as well as personnel not employed by the United States Government.

(g) Repealed. Pub. L. 96–465, title II, §2205(8), Oct. 17, 1980, 94 Stat. 2160

(h) Acceptance of compensation or other benefits from foreign countries; arrangements for reimbursement

Notwithstanding any other provision of law, officers and employees of the United States Government performing functions under this chapter shall not accept from any foreign country any compensation or other benefits. Arrangements may be made by the President with such countries for reimbursement to the United States Government or other sharing of the cost of performing such functions.

(i) Assignment based on competency

To the maximum extent practicable officers and employees performing functions under this chapter abroad shall be assigned to countries and positions for which they have special competence, such as appropriate language and practical experience.

(j) Reemployment of annuitants under the Civil Service Retirement System and the Federal Employees' Retirement System

(1)(A) 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.

(B) 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.

(Pub. L. 87–195, pt. III, §625, Sept. 4, 1961, 75 Stat. 449; Pub. L. 87–565, pt. III, §302(c), Aug. 1, 1962, 76 Stat. 262; Pub. L. 87–793, pt. II, §1001(k), Oct. 11, 1962, 76 Stat. 865; Pub. L. 88–663, pt. III, §302(a), Oct. 7, 1964, 78 Stat. 1014; Pub. L. 89–171, pt. III, §302(c), Sept. 6, 1965, 79 Stat. 660; Pub. L. 90–137, pt. III, §302(b)–(d), Nov. 14, 1967, 81 Stat. 460; Pub. L. 90–554, title III, §302(c), Oct. 8, 1968, 82 Stat. 965; Pub. L. 93–189, §16, Dec. 17, 1973, 87 Stat. 722; Pub. L. 95–88, title I, §125, Aug. 3, 1977, 91 Stat. 542; Pub. L. 96–465, title II, §§2203(a), 2205(8), Oct. 17, 1980, 94 Stat. 2158, 2160; Pub. L. 97–113, title VII, §703, Dec. 29, 1981, 95 Stat. 1544; Pub. L. 109–234, title I, §1602(b)(2), June 15, 2006, 120 Stat. 442; Pub. L. 111–32, title XI, §1115(c)(3), June 24, 2009, 123 Stat. 1905.)

References in Text

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

The Foreign Service Act of 1980, referred to in subsec. (d), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, which is classified principally to chapter 52 (§3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II, and References to Subchapter II Deemed To Exclude Such Parts

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

Amendments

2009—Subsec. (j)(1)(A). Pub. L. 111–32 inserted ", Pakistan," after "Iraq" in two places.

Subsec. (j)(1)(B). Pub. L. 111–32 substituted "2010" for "2008".

2006—Subsec. (j). Pub. L. 109–234 added subsec. (j).

1981—Subsec. (d). Pub. L. 97–113 substituted "or under chapter 53 of title 5, or at any other rate authorized by law, together with allowances and benefits under the Foreign Service Act of 1980" for "together with allowances and benefits under that Act".

1980—Subsec. (d). Pub. L. 96–465, §2203(a), substituted references to the Foreign Service Act of 1980, for references to the Foreign Service Act of 1946, and struck out provisions relating to the applicability of section 1005 of the Foreign Service Act of 1946 and relating to the utilization of Presidential authority under the Foreign Service Act of 1946 to carry out the functions of this chapter.

Subsec. (e). Pub. L. 96–465, §2205(8), struck out subsec. (e) which set forth requirement of standards or other criteria for maintenance of adequate performance levels for personnel. See sections 4007 and 4008 of this title.

Subsec. (g). Pub. L. 96–465, §2205(8), struck out subsec. (g) which related to competency in foreign languages. See section 4022 of this title.

Subsec. (j). Pub. L. 96–465, §2205(8), struck out subsec. (j) which related to appointment and compensation of an Inter-American Committee representative.

Subsec. (k). Pub. L. 96–465, §2205(8), struck out subsec. (k) which related to applicability, etc., of Foreign Service Retirement and Disability System. See sections 3922 and 4043 of this title.

1977—Subsec. (d)(2). Pub. L. 95–88 struck out a numerical limitation of fifty on the number of persons which the President may assign, at any one time, to duty within the United States for the purpose of preparation for assignments outside the United States.

1973—Subsec. (k). Pub. L. 93–189 added subsec. (k).

1968—Subsec. (c). Pub. L. 90–554 inserted "or any Act superseding subchapter II of this chapter in whole or in part" after "to carry out subchapter II of this chapter".

1967—Subsecs. (b), (c). Pub. L. 90–137, §302(b), (c), substituted references to section 5332 of title 5 for former references to the Classification Act of 1949, as amended, and to section 5108 for former section 1105 of title 5.

Subsec. (d)(2). Pub. L. 90–137, §302(d), authorized an increase in the assignment of foreign personnel from forty to fifty persons.

1965—Subsec. (d)(2). Pub. L. 89–171 substituted "forty" for "twenty".

1964—Subsec. (d)(2). Pub. L. 88–633, §302(a)(1), substituted "the assignment to such duty of more than twenty persons at any one time" for "more than thirty persons in the aggregate".

Subsec. (j). Pub. L. 88–633, §302(a)(2), added subsec. (j).

1962—Subsec. (b). Pub. L. 87–793, §1001(k)(1), substituted "but not in excess of the highest rate of grade 18 of such general schedule" for "and of these, not to exceed eight may be compensated at a

rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year".

Pub. L. 87–565, §302(c)(1), substituted "one hundred and ten" for "seventy-six".

Subsec. (c). Pub. L. 87–793, §1001(k)(2), substituted "but not in excess of the highest rate of grade 18 of such general schedule" for "and of these, not to exceed three may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year".

Subsec. (d)(2). Pub. L. 87–565, §302(c)(2), authorized the President to initially assign personnel, not exceeding 30 persons in the aggregate, for duty within the United States for a period not exceeding two years for preparation for duty outside the United States.

Subsec. (f). Pub. L. 87–565, §302(c)(3), inserted "with respect to specific projects", and "agencies of", and excluded services of employees of agencies primarily responsible for administering subchapter I or II of this chapter from the purview of this subsection.

Effective Date of 1980 Amendment

Amendment of subsec. (d) and repeal of subsecs. (e), (g), and (j) by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

Repeal of subsec. (k) by Pub. L. 96–465 effective Oct. 17, 1980, see Pub. L. 96–465, title II, §2403(d)(1), Oct. 17, 1980, 94 Stat. 2169.

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 Pub. L. 87–793, pt. II, §1008, Oct. 11, 1962, 76 Stat. 868.

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.

Extension of Authority

Pub. L. 115–141, div. K, title VII, §7034(l)(3), Mar. 23, 2018, 132 Stat. 895, provided that: "Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting 'September 30, 2018' for 'October 1, 2010' in subparagraph (B)."

Prior extensions were contained in the following prior acts:

Pub. L. 115–31, div. J, title VII, §7034(k)(3), May 5, 2017, 131 Stat. 651.

Pub. L. 114–113, div. K, title VII, §7034(k)(6), Dec. 18, 2015, 129 Stat. 2765.

Pub. L. 113–235, div. J, title VII, §7034(l)(6), Dec. 16, 2014, 128 Stat. 2625.

Pub. L. 113–76, div. K, title VII, §7034(m)(6), Jan. 17, 2014, 128 Stat. 515.

Pub. L. 112–74, div. I, title VII, §7034(m)(6), Dec. 23, 2011, 125 Stat. 1216.

References in Other Laws to GS–16, 17, or 18 Pay Rates

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

Entitlement to Benefits for Services Performed Outside United States; Service Exceeding Thirty Months

Persons appointed, employed, or assigned after May 19, 1959, under former section 1787(c) of this title or subsec. (d) of this section for the purpose of performing functions under the Mutual Security Act of 1954 (see Short Title note set out under section 1754 of this title) and this chapter, outside the United States, shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided for by section 3950 of this title in cases in which their service under the appointment, employment, or assignment exceeds thirty months, see Ex. Ord. No. 12163, §1–602(b), Sept. 29, 1979, 44 F.R. 56677, as amended, set out as a note under section 2381 of this title.

§2385a. Unified personnel system

(a) Establishment by regulations

Not later than May 1, 1979, the President shall submit to the Congress, and publish in the Federal Register, regulations establishing a unified personnel system for all employees of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.]. In preparing such regulations,

the President shall keep the appropriate committees of the Congress fully and currently informed, and shall consult with them on a regular basis, concerning the nature of the unified personnel system to be established.

(b) Effective date of regulations

The regulations submitted to the Congress pursuant to subsection (a)—

(1) may not become effective until after the end of the 90-day period beginning on the date of such submission in order to provide the appropriate committees of the Congress an opportunity to review them; and

(2) shall not become effective then if, during such 90-day period, either House of Congress adopts a resolution stating in substance that it disapproves the personnel system proposed to be established by the regulations.

(c) Force and effect of regulations

Regulations which take effect pursuant to this section shall have the force and effect of law and shall apply with respect to the personnel of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], notwithstanding and [1] inconsistent provision of law unless that provision of law specifically states that it supersedes regulations issued under this section.

(Pub. L. 95–424, title IV, §401, Oct. 6, 1978, 92 Stat. 956; Pub. L. 96–53, title V, §503(a), Aug. 14, 1979, 93 Stat. 378.)

References in Text

The Foreign Assistance Act of 1961, referred to in subsecs. (a) and (c), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Part I of the Foreign Assistance Act of 1961 is classified generally to subchapter I (§2151 et seq.) of this chapter. For provisions deeming references to subchapter I to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of this chapter, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa–5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Codification

Section enacted as part of the International Development and Food Assistance Act of 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Amendments

1979—Subsec. (a). Pub. L. 96–53 substituted "May 1" for "March 15".

Effective Date of 1979 Amendment

Pub. L. 96–53, title V, §503(b), Aug. 14, 1979, 93 Stat. 378, 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.

[1] *So in original. Probably should be "any".*

§2386. Experts, consultants, and retired officers

(a) Employment; compensation; renewal of contracts of employment

Experts and consultants or organizations thereof may as authorized by section 3109 of title 5 be employed for the performance of functions under this chapter, and individuals so employed may be compensated at rates not in excess of the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time. Contracts for such employment with such organizations, employment of personnel as experts and consultants, not to exceed ten in number, contracts for such employment of retired military personnel with specialized research and development experience, not to exceed ten in number, and contracts for such employment of retired military personnel with specialized experience of a broad politico-military nature, not to exceed five in number, may be renewed annually.

(b) Exemption from certain Federal laws

Service of an individual as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) of title 5.

(c) Employment without compensation of persons of outstanding experience and ability

Persons of outstanding experience and ability may be employed without compensation by any agency of the United States Government for the performance of functions under this chapter in accordance with the provisions of

section 4560(b) of title 50, and regulations issued thereunder.

(Pub. L. 87–195, pt. III, §626, Sept. 4, 1961, 75 Stat. 451; Pub. L. 88–205, pt. III, §302(c), Dec. 16, 1963, 77 Stat. 389; Pub. L. 88–448, title IV, §§401(e), 402(a)(35), Aug. 19, 1964, 78 Stat. 490, 495; Pub. L. 88–633, pt. III, §302(b), Oct. 7, 1964, 78 Stat. 1014; Pub. L. 89–171, pt. III, §302(d), Sept. 6, 1965, 79 Stat. 660; Pub. L. 90–137, pt. III, §302(e), Nov. 14, 1967, 81 Stat. 460; Pub. L. 94–329, title VI, §603, June 30, 1976, 90 Stat. 766; Pub. L. 95–88, title I, §126, Aug. 3, 1977, 91 Stat. 542.)

References in Text

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

Amendments

1977—Subsec. (b). Pub. L. 95–88 struck out provisions under which service of an individual as an expert or consultant under subsec. (a) would not be considered employment as would bring a person under section 8344 of title 5, section 1112 of this title, and any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities subject to section 5532 of title 5.

1976—Subsec. (a). Pub. L. 94–329 substituted "the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5" for "$100 per diem".

1967—Subsec. (a). Pub. L. 90–137, §302(e)(1), substituted reference to section 3109 for former section 55a of title 5.

Subsec. (b). Pub. L. 90–137, §302(e)(2), substituted references to sections 3323(a) and 8344 of title 5 for former section 2263 of title 5 and to section 5532 of title 5 for former section 3102 of title 5.

1965—Subsecs. (c), (d). Pub. L. 89–171 redesignated subsec. (d) as (c). Former subsec. (c) was repealed by Pub. L. 88–448, title IV, §402(a)(35), Aug. 19, 1964, 78 Stat. 495.

1964—Subsec. (a). Pub. L. 88–633, §302(b)(1), increased compensation limits from $75 to $100 per diem.

Subsec. (b). Pub. L. 88–448, §401(e), struck out provisions which stated that service as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 59a of title 5, and inserted ", subject to section 3102 of title 5".

Subsec. (c). Pub. L. 88–448, §402(a)(35), repealed subsec. (c) which related to compensation of retired officers.

Pub. L. 88–633, §302(b)(2), substituted "section 101(3) of Title 37" for "Career Compensation Act of 1949, as amended," in subsec. (c) subsequent to the repeal of such subsection by Pub. L. 88–448.

1963—Subsec. (b). Pub. L. 88–205 substituted "Service of an individual as an expert or consultant under subsection (a) of this section shall not" for "Nor shall such service", and struck out provisions exempting individuals serving under subsec. (a) of this section from coverage of sections 281, 283, or 284 of title 18, section 99 of title 5, or any Federal law imposing restrictions, requirements, or penalties in connection with claims or matters involving the U.S. Government, except insofar as such provisions prohibited such individuals from receiving compensation in respect of any matter in which such individual was directly involved in the performance of such service.

Effective Date of 1964 Amendment

Amendment by Pub. L. 88–448 effective on first day of first month which begins later than the ninetieth day following Aug. 19, 1964, see Pub. L. 88–448, title IV, §403(a), Aug. 19, 1964, 78 Stat. 496.

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.

(Pub. L. 87–195, pt. III, §627, Sept. 4, 1961, 75 Stat. 452.)

References in Text

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

Delegation of Functions

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.

§2388. Detail of personnel to international organizations

Whenever the President determines it to be consistent with and in furtherance of the purposes of this chapter, the head of any agency of the United States Government is authorized to detail, assign, or otherwise make available to any international organization any officer or employee of his agency to serve with, or as a member of, the international staff of such organization, or to render any technical, scientific, or professional advice or service to, or in cooperation with, such organization.

(Pub. L. 87–195, pt. III, §628, Sept. 4, 1961, 75 Stat. 452.)

References in Text

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

Delegation of Functions

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.

(Pub. L. 87–195, pt. III, §629, Sept. 4, 1961, 75 Stat. 452; Pub. L. 87–565, pt. III, §302(d), Aug. 1, 1962, 76 Stat. 262; Pub. L. 90–137, pt. III, §302(f), Nov. 14, 1967, 81 Stat. 460; Pub. L. 96–465, title II, §2203(b), Oct. 17, 1980, 94 Stat. 2159.)

References in Text

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

Section 2384(d) of this title, referred to in subsec. (b), was repealed by Pub. L. 95–88, title I, §124(a)(1), Aug. 3, 1977, 91 Stat. 541.

Amendments

1980—Subsec. (b). Pub. L. 96–465 substituted "section 4085 of this title" for "section 1131 of this title".

1967—Subsec. (b). Pub. L. 90–137 substituted reference to section 5536 of title 5 for former section 70 of title 5.

1962—Subsec. (b). Pub. L. 87–565 substituted "2384(d)" for "2384(e)".

Effective Date of 1980 Amendment

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

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.

[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; or

(4) subject to the receipt by the United States Government of a credit to be applied against the payment by the United States Government of its share of the expenses of the international organization to which the officer or employee is detailed or assigned, such credit to be based upon the compensation, travel expenses, benefits and allowances, or any part thereof, payable to such officer or employee during the period of detail or assignment in accordance with section 2389 of this title.

(Pub. L. 87–195, pt. III, §630, Sept. 4, 1961, 75 Stat. 452; Pub. L. 89–171, pt. III, §302(e), Sept. 6, 1965, 79 Stat. 660.)

References in Text

This chapter, referred to in par. (3), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Amendments

1965—Pub. L. 89–171 inserted "benefits" in pars. (2) and (4).

Delegation of Functions

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) [1] of that Act [22 U.S.C. 3902(a)(3)]), as the President shall determine to be appropriate.

(c) Appointment of Chairman of Development Assistance Committee; compensation

The President may appoint any United States citizen who is not an employee of the United States Government or may assign any United States citizen who is a United States Government employee to serve as Chairman of the

Development Assistance Committee or any successor committee thereto of the Organization for Economic Cooperation and Development upon election thereto by members of said Committee, and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may receive such compensation and allowances as are authorized by the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], not to exceed those authorized for a chief of mission (as defined in section 102(a)(3) [1] of that Act [22 U.S.C. 3902(a)(3)]), as the President shall determine to be appropriate. Such person (if not a United States Government employee who is assigned to serve as Chairman) shall be deemed to be an employee of the United States Government for purposes of chapters 81, 83, 87, and 89 of title 5. Such person may also, in the President's discretion, receive any other benefits and perquisites available under this chapter to chiefs of special missions or staffs outside the United States established under this section.

(d) Administration of assistance

Wherever practicable, especially in the case of the smaller programs, assistance under subchapter I of this chapter shall be administered under the direction of the Chief of the United States Diplomatic Mission by the principal economic officer of the mission.

(Pub. L. 87–195, pt. III, §631, Sept. 4, 1961, 75 Stat. 453; Pub. L. 88–205, pt. III, §302(d), Dec. 16, 1963, 77 Stat. 389; Pub. L. 89–171, pt. III, §302(f), Sept. 6, 1965, 79 Stat. 660; Pub. L. 95–92, §7(c), Aug. 4, 1977, 91 Stat. 617; Pub. L. 96–465, title II, §2203(c), (d), Oct. 17, 1980, 94 Stat. 2159.)

References in Text

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

The Foreign Service Act of 1980, referred to in subsecs. (b) and (c), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

Section 102(a)(3) of that Act, referred to in subsecs. (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.

1965—Subsec. (d). Pub. L. 89–171 added subsec. (d).

1963—Subsec. (c). Pub. L. 88–205 added subsec. (c).

Effective Date of 1980 Amendment

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

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, §100, Mar. 26, 1975, 89 Stat. 20, provided in part that: "The total number of flag and general officers of the United States Armed Forces assigned or detailed to military assistance advisory groups, military missions, or similar organizations, or performing duties primarily with respect

to the Military Assistance Program and the Foreign Military Sales Program shall not exceed twenty after May 1, 1975."

Approval of Secretary of State

The maintenance of special missions or staffs abroad, the fixing of ranks of chiefs thereof after the chiefs of United States diplomatic missions, and authorization of same compensation and allowances as chief of mission, as defined in section 3902(3) of this title, all under this section, shall be subject to approval of Secretary of State, see section 1–603 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56677, as amended, set out as a note under section 2381 of this title.

[1] *See References in Text note below.*

§2392. Government agencies

(a) Allocation and transfer of funds

The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out the purposes of this chapter, including any advance to the United States Government by any country or international organization for the procurement of commodities, defense articles, military education and training, or services (including defense services). Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this chapter or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(b) Utilization of services and facilities of other agencies

Any officer of the United States Government carrying out functions under this chapter may utilize the services (including defense services) and facilities of, or procure commodities, defense articles, or military education and training from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(c) Reimbursement for commodities, services, and facilities

In the case of any commodity, service, or facility procured from any agency of the United States Government to carry out subchapter I of this chapter, reimbursement or payment shall be made to such agency from funds available to carry out such subchapter. Such reimbursement or payment shall be at replacement cost, or, if required by law, at actual cost, or, in the case of services procured from the Department of Defense to carry out part VIII of subchapter I of this chapter, the amount of the additional costs incurred by the Department of Defense in providing such services, or at any other price authorized by law and agreed to by the owning or disposing agency. The amount of any such reimbursement or payment shall be credited to current applicable appropriations, funds, or accounts, from which there may be procured replacements of similar commodities, services, or facilities, except that where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning or disposing agency determines that such replacement is not necessary, any funds received in payment therefor shall be deposited into the Treasury as miscellaneous receipts.

(d) Reimbursement for military assistance

Except as otherwise provided in section 2318 of this title, reimbursement shall be made to any United States Government agency, from funds available for use under subchapter II of this chapter, for any assistance furnished under subchapter II of this chapter, from, by, or through such agency. Such reimbursement shall be in an amount equal to the value (as defined in section 2403(m) of this title) of the defense articles or of the defense services (other than salaries of members of the Armed Forces of the United States), or other assistance furnished, plus expenses arising from or incident to operations under subchapter II of this chapter (other than salaries of the Armed Forces of the United States and unfunded estimated costs of civilian retirement and other benefits). The amount of such reimbursement shall be credited to the current applicable appropriations, funds, or accounts of such agency.

(e) Establishment of accounts

In furnishing assistance under this chapter, accounts may be established on the books of any agency of the United States Government or, on terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States, (1) against which letters of commitment may be issued which shall constitute recordable obligations of the United States Government, and moneys due or to become due under such letters of commitment shall be assignable under the Assignment of Claims Act of 1940, as amended [1] (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 appropriate documentation. Expenditure of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditure of funds of the United States Government: *Provided,* That such expenditures for commodities, defense articles, military education and training, services (including defense services), or facilities procured outside the United States may be accounted for exclusively on such certification as may be prescribed in regulations approved by the Comptroller General of the United States.

(f) Credits made by Export-Import Bank of the United States

Credits made by the Export-Import Bank of the United States with funds allocated thereto under subsection (a) of this section or under section 1782(a) [1] of this title, shall not be considered in determining whether the Bank has outstanding at any one time loans and guaranties to the extent of the limitation imposed by section 635e of title 12.

(g) Charge of expenses to appropriation or account

Any appropriation or account available to carry out provisions of subchapter I of this chapter may initially be charged in any fiscal year, within the limit of available funds, to finance expenses for which funds are available in other appropriations or accounts under subchapter I of this chapter: *Provided,* That as of the end of such fiscal year such expenses shall be finally charged to applicable appropriations or accounts with proper credit to the appropriations or accounts initially utilized for financing purposes: *Provided further,* That such final charge to applicable appropriations or accounts shall not be required in the case of expenses (other than those provided for under section 2397(a) of this title) incurred in furnishing assistance by the agency primarily responsible for administering subchapter I of this chapter where it is determined that the accounting costs of identifying the applicable appropriation or account to which such expenses should be charged would be disproportionate to the advantage to be gained.

(Pub. L. 87–195, pt. III, §632, Sept. 4, 1961, 75 Stat. 453; Pub. L. 90–137, pt. III, §302(g), Nov. 14, 1967, 81 Stat. 460; Pub. L. 90–267, §1(a), Mar. 13, 1968, 82 Stat. 47; Pub. L. 90–629, ch. 4, §45(b)(3), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 94–329, title I, §106(b)(4), June 30, 1976, 90 Stat. 733; Pub. L. 100–690, title IV, §4506, Nov. 18, 1988, 102 Stat. 4286; Pub. L. 101–165, title IX, §9104(b)(2), Nov. 21, 1989, 103 Stat. 1152.)

References in Text

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

The Assignment of Claims Act of 1940, as amended, referred to in subsec. (e), means act Oct. 9, 1940, ch. 779, 54 Stat. 1029, which added the second and third pars. to section 203 of former Title 31, Money and Finance, and the second and third pars. to section 15 of former Title 41, Public Contracts. Section 203 of former Title 31 was repealed by Pub. L. 97–258, §5(b), Sept. 13, 1982, 96 Stat. 1068, and reenacted by the first section thereof as section 3727 of Title 31, Money and Finance. Such second and third pars. were restated in section 3727(b) (last sentence) and (c) of Title 31. 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. 111–350, §§3, 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, §642(a)(2), Sept. 4, 1961, 75 Stat. 460.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II, and References to Subchapter II Deemed To Exclude Such Parts

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

Amendments

1989—Subsec. (d). Pub. L. 101–165 inserted at end of second sentence "(other than salaries of the Armed Forces of the United States and unfunded estimated costs of civilian retirement and other benefits)".

1988—Subsec. (c). Pub. L. 100–690 inserted "or, in the case of services procured from the Department of Defense to carry out part VIII of subchapter I of this chapter, the amount of the additional costs incurred by the Department of Defense in providing such services," after "at actual cost,".

1976—Subsec. (a). Pub. L. 94–329, §106(b)(4)(A), inserted "military education and training" after "articles".

Subsec. (b). Pub. L. 94–329, §106(b)(4)(B), substituted "defense articles, or military education and training" for "and defense articles".

Subsec. (e). Pub. L. 94–329, §106(b)(4)(A), inserted "military education and training" after "articles".

1968—Subsec. (d). Pub. L. 90–629 struck out references to sections 2342 and 2343 of this title in the exception provision.

1967—Subsec. (d). Pub. L. 90–137 substituted reference to sections 2318, 2342, and 2343 for former reference to sections 2315 and 2318 of this title.

Change of Name

"Export-Import Bank of Washington" changed to "Export-Import Bank of the United States" in text to conform to such change in name in the Export-Import Bank Act of 1945, section 635 et seq. of Title 12, Banks and Banking, provided for in section 1(a) of Pub. L. 90–267, Mar. 13, 1968, 82 Stat. 47.

Effective Date of 1968 Amendment

Amendment by Pub. L. 90–629 effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

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.

Accounting Adjustments Between Appropriations

Charge of expenses to appropriation or account not affected by provisions for accounting adjustments between appropriations, see section 3 of Pub. L. 89–473, June 29, 1966, 80 Stat. 221, set out as a note under section 628a of Title 31, Money and Finance.

[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 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.)),[1] regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

(b) Neutrality laws

The functions authorized under subchapter II of this chapter may be performed without regard to such provisions as the President may specify of subchapter II of chapter 9 of this title.

(c) Assignment of personnel

Notwithstanding the provisions of sections 3544(b) and 8544(b) [1] of title 10, personnel of the Department of Defense may be assigned or detailed to any civil office to carry out this chapter.

(Pub. L. 87–195, pt. III, §633, Sept. 4, 1961, 75 Stat. 454.)

References in Text

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

The Renegotiation Act of 1951, as amended, referred to in subsec. (a), is act Mar. 23, 1951, ch. 15, 65 Stat. 7, which was classified principally to section 1211 et seq. of the former Appendix to Title 50, War and National Defense, prior to its omission from the Code.

Sections 3544 and 8544 of title 10, referred to in subsec. (c), were repealed by Pub. L. 90–235, §4(a)(6), Jan. 2, 1968, 81 Stat. 759.

References to Subchapter II Deemed To Exclude Certain Parts of Subchapter II

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

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

Ex. Ord. No. 10784, Oct. 1, 1958, 23 F.R. 7691, as amended by Ex. Ord. No. 10845, Oct. 12, 1959, 24 F.R. 8317, which specified laws from which functions authorized by this chapter shall be exempt, was superseded by Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, set out below.

Executive Order No. 10845

Ex. Ord. No. 10845 of Oct. 12, 1959, setting out laws from which authorized functions were exempt, was superseded by Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, set out below.

Ex. Ord. No. 11223. Specification of Laws From Which Functions Authorized by This Chapter Shall Be Exempt

Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, as amended by Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673; Ex. Ord. No. 12178, Dec. 10, 1979, 44 F.R. 71807; Ex. Ord. No. 13118, §10(10), Mar. 31, 1999, 64 F.R. 16599, provided:

By virtue of the authority vested in me by Section 633 of the Foreign Assistance Act of 1961, as amended, 75 Stat. 454 (22 U.S.C. 2393), it is hereby determined that, to the extent hereinafter indicated, the performance of functions authorized by that Act, as amended, and any predecessor legislation, without regard to the laws specified in the numbered subdivisions of Sections 1 and 2 of this order and without regard to consideration as specified in Sections 3 and 4 of this order will further the purposes of the Foreign Assistance Act of 1961, as amended [this chapter]:

Section 1. With respect to functions authorized by the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et seq.*), and any predecessor legislation except those functions exercised by the Department of Defense under authority of Sections 621 and 623 of the Foreign Assistance Act of 1961 (22 U.S.C. 2381 and 2383):

(1) The Act of March 26, 1934, 48 Stat. 500, as amended (15 U.S.C. 616a).

(2) Section 3648 of the Revised Statutes, as amended, 60 Stat. 809 (31 U.S.C. 529) [31 U.S.C. 3324].

(3) Section 305 of the Federal Property and Administrative Services Act of 1949, 63 Stat. 396, as amended (41 U.S.C. 255).

(4) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5).

(5) Section 3710 of the Revised Statutes (41 U.S.C. 8).

(6) Section 2 of title III of the Act of March 3, 1933, 47 Stat. 1520 (41 U.S.C. 10a).

(7) Section 3735 of the Revised Statutes (41 U.S.C. 13).

(8) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)), but only with respect to contracts entered into with foreign governments or agencies thereof for the rendering of services to the United States or an agency thereof within the continental limits of the United States.

(9) Section 901(a) of the Merchant Marine Act, 1936, 49 Stat. 2015 as amended (46 U.S.C. [App.] 1241(a)) [now 46 U.S.C. 55302].

Sec. 2. With respect to purchases authorized to be made outside the limits of the United States or the District of Columbia under the Foreign Assistance Act of 1961, as amended [this chapter], and any predecessor legislation:

(1) [Former] Section 2276(a) of title 10 of the United States Code.

(2) Section 2313(b) of title 10 of the United States Code.

(3) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)).

(4) Section 1301 of the Second War Powers Act, 1942, 56 Stat. 185 ([former] 50 U.S.C. App. 643), as extended by the provisions of the Act of June 30, 1953, 67 Stat. 120.

(5) Section 3(b) of the Act of August 28, 1958, 72 Stat. 972 (50 U.S.C. 1433(b)), but only with respect to contracts in which the inclusion of the clause required by Section 3(b), or the compliance with that clause, if included in a contract, is deemed by the executive or military department concerned to be impracticable.

Sec. 3. With respect to cost-type contracts heretofore or hereafter made with non-profit institutions under which no fee is charged or paid, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

Sec. 4. With respect to contracts heretofore or hereafter made, other than those described in Section 3 of this order, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof, if the Secretary of State or the Administrator of the United States Agency for International Development (with respect to functions vested in or delegated to the Administrator) determines in each case that such action is necessary to protect the foreign policy interests of the United States.

Sec. 5. Executive Order No. 10784 of October 1, 1958, and Executive Order No. 10845 of October 12, 1959, are hereby superseded.

SEC. 6. I determine it to be in furtherance of the purposes of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2151 et seq.], and in the national security interest of the United States that the functions authorized by chapter 7 of Part II of that Act [22 U.S.C. 2349 et seq.], relating to air base construction in Israel, be performed without regard to the following additional specified provisions of law:

(1) Title IX of the Federal Property and Administration Services Act of 1949, as amended (40 U.S.C. 541–544) [now 40 U.S.C. 1101–1104];

(2) Section 612 of the Military Construction Authorization Act, 1967, as amended (31 U.S.C. 723a) [10 U.S.C. 2661a(b)];

(3) Section 719 of the Defense Production Act of 1950, as amended ([former] 50 U.S.C. App. 2168); and

(4) Section 111 of the Federal Property and Administrative Services Act of 1949, as amended ([former] 40 U.S.C. 759).

DETERMINATION UNDER THIS SECTION WAIVING REQUIREMENTS WITH RESPECT TO CLOSE OUT OF PRIOR YEAR APPROPRIATIONS ACCOUNTS

Determination of President of the United States, No. 91–21, Feb. 27, 1991, 56 F.R. 10771, provided:

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 633(a) of the Foreign Assistance Act of 1961, as amended (the "Act"), 22 U.S.C. 2393(a), I hereby determine it to be in furtherance of the purposes of the Act [22 U.S.C. 2151 et seq.] that the functions authorized by the Act be performed without regard to section 1405 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) [amending sections 1551 to 1557 of Title 31, Money and Finance, repealing section 2782 of Title 10, Armed Forces, and enacting provisions set out as a note under section 1551 of Title 31], and amendments contained therein.

This determination shall apply only to funds appropriated to carry out the provisions of the Act that were appropriated for fiscal year 1984 and for prior fiscal years, and shall suspend the application of the provisions of section 1405 of the National Defense Authorization Act for Fiscal Year 1991, and amendments contained therein, through September 30, 1992.

You are authorized and directed to publish this determination in the Federal Register.

GEORGE BUSH.

[1] *See References in Text note below.*

[1] *See References in Text note below.*

§2393a. Requests by Government Accountability Office and Congressional committees for documents and materials

None of the funds made available pursuant to the provisions of this chapter shall be used to carry out any provision of this chapter in any country or with respect to any project or activity, after the expiration of the thirty-five-day period which begins on the date the Government Accountability Office or any committee of the Congress charged with considering legislation, appropriations or expenditures under this chapter, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the Government Accountability Office, or to such committee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden the furnishing thereof pursuant to request and his reason for so doing.

(Pub. L. 87–195, pt. III, §633A, as added Pub. L. 95–424, title V, §502(a)(1), Oct. 6, 1978, 92 Stat. 957; amended Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814.)

REFERENCES IN TEXT

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

CODIFICATION

This section was formerly classified to subsec. (c) of section 2394 of this title prior to the complete revision of section 2394 of this title by Pub. L. 95–424, title V, §502(a)(2), Oct. 6, 1978, 92 Stat. 957.

Amendments

2004—Pub. L. 108–271 substituted "Government Accountability Office" for "General Accounting Office" in two places.

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.

§2394. Reports and information; definitions

(a) Annual report to Congress on programs having impact on developing countries; contents

In order that the Congress and the American people may be better and more currently informed regarding American foreign policy and the effectiveness of assistance provided by the United States Government to other countries and to international organizations, the Chairman of the Development Coordination Committee shall prepare and transmit to the Congress, no later than February 1 of each year, as a part of the annual presentation materials for foreign assistance, a report as described in this subsection. This report shall include—

(1)(A) a comprehensive and coordinated review of all United States policies and programs having a major impact on the development of developing countries, including but not limited to bilateral and multilateral assistance, trade, debt, employment, food, energy, technology, population, oceans, environment, human settlements, natural resources, and participation in international agencies concerned with development;

(B) an assessment of the impact of such policies and programs on the well-being of the poor majority in developing countries in accordance with the policy objectives of part I of subchapter I of this chapter, including increasing life expectancy and literacy, lowering infant mortality and birth rates, and increasing food production and employment, such assessment to include an evaluation of the extent to which programs under part I of subchapter I of this chapter directly benefit the poor majority; and

(C) an assessment of the impact of such policies and programs on economic conditions in the United States, including but not limited to employment, wages, and working conditions;

(2) the dollar value of all foreign assistance and guaranties by category and by country provided or made by the United States Government by any means to all foreign countries and international organizations—

(A) from 1946 to the fiscal year immediately preceding the fiscal year for which the report is required;

(B) as presented to Congress for the immediate preceding fiscal year;

(C) as obligated during the immediately preceding fiscal year;

(D) as planned for the fiscal year in which the report is presented;

(E) as proposed for the fiscal year following the year in which the report is presented; and

(F) of any contract in excess of $100,000 administered by the Agency for International Development which was entered into in the preceding fiscal year without competitive selection procedures, and the reasons for doing so;

(3) a summary of repayments, by country, to the United States from previous foreign assistance loans;

(4) the status of each sale of agricultural commodities on credit terms theretofore made under the Food for Peace Act [7 U.S.C. 1691 et seq.] with respect to which there remains outstanding any unpaid obligation; and the status of each transaction with respect to which a loan, contract or guarantee of insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.] with respect to which there remains outstanding any unpaid obligation or potential liability; except that such report shall include individually only any loan, contract, sale, extension of credit, or other transactions listed in this paragraph which is in excess of $1,000,000;

(5)(A) the status of the debt servicing capacity of each country receiving assistance under this chapter;

(B) all forms of debt relief granted by the United States with respect to such countries, together with a detailed statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted; and

(C) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States;

(6) the dollar value of all official development assistance, security assistance, international disaster assistance, refugee assistance, and international narcotics control assistance provided by each government of a country which is a member of the Organization for Economic Cooperation and Development or of the Organization of Petroleum Exporting Countries;

(7) the percentage which each type of assistance described in paragraph (6) represents of (A) the gross national product of each country referred to in paragraph (6), and (B) the budget of the government of such country, as well as the per capita contribution for each country for each type of assistance described in paragraph (6);

(8) the amount of all foreign currencies acquired without payment of dollars on hand of each foreign country as of September 30 of the preceding fiscal year;

(9) the Development Coordination Committee's operations pursuant to section 2399c(f) of this title;

(10) the aggregate dollar value and quantity of grant military assistance, military education and training, and any other defense articles and services furnished under this chapter by the United States to each foreign country and international organization for the preceding fiscal year;

(11) information concerning the activities of the Minority Resource Center during the preceding fiscal year; and

(12) other information appropriate to the conduct of the foreign assistance program of the United States Government.

(b) "Foreign assistance" and "provided by the United States Government" defined

For purposes of this section—

(1) "foreign assistance" means any tangible or intangible item provided by the United States Government to a foreign country or international organization under this chapter or any other Act, including but not limited to any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies of any foreign country which are owned by the United States Government; and

(2) "provided by the United States Government" includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit, or guaranty.

(Pub. L. 87–195, pt. III, §634, Sept. 4, 1961, 75 Stat. 455; Pub. L. 87–565, pt. III, §302(e), (f), Aug. 1, 1962, 76 Stat. 262; Pub. L. 89–583, pt. III, §302(c), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90–137, pt. III, §302(h), Nov. 14, 1967, 81 Stat. 460; Pub. L. 90–629, ch. 4, §45(a), (b)(4), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 91–175, pt. III, §305, Dec. 30, 1969, 83 Stat. 821; Pub. L. 92–226, pt. III, §304(a)(3), (c)(2), Feb. 7, 1972, 86 Stat. 28, 32; Pub. L. 93–189, §17, Dec. 17, 1973, 87 Stat. 724; Pub. L. 93–559, §14, Dec. 30, 1974, 88 Stat. 1799; Pub. L. 94–273, §6(1), Apr. 21, 1976, 90 Stat. 377; Pub. L. 94–329, title II, §209(b), June 30, 1976, 90 Stat. 739; Pub. L. 95–424, title V, §502(a)(1), (2), Oct. 6, 1978, 92 Stat. 957; Pub. L. 96–533, title VII, §707, Dec. 16, 1980, 94 Stat. 3159; Pub. L. 97–113, title VII, §733, Dec. 29, 1981, 95 Stat. 1559; Pub. L. 99–83, title III, §312(b), Aug. 8, 1985, 99 Stat. 216; Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

References in Text

The Food for Peace Act, referred to in subsec. (a)(4), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

The Export-Import Bank Act of 1945, referred to in subsec. (a)(4), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to subchapter I (§635 et seq.) of chapter 6A of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables.

This chapter, referred to in subsecs. (a)(5)(A), (10), (b)(1), was in the original "this Act", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

References to Part I Deemed To Include Section 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Codification

Prior to the complete revision of this section by section 502(a)(2) of Pub. L. 95–424, section 501(a)(1) of Pub. L. 95–424 redesignated former subsec. (c), relating to requests by the General Accounting Office and Congressional committees for documents and other material, as section 2393a of this title.

Amendments

2008—Subsec. (a)(4). Pub. L. 110–246 substituted "Food for Peace Act" for "Agricultural Trade Development and Assistance Act of 1954".

1985—Subsec. (a)(1)(B). Pub. L. 99–83 inserted provisions relating to evaluation of whether programs are benefiting the poor majority.

1981—Subsec. (a). Pub. L. 97–113, §733(1), substituted provision requiring information regarding American foreign policy and effectiveness of assistance to other countries for provision requiring information regarding United States development policy and effectiveness of assistance to developing countries and provision directing the Chairman prepare and transmit to Congress as part of the annual presentation materials for foreign assistance a report as described in this subsection for provision directing the Chairman to transmit a report on foreign assistance for the fiscal year ending the previous Sept. 30.

Subsec. (a)(1)(B). Pub. L. 97–113, §733(2), struck out "the progress developing countries are making toward achieving those objectives which are indicative of improved well-being of the poor majority, which objectives shall include but not be limited to" before "increasing life expectancy and literacy".

Subsec. (a)(2)(F). Pub. L. 97–113, §733(3), added subpar. (F).

Subsec. (a)(4). Pub. L. 97–113, §733(4), struck out requirement that the report include the status of each loan and each contract of guaranty or insurance theretofore made under this chapter, predecessor Acts, or any Act authorizing international security assistance, with respect to which there remained outstanding any unpaid obligation or potential liability, and the status of each extension of credit for the procurement of defense articles or defense services, and of each contract of guarantee in connection with any such procurement, theretofore made under the Arms Export Control Act with respect to which there remained outstanding any unpaid obligation or potential liability.

Subsec. (a)(7). Pub. L. 97–113, §733(5), struck out "and" after the semicolon.

Subsec. (a)(8). Pub. L. 97–113, §733(6), substituted provision that the report contain the amount of all foreign currencies acquired without payment of dollars on hand of each foreign country as of Sept. 30 of the preceding fiscal year for provision that the report contain such other matters relating to foreign assistance provided under subchapter I of this chapter as the Chairman of the Development Coordination Committee considers appropriate.

Subsec. (a)(9) to (12). Pub. L. 97–113, §733(6), added pars. (9) to (12).

1980—Subsec. (a)(6) to (8). Pub. L. 96–533 added pars. (6) and (7) and redesignated former par. (6) as (8).

1978—Subsec. (a). Pub. L. 95–424, §502(a)(2), added subsec. (a).

Subsec. (b). Pub. L. 95–424, §502(a)(2), substituted definitions of "foreign assistance" and "provided by the United States Government" for provisions requiring public disclosure of all information concerning operations under this chapter except that which is deemed incompatible with the Security of the United States.

Subsec. (c). Pub. L. 95–424, §502(a)(1), struck out "(c)" at beginning of subsection and transferred the remainder of subsection to section 2393a of this title.

Subsecs. (d) to (h). Pub. L. 95–424, §502(a)(2), struck out subsecs. (d), relating to presentation of programs to Congressional committees; (e), relating to inclusion of a specific plan in the President's recommendations to Congress; (f), relating to a report by the President to Congress showing the status of each outstanding loan; (g), relating to a report by the President to Congress showing debt-servicing problems; and (h), relating to military assistance to South Vietnam, Thailand, and Laos.

1976—Subsec. (d). Pub. L. 94–329 struck out provisions under which sales pursuant to the Foreign Assistance Act of 1961 or any other Act were included in the enumeration of factors used in developing, for purpose of presentation material, a chart showing the full extent of United States assistance planned or expected for each such country for the next fiscal year.

Subsec. (f). Pub. L. 94–273 substituted "September" for "June" and "March" for "December".

1974—Subsec. (d). Pub. L. 93–559 substituted in item (1) respecting presentation material "economic assistance, military grants (and including for any such grant of any excess defense article, the value of such article expressed in terms of its acquisition cost to the United States), and military sales" for "economic assistance and military grants and sales".

1973—Subsec. (f). Pub. L. 93–189 inserted references to contracts of guarantee or insurance, the status of sales of defense articles or defense services on credit terms, the status of sales of agricultural commodities on credit terms, and the status of loans, contracts of guarantee or insurance, or extensions of credit (or participations therein) made under the Export-Import Bank Act of 1945, and inserted provisions limiting the reporting requirement of the subsection so as to include only loans, contracts, sales, extensions of credit, or other transactions in excess of $1,000,000.

Subsec. (g). Pub. L. 93–189 added subsec. (g).

1972—Subsec. (a). Pub. L. 92–226, §304(c)(2), struck out provisions for annual report to Congress concerning operations under this chapter, including information on the progress of the freedom of navigation and nondiscrimination declaration. See annual foreign assistance report provisions of section 2417 of this title.

Subsec. (d). Pub. L. 92–226, §304(a)(3), substituted in last sentence reference to section "2360(b)" for prior reference to sections "2360, 2364(a)".

1969—Subsec. (a). Pub. L. 91–175 excluded operations reported to Congress pursuant to section 2200a of this title from report required by this section, and struck out of last sentence reference to the operation of the investment guaranty program.

1968—Subsec. (d). Pub. L. 90–629, §45(b)(4), required the presentation material to include in the chart foreign assistance data under any other Act.

Subsec. (g). Pub. L. 90–629, §45(a), repealed provisions of subsec. (g) which related to exports of defense articles, contents of reports, and utilization of statistics and information of Government agencies, and is now covered by section 2776(a) of this title.

1967—Subsec. (d). Pub. L. 90–137, §302(h)(1), inserted introductory provision for presentation of programs to Congressional Committees in connection with requests for appropriations for fiscal year 1969, penultimate provision for inclusion of foreign assistance data (an assistance chart, contribution details, and a statement of projects), and provision for notification as to findings and reasons therefor under section 2311 or 2341(c) of this title.

Subsecs. (g), (h). Pub. L. 90–137, §302(h)(2), added subsecs. (g) and (h).

1966—Subsec. (f). Pub. L. 89–583 added subsec. (f).

1962—Subsec. (a). Pub. L. 87–565, §302(e), required reports to include information on progress under the freedom of navigation and nondiscriminatory declaration contained in section 2151 of this title.

Subsec. (d). Pub. L. 87–565, §302(f), substituted "At the end of each fiscal year" and "fiscal year" for "In January of each year" and "preceding twelve months", respectively, and provided that the presentation material submitted to Congress during its consideration of amendments to this chapter, or of any Act appropriating funds pursuant to authorizations contained in this chapter, should include a comparison of the current fiscal year programs and activities with those presented to Congress in the previous year and an explanation of any substantial changes.

Effective Date of 2008 Amendment

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1978 Amendment

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

Effective Date of 1972 Amendment

Pub. L. 92–226, pt. III, §304(c)(3), Feb. 7, 1972, 86 Stat. 32, provided that: "The provisions of this subsection [amending this section and section 2403 of this title] and section 657 of such Act [section 2417 of this title], as added by subsection (b) of this Act [this section], shall apply with respect to each fiscal year commencing on or after July 1, 1971."

Effective Date of 1968 Amendment

Amendment by Pub. L. 90–629 effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

Savings Provision

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of former subsec. (g) of this section as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90–629, set out as a note under former section 2341 of this title.

Annual Report on Economic and Social Growth

Pub. L. 104–107, title V, §574, Feb. 12, 1996, 110 Stat. 749, required the President to submit to the appropriate congressional committees an annual report providing a concise overview of the prospects for economic and social growth in countries receiving economic assistance under title II of Pub. L. 104–107, prior to repeal by Pub. L. 107–228, div. A, title VI, §671(2), Sept. 30, 2002, 116 Stat. 1407.

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 amount justified, to the Congress for obligation under this chapter or the Arms Export Control Act for any fiscal year unless the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of the Congress are notified fifteen days in advance of such obligation. Whenever a proposed reprograming exceeds $1,000,000 and the total amount proposed for obligation for a country under this chapter in a fiscal year exceeds by more than $5,000,000 the amount specified for that country in the report required by section 2413(a) of this title, notifications of such proposed reprogramings shall specify—

(1) the nature and purpose of such proposed obligation, and

(2) to the extent possible at the time of the proposed obligation, the country for which such funds would otherwise have been obligated.

(b) Exceptions

The notification requirement of this section does not apply to the reprogramming—

(1) of funds to be used for an activity, program, or project under part I of subchapter I of this chapter if the amounts to be obligated for that activity, program, or project for that fiscal year do not exceed by more than 10 percent the amount justified to the Congress for that activity, program, or project for that fiscal year; or

(2) of less than $25,000 to be used under part VIII of subchapter I of this chapter, or under part V of subchapter II of this chapter, for a country for which a program under that part for that fiscal year was justified to the Congress.

(c) Funds in the International Affairs Budget Function; reprogramming

The President shall notify the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives concerning any reprogramming of funds in the International Affairs Budget Function, the authorizations of appropriations for which are in their respective jurisdictions, to the same degree and with the same conditions as the President notifies the Committees on Appropriations. The requirements of this subsection are in addition to, and not in lieu of, other notification requirements.

(Pub. L. 87–195, pt. III, §634A, formerly §671, as added Pub. L. 95–88, title I, §130, Aug. 3, 1977, 91 Stat. 543; renumbered §634A, Pub. L. 95–424, title V, §502(b), Oct. 6, 1978, 92 Stat. 959; amended Pub. L. 97–113, title VII, §704, Dec. 29, 1981, 95 Stat. 1544; Pub. L. 99–83, title XII, §1209(a), Aug. 8, 1985, 99 Stat. 278; Pub. L. 103–437, §9(a)(6), Nov. 2, 1994, 108 Stat. 4588.)

References in Text

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

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

References to Part I Deemed To Include Section 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Codification

Section was formerly classified to section 2429b of this title.

Amendments

1994—Subsec. (a). Pub. L. 103–437 substituted "Foreign Affairs" for "International Relations" in introductory provisions.

1985—Pub. L. 99–83 designated existing provisions as subsec. (a), inserted references to the Arms Export Control Act in two places, and added subsecs. (b) and (c).

1981—Pub. L. 97–113 inserted provision respecting notification of proposed reprograming of assistance.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Delegation of Functions

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

§2394–1a. Classification of reports

All information contained in any report transmitted under this chapter shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplemental report shall be transmitted to the Congress at the time the report is transmitted.

(Pub. L. 87–195, pt. III, §634B, as added Pub. L. 95–424, title V, §502(c), Oct. 6, 1978, 92 Stat. 959.)

References in Text

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

Effective Date

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

Delegation of Functions

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.

(Pub. L. 94–329, title VI, §607, June 30, 1976, 90 Stat. 768.)

Codification

Section was not enacted as part of Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961, which comprises this chapter.

Delegation of Functions

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), 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) 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).

(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—

(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.

(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 crisies [2] ;

(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.

(Pub. L. 108–199, div. B, title VI, §637, Jan. 23, 2004, 118 Stat. 101.)

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.

The Foreign Assistance Act of 1961, referred to in subsec. (h)(1), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapters 1, 10, 11, and 12 of part I of the Act are classified generally to parts I (§2151 et seq.), X (§2293 et seq.), XI (§2295 et seq.), and XII (§2296 et seq.) of subchapter I 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 the HELP Commission Act, and also as part 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.

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 (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 deliberate 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.

[1] *So in original. Probably should be "subsection".*

[2] *So in original. Probably should be "crises".*

§2394c. Information on covered United States foreign assistance programs

(a) Publication of information

(1) Update of existing website

Not later than 90 days after July 15, 2016, the Secretary of State shall update the Department of State's website, "ForeignAssistance.gov", to make publicly available comprehensive, timely, and comparable information on covered United States foreign assistance programs, including all information required under subsection (b) that is available to the Secretary of State.

(2) Information sharing

Not later than 2 years after July 15, 2016, and quarterly thereafter, the head of each Federal department or agency that administers covered United States foreign assistance shall provide the Secretary of State with comprehensive information about the covered United States foreign assistance programs carried out by such department or agency.

(3) Updates to website

Not later than 2 years after July 15, 2016, and quarterly thereafter, the Secretary of State shall publish, on the "ForeignAssistance.gov" website or through a successor online publication, the information provided under subsection (b).

(b) Matters to be included

(1) In general

The information described in subsection (a)—

(A) shall be published for each country on a detailed basis, such as award-by-award; or

(B) if assistance is provided on a regional level, shall be published for each such region on a detailed basis, such as award-by-award.

(2) Types of information

(A) In general

To ensure the transparency, accountability, and effectiveness of covered United States foreign assistance programs, the information described in subsection (a) shall include—

(i) links to all regional, country, and sector assistance strategies, annual budget documents, congressional budget justifications, and evaluations in accordance with section 3(c)(2)(J);

(ii) basic descriptive summaries for covered United States foreign assistance programs and awards under such programs; and

(iii) obligations and expenditures.

(B) Publication

Each type of information described in subparagraph (A) shall be published or updated on the appropriate website not later than 90 days after the date on which the information is issued.

(C) Rule of construction

Nothing in this paragraph may be construed to require a Federal department or agency that administers covered United States foreign assistance to provide any information that does not relate to, or is not otherwise required by, the covered United States foreign assistance programs carried out by such department or agency.

(3) Report in lieu of inclusion

(A) Health or security of implementing partners

If the head of a Federal department or agency, in consultation with the Secretary of State, makes a determination that the inclusion of a required item of information online would jeopardize the health or security of an implementing partner or program beneficiary or would require the release of proprietary information of an implementing partner or program beneficiary, the head of the Federal department or agency shall provide such determination in writing to the appropriate congressional committees, including the basis for such determination.

(B) National interests of the United States

If the Secretary of State makes a determination that the inclusion of a required item of information online would be detrimental to the national interests of the United States, the Secretary of State shall provide such determination, including the basis for such determination, in writing to the appropriate congressional committees.

(C) Form

Information provided under this paragraph may be provided in classified form, as appropriate.

(4) Failure to comply

If a Federal department or agency fails to comply with the requirements under paragraph (1), (2), or (3) of subsection (a), or subsection (c), with respect to providing information described in subsection (a), and the information is not subject to a determination under subparagraph (A) or (B) of paragraph (3) not to make the information publicly available, the Director of the Office of Management and Budget, in consultation with the head of such department or agency, not later than one year after July 15, 2016, shall submit a consolidated report to the appropriate congressional committees that includes, with respect to each required item of information not made publicly available—

(A) a detailed explanation of the reason for not making such information publicly available; and

(B) a description of the department's or agency's plan and timeline for—

(i) making such information publicly available; and

(ii) ensuring that such information is made publicly available in subsequent years.

(c) Scope of information

The online publication required under subsection (a) shall, at a minimum—

(1) in each of the fiscal years 2016 through 2019, provide the information required under subsection (b) for fiscal years 2015 through the current fiscal year; and

(2) for fiscal year 2020 and each fiscal year thereafter, provide the information required under subsection (b) for the immediately preceding 5 fiscal years in a fully searchable form.

(d) Sense of Congress

It is the sense of Congress that the Secretary of State and the Administrator of the United States Agency for International Development should coordinate the consolidation of processes and data collection and presentation for the Department of State's website, "ForeignAssistance.gov", and the United States Agency for International Development's website, "Explorer.USAID.gov", to the extent that is possible to maximize efficiencies, no later than the end of fiscal year 2018.

(Pub. L. 114–191, §4, July 15, 2016, 130 Stat. 669.)

References in Text

Section 3(c)(2)(J), referred to in subsec. (b)(2)(A)(i), is section 3(c)(2)(J) of Pub. L. 114–191, which is set out as a note below.

Codification

Section was enacted as part of the Foreign Aid Transparency and Accountability Act of 2016, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Guidelines for Covered United States Foreign Assistance Programs

Pub. L. 114–191, §3, July 15, 2016, 130 Stat. 667, provided that:

"(a) Purposes.—The purposes of this section are to—

"(1) evaluate the performance of covered United States foreign assistance and its contribution to the policies, strategies, projects, program goals, and priorities undertaken by the Federal Government;

"(2) support and promote innovative programs to improve effectiveness; and

"(3) coordinate the monitoring and evaluation processes of Federal departments and agencies that administer covered United States foreign assistance.

"(b) Establishment of Guidelines.—Not later than 18 months after the date of the enactment of this Act [July 15, 2016], the President shall set forth guidelines, according to best practices of monitoring and evaluation studies and analyses, for the establishment of measurable goals, performance metrics, and monitoring and evaluation plans that can be applied with reasonable consistency to covered United States foreign assistance.

"(c) Objectives of Guidelines.—

"(1) In general.—The guidelines established pursuant to subsection (b) shall provide direction to Federal departments and agencies that administer covered United States foreign assistance on —

"(A) monitoring the use of resources;

"(B) evaluating the outcomes and impacts of covered United States foreign assistance projects and programs; and

"(C) applying the findings and conclusions of such evaluations to proposed project and program design.

"(2) Objectives.—The guidelines established pursuant to subsection (b) shall provide direction to Federal departments and agencies that administer covered United States foreign assistance on how to—

"(A) establish annual monitoring and evaluation objectives and timetables to plan and manage the process of monitoring, evaluating, analyzing progress, and applying learning toward achieving results;

"(B) develop specific project monitoring and evaluation plans, including measurable goals and performance metrics, and to identify the resources necessary to conduct such evaluations, which should be covered by program costs;

"(C) apply rigorous monitoring and evaluation methodologies to such programs, including through the use of impact evaluations, ex-post evaluations, or other methods, as appropriate, that clearly define program logic, inputs, outputs, intermediate outcomes, and end outcomes;

"(D) disseminate guidelines for the development and implementation of monitoring and evaluation programs to all personnel, especially in the field, who are responsible for the design, implementation, and management of covered United States foreign assistance programs;

"(E) establish methodologies for the collection of data, including baseline data to serve as a reference point against which progress can be measured;

"(F) evaluate, at least once in their lifetime, all programs whose dollar value equals or exceeds the median program size for the relevant office or bureau or an equivalent calculation to ensure the majority of program resources are evaluated;

"(G) conduct impact evaluations on all pilot programs before replicating, or conduct performance evaluations and provide a justification for not conducting an impact evaluation when such an evaluation is deemed inappropriate or impracticable;

"(H) develop a clearinghouse capacity for the collection, dissemination, and preservation of knowledge and lessons learned to guide future programs for United States foreign assistance personnel, implementing partners, the donor community, and aid recipient governments;

"(I) internally distribute evaluation reports;

"(J) publicly report each evaluation, including an executive summary, a description of the evaluation methodology, key findings, appropriate context, including quantitative and qualitative data when available, and recommendations made in the evaluation within 90 days after the completion of the evaluation;

"(K) undertake collaborative partnerships and coordinate efforts with the academic community, implementing partners, and national and international institutions, as appropriate, that have expertise in program monitoring, evaluation, and analysis when such partnerships provide needed expertise or significantly improve the evaluation and analysis;

"(L) ensure verifiable, reliable, and timely data, including from local beneficiaries and stakeholders, are available to monitoring and evaluation personnel to permit the objective evaluation of the effectiveness of covered United States foreign assistance programs, including an assessment of assumptions and limitations in such evaluations; and

"(M) ensure that standards of professional evaluation organizations for monitoring and evaluation efforts are employed, including ensuring the integrity and independence of evaluations, permitting and encouraging the exercise of professional judgment, and providing for quality control and assurance in the monitoring and evaluation process.

"(d) President's Report.—Not later than 18 months after the date of the enactment of this Act [July 15, 2016], the President shall submit a report to the appropriate congressional committees that contains a detailed description of the guidelines established pursuant to subsection (b). The report shall be submitted in unclassified form, but it may contain a classified annex.

"(e) Comptroller General's Report.—The Comptroller General of the United States shall, not later than 18 months after the report required by subsection (d) is submitted to Congress, submit to the appropriate congressional committees a report that—

"(1) analyzes the guidelines established pursuant to subsection (b); and

"(2) assesses the implementation of the guidelines by the agencies, bureaus, and offices that implement covered United States foreign assistance as outlined in the President's budget request."

[For delegation of functions of President under section 3(b) and (d) of Pub. L. 114–191, set out above, see Memorandum of President of the United States, Nov. 21, 2017, 82 F.R. 56529, set out below.]

Definitions

Pub. L. 114–191, §2, July 15, 2016, 130 Stat. 666, provided that:

"In this Act [enacting this section and provisions set out as notes under this section and section 2151 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) Evaluation.—The term 'evaluation' means, with respect to a covered United States foreign assistance program, the systematic collection and analysis of information about the characteristics and outcomes of the program, including projects conducted under such program, as a basis for—

"(A) making judgments and evaluations regarding the program;

"(B) improving program effectiveness; and

"(C) informing decisions about current and future programming.

"(3) Covered united states foreign assistance.—The term 'covered United States foreign assistance' means assistance authorized under—

"(A) part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except for—

"(i) title IV of chapter 2 of such part [22 U.S.C. 2191 et seq.] (relating to the Overseas Private Investment Corporation); and

"(ii) chapter 3 of such part [22 U.S.C. 2221 et seq.] (relating to International Organizations and Programs);

"(B) chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund);

"(C) the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.); and

"(D) the Food for Peace Act (7 U.S.C. 1721 [1691] et seq.)."

[Pub. L. 115–254, div. F, title VI, §1470(l), (w), Oct. 5, 2018, 132 Stat. 3517, 3519, provided that, effective at the end of the transition period as defined in section 9681 of this title, section 2(3) of the Foreign Aid Transparency and Accountability Act of 2016 (Public Law 114–191; 22 U.S.C. 2394c note), set out above, is amended in subparagraph (A), by striking "except for" and all that follows through "chapter 3" and insert "except for chapter 3"; in subparagraph (C), by striking "and" at the end; in subparagraph (D), by striking the period at the end and inserting "; and"; and by adding at the end the following: "(E) the Better Utilization of Investments Leading to Development Act of 2018 [22 U.S.C. 9601 et seq.].]

Delegation of Authority Under the Foreign Aid Transparency and Accountability Act of 2016

Memorandum of President of the United States, Nov. 21, 2017, 82 F.R. 56529, provided:

Memorandum for the Director of the Office of Management and Budget

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Director of the Office

of Management and Budget the functions and authorities vested in the President by sections 3(b) and 3(d) of the Foreign Aid Transparency and Accountability Act of 2016 (Public Law 114–191) (the "Act"), including updating the guidelines required by section 3(b) as he may think proper, in accordance with the Act.

The delegation in this memorandum shall apply to any provision of any future public law that is the same or substantially the same as sections 3(b) and 3(d) of the Act.

You are authorized and directed to publish this memorandum in the *Federal Register*.

DONALD J. TRUMP.

§2395. General authorities

(a) Manner of furnishing assistance; emphasis on loans

Except as otherwise specifically provided in this chapter, assistance under this chapter may be furnished on a grant basis or on such terms, including cash, credit, or other terms of repayment (including repayment in foreign currencies or by transfer to the United States Government of commodities) as may be determined to be best suited to the achievement of the purposes of this chapter, and shall emphasize loans rather than grants wherever possible.

(b) Authority of the President

The President may make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any individual, corporation, or other body of persons, friendly government or government agency, whether within or without the United States, and international organizations in furtherance of the purposes and within the limitations of this chapter.

(c) Utilization of services and facilities of voluntary, nonprofit organizations

It is the sense of Congress that the President, in furthering the purposes of this chapter, shall use to the maximum extent practicable the services and facilities of voluntary, nonprofit organizations registered with, and approved by, the Agency for International Development.

(d) Acceptance of gifts, devises, bequests, grants, etc.

The President may accept and use in furtherance of the purposes of this chapter, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purpose.

(e) Health and accident insurance for foreign participants and foreign employees

(1) Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign participants in any program of furnishing technical information and assistance administered by such agency while such participants are absent from their homes for the purpose of participation in such program.

(2) Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign employees of that agency while those employees are absent from their place of employment abroad for purposes of training or other official duties.

(f) Admission of alien participants

Alien participants in any program of furnishing technical information and assistance under this chapter may be admitted to the United States if otherwise qualified as nonimmigrants under section 1101(a)(15) of title 8, for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General.

(g) Powers and authorities of the President with respect to loans

In making loans under this chapter, the President—

(1) may issue letters of credit and letters of commitment;

(2) may collect or compromise any obligations assigned to, or held by, and any legal or equitable rights accruing to him, and, as he may determine, refer any such obligations or rights to the Attorney General for suit or collection;

(3) may acquire and dispose of, upon such terms and conditions as he may determine, any property, including any instrument evidencing indebtedness or ownership (provided that equity securities may not be directly purchased although such securities may be acquired by other means such as by exercise of conversion rights or through enforcement of liens or pledges or otherwise to satisfy a previously incurred indebtedness), and guarantee payment against any such instrument;

(4) may determine the character of, and necessity for, obligations and expenditures of funds used in making such loans and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to corporations of the United States Government; and

(5) shall cause to be maintained an integral set of accounts which shall be audited by the 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 depreciation. 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 Treasury of the United States 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 he [1] credited to current applicable appropriations.

(Pub. L. 87–195, pt. III, §635, Sept. 4, 1961, 75 Stat. 456; Pub. L. 87–565, pt. III, §302(g), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88–205, pt. III, §302(e), Dec. 16, 1963, 77 Stat. 389; Pub. L. 89–171, pt. III, §302(g), Sept. 6, 1965, 79 Stat. 660; Pub. L. 89–583, pt. III, §302(d), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90–137, pt. III, §302(i), Nov. 14, 1967, 81 Stat. 461; Pub. L. 95–424, title I, §102(g)(2)(G), Oct. 6, 1978, 92 Stat. 943; Pub. L. 96–53, title I, §121, Aug. 14, 1979, 93 Stat. 366; Pub. L. 106–264, title III, §301, Aug. 19, 2000, 114 Stat. 760; Pub. L. 106–309, title IV, §404, Oct. 17, 2000, 114 Stat. 1098; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814.)

References in Text

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

References to Subchapter I Deemed To Include Certain Parts of Subchapter II, and References to Subchapter II Deemed To Exclude Such Parts

References to subchapter I of this chapter are deemed to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of this chapter, and references to

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

References to Part I Deemed To Include Section 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Codification

In subsec. (g)(5), "chapter 91 of title 31" substituted for "the Government Corporation Control Act, as amended (31 U.S.C. 841 et seq.)" on authority of Pub. L. 97–258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Amendments

2004—Subsec. (g)(5). Pub. L. 108–271 substituted "Government Accountability Office" for "General Accounting Office".

2000—Subsec. (l). Pub. L. 106–264 added subsec. (l).

Subsec. (m). Pub. L. 106–309 added subsec. (m).

1979—Subsec. (c). Pub. L. 96–53 substituted "Agency for International Development" for "Advisory Committee on Voluntary Foreign Aid".

1978—Subsec. (h). Pub. L. 95–424 substituted "part I (except development loans) and subpart II of part II of subchapter I" for "subparts II, V, and VI of part II of subchapter I (except development loans)".

1967—Subsec. (e). Pub. L. 90–137, §302(i)(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (g). Pub. L. 90–137, §302(i)(2), struck out "and sales" after "loans" in introductory clause.

1966—Subsec. (h). Pub. L. 89–583 excluded development loans under the Alliance for Progress from the provision that contracts or agreements which entail commitments for the expenditure of funds may not extend for more than five years.

1965—Subsec. (g). Pub. L. 89–171 inserted "and sales" in introductory clause.

1963—Subsec. (k). Pub. L. 88–205 added subsec. (k).

1962—Subsec. (h). Pub. L. 87–565 included sections 2211 to 2213 of this title within the limitation on the duration of contracts and agreements.

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

Effective Date of 1967 Amendment

Pub. L. 90–137, pt. III, §302(i)(2), Nov. 14, 1967, 81 Stat. 461, provided in part that amendment of subsec. (g) by such section 302(i)(2) shall take effect on June 30, 1968.

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.

International Agreements

The negotiation, conclusion, and termination of international agreements pursuant to this chapter shall be subject to requirements of section 112b of Title 1, General Provisions, and to applicable regulations and procedures, see section 1–604 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Information to Congressional Committees on Negotiations Regarding Debts Owed United States by Foreign Governments; Transmittal to Congress of Debt Modification Proposals

Pub. L. 93–333, §4, July 8, 1974, 88 Stat. 290, relating to cancellation, renegotiation, etc., of any debt owed by a foreign government, was repealed by Pub. L. 95–424, title VI, §603(b), Oct. 6, 1978, 92 Stat. 961.

Termination of Advisory Committees

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

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

§2395a. International agreements concerning debt relief; transmittal to congressional committees

(1) Repealed. Pub. L. 97–113, title VII, §734(a)(5), Dec. 29, 1981, 95 Stat. 1560.

(2) The Secretary of State shall transmit to such committees a copy of the text of any agreement with any foreign government which would result in any such debt relief no less than thirty days prior to its entry into force, together with a detailed justification of the interest of the United States in the proposed debt relief. The requirements of this paragraph shall not apply with respect to an agreement if a statutory requirement exists that the amount of the debt relief provided by the agreement may not exceed the amount approved for such purposes in advance in an appropriation Act.

(Pub. L. 95–424, title VI, §603(a), Oct. 6, 1978, 92 Stat. 960; H. Res. 89, Feb. 5, 1979; Pub. L. 97–113, title VII, §734(a)(5), Dec. 29, 1981, 95 Stat. 1560.)

References in Text

"Such committees" and "such debt relief", referred to in par. (2), mean the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of Congress named as the ongoing recipients of any information respecting debt relief negotiations with foreign governments regarding any debts owing to the United States in par. (1) provisions prior to repeal thereof by section 734(a)(1) of Pub. L. 97–113.

Codification

Section enacted as part of the International Development and Food Assistance Act of 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Amendments

1981—Par. (1). Pub. L. 97–113 struck out par. (1) which required Secretary of State keep the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of Congress informed respecting any debt relief negotiations with foreign governments regarding any debts owing to the United States.

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.

Actions To Provide Bilateral Debt Relief

Pub. L. 106–113, div. B, §1000(a)(5) [title V, §501], Nov. 29, 1999, 113 Stat. 1536, 1501A-311, as amended by Pub. L. 108–447, div. D, title V, §591(b), Dec. 8, 2004, 118 Stat. 3037; Pub. L. 109–102, title V, §578, Nov. 14, 2005, 119 Stat. 2232; Pub. L. 110–161, div. J, title VI, §699H(b)(1), Dec. 26, 2007, 121 Stat. 2372, provided that:

"(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 20, 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:

"(1) Sections 221 and 222 of the Foreign Assistance Act [of 1961] [22 U.S.C. 2181, 2182].

"(2) The Arms Export Control Act (22 U.S.C. 2751 et seq.).

"(3) Section 5(f) of the Commodity Credit Corporation Charter Act [15 U.S.C. 714c(f)], section 201 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621), or section 202 of such Act (7 U.S.C. 5622), or predecessor provisions under the Food for Peace Act of 1966.

"(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)(i) 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 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 [former] section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) [former 50 U.S.C. 4605(j)(1)] or section 620A(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.

"(h) 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. 2370(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], Appropriations, and International Relations [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. 108–447, §591(b), which directed amendment of section 501(i) of Public Law 106–113 by substituting "2000–2006" for "2003–2004", was executed in section 1000(a)(5) [title V, §501] of div. B of Pub. L. 106–113, set out above, by making substitution for "2000 through 2004", to reflect the probable intent of Congress.]

Notification to Congress on Debt Relief Agreements

Pub. L. 102–391, title V, §548, Oct. 6, 1992, 106 Stat. 1673, provided that: "The Secretary of State shall transmit to the Appropriations Committees of the Congress and to such other Committees as appropriate, a copy of the text of any agreement with any foreign government which would result in any debt relief no less than thirty days prior to its entry into force, other than one entered into pursuant to this Act, together with a detailed justification of the interest of the United States in the proposed debt relief: *Provided*, That the term 'debt relief' shall include any and all debt prepayment, debt rescheduling, and debt restructuring proposals and agreements: *Provided further*, That the Secretary of State and the Secretary of the Treasury should in every feasible instance notify the Appropriations Committees of the Congress and such other Committees as appropriate not less than 15 days prior to any formal multilateral or bilateral negotiation for official debt restructuring, rescheduling, or relief: *Provided further*, That the Secretary of State or the Secretary of the Treasury, as appropriate, shall report not later than February 1 of each year a consolidated statement of the budgetary implications of all debt-related agreements entered into force during the preceding fiscal year."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 101–513, title V, §550, Nov. 5, 1990, 104 Stat. 2020.

Pub. L. 101–167, title V, §555, Nov. 21, 1989, 103 Stat. 1237.

Pub. L. 100–461, title V, §557, Oct. 1, 1988, 102 Stat. 2268–38.

Pub. L. 100–202, §101(e) [title V, §563], Dec. 22, 1987, 101 Stat. 1329–131, 1329-172.

§2396. Availability of funds

(a) General expenditures

Appropriations for the purposes of or pursuant to this chapter (except for subchapter II of this chapter), allocations to any agency of the United States Government, from other appropriations, for functions directly related to the purposes of this chapter, and funds made available for other purposes to the agency primarily responsible for administrating subchapter I of this chapter, shall be available for:

(1) rent of buildings and space in buildings in the United States, and for repair, alteration, and improvement of such leased properties;

(2) expenses of attendance at meetings concerned with the purposes of such appropriations or of this chapter, including (notwithstanding the provisions of section 1346(a) and (c) of title 31) expenses in connection with meetings of persons whose employment is authorized by section 2386 of this title;

(3) contracting with individuals for personal services abroad: *Provided*, That such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Civil Service Commission;

(4) purchase, maintenance, operation, and hire of aircraft: *Provided*, That aircraft for administrative purposes may be purchased only as specifically provided for in an appropriation or other Act;

(5) purchase and hire of passenger motor vehicles: *Provided*, That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes outside the United States may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles, and the cost, including exchange allowance, of each such replacement shall not exceed the current market price in the United States of a mid-sized sedan or station wagon meeting the requirements established by the General Services Administration for a Class III vehicle of United States manufacture (or, if the replacement vehicle is a right-hand drive vehicle, 120 percent of that price) in the case of an automobile for the chief of any special mission or staff outside the United States established under section 2391 of this title: *Provided further*, That passenger motor vehicles, other than one for the official use of the head of the agency primarily responsible for administering subchapter I of this chapter, may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;

(6) entertainment (not to exceed $25,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act);

(7) exchange of funds without regard to section 3651 [1] of the Revised Statutes (31 U.S.C. 543) and loss by exchange;

(8) expenditures (not to exceed $50,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act) of a confidential character other than entertainment: *Provided*, That a certificate of the amount of each such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the head of the agency primarily responsible for administering subchapter I of this chapter or such person as he may designate, and every such certificate shall be deemed a sufficient voucher for the amount therein specified;

(9) insurance of official motor vehicles or aircraft acquired for use in foreign countries;

(10) rent or lease outside the United States for not to exceed ten years of offices, buildings, grounds, and quarters, including living quarters to house personnel, and payments therefor in advance; maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government outside the United States; and costs of fuel, water, and utilities for such properties;

(11) expenses of preparing and transporting to their former homes, or, with respect to foreign participants engaged in any program under subchapter I of this chapter, to their former homes or places of burial, and of care and disposition of, the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in activities carried out with funds covered by this subsection;

(12) purchase of uniforms;

(13) payment of per diem in lieu of subsistence to foreign participants engaged in any program under subchapter I of this chapter while such participants are away from their homes in countries other than the United States, at rates not in excess of those prescribed by the standardized Government travel regulations, notwithstanding any other provision of law;

(14) use in accordance with authorities of the Foreign Service Act of 1980, as amended (22 U.S.C. 3901 et seq.), not otherwise provided for;

(15) ice and drinking water for use outside the United States;

(16) services of commissioned officers of the Environmental Science Services Administration, and for the purposes of providing such services the Environmental Science Services Administration may appoint not to exceed twenty commissioned officers in addition to those otherwise authorized; [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 carrying out activities authorized by this chapter and dependents of United States Government personnel, in lieu of acquisition or construction pursuant to subsection (c) of this section.

(e) Training costs

Funds available under this chapter may be used to pay costs of training United States citizen personnel employed or assigned pursuant to section 2385(d)(2) [3] 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 [3] of title 7 may be used to carry out the foregoing authority notwithstanding that interchange of personnel may not be involved or that the training may not take place at the institutions specified in sections 1881 to 1888 [3] of title 7. Such training shall not be considered employment or holding of office under section 5533 of title 5, and any payments or contributions in connection therewith may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency: *Provided, however*, That any such payments to any employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

(f) Assistance in carrying out functions under certain laws

Funds made available under part I of subchapter I of this chapter may be used for expenses (other than those provided for under section 2397(a) of this title) to assist in carrying out functions under part I of subchapter I of this chapter, under the 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 education and training and defense services on a grant or sales basis by the agency primarily responsible for administering subchapter II of this chapter;

(2) reimbursement of actual expenses of military officers detailed or assigned as tour directors in connection with orientation visits of foreign military and related civilian personnel, in accordance with provisions of section 5702 of title 5, applicable to civilian officers and employees; and

(3) maintenance, repair, alteration and furnishing of United States-owned facilities in the District of Columbia or elsewhere for the training of foreign military and related civilian personnel, without regard to the provisions of section 6303 of title 41 or other provision of law requiring a specific authorization or specific appropriation for such public contracts.

(h) Recipient countries to contribute local currencies; utilization of foreign currencies owned by United States

In carrying out programs under this chapter, the President shall take all appropriate steps to assure that, to the maximum extent possible, (1) countries receiving assistance under this chapter contribute local currencies to meet the cost of contractual and other services rendered in conjunction with such programs, and (2) foreign currencies owned by the United States are utilized to meet the costs of such contractual and other services.

(i) Financing motor vehicle transactions; waiver of domestic manufacturing restriction

Notwithstanding section 2399a [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.

(Pub. L. 87–195, pt. III, §636, Sept. 4, 1961, 75 Stat. 457; Pub. L. 88–205, pt. III, §302(f), Dec. 16, 1963, 77 Stat. 389; Pub. L. 89–171, pt. III, §302(h), Sept. 6, 1965, 79 Stat. 660; Pub. L. 90–137, pt. III, §302(j)–(o), Nov. 14, 1967, 81 Stat. 461, 462; Pub. L. 90–554, pt. III, §302(d), Oct. 8, 1968, 82 Stat. 965; Pub. L. 91–175, pt. III, §306, Dec. 30, 1969, 83 Stat. 821; Pub. L. 94–329, title I, §106(b)(5), June 30, 1976, 90 Stat. 733; Pub. L. 95–424, title I, §102(g)(2)(H)–(J), title V, §505, Oct. 6, 1978, 92 Stat. 943, 960; Pub. L. 99–83, title XII, §1211(b)(1), Aug. 8, 1985, 99 Stat. 279; Pub. L. 99–234, title I, §107(b), Jan. 2, 1986, 99 Stat. 1759; Pub. L. 99–550, §2(b), Oct. 27, 1986, 100 Stat. 3070; Pub. L. 100–202, §101(e) [title II, §201], Dec. 22, 1987, 101 Stat. 1329–131, 1329-141; Pub. L. 101–167, title III, Nov. 21, 1989, 103 Stat. 1214; Pub. L. 107–372, title II, §271(7), Dec. 19, 2002, 116 Stat. 3094; Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

References in Text

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

Section 3651 of the Revised Statutes (31 U.S.C. 543), referred to in subsec. (a)(7), was repealed by Pub. L. 97–258, §5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31, Money and Finance.

The Foreign Service Act of 1980, referred to in subsec. (a)(14), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

Section 2385(d) of this title, referred to in subsec. (e), was amended by Pub. L. 96–465, title II, §2203(a), Oct. 17, 1980, 94 Stat. 2158, and as so amended does not contain a par. (2).

Sections 1881 to 1888 of title 7, referred to in subsec. (e), which related to the interchange of Department of Agriculture and State employees, were repealed by Pub. L. 91–648, title IV, §403, Jan. 5, 1971, 84 Stat. 1925. See section 3371 et seq. of Title 5, Government Organization and Employees.

The 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 (§1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7, and Tables.

The Latin American Development Act, as amended, referred to in subsec. (f), is Pub. L. 86–735, Sept. 8, 1960, 74 Stat. 869, as amended, which enacted sections 1942 to 1945 of this title and amended

section 1753a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1942 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (g), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Section 2399a of this title, referred to in subsec. (i), was repealed by Pub. L. 90–629, ch. 4, §45(a), Oct. 22, 1968, 82 Stat. 1327. See section 2753(a)(1) of this title.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II, and References to Subchapter II Deemed To Exclude Such Parts

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

References to Part I Deemed To Include Section 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Codification

In subsec. (a)(2), "section 1346(a) and (c) of title 31" substituted for "section 9 of Public Law 60–328 (31 U.S.C. 673))" on authority of Pub. L. 97–258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

In subsec. (g)(3), "section 6303 of title 41" substituted for "section 3733 of the Revised Statutes (41 U.S.C. 12)" on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Amendments

2008—Subsec. (f). Pub. L. 110–246 substituted "Food for Peace Act" for "Agricultural Trade Development and Assistance Act of 1954" in two places.

2002—Subsec. (a)(17). Pub. L. 107–372 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."

1989—Subsec. (g). Pub. L. 101–167 inserted "or the Arms Export Control Act" after "subchapter II of this chapter" in introductory provisions.

1987—Subsec. (c). Pub. L. 100–202 substituted "$6,000,000" for "$3,000,000".

1986—Subsec. (a)(5). Pub. L. 99–550 struck out "(without regard to the limitations contained in section 5 of Public Law 63–127, as amended (31 U.S.C. 638a(c)(2)), and section 201 of Public Law 85–468 (31 U.S.C. 638c))" after "official use".

Subsec. (g)(2). Pub. L. 99–234 substituted "5702" for "5702(c)".

1985—Subsec. (a)(14). Pub. L. 99–83 substituted reference to Foreign Service Act of 1980 for reference to Foreign Service Act of 1946.

1978—Subsec. (a)(5). Pub. L. 95–424, §505, substituted "the current market price in the United States of a mid-sized sedan or station wagon meeting the requirements established by the General Services Administration for a Class III vehicle of United States manufacture (or, if the replacement vehicle is a right hand drive vehicle, 120 percent of that price)" for "$3,500".

Subsec. (c). Pub. L. 95–424, §102(g)(2)(H), struck out "(other than subpart I of part II of subchapter I of this chapter)" after "under this chapter" in two places.

Subsecs. (d), (e). Pub. L. 95–424, §102(g)(2)(I), struck out "(other than subpart I of part II of subchapter I of this chapter)" after "under this chapter".

Subsec. (f). Pub. L. 95–424, §102(g)(2)(J), substituted "available under part I of subchapter I of this chapter" for "section 2172 of this title", and "functions under part I" for "functions under subpart I of part II".

1976—Subsec. (g)(1). Pub. L. 94–329, §106(b)(5)(A), inserted "military education and training" after "articles".

Subsec. (g)(2), (3). Pub. L. 94–329, §106(b)(5)(B), substituted "and related civilian personnel" for "personnel".

1969—Subsec. (f). Pub. L. 91–175 added Corporation established under sections 2191 to 2200a of this title to the enumeration of agencies administering programs.

1968—Subsec. (g)(1). Pub. L. 90–554 required that when funds are made available for operating expenses, such expenses be incurred in furnishing defense articles and defense services on a grant or sales basis by the agency primarily responsible for administering subchapter II of this chapter.

1967—Subsec. (a)(5). Pub. L. 90–137, §302(j), substituted "section 638a(c)(2) and section 638c of title 31" for "section 78a(c)(2) and section 78a–1 of title 5".

Subsec. (a)(16). Pub. L. 90–137, §302(k), substituted "Environmental Science Services Administration" for "Coast and Geodetic Survey" in two places.

Subsec. (d). Pub. L. 90–137, §302(l), increased limitation on funds available for education of dependents from $1,500,000 to $2,500,000.

Subsec. (e). Pub. L. 90–137, §302(m), substituted reference to section 5533 of title 5 for section 301 of the Dual Compensation Act (5 U.S.C. 3105).

Subsec. (g)(2). Pub. L. 90–137, §302(n), substituted reference to section 5702(c) of title 5 for former section 836 of title 5.

Subsec. (i). Pub. L. 90–137, §302(o), added subsec. (i).

1965—Subsec. (e). Pub. L. 89–171, §302(h)(1), substituted "section 301 of the Dual Compensation Act (5 U.S.C. 3105)" for "section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62)".

Subsec. (f). Pub. L. 89–171, §302(h)(2), substituted "Latin American Development Act, as amended" for "Act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes".

1963—Subsec. (h). Pub. L. 88–205 added subsec. (h).

Change of Name

Commissioned Officer Corps of the Environmental Science Services Administration changed to Commissioned Officer Corps of the National Oceanic and Atmospheric Administration, see 1970 Reorg Plan No. 4, §4(d), eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

Effective Date of 2008 Amendment

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Effective Date of 1986 Amendment

Amendment by Pub. L. 99–234 effective (1) on effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99–234, set out as a note under section 5701 of Title 5, Government Organization and Employees.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1978 Amendment

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

Delegation of Functions

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.

[1] *See References in Text note below.*

[2] *So in original. The semicolon probably should be a period.*

[3] *See References in Text note below.*

[4] *See References in Text note below.*

§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 for maintenance, and shall remain available until expended. The Administrator of the Agency for International Development shall report all uses of funds deposited into the Property Management Fund as part of the annual Congressional Presentation materials submitted by the Agency for International Development.

(b) The provisions of subsection (a) shall be applicable to property acquired prior to November 5, 1990, and at any time thereafter.

(Pub. L. 101–513, title V, §585, Nov. 5, 1990, 104 Stat. 2047; Pub. L. 113–76, div. K, title VII, §7034(q), Jan. 17, 2014, 128 Stat. 517.)

Codification

Section was enacted as part of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Amendments

2014—Subsec. (a). Pub. L. 113–76 inserted "and for maintenance" after "purposes of section 2396(c) of this title".

§2397. Administrative expenses

(a) Repealed. Pub. L. 95–424, title VI, §604, Oct. 6, 1978, 92 Stat. 961.

(b) There is authorized to be appropriated such amounts as may be necessary from time to time for administrative expenses which are incurred for functions of the Department of State under this chapter and unrepealed provisions of the Mutual Security Act of 1954, as amended, or for normal functions of the Department of State which relate to such functions.

(Pub. L. 87–195, pt. III, §637, Sept. 4, 1961, 75 Stat. 460; Pub. L. 87–565, pt. III, §302(h), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88–205, pt. III, §302(g), Dec. 16, 1963, 77 Stat. 389; Pub. L. 88–633, pt. III, §302(c), Oct. 7, 1964, 78 Stat. 1014; Pub. L. 89–171, pt. III, §302(i), Sept. 6, 1965, 79 Stat. 661; Pub. L. 89–583, pt. III, §302(e), Sept. 19, 1966, 80 Stat. 808; Pub. L. 90–137, pt. III, §302(p), Nov. 14, 1967, 81 Stat. 462; Pub. L. 90–554, pt. III, §302(e), Oct. 8, 1968, 82 Stat. 965; Pub. L. 91–175, pt. III. §307, Dec. 30, 1969, 83 Stat. 821; Pub. L. 92–226, pt. III, §303, Feb. 7, 1972, 86 Stat. 28; Pub. L. 93–189, §18, Dec. 17, 1973, 87 Stat. 724; Pub. L. 95–424, title VI, §604, Oct. 6, 1978, 92 Stat. 961.)

References in Text

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

The Mutual Security Act of 1954, referred to in subsec. (b), is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§2–11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85–141, 71 Stat. 355; June 30, 1958, Pub. L. 85–477, ch. 1, §§101–103, ch. II, §§201–205, ch. III, §301, ch. IV, §401, ch. V, §501, 72 Stat. 261; July 24, 1959, Pub. L. 86–108, §2, ch. 1, §101, ch. II, §§201–205(a)–(i), (k)–(n), ch. III, §301, ch. IV, §401(a)–(k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86–472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, §8(m), 70 Stat. 559, Pub. L. 85–141, §§2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86–108, ch. II, §§205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86–472, ch. II, §§203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87–195, pt. III, §642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94–329, title II, §212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104–127, title II, §228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

Amendments

1978—Subsec. (a). Pub. L. 95–424 struck out subsec. (a) which authorized appropriations for necessary administrative expenses of the agency primarily responsible for administering subchapter I of this chapter.

1973—Subsec. (a). Pub. L. 93–189 substituted "for each of the fiscal years 1974 and 1975, $45,000,000", for "for the fiscal year 1972, $50,000,000, and for the fiscal year 1973, $50,000,000".

1972—Subsec. (a). Pub. L. 92–226 authorized appropriations of $50,000,000 for fiscal years 1972 and 1973, and struck out appropriation authorization of $51,125,000 for fiscal years 1970 and 1971.

1969—Subsec. (a). Pub. L. 91–175 substituted "fiscal year 1970, $51,125,000, and for the fiscal year 1971, $51,125,000" for "fiscal year 1969, $53,000,000".

1968—Subsec. (a). Pub. L. 90–554 substituted "1969" and "$53,000,000" for "1968" and "$55,814,000", respectively, and required a reduction in number of personnel, particularly administrative personnel, to keep within reduced funds for fiscal year 1969, excepting therefrom auditing or training activities.

1967—Subsec. (a). Pub. L. 90–137 substituted "1968" and "$55,814,000" for "1967" and "$55,813,500", respectively.

1966—Subsec. (a). Pub. L. 89–583 substituted "1967" and "$55,813,500" for "1966" and "54,240,000," respectively.

1965—Subsec. (a). Pub. L. 89–171 substituted "1966" and "$54,200,000" for "1965" and "$52,500,000", respectively.

1964—Subsec. (a). Pub. L. 88–633 substituted "1965" and "$52,500,000" for "1964" and "$54,000,000", respectively.

1963—Subsec. (a). Pub. L. 88–205 substituted "1964" and "$54,000,000" for "1963" and "$53,000,000", respectively.

1962—Subsec. (a). Pub. L. 87–565, §302(h)(1), substituted "1963" and "$53,000,000" for "1962" and "$50,000,000", respectively.

Subsec. (b). Pub. L. 87–565, §302(h)(2), struck out "to the Secretary of State" after "authorized to be appropriated."

Effective Date of 1978 Amendment

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

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.

§2398. Assistance to countries pursuant to other statutes

(a) No provision of this chapter shall be construed to prohibit assistance to any country pursuant to the Peace Corps Act, as amended [22 U.S.C. 2501 et seq.]; the Mutual Educational and Cultural Exchange Act of 1961, as amended [22 U.S.C. 2451 et seq.]; or the Export-Import Bank Act of 1945, as amended [12 U.S.C. 635 et seq.].

(b) No provision of this chapter or any other provision of law shall be construed to prohibit assistance for any training activity which is funded under this chapter for Brazil or Argentina as long as such country continues to have a democractically [1] elected government and the assistance is otherwise consistent with sections 2151n, 2304, 2370(f), 2371, and 2420 of this title.

(Pub. L. 87–195, pt. III, §638, as added Pub. L. 88–205, pt. III, §302(h), Dec. 16, 1963, 77 Stat. 389; amended Pub. L. 89–171, pt. III, §302(j), Sept. 6, 1965, 79 Stat. 661; Pub. L. 93–189, §19, Dec. 17, 1973, 87 Stat. 725; Pub. L. 100–202, §101(e) [title V, §588(a)], Dec. 22, 1987, 101 Stat. 1329–131, 1329-186.)

References in Text

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

The Peace Corps Act, as amended, referred to in subsec. (a), is Pub. L. 87–293, Sept. 22, 1961, 75 Stat. 612, as amended, which is classified principally to chapter 34 (§2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

The Mutual Educational and Cultural Exchange Act of 1961, as amended, referred to in subsec. (a), is Pub. L. 87–256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

The Export-Import Bank Act of 1945, as amended, referred to in subsec. (a), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to chapter 6A (§635 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables.

Amendments

1987—Pub. L. 100–202 designated existing provisions as subsec. (a) and added subsec. (b).

1973—Pub. L. 93–189 amended section catchline.

1965—Pub. L. 89–171 struck out provisions which prohibited any provision of this chapter from being construed to prohibit famine or disaster relief, including such relief through voluntary agencies, under sections 1721 to 1724 of title 7.

Effective Date of 1987 Amendment

Pub. L. 100–202, §101(e) [title V, §588(b)], Dec. 22, 1987, 101 Stat. 1329–131, 1329-187, provided that: "The amendment made by subsection (a)(2) [amending this section] does not apply with respect to funds appropriated prior to the date of enactment of this Act [Dec. 22, 1987]."

[1] *So in original. Probably should be "democratically".*

§2399. Repealed. Pub. L. 94–161, title I, §101(6), Dec. 20, 1975, 89 Stat. 850

Section, Pub. L. 87–195, pt. III, §639, as added Pub. L. 80–171, pt. III, §302(k), Sept. 6, 1965, 79 Stat. 661; amended Pub. L. 93–559, §28(a), Dec. 30, 1974, 88 Stat. 1803, provided for famine or disaster relief, authorized appropriation of $40,000,000 for fiscal year 1975, and required Presidential reports to Committees of the Senate and Speaker of the House. See sections 2292 and 2292a of this title.

§§2399–1a, 2399–1b. Transferred

Codification

Section 2399–1a, Pub. L. 87–195, pt. 1, §494A, formerly pt. III, §639A, as added Pub. L. 93–189, §20, Dec. 17, 1973, 87 Stat. 725; amended Pub. L. 93–333, §3, July 8, 1974, 88 Stat. 290 renumbered pt. 1, §494A, Pub. L. 94–161, title I, §101(5), Dec. 20, 1975, 89 Stat. 850, which related to famine and disaster relief to drought stricken African nations, was transferred to section 2292d of this title.

Section 2399–1b, Pub. L. 87–195, pt. I, §494B, formerly pt. III, §639B, as added Pub. L. 93–189, §20, Dec. 13, 1973, 87 Stat. 725; renumbered pt. 1, §494B, and amended Pub. L. 94–161, title I, §101(5), (7), Dec. 20, 1975, 89 Stat. 850, which related to an African Development program, was transferred to section 2292e of this title.

§2399a. Repealed. Pub. L. 90–629, ch. 4, §45(a), Oct. 22, 1968, 82 Stat. 1327

Section, Pub. L. 87–195, pt. III, §640, as added Pub. L. 89–171, pt. III, §302(k), Sept. 6, 1965, 79 Stat. 661; amended Pub. L. 90–137, pt. III, §302(q), Nov. 14, 1967, 81 Stat. 462, related to military sales. See section 2753(a)(1) of this title.

Effective Date of Repeal

Repeal effective July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

Savings Provision

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of former section 2399a of this title as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90–629, set out as a note under section 2341 of this title.

§2399b. False claims and ineligible commodities

(a) Penalties; costs

Any person who makes or causes to be made or presents or causes to be presented to any bank or other financial institution or to any officer, agent, or employee of any agency of the United States Government a claim for payment from funds made available under this chapter for the purposes of furnishing assistance and who knows the claim to be false, fraudulent, or fictitious or to cover a commodity or commodity-related service determined by the President to be ineligible for payment from funds made available under this chapter, or who uses to support his claim any certification, statement, or entry on any contract, abstract, bill of lading, Government or commercial invoice, or Government form, which he knows, or in the exercise of prudent business management should know, to contain false, fraudulent, or fictitious information, or who uses or engages in any other fraudulent trick, scheme, or device for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any benefit or payment from funds so made available under this chapter in connection with the negotiation, procurement, award, or performance of a contract financed with funds so made available under this chapter, and any person who enters into an agreement, combination, or conspiracy so to do, (1) shall pay to the United States an amount equal to 25 per centum of any amount thereby sought to be wrongfully secured or obtained but not actually received, and (2) shall forfeit and refund any payment, compensation, loan, commission, or advance received as a result thereof, and (3) shall, in addition, pay to the United States for each such act (A) the sum of $2,000 and double the amount of any damage which the United States may have sustained by reason thereof, or (B) an amount equal to 50 per

centum of any such payment, compensation, loan, commission, or advance so received, whichever is the greater, together with the costs of suit.

(b) Recovery of penalties; procedure; finality of withholding of funds; recovery of withheld funds; limitation period

In order to secure recovery under this section, the President may, as he deems appropriate, (1) institute suit in the United States district court for any judicial district in which the person alleged to have performed or participated in an act described by this section may reside or may be found, and (2) upon posting by registered mail to such person a notice of claim describing the basis therefor and identifying the funds to be withheld, withhold from funds owed by any agency of the United States Government to such person an amount equal to the refund, damages, liquidated damages, and exemplary damages claimed by the United States under this section. Any such withholding of funds from any person shall constitute a final determination of the rights and liabilities of such person under this section with respect to the amount so withheld, unless within one year of receiving the notice of claim such person brings suit for recovery, which is hereby authorized, against the United States in any United States district court.

(c) "Person" defined

For purposes of this section, the term "person" includes any individual, corporation, partnership, association, or other legal entity.

(Pub. L. 87–195, pt. III, §640A, as added Pub. L. 90–554, pt. III, §302(f), Oct. 8, 1968, 82 Stat. 965.)

References in Text

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

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.

(d) Repealed. Pub. L. 95–424, title V, §502(d)(1), Oct. 6, 1978, 92 Stat. 959

(e) Temporary assignment of employees

The head of any of the departments or agencies referred to in subsection (a) 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), the Committee shall—

(1) prepare studies on various development problems;

(2) devise implementation strategies on developmental problems appropriate to each such department or agency;

(3) monitor and evaluate the results of the development activities of each such department or agency; and

(4) arrange for the exchange of information and studies between such agencies and departments.

(Pub. L. 87–195, pt. III, §640B, as added Pub. L. 93–189, §21, Dec. 17, 1973, 87 Stat. 725; amended Pub. L. 95–88, title I, §127, Aug. 3, 1977, 91 Stat. 542; Pub. L. 95–424, title V, §502(d), Oct. 6, 1978, 92 Stat. 959; Pub. L. 96–53, title I, §118, Aug. 14, 1979, 93 Stat. 365; Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560.)

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Amendments

1981—Subsec. (g). Pub. L. 97–113 struck our subsec. (g) which required annual reports to Congress by the Chairman of the Development Coordination Committee on the activities of the Committee respecting aid to low-income countries. See section 2394(a) of this title.

1979—Subsec. (a). Pub. L. 96–53 inserted reference to Department of Energy.

1978—Subsec. (d). Pub. L. 95–424, §502(d)(1), struck out subsec. (d) relating to annual reports to Congress by the President on United States actions affecting the development of less developed countries.

Subsec. (g). Pub. L. 95–424, §502(d)(2), substituted "section 2394 of this title, the Chairman of the Committee" for "subsection (d) of this section, the President".

1977—Subsec. (a). Pub. L. 95–88, §127(a), provided that the Committee advise the President concerning the degree to which bilateral and multilateral development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.

Subsec. (d). Pub. L. 95–88, §127(b), substituted "less developed countries" for "low-income countries" in the description of the subject matter of the Presidential reports to Congress, designated existing provisions setting out the subject matter of the reports as cl. (2)(A), and added cls. (1) and (2)(B).

Subsecs. (e) to (g). Pub. L. 95–88, §127(c), added subsecs. (e) to (g).

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

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 Committees

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§2399d. Shipping differential

For the purpose of facilitating implementation of section 55305 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.

(Pub. L. 87–195, pt. III, §640C, as added Pub. L. 93–189, §21, Dec. 17, 1973, 87 Stat. 726; amended Pub. L. 96–533, title VII, §708, Dec. 16, 1980, 94 Stat. 3159.)

References to Part I Deemed To Include Section 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

Codification

In text, "section 55305 of title 46" substituted for "section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b))" on authority of Pub. L. 109–304, §18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 55305 of Title 46, Shipping.

Amendments

1980—Pub. L. 96–533 substituted "part IV of subchapter II of this chapter" for "subchapter IV of this chapter".

Part III—Miscellaneous Provisions

§2401. Effective date; identification of programs

This chapter shall take effect on September 4, 1961. Programs under this chapter shall be identified appropriately overseas as "American Aid".

(Pub. L. 87–195, pt. III, §641, Sept. 4, 1961, 75 Stat. 460.)

References in Text

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

§2402. Saving provisions

(a) Determinations, authorizations, regulations, orders, contracts, agreements, etc., under prior law

Except as may be expressly provided to the contrary in this chapter, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 642(a) and the Foreign Assistance Act of 1969 shall 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.

(Pub. L. 87–195, pt. III, §643, Sept. 4, 1961, 75 Stat. 460; Pub. L. 87–565, pt. III, §303(a), Aug. 1, 1962, 76 Stat. 263; Pub. L. 91–175, pt. III, §308, Dec. 30, 1969, 83 Stat. 821.)

References in Text

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

Section 642(a), referred to in text, means section 642(a) of Pub. L. 87–195, which is set out as a note under section 2151 of this title.

The Foreign Assistance Act of 1969, referred to in subsecs. (a) to (c), is Pub. L. 91–175, Dec. 30, 1969, 83 Stat. 805, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Amendments

1969—Subsec. (a). Pub. L. 91–175 inserted "and Foreign Assistance Act of 1969" after "section 642(a)," and "section 642(a)(2)".

1962—Subsec. (d). Pub. L. 87–565 repealed subsec. (d) which provided that nothing in the chapter was to affect the Peace Corps pending enactment of the Peace Corps Act or adjournment of the first session of the 87th Congress, whichever was earlier.

§2403. Definitions

As used in this chapter—

(a) "Agency of the United States Government" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government.

(b) "Armed Forces" of the United States means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(c) "Commodity" includes any material, article, supply, goods, or equipment used for the purposes of furnishing nonmilitary assistance.

(d) "Defense article" includes—

(1) any weapon, weapons system, munition, aircraft, vessel, boat or other implement of war;

(2) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

(3) any machinery, facility, tool, material supply, or other item necessary for the manufacture, production, processing repair, servicing, storage, construction, transportation, operation, or use of any article listed in this subsection; or

(4) any component or part of any article listed in this subsection; but

shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity), by-product material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

(e) "Defense information" includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, or other recorded or oral information relating to any defense article or defense service, but shall not include Restricted Data as defined by the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq.], and data removed from the Restricted Data category under section 142d of that Act [42 U.S.C. 2162(d)].

(f) "Defense service" includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but does not include military educational and training activities under part V of subchapter II of this chapter.

(g) "Excess defense articles" means the quantity of defense articles (other than construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, and compressors) owned by the United States Government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess of the Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this chapter.

(h) "Function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(i) Repealed. Pub. L. 93–189, §22(2), Dec. 17, 1973, 87 Stat. 726.

(j) "Officer or employee" means civilian personnel and members of the Armed Forces of the United States Government.

(k) "Services" include any service, repair, training of personnel, or technical or other assistance or information used for the purposes of furnishing nonmilitary assistance.

(l) "Surplus agricultural commodity" means any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States, either publicly or privately owned, which is in excess of domestic requirements, adequate carryover, and 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 information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.

(o) "Agriculture" includes aquaculture and fisheries.

(p) "Farmers" includes fishermen and other persons employed in cultivating and harvesting food resources from salt and fresh waters.

(q) "Major non-NATO ally" means a country which is designated in accordance with section 2321k of this title as a major non-NATO ally for purposes of this chapter and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(Pub. L. 87–195, pt. III, §644, Sept. 4, 1961, 75 Stat. 461; Pub. L. 87–565, pt. III, §303(b), Aug. 1, 1962, 76 Stat. 263; Pub. L. 88–205, pt. III, §303, Dec. 16, 1963, 77 Stat. 389; Pub. L. 89–171, pt. III, §303(b), Sept. 6, 1965, 79 Stat. 661; Pub. L. 90–137, pt. III, §303(a), Nov. 14, 1967, 81 Stat. 462; Pub. L. 90–629, ch. 4, §45(b)(5), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 92–226, pt. III, §304(c)(1), Feb. 7, 1972, 86 Stat. 32; Pub. L. 93–189, §22, Dec. 17, 1973, 87 Stat. 726; Pub. L. 94–329, title I, §106(b)(6), June 30, 1976, 90 Stat. 733; Pub. L. 95–424, title I, §103(b), Oct. 6, 1978, 92 Stat. 944; Pub. L. 96–92, §22, Oct. 29, 1979, 93 Stat. 710; Pub. L. 96–533, title I, §115(b)(1), Dec. 16, 1980, 94 Stat. 3140; Pub. L. 98–151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972; Pub. L. 102–583, §9(b), Nov. 2, 1992, 106 Stat. 4934; Pub. L. 104–164, title I, §147(a)(2), July 21, 1996, 110 Stat. 1435.)

References in Text

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

The Atomic Energy Act of 1954, as amended, referred to in subsecs. (d) and (e), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919, which is classified principally to chapter 23 (§2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

The Arms Export Control Act, referred to in subsec. (q), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Codification

The 1983 amendment by Pub. L. 98–151 is based on section 202(b) of H.R. 2992, Ninety-eighth Congress, 1st Session, as reported May 17, 1983, which was enacted into permanent law by Pub. L. 98–151.

Amendments

1996—Subsec. (q). Pub. L. 104–164 added subsec. (q).

1992—Subsec. (g). Pub. L. 102–583 inserted "(other than construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, and compressors)" after second reference to "articles".

1983—Subsec. (m)(5). Pub. L. 98–151 inserted "or services provided under part VIII of subchapter II of this chapter".

1980—Subsec. (m)(5). Pub. L. 96–533 added par. (5).

1979—Subsec. (d). Pub. L. 96–92 defined "defense article" to include uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity.

1978—Subsecs. (o), (p). Pub. L. 95–424 added subsecs. (o) and (p).

1976—Subsec. (f). Pub. L. 94–329, §106(b)(6)(A), struck out "training" after "inspection, repair", inserted "but does not include military educational and training activities under part V of subchapter II", and struck out definition of "Training".

Subsec. (n). Pub. L. 94–329, §106(b)(6)(B), added subsec. (n).

1973—Subsec. (g). Pub. L. 93–189, §22(1), substituted "Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components" for "mobilization reserve".

Subsec. (i). Pub. L. 93–189, §22(2), struck out subsec. (i) which defined "mobilization reserve".

Subsec. (m). Pub. L. 93–189, §22(3), amended subsec. (m) generally. Prior to amendment, subsec. (m) read as follows: " 'Value' means, other than in section 2417 of this title—

"(1) with respect to excess defense articles, the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying such articles;

"(2) with respect to nonexcess defense articles delivered from inventory to countries or international organizations under this chapter, the standard price in effect at the time such articles are dropped from inventory by the supplying agency. Such standard price shall be the same price (including authorized reduced prices) used for transfers or sales of such articles in or between the Armed Forces of the United States Government, or, where such articles are not transferred or sold

in or between the Armed Forces of the United States, the gross cost to the United States Government adjusted as appropriate for condition and market value; and

"(3) with respect to nonexcess defense articles delivered from new procurement to countries or international organizations under this chapter, the contract or production costs of such articles.

Military assistance programs and orders shall be based upon the best estimates of stock status and prevailing prices; reimbursements to the supplying agency shall be made on the basis of the stock status and prices determined pursuant to this section. Notwithstanding the foregoing provisions of this section, the Secretary of Defense may prescribe regulations authorizing reimbursements to the supplying agency based on negotiated prices for aircraft, vessels, plant equipment, and such other major items as he may specify: *Provided*, That such articles are not excess at the time such prices are negotiated: *Provided further*, That such prices are negotiated at the time firm orders are placed with the supplying agency."

1972—Subsec. (m). Pub. L. 92–226 substituted " 'Value' means, other than in section 2417 of this title" for " 'Value' means".

1968—Subsec. (m). Pub. L. 90–629 struck out "and sales" before "programs" in text following par. (3).

1967—Subsec. (d). Pub. L. 90–137, §303(a)(1), excluded production facilities, utilization facilities, and articles involving Restricted Data from definition of "defense articles".

Subsec. (e). Pub. L. 90–137, §303(a)(2), struck out "and formerly Restricted Data" before "as defined" and excluded data removed from the Restricted Data category under section 142d of the Atomic Energy Act of 1954 (classified to section 2162(d) of Title 42) from definition of "defense information".

Subsec. (f). Pub. L. 90–137, §303(a)(3), excluded the transfer of limited quantities of defense articles for test, evaluation, or standardization purposes from definition of "defense service" and defined "training", incorporating existing references to orientation and training aid.

1965—Subsec. (g). Pub. L. 89–171, §303(b)(1), inserted "and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order", and struck out "as grant assistance" after "international organizations".

Subsec. (m). Pub. L. 89–171, §303(b)(2), (3), in par. (2) substituted "Such standard price shall be the same price (including authorized reduced prices)" for "Such price shall be the same standard price", and in unnumbered par. after par. (3) substituted "Military Assistance and sales programs" for "Military assistance programs" and struck out "by the military assistance program" after "supplying agency".

1963—Subsec. (f). Pub. L. 88–205 inserted "including orientation".

1962—Subsec. (m)(2), (3). Pub. L. 87–565 struck out "as grant assistance" after "international organizations".

Effective Date of 1978 Amendment

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

Effective Date of 1972 Amendment

Amendment by Pub. L. 92–226 applicable with respect to each fiscal year commencing on or after July 1, 1971, see section 304(c)(3) of Pub. L. 92–226, set out as a note under section 2394 of this title.

Effective Date of 1968 Amendment

Amendment by Pub. L. 90–629 effective on July 1, 1968, see section 41 of Pub. L. 90–629, set out as an Effective Date note under section 2751 of this title.

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.

(Pub. L. 87–195, pt. III, §645, Sept. 4, 1961, 75 Stat. 462; Pub. L. 87–565, pt. III, §303(c), Aug. 1, 1962, 76 Stat. 263; Pub. L. 88–205, pt. III, §304, Dec. 16, 1963, 77 Stat. 390; Pub. L. 89–171, pt. III, §303(c), Sept. 6, 1965, 79 Stat. 661.)

References in Text

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

The Mutual Security Act of 1954, referred to in text, is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§2–11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85–141, 71 Stat. 355; June 30, 1958, Pub. L. 85–477, ch. 1, §§101–103, ch. II, §§201–205, ch. III, §301, ch. IV, §401, ch. V, §501, 72 Stat. 261; July 24, 1959, Pub. L. 86–108, §2, ch. 1, §101, ch. II, §§201–205(a)–(i), (k)–(n), ch. III, §301, ch. IV, §401(a)–(k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86–472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, §8(m), 70 Stat. 559, Pub. L. 85–141, §§2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86–108, ch. II, §§205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86–472, ch. II, §§203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87–195, pt. III, §642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94–329, title II, §212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104–127, title II, §228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

The Latin American Development Act, as amended, referred to in text, is Pub. L. 86–735, Sept. 8, 1960, 74 Stat. 869, as amended, which enacted sections 1942 to 1945 of this title and amended section 1753a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1942 of this title and Tables.

Amendments

1965—Pub. L. 89–171 substituted "the Latin American Development Act, as amended" for "Public Law 86–735".

1963—Pub. L. 88–205 included balances of funds made available under Public Law 86–735.

1962—Pub. L. 87–565 inserted "this chapter" after "pursuant to".

§2405. Separability

If any provision of this chapter or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this chapter, and of the applicability of such provision to other circumstances or persons shall not be affected thereby.

(Pub. L. 87–195, pt. III, §646, Sept. 4, 1961, 75 Stat. 462.)

References in Text

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

§2406. Development programs for dependable fuel supplies

It is of paramount importance that long-range economic plans take cognizance of the need for a dependable supply of fuels, which is necessary to orderly and stable development and growth, and that dependence not be placed upon sources which are inherently hostile to free countries and the ultimate well-being of economically underdeveloped countries and which might exploit such dependence for ultimate political domination. The agencies of government in the United States are directed to work with other countries in developing plans for basing development programs on the use of the large and stable supply of relatively low cost fuels available in the free world.

(Pub. L. 87–195, pt. III, §647, Sept. 4, 1961, 75 Stat. 462.)

Prohibition on Assistance for Nuclear Powerplants for Fiscal Year 1978

Pub. L. 95–92, §14, Aug. 4, 1977, 91 Stat. 622, which prohibited any funds made available to carry out this chapter for fiscal year 1978 from being used to finance the construction of, the operation or maintenance of, or the supply of fuel for any nuclear powerplant under an agreement of cooperation between the United States and any other country, was repealed by Pub. L. 97–113, title VII, §734(a)(13), Dec. 29, 1981, 95 Stat. 1560.

Nuclear Powerplants in Israel or Egypt

Pub. L. 93–559, §43, Dec. 30, 1974, 88 Stat. 1813, which prohibited any funds authorized under Pub. L. 93–559 from being used to finance the construction of, the operation or maintenance of, or the supply of fuel for any nuclear powerplant in Israel or Egypt, was repealed by Pub. L. 97–113, title VII, §734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

§2407. Special authorization for use of foreign currencies

Subject to the provisions of section 1306 of title 31, the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish and Italian people, to use foreign currencies accruing to the United States Government under this chapter or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation, improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the armed forces of Poland who died in combat in Italy during World War II.

(Pub. L. 87–195, pt. III, §648, as added Pub. L. 88–633, pt. III, §303, Oct. 7, 1964, 78 Stat. 1014.)

References in Text

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

Codification

"Section 1306 of title 31" substituted in text for "section 1415 of the Supplemental Appropriation Act, 1953, [31 U.S.C. 724]" on authority of Pub. L. 97–258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

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.

§2408. Repealed. Pub. L. 95–424, title VI, §604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. III, §649, as added Pub. L. 89–171, pt. III, §303(d), Sept. 6, 1965, 79 Stat. 661, related to aggregate of total amounts authorized to be appropriated under this chapter.

Effective Date of Repeal

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

§2409. Use of United States Armed Forces

The furnishing of economic, military, or other assistance under this chapter shall not be construed as creating a new commitment or as affecting any existing commitment to use Armed Forces of the United States for the defense of any foreign country.

(Pub. L. 87–195, pt. III, §650, as added Pub. L. 90–137, pt. III, §303(b), Nov. 14, 1967, 81 Stat. 462.)

References in Text

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

§2410. Repealed. Pub. L. 95–424, title VI, §604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. III, §651, as added Pub. L. 90–554, pt. III, §303, Oct. 8, 1968, 82 Stat. 966, related to sale of supersonic planes to Israel.

Effective Date of Repeal

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

§2410a. Repealed. Pub. L. 97–113, title VII, §734(a)(15), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 91–672, §7, Jan. 12, 1971, 84 Stat. 2054, restricted sale, grant, loan, or transfer of International Fighter aircraft to any foreign country, or agency thereof, other than South Vietnam.

§2411. Limitation upon exercise of special authorities

The President shall not exercise any special authority granted to him under section 2318(a), 2348a(c)(2), or 2360(a) of this title unless the President, before he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this chapter under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority.

(Pub. L. 87–195, pt. III, §652, as added Pub. L. 91–652, §8, Jan. 5, 1971, 84 Stat. 1943; amended Pub. L. 92–226, pt. III, §304(a)(1), Feb. 7, 1972, 86 Stat. 28; Pub. L. 96–533, title I, §117(b), Dec. 16, 1980, 94 Stat. 3141; Pub. L. 99–83, title I, §105(b)(2), Aug. 8, 1985, 99 Stat. 196; Pub. L. 104–164, title I, §103(c), July 21, 1996, 110 Stat. 1424.)

References in Text

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

Amendments

1996—Pub. L. 104–164 substituted "before he intends" for "prior to the date he intends".

1985—Pub. L. 99–83 inserted reference to section 2348a(c)(2) of this title.

1980—Pub. L. 96–533 struck out reference to section 2364(a) of this title.

1972—Pub. L. 92–226 struck out provision which limited exercise of special authority for purpose of providing additional assistance to Cambodia and which required thirty days notice to congressional committee (ten days in emergencies requiring immediate assistance) of intention to exercise such authority.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

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 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

Pub. L. 91–652, §7, Jan. 5, 1971, 84 Stat. 1943, as amended by Pub. L. 92–226, pt. IV, §408, Feb. 7, 1972, 86 Stat. 35, provided that:

"(a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for military, paramilitary, police, or other security or intelligence forces in Cambodia.

"(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense."

§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) shall have no effect.

(c) Specific repeal or modification of section

The provisions of this section shall not be superseded except by a provision of law enacted after January 12, 1971, which specifically repeals or modifies the provisions of this section.

(Pub. L. 91–672, §10, Jan. 12, 1971, 84 Stat. 2055.)

Codification

Section was not enacted as part of Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961, which comprises this chapter.

§2413. Changes in allocation of foreign assistance

(a) Notification by President to foreign country

Not later than thirty days after the enactment of any law appropriating funds to carry out any provision of this chapter (other than section 2261 or 2397 of this title) or the Arms Export Control Act [22 U.S.C. 2751 et seq.], the President shall notify the Congress of each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law and of the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each.

(b) Application of provisions to continuing appropriations; waiver of provisions

The provisions of this section shall not apply in the case of any law making continuing appropriations and may not be waived under the provisions of section 2364(a) of this title.

(Pub. L. 87–195, pt. III, §653, as added Pub. L. 92–226, pt. III, §304(b), Feb. 7, 1972, 86 Stat. 28; amended Pub. L. 93–559, §21, Dec. 30, 1974, 88 Stat. 1801; Pub. L. 95–384, §§10(b)(3), 12(c)(2), Sept. 26, 1978, 92 Stat. 735, 737; Pub. L. 99–83, title XII, §1209(b), Aug. 8, 1985, 99 Stat. 279.)

References in Text

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

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Amendments

1985—Subsec. (a). Pub. L. 99–83, §1209(b)(1), inserted reference to the Arms Export Control Act.

Subsecs. (b), (c). Pub. L. 99–83, §1209(b)(2), (3), redesignated subsec. (c) as (b). Former subsec. (b), relating to report to Congress prior to grant of assistance with excess funds, was struck out.

1978—Subsec. (b). Pub. L. 95–384 substituted in provisions preceding par. (1) in two places and in par. (2) "assistance under part IV of subchapter II of this chapter" for "security supporting assistance" and in provisions preceding par. (1) in two places "part VI of subchapter II" for "subchapter IV" and inserted in par. (2) "or assistance under part VI of subchapter II of this chapter" before ", the President includes".

1974—Subsec. (a). Pub. L. 93–559, §21(1), struck out provisions limiting the military grant assistance or security supporting assistance to any foreign country or international organization to an amount not more than 10 percent of funds authorized under any law unless the President determines that it would be in the security interests of the United States to provide excess funds and reports to Congress the identity of the recipient, the amount of excess funds provided, and the justification for additional assistance. See subsec. (b) of this section.

Subsecs. (b), (c). Pub. L. 93–559, §21(2), added subsec. (b) and redesignated former subsec. (b) as (c).

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Delegation of Functions

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.

§2414. Presidential findings and determinations

(a) Report to Congress

In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this chapter, the Foreign Military Sales Act [22 U.S.C. 2751 et seq.], or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

(b) Action prohibition prior to execution of report

No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

(c) Publication in Federal Register

Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

(d) Information accessible to Congress prior to transmission of report

No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this chapter, the Foreign Military Sales Act [22 U.S.C. 2751 et seq.], or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

(Pub. L. 87–195, pt. III, §654, as added Pub. L. 92–226, pt. III, §304(b), Feb. 7, 1972, 86 Stat. 29.)

References in Text

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

The Foreign Military Sales Act, referred to in subsecs. (a) and (d), is Pub. L. 90–629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, as amended, known as the Arms Export Control Act, on authority of section 201(b) of Pub. L. 94–329, title II, June 30, 1976, 90 Stat. 734, and is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Delegation of Functions

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, consisting of—

(1) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which member countries supported United States policy objectives at the United Nations;

(2) an analysis and discussion, prepared in consultation with the Secretary of State, of actions taken by the United Nations by consensus;

(3) with respect to plenary votes of the United Nations General Assembly—

(A) a listing of all such votes on issues which directly affected important United States interests and on which the United States lobbied extensively and a brief description of the issues involved in each such vote;

(B) a listing of the votes described in subparagraph (A) which provides a comparison of the vote cast by each member country with the vote cast by the United States;

(C) a country-by-country listing of votes described in subparagraph (A); and

(D) a listing of votes described in subparagraph (A) displayed in terms of United Nations regional caucus groups;

(4) a listing of all plenary votes cast by member countries of the United Nations in the General Assembly which provides a comparison of the votes cast by each member country with the vote cast by the United States, 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 agreement on important and overall votes for each member country and the United States.

(c) Format

Information required pursuant to subsection (b)(3) 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) shall contain a statement by the Secretary of State discussing the measures which have been taken to inform United States diplomatic missions of United Nations General Assembly and Security Council activities.

(Pub. L. 101–246, title IV, §406, Feb. 16, 1990, 104 Stat. 66; Pub. L. 108–447, div. D, title V, §534(k), Dec. 8, 2004, 118 Stat. 3007.)

Codification

Section is comprised of section 406 of Pub. L. 101–246. Subsec. (e) of section 406 of Pub. L. 101–246 repealed provisions contained in prior appropriation acts which had been formerly set out as this section. See Similar Provisions note below.

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Amendments

2004—Subsec. (b)(4). Pub. L. 108–447 inserted before semicolon at end ", 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".

Similar Provisions

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 101–167, title V, §527, Nov. 21, 1989, 103 Stat. 1223.

Pub. L. 100–461, title V, §527, Oct. 1, 1988, 102 Stat. 2268–26; repealed by Pub. L. 101–167, title V, §527(e)(6), Nov. 21, 1989, 103 Stat. 1224, and Pub. L. 101–246, title IV, §406(e)(5), Feb. 16, 1990, 104 Stat. 67.

Pub. L. 100–202, §101(e) [title V, §528], Dec. 22, 1987, 101 Stat. 1329–131, 1329-158; repealed by Pub. L. 101–167, title V, §527(e)(5), Nov. 21, 1989, 103 Stat. 1224, and Pub. L. 101–246, title IV, §406(e)(4), Feb. 16, 1990, 104 Stat. 67.

Pub. L. 99–500, §101(f) [title V, §528], Oct. 18, 1986, 100 Stat. 1783–213, 1783-230, and Pub. L. 99–591, §101(f) [title V, §528], Oct. 30, 1986, 100 Stat. 3341–214, 3341-230; repealed by Pub. L. 101–167, title V, §527(e)(4), Nov. 21, 1989, 103 Stat. 1224, and Pub. L. 101–246, title IV, §406(e)(3), Feb. 16, 1990, 104 Stat. 67.

Pub. L. 99–190, §101(i) [title V, §529], Dec. 19, 1985, 99 Stat. 1291, 1307; repealed by Pub. L. 101–167, title V, §527(e)(3), Nov. 21, 1989, 103 Stat. 1224, and Pub. L. 101–246, title IV, §406(e)(2), Feb. 16, 1990, 104 Stat. 67.

Pub. L. 98–473, title I, §101(1) [title V, §530], Oct. 12, 1984, 98 Stat. 1884, 1900; repealed by Pub. L. 101–167, title V, §527(e)(2), Nov. 21, 1989, 103 Stat. 1224.

Pub. L. 98–151, §101(b)(1), Nov. 14, 1983, 97 Stat. 967; repealed by Pub. L. 101–167, title V, §527(e)(1), Nov. 21, 1989, 103 Stat. 1224, and Pub. L. 101–246, title IV, §406(e)(1), Feb. 16, 1990, 104 Stat. 67.

Statement of Policy on Member State's Voting Practices at the United Nations

Pub. L. 114–323, title III, §309, Dec. 16, 2016, 130 Stat. 1924, provided that: "It is the policy of the United States to strongly consider a Member State's voting practices at the United Nations before entering into any agreements with the Member State."

Requirement for Disclosure of Foreign Aid in Report of Secretary of State

Pub. L. 106–429, §101(a) [title V, §559], Nov. 6, 2000, 114 Stat. 1900, 1900A-45, which required that the report submitted to Congress under subsec. (a) of this section include, in addition to the voting

practices of a foreign country, a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance, 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:

Pub. L. 106–113, div. B, §1000(a)(2) [title V, §560], Nov. 29, 1999, 113 Stat. 1535, 1501A-104.
Pub. L. 105–277, div. A, §101(d) [title V, §562], Oct. 21, 1998, 112 Stat. 2681–150, 2681-193.
Pub. L. 105–118, title V, §563, Nov. 26, 1997, 111 Stat. 2427.
Pub. L. 104–208, div. A, title I, §101(c) [title V, §580], Sept. 30, 1996, 110 Stat. 3009–121, 3009-170.

§2415. Annual military assistance report

(a) Report required

Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30.

(b) Information relating to military assistance and military exports

Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles), defense services, and international military education and training 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. 3091 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.

(Pub. L. 87–195, pt. III, §655, as added Pub. L. 104–106, div. A, title XIII, §1324(c), Feb. 10, 1996, 110 Stat. 481; amended Pub. L. 104–164, title I, §148, July 21, 1996, 110 Stat. 1435; Pub. L. 106–113, div. B, §1000(a)(7) [div. B, title XIII, §1306], Nov. 29, 1999, 113 Stat. 1536, 1501A-512; Pub. L. 106–280, title VII, §702, Oct. 6, 2000, 114 Stat. 861; Pub. L. 107–228, div. B, title XII, §§1205(c), 1262(b), Sept. 30, 2002, 116 Stat. 1428, 1434.)

References in Text

The National Security Act of 1947, referred to in subsec. (b), is act July 26, 1947, ch. 343, 61 Stat. 495, which was formerly classified principally to chapter 15 (§401 et seq.) of Title 50, War and National Defense, prior to editorial reclassification in chapter 44 (§3001 et seq.) of Title 50. Title V of the Act is now classified generally to subchapter III (§3091 et seq.) of chapter 44 of Title 50. For complete classification of this Act to the Code, see Tables.

The Arms Export Control Act, referred to in subsec. (b)(1), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended. Chapter 2 of the Act is classified generally to subchapter II (§2761 et seq.) of chapter 39 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Prior Provisions

A prior section 2415, Pub. L. 87–195, pt. III, §655, as added Pub. L. 92–226, pt. III, §304(b), Feb. 7, 1972, 86 Stat. 29; amended Pub. L. 93–559, §39(a), Dec. 30, 1974, 88 Stat. 1810; Pub. L. 94–329, title IV, §413(a), June 30, 1976, 90 Stat. 761, related to limitation in amounts to be expended for assistance to Cambodia, prior to repeal by Pub. L. 95–424, title VI, §§604, 605, Oct. 6, 1978, 92 Stat. 961, effective Oct. 1, 1978.

Amendments

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."

2000—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, §1000(a)(7) [title XIII, §1306(a)], 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 by the United States, excluding that which is pursuant to activies 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."

Subsec. (d). Pub. L. 106–113, §1000(a)(7) [title XIII, §1306(b)], added subsec. (d).

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. 56673, as amended, set out as a note under section 2381 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 writing, 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) 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) 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) 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.

(Pub. L. 87–195, pt. III, §656, as added Pub. L. 106–113, div. B, §1000(a)(7) [div. B, title XIII, §1307], Nov. 29, 1999, 113 Stat. 1536, 1501A-512; amended Pub. L. 107–228, div. B, title XII, §1262(a), Sept. 30, 2002, 116 Stat. 1434.)

Prior Provisions

A prior section 2416, Pub. L. 87–195, pt. III, §656, as added Pub. L. 92–226, pt. III, §304(b), Feb. 7, 1972, 86 Stat. 30; amended Pub. L. 93–559, §39(b), Dec. 30, 1974, 88 Stat. 1810; Pub. L. 94–329, title IV, §413(a), June 30, 1976, 90 Stat. 761, related to limitation on number of United States personnel in Cambodia, prior to repeal by Pub. L. 95–424, title VI, §§604, 605, Oct. 6, 1978, 92 Stat. 961, effective Oct. 1, 1978.

Amendments

2002—Subsec. (a). Pub. L. 107–228 designated existing provisions as par. (1), inserted par. (1) heading, and added par. (2).

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.

§2417. Repealed. Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 87–195, pt. III, §657, as added Pub. L. 95–384, §14, Sept. 26, 1978, 92 Stat. 739, required annual Presidential reports for fiscal year ending previous Sept. 30 respecting military assistance, military education and training assistance, foreign military sales, and commercial military sales. See sections 2394 and 2765 of this title.

Prior Provisions

A prior section 2417, Pub. L. 87–195, pt. III, §657, as added Pub. L. 92–226, pt. III, §304(b), Feb. 7, 1972, 86 Stat. 30; amended Pub. L. 93–189, §23, Dec. 17, 1973, 87 Stat. 726; Pub. L. 94–273, §5(2), Apr. 21, 1976, 90 Stat. 377; Pub. L. 94–329, title II, §216, June 30, 1976, 90 Stat. 747, related to an annual report by the President to Congress showing the dollar value of foreign assistance including military sales, education and training, prior to repeal by Pub. L. 95–424, title V, §502(d)(1), Oct. 6, 1978, 92 Stat. 959, effective Oct. 1, 1978.

§2418. Repealed. Pub. L. 95–424, title VI, §604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. III, §658, as added Pub. L. 92–226, pt. III, §304(b), Feb. 7, 1972, 86 Stat. 32, related to certification by the Comptroller General of the release of previously impounded funds prior to the expenditure of funds appropriated to carry out the purposes of this chapter.

Effective Date of Repeal

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

§2419. Repealed. Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 87–195, pt. III, §659, as added Pub. L. 93–559, §29(a), Dec. 30, 1974, 88 Stat. 1803, prohibited aid to any country containing a military base constructed, maintained, or used by the United States if access to such base was denied unduly to bona fide media correspondents of the United States by the country in question.

§2420. Police training prohibition

(a) Effective date of prohibition

On and after July 1, 1975, none of the funds made available to carry out this chapter, and none of the local currencies generated under this chapter, shall be used to provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.

(b) Exception; qualification

Subsection (a) of this section shall not apply—

(1) with respect to assistance rendered under section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968,[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;

(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) 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) 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) assistance may be provided to Honduras or El Salvador for fiscal years 1986 and 1987 if, at least 30 days before providing assistance, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable to reprogramming notifications pursuant to section 2394–1 of this title, that he has determined that the government of the recipient country has made significant progress, during the preceding six months, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without trial. Any such notification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.

(Pub. L. 87–195, pt. III, §660, as added Pub. L. 93–559, §30(a), Dec. 30, 1974, 88 Stat. 1803; amended Pub. L. 99–83, title I, §127(b), title VII, §711, Aug. 8, 1985, 99 Stat. 205, 243; Pub. L. 101–513, title V, §594, Nov. 5, 1990, 104 Stat. 2060; Pub. L. 104–107, title V, §540A(d), Feb. 12, 1996, 110 Stat. 737; Pub. L. 106–113, div. B, §1000(a)(2) [title V, §574], Nov. 29, 1999, 113 Stat. 1535, 1501A-111.)

References in Text

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

Section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (b)(1), is section 515(c) of title I of Pub. L. 90–351, June 19, 1968, 82 Stat. 207, which was formerly classified to section 3763(c) of Title 42, The Public Health and Welfare. Section 515 was omitted in the general revision of title I of Pub. L. 90–351 by Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1167.

Amendments

1999—Subsec. (b)(7). Pub. L. 106–113 added par. (7).

1996—Subsec. (b)(5), (6). Pub. L. 104–107 added pars. (5) and (6).

1990—Subsec. (b)(4). Pub. L. 101–513, which directed the amendment of this section by adding par. (4) at "the end of the subsection", was executed by adding par. (4) after par. (3) in subsec. (b) to

reflect the probable intent of Congress.

1985—Subsec. (b)(3). Pub. L. 99–83, §127(b), added par. (3).

Subsecs. (c), (d). Pub. L. 99–83, §711, added subsecs. (c) and (d).

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Delegation of Functions

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

Exemption of Narcotics-Related Military Assistance for Specific Fiscal Years From Prohibition on Assistance for Law Enforcement Agencies

Pub. L. 103–447, title I, §104, Nov. 2, 1994, 108 Stat. 4694, provided that:

"(a) Exemption.—For fiscal year 1995, section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) shall not apply with respect to—

"(1) transfers of excess defense articles under section 517 of that Act (22 U.S.C. 2321k);

"(2) funds made available for the 'Foreign Military Financing Program' under section 23 of the Arms Export Control Act (22 U.S.C. 2763) that are used for assistance provided for narcotics-related purposes; or

"(3) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 and following) that is provided for narcotics-related purposes.

"(b) Notification to Congress.—At least 15 days before any transfer under subsection (a)(1) or any obligation of funds under subsection (a)(2) or (a)(3), the President shall notify the appropriate congressional committees (as defined in section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e))[)] in accordance with the procedures applicable to reprogramming notifications under section 634A of that Act (22 U.S.C. 2394) [22 U.S.C. 2394–1].

"(c) Coordination With International Narcotics Control Assistance Program.—Assistance provided pursuant to this section shall be coordinated with international narcotics control assistance under chapter 8 of part 1 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.)."

Pub. L. 102–583, §7, Nov. 2, 1992, 106 Stat. 4933, provided for exemption of narcotics-related military assistance for fiscal years 1993 and 1994 from prohibition on assistance for law enforcement agencies, prior to repeal by Pub. L. 103–447, title I, §103(a), Nov. 2, 1994, 108 Stat. 4693.

Assistance to Public Security Forces of El Salvador; Delegation of Functions

Determination of 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.

[1] *See References in Text note below.*

[2] *So in original. The word "or" probably should appear at end of par. (6).*

§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 it necessary or upon the request of the Congress, audit the financial statements of the Trade and Development Agency in the manner provided in paragraph (2).

(4) Availability of information

All books, accounts, financial records, reports, files, workpapers, and property belonging to or in use by the Trade and Development Agency and the accountant who conducts the audit under paragraph (2), which are necessary for purposes of this subsection, shall be made available to the representatives of the 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 262r(c) of this title.

(Pub. L. 87–195, pt. III, §661, as added Pub. L. 93–559, §31, Dec. 30, 1974, 88 Stat. 1804; amended Pub. L. 94–161, title III, §316, Dec. 20, 1975, 89 Stat. 867; Pub. L. 95–88, title I, §128, Aug. 3, 1977, 91 Stat. 543; Pub. L. 95–424, title I, §121, Oct. 6, 1978, 92 Stat. 954; Pub. L. 96–53, title I, §119, Aug. 14, 1979, 93 Stat. 365; Pub. L. 96–533, title III, §311, Dec. 16, 1980, 94 Stat. 3148; Pub. L. 97–113, title III, §312, Dec. 29, 1981, 95 Stat. 1536; Pub. L. 99–83, title IV, §405, Aug. 8, 1985, 99 Stat. 219; Pub. L. 100–418, title II, §2204(b)(1), (2), Aug. 23, 1988, 102 Stat. 1329; Pub. L. 102–549, title II, §201, Oct. 28, 1992, 106 Stat. 3655; Pub. L. 103–392, title II, §201, Oct. 22, 1994, 108 Stat. 4099; Pub. L. 106–158, §5, Dec. 9, 1999, 113 Stat. 1746; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814.)

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

2004—Subsec. (e)(4). Pub. L. 108–271 substituted "Government Accountability Office" for "General Accounting Office".

1999—Subsec. (a). Pub. L. 106–158, §5(a), inserted before period at end: ", with special emphasis on economic sectors with significant United States export potential, such as energy, transportation, telecommunications, and environment".

Subsec. (b)(5). Pub. L. 106–158, §5(b), added par. (5).

Subsec. (f)(1)(A). Pub. L. 106–158, §5(c)(1), substituted "$48,000,000 for fiscal year 2000 and such sums as may be necessary for each fiscal year thereafter" for "$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), substituted "in carrying out its program, provide, as appropriate, funds" for "in fiscal years 1993 and 1994, substantially increase the amount of funds it provides".

1994—Subsec. (f)(1). Pub. L. 103–392 redesignated existing provisions as subpar. (A), substituted "$77,000,000 for fiscal year 1995 and such sums as are necessary for fiscal year 1996." for

"$55,000,000 for fiscal year 1993 and $65,000,000 for fiscal year 1994.", and added subpar. (B).

1992—Pub. L. 102–549 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (d) which authorized a trade and development program to facilitate access to natural resources of interest to the United States and to stimulate reimbursable aid programs, established an agency called the Trade and Development Program to carry out the program, established an advisory board, and authorized appropriations for purposes of section.

1988—Subsec. (a). Pub. L. 100–418, §2204(b)(1), inserted sentence providing for use of funds for project planning, development, management, and procurement for bilateral and multilateral projects, for purpose of promoting use of United States exports in such projects.

Subsecs. (b) to (d). Pub. L. 100–418, §2204(b)(2), added subsecs. (b) and (c) and redesignated former subsec. (b) as (d).

1985—Subsec. (b). Pub. L. 99–83 amended subsec. (b) generally, substituting provisions authorizing appropriations of $20,000,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of $6,907,000 for fiscal years 1982 and 1983.

1981—Pub. L. 97–113, §312(b), designated existing provisions as subsec. (a), struck out provision for use of $4,000,000 of funds made available for fiscal year 1981 for purposes of this chapter, and added subsec. (b).

1980—Pub. L. 96–533 substituted authorization for use of $4,000,000 of available funds for fiscal year 1981 for such authorization for use of $3,800,000 of available funds for fiscal year 1980 for reimbursable development programs.

1979—Pub. L. 96–53 substituted "$3,800,000" for "$3,000,000" and "1980" for "1979".

1978—Pub. L. 95–424 substituted "$3,000,000 of the funds made available for the purposes of this chapter for the fiscal year 1979" for "$2,000,000 of the funds made available for the purposes of this chapter. In the fiscal year 1977 and $2,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1978,".

1977—Pub. L. 95–88 struck out provisions authorizing the President to use up to $1,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1975 and $2,000,000 in the fiscal year 1976, and inserted provisions authorizing the President to use $2,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1978.

1975—Pub. L. 94–161 increased usable funds in fiscal year 1976 to $2,000,000 from $1,000,000 and authorized use of $2,000,000 in fiscal year 1977.

Change of Name

Pub. L. 102–549, title II, §202(a), (e), Oct. 28, 1992, 106 Stat. 3657, 3658, provided that:

"(a) Renaming of Trade and Development Program.—The Trade and Development Program shall, on or after the effective date of this section [Oct. 28, 1992], be known as the Trade and Development Agency.

"(e) Reference in Other Laws.—Any reference in any law to the Trade and Development Program shall be deemed to be a reference to the Trade and Development Agency."

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

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

Pub. L. 102–549, title II, §202(b), Oct. 28, 1992, 106 Stat. 3657, provided that: "The enactment of this title [amending this section and section 5401 of this title, section 5314 of Title 5, Government Organization and Employees, and sections 635q to 635s of Title 12, Banks and Banking, enacting provisions set out as a note above, and amending provisions set out as a note under section 2151 of this title] shall not affect the appointment of the individual who is the Director of the Trade and Development Program on the effective date of this section [Oct. 28, 1992]."

Trade and Development Program Activities for Poland and Hungary

Pub. L. 101–179, title III, §305, Nov. 28, 1989, 103 Stat. 1314, authorized appropriation of an additional $6,000,000 for the 3-year period beginning Oct. 1, 1989, to carry out this section, in order to permit expansion of the Trade and Development Program [now Agency] into Poland and Hungary.

Trade and Development Program; Reaffirmation of Support

Pub. L. 100–418, title II, §2204(a), Aug. 23, 1988, 102 Stat. 1328, provided that: "The Congress reaffirms its support for the Trade and Development Program [now Trade and Development Agency], and believes that the Program's [Agency's] ability to support high priority development projects in developing countries would be enhanced by an increase in the funds authorized for the Program as well as by a clarification of the Program's status as a separate component of the International Development Cooperation Agency."

§2421a. Capital projects office within Agency for International Development

(a) Establishment of office

The Administrator of AID shall establish a capital projects office to carry out the purposes described in subsection (b).

(b) Purposes of office

The purposes referred to in subsection (a) are—

(1) to develop an AID program that would focus solely on developmentally sound capital projects, taking into consideration development needs of the host country and the export opportunities for the United States; and

(2) to consider specifically opportunities for United States high-technology firms, including small- and medium-sized firms, in supporting capital projects for developing countries and for countries making the transition from nonmarket to market economies.

(c) Activities of AID

The Administrator of AID (acting through the capital projects office), in coordination with the appropriate members of the Trade Promotion Coordination Committee—

(1) shall support capital projects in developing countries and in countries making the transition from nonmarket to market economies;

(2) shall periodically review infrastructure needs in developing countries and countries making the transition from nonmarket to market economies and shall explore opportunities for United States firms in the development of new capital projects in these countries, keeping both United States firms and the Congress informed of these reviews;

(3) shall ensure that each capital project for which AID provides funding is developmentally sound, as determined under the criteria developed by the Development Assistance Committee of the Organization for Economic Cooperation and Development;

(4) shall coordinate its activities with other AID offices, and work with AID country missions, in developing capital projects that provide opportunities for United States firms consistent with AID's primary mission to help developing countries with traditional development projects;

(5) shall coordinate, where appropriate, funds available to AID for tied-aid purposes; and

(6) shall play a special role in helping to meet the infrastructure needs of countries making the transition from nonmarket to market economies by meeting the challenge of infrastructure assistance provided by foreign governments to those countries, including by undertaking a comprehensive study of the infrastructure needs of the various countries making the transition from nonmarket to market economies—

(A) to identify those sectors in the economies of these countries that are most in need of rebuilding, and

(B) to identify the state of technology in these countries and the opportunity for United States high technology firms to help develop a technological infrastructure in these countries, including an assessment of export opportunities for United States high technology companies.

The results of the study conducted pursuant to paragraph (6) shall be reported to the appropriate congressional committees within 12 months after October 28, 1992.

(Pub. L. 102–549, title III, §302, Oct. 28, 1992, 106 Stat. 3658.)

Codification

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Short Title of 1992 Amendment

Pub. L. 102–549, title III, §301, Oct. 28, 1992, 106 Stat. 3658, provided that: "This title [enacting this section and sections 2421b to 2421e of this title and provisions set out as notes below] may be cited as the 'Aid, Trade, and Competitiveness Act of 1992'."

Reports to Congress on Capital Projects

Pub. L. 102–549, title III, §305, Oct. 28, 1992, 106 Stat. 3660, 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

Pub. L. 102–549, title III, §307, Oct. 28, 1992, 106 Stat. 3660, 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), 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), the Administrator of AID shall, working with AID technical support staff, regional bureau staff, and country missions, identify and provide funding for capital projects to alleviate the worst manifestations of poverty or to promote environmental safety and sustainability at the community level in countries receiving assistance under part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.]. Such projects may include basic sanitation systems, basic water supply and treatment, pollution control, and rural infrastructure benefiting poor communities or establishing environmentally sustainable patterns of rural development. Such projects should have measurable positive effects on indicators of human and environmental health.

(Pub. L. 102–549, title III, §303, Oct. 28, 1992, 106 Stat. 3659.)

References in Text

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Part I of the Act is classified generally to subchapter I (§2151 et seq.) of chapter 32 of this title. For provisions deeming references to subchapter I to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of chapter 32, see section 202(b) of Pub. L. 92–226, 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.

(Pub. L. 102–549, title III, §304, Oct. 28, 1992, 106 Stat. 3659.)

References in Text

Sections 2421a to 2421e of this title, referred to in text, was in the original "this title" meaning title III of Pub. L. 102–549, Oct. 28, 1992, 106 Stat. 3658, known as the Aid, Trade, and Competitiveness Act of 1992, which enacted sections 2421a to 2421e of this title and provisions set out as notes under section 2421a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2421a of this title and Tables.

Codification

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2421d. Funding for capital projects

(a) Funding level

The Congress strongly urges the President to use at least $650,000,000 for fiscal year 1993 and at least $700,000,000 for fiscal year 1994 of the total amounts made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.] (relating to the economic support fund), assistance under the Support for East European Democracy (SEED) Act of 1989 [22 U.S.C. 5401 et seq.], assistance under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, and assistance under the Multilateral Assistance Initiative for the Philippines, for grants for developmentally sound capital projects. Such grants may be combined with financing offered by private financial entities or other entities.

(b) Development assistance capital projects

Funds appropriated to carry out chapter 1 or chapter 10 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq., 2293 et seq.] (relating to development assistance and the Development Fund for Africa) may not be used for capital projects that do not meet the criteria contained in section 2421b of this title. This subsection does not apply with respect to capital projects for which funds have been obligated or expended before October 28, 1992.

(Pub. L. 102–549, title III, §306, Oct. 28, 1992, 106 Stat. 3660.)

References in Text

The Foreign Assistance Act of 1961, referred to in subsecs. (a) and (b), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 10 of part I of the Act is classified generally to part X (§2293 et seq.) of subchapter I of chapter 32 of this title. Chapter 4 of part II of the Act is classified generally to part IV (§2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Support for East European Democracy (SEED) Act of 1989, referred to in subsec. (a), is Pub. L. 101–179, Nov. 28, 1989, 103 Stat. 1298, which is classified principally to chapter 63 (§5401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5401 of this title and Tables.

The Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, referred to in subsec. (a), is Pub. L. 102–511, Oct. 24, 1992, 106 Stat. 3320, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

Codification

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2421e. Definitions

For purposes of sections 2421a to 2421e of this title—

(1) the term "AID" means the Agency for International Development; and

(2) the term "capital project" means a project involving the construction, expansion, alteration of, or the acquisition of equipment for, a physical facility or physical infrastructure, including related engineering design (concept and detail) and other services, the procurement of equipment (including any related services), and feasibility studies or similar engineering and economic services.

(Pub. L. 102–549, title III, §308, Oct. 28, 1992, 106 Stat. 3660.)

References in Text

Sections 2421a to 2421e of this title, referred to in text, was in the original "this title" meaning title III of Pub. L. 102–549, Oct. 28, 1992, 106 Stat. 3658, known as the Aid, Trade, and Competitiveness Act of 1992, which enacted sections 2421a to 2421e of this title and provisions set out as notes under section 2421a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2421a of this title and Tables.

Codification

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2421f. Sustainability requirements for certain capital projects in connection with overseas contingency operations

(a) Limitation

(1) In general

Commencing 60 days after January 2, 2013—

(A) amounts authorized to be appropriated for the Department of Defense may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of Defense, in consultation with the United States commander of military operations in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project;

(B) amounts authorized to be appropriated for the Department of State may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of State, in consultation with the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project; and

(C) amounts authorized to be appropriated for the United States Agency for International Development may not be obligated or expended for a capital project described in subsection (b) unless the Administrator of the United States Agency for International Development, in consultation with the Mission Director and the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project.

(2) Elements

Each assessment on a capital project under this subsection shall include, but not be limited to, the following:

(A) An estimate of the total cost of the completed project to the United States.

(B) An estimate of the financial and other requirements necessary for the host government to sustain the project on an annual basis after completion of the project.

(C) An assessment whether the host government has the capacity (in both financial and human resources) to maintain and use the project after completion.

(D) A description of any arrangements for the sustainment of the project following its completion if the host government lacks the capacity (in financial or human resources) to maintain the project.

(E) An assessment whether the host government has requested or expressed its need for the project, and an explanation of the decision to proceed with the project absent such request or need.

(F) An assessment by the Secretary of Defense, where applicable, of the effect of the project on the military mission of the United States in the country concerned.

(b) Covered capital projects

(1) In general

Except as provided in paragraph (2), a capital project described in this subsection is any capital project overseas for an overseas contingency operation for the benefit of a host country and funded by the Department of Defense, the Department of State, or the United States Agency for International Development, as applicable, if the capital project—

(A) in the case of a project that directly supports building the capacity of indigenous security forces in the host country, has an estimated value in excess of $10,000,000;

(B) in the case of any project not covered by subparagraph (A) that is to be funded by the Department of State or the United States Agency for International Development, has an estimated value in excess of $5,000,000; or

(C) in the case of any other project, has an estimated value in excess of $2,000,000.

(2) Exclusion

A capital project described in this subsection does not include any project for military construction (as that term is defined in section 114(b) of title 10) or a military family housing project under section 2821 of such title.

(c) Waiver

The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, as applicable, may waive the limitation in subsection (a) in order to initiate a capital project if such Secretary or the Administrator, as the case may be, determines that the project is in the national security, diplomatic, or humanitarian interests of the United States. In the first report submitted under subsection (d) after any waiver under this subsection, such Secretary or the Administrator shall include a detailed justification of such waiver. Not later than 90 days after issuing a waiver under this subsection, such Secretary or the Administrator shall submit to the appropriate committees of Congress the assessment described in subsection (a) with respect to the capital project concerned.

(d) Semi-annual reports

(1) In general

Not later than 30 days after the end of any fiscal-year half-year in which the Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development conducts an assessment under subsection (a), such Secretary or the Administrator, as the case may be, shall submit to the appropriate committees of Congress a report setting forth each assessment so conducted during such fiscal-year half-year, including the elements of each capital project so assessed specified in subsection (a)(2).

(2) Additional elements

In addition to the matters provided for in paragraph (1), each report under that paragraph shall include the following:

(A) For each capital project covered by such report, an evaluation (other than by amount of funds expended) of the effectiveness of such project, including, at a minimum, the following:

(i) The stated goals of the project.

(ii) The actions taken to assess and verify whether the project has met the stated goals of the project or is on track to meet such goals when completed.

(iii) The current and anticipated levels of involvement of local governments, communities, and individuals in the project.

(B) For each country or region in which a capital project covered by such report is being carried out, an assessment of the current and anticipated risks of corruption or fraud in connection with such project.

(3) Form

Each report shall be submitted in unclassified form, but may include a classified annex.

(e) Definitions

In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term "capital project" has the meaning given that term in section 2421e of this title.

(3) The term "overseas contingency operation" means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10).

(Pub. L. 112–239, div. A, title XII, §1273, Jan. 2, 2013, 126 Stat. 2023.)

Codification

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2013, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§2422. Repealed. Pub. L. 102–88, title VI, §601, Aug. 14, 1991, 105 Stat. 441

Section, Pub. L. 87–195, pt. III, §662, as added Pub. L. 93–559, §32, Dec. 30, 1974, 88 Stat. 1804, and amended Pub. L. 96–450, title IV, §407(a), Oct. 14, 1980, 94 Stat. 1981, prohibited funding of activities of the Central Intelligence Agency, other than intelligence gathering, without Presidential finding of importance to national security of United States and defined such activities as significant anticipated intelligence activities for purpose of section 413 of Title 50, War and National Defense. See section 3094 of Title 50.

§2423. Exchanges of certain materials

(a) Agreement for necessary or strategic raw material; definition

Notwithstanding any other provision of law, whenever the President determines it is in the United States national interest, he shall furnish assistance under this chapter or shall furnish defense articles or services under the Foreign Military Sales Act [22 U.S.C. 2751 et. seq.], pursuant to an agreement with the recipient of such assistance, articles, or services which provides that such recipient may only obtain such assistance, articles, or services in exchange for any necessary or strategic raw material controlled by such recipient. For the purposes of this section, the term "necessary or strategic raw material" includes petroleum, other fossil fuels, metals, minerals, or any other natural substance which the President determines is in short supply in the United States.

(b) Allocation of raw materials to Federal agencies

The President shall allocate any necessary or strategic raw material transferred to the United States under this section to any appropriate agency of the United States Government for stockpiling, sale, transfer, disposal, or any other purpose authorized by law.

(c) Deposits in United States Treasury of funds from disposal of materials

Funds received from any disposal of materials under subsection (b) shall be deposited as miscellaneous receipts in the United States Treasury.

(Pub. L. 87–195, pt. III, §663, as added Pub. L. 93–559, §32, Dec. 30, 1974, 88 Stat. 1805.)

References in Text

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

The Foreign Military Sales Act, referred to in subsec. (a), is Pub. L. 90–629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, as amended, known as the Arms Export Control Act, on authority of section 201(b) of Pub. L. 94–329, title II, June 30, 1976, 90 Stat. 734, and is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

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.

§2424. Repealed. Pub. L. 95–88, title I, §123(c), Aug. 3, 1977, 91 Stat. 541

Section, Pub. L. 87–195, pt. III, §664, as added Pub. L. 93–559, §33, Dec. 30, 1974, 88 Stat. 1805, authorized the President to waive provisions which prohibited assistance to countries trading with designated countries.

§2425. Repealed. Pub. L. 95–424, title VI, §604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. III, §665, as added Pub. L. 94–161, title III, §317, Dec. 20, 1975, 89 Stat. 867, authorized appropriations for the interim period July 1, 1976 through Sept. 30, 1976 of such amounts as were necessary to conduct programs for which funding was authorized for fiscal year 1976 by the International Development and Food Assistance Act of 1975 provided the total amount authorized not exceed one-fourth of the total authorized for fiscal year 1976 for such programs and activities.

Effective Date of Repeal

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

§2426. Discrimination against United States personnel

(a) Assignment of personnel on basis of ability and experience

The President shall not take into account, in assigning officers and employees of the United States to carry out any economic development assistance programs funded under this chapter in any foreign country, the race, religion, national origin, or sex of any such officer or employee. Such assignments shall be made solely on the basis of ability and relevant experience.

(b) Prohibition on use of funds in country practicing discrimination

Effective six months after December 20, 1975, or on such earlier date as the President may determine, none of the funds made available under this chapter may be used to provide economic development assistance to any country which objects to the presence of any officer or employee of the United States who is present in such country for the purpose of carrying out any program of economic development assistance authorized by the provisions of this chapter on the basis of the race, religion, national origin, or sex of such officer or employee.

(c) Rules and regulations

The Secretary of State shall promulgate such rules and regulations as he may deem necessary to carry out the provisions of this section.

(Pub. L. 87–195, pt. III, §666, as added Pub. L. 94–161, title III, §318, Dec. 20, 1975, 89 Stat. 868.)

References in Text

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

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.

§2427. Operating expenses

(a) Authorization of appropriations

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

(1) $387,000,000 for fiscal year 1986 and $387,000,000 for fiscal year 1987 for necessary operating expenses of the agency primarily responsible for administering subchapter I of this chapter, of which $21,750,000 for the fiscal year 1987 is authorized for the necessary operating expenses of the Office of the Inspector General of the Agency for International Development and the remaining amount for the fiscal year is authorized for other necessary operating expenses of that agency; and

(2) such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such agency.

(b) Continuing availability of funds

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

(Pub. L. 87–195, pt. III, §667, as added Pub. L. 94–161, title III, §319, Dec. 20, 1975, 89 Stat. 868; amended Pub. L. 95–88, title I, §129(a), Aug. 3, 1977, 91 Stat. 543; Pub. L. 95–424, title V, §506, Oct. 6, 1978, 92 Stat. 960; Pub. L. 96–53, title I, §120, Aug. 14, 1979, 93 Stat. 365; Pub. L. 96–533, title VII, §709, Dec. 16, 1980, 94 Stat. 3159; Pub. L. 97–113, title VII, §706, Dec. 29, 1981, 95 Stat. 1545; Pub. L. 99–83, title IV, §406, Aug. 8, 1985, 99 Stat. 219; Pub. L. 99–529, title IV, §402, Oct. 24, 1986, 100 Stat. 3019.)

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Amendments

1986—Subsec. (a)(1). Pub. L. 99–529 inserted ", of which $21,750,000 for the fiscal year 1987 is authorized for the necessary operating expenses of the Office of the Inspector General of the Agency for International Development and the remaining amount for the fiscal year is authorized for other necessary operating expenses of that agency".

1985—Subsec. (a)(1). Pub. L. 99–83 amended par. (1) generally, substituting provisions authorizing appropriations of $387,000,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of $335,600,000 for fiscal years 1982 and 1983.

1981—Subsec. (a). Pub. L. 97–113 struck out from provision preceding par. (1) ", for the fiscal year 1981" after "for such purposes" and substituted in par. (1) "$335,600,000 for the fiscal year 1982 and $335,600,000 for the fiscal year 1983" for "$293,800,000".

1980—Subsec. (a). Pub. L. 96–533 substituted in provisions preceding par. (1) "1981" for "1980" and in par. (1) "$293,800,000" for "$263,000,000".

1979—Subsec. (a). Pub. L. 96–53 substituted in provisions preceding par. (1) "1980" for "1979" and in par. (1) "$263,000,000" for "$261,000,000".

1978—Subsec. (a). Pub. L. 95–424 substituted in provisions preceding par. (1) "1979" for "1978" and in par. (1) "$261,000,000" for "$220,200,000".

1977—Pub. L. 95–88 substituted provisions authorizing appropriations for fiscal year 1978 for provisions stating that nothing in this chapter was intended to preclude the Committees on Appropriations from setting a ceiling on operating expenses of the agency primarily responsible for administering subchapter I of this chapter or limiting the availability of other sums therefor.

Effective Date of 1985 Amendment

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

Effective Date of 1979 Amendment

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

Effective Date of 1978 Amendment

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

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.

§2428. Repealed. Pub. L. 97–113, title VII, §734(a)(1), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 87–195, pt. III, §668, as added Pub. L. 94–329, title IV, §411, June 30, 1976, 90 Stat. 760, required annual reports respecting the Republic of Korea's armed forces modernization and self-sufficiency program, the role of the United States in the security of the Republic of Korea, and prospects for a withdrawal of United States forces from the country. See section 2375 of this title.

§2428a. Congressional declaration of policy toward Korea; transmittal of report to Speaker of the House and Congressional committees

(a) The Congress declares that—

(1) United States policy toward Korea should continue to be arrived at by joint decision of the President and the Congress;

(2) in any implementation of the President's policy of gradual and phased reduction of United States ground forces from the Republic of Korea, the United States should seek to accomplish such reduction in stages consistent with United States interests in Asia, notably Japan, and with the security interests of the Republic of Korea;

(3) any implementation of this policy should be carried out with a careful regard to the interest of the United States in continuing its close relationship with the people and government of Japan, in fostering democratic practices in the Republic of Korea, and in maintaining stable relations among the countries of East Asia; and

(4) these interests can be served most effectively by a policy which involves consultations by the United States Government, as appropriate, with the governments of the region, particularly those directly involved.

(b)(1) Any implementation of the foregoing policy shall be carried out in regular consultation with the Congress.

(2) Repealed. Pub. L. 103–236, title I, §139(5), Apr. 30, 1994, 108 Stat. 398.

(Pub. L. 95–105, title V, §512, Aug. 17, 1977, 91 Stat. 861; Pub. L. 103–236, title I, §139(5), Apr. 30, 1994, 108 Stat. 398.)

Codification

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Year 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Amendments

1994—Subsec. (b)(2). Pub. L. 103–236 struck out par. (2) which read as follows: "Not later than February 15, 1978, and not later than February 15 of each year thereafter until any such withdrawal is completed, the President shall transmit a report in writing to the Speaker of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Intelligence of the Senate assessing the implementation of the foregoing policy."

§2428b. Special security assistance for modernization of Armed Forces of Korea

(a) Transfer authority of President of defense articles and services located in Korea; applicable terms and conditions; reimbursement

(1) The President is authorized until December 31, 1982—

(A) to transfer, without reimbursement, to the Republic of Korea, only in conjunction with the withdrawal of the 2d Infantry Division and support forces from Korea, such United States Government-owned defense articles as he may determine which are located in Korea in the custody of units of the United States Army scheduled to depart from Korea; and

(B) to furnish to the Republic of Korea, without reimbursement, defense services (including technical and operational training) in Korea directly related to the United States Government-owned defense articles transferred to the Republic of Korea under this subsection.

(2) Any transfer under the authority of this section shall be made in accordance with all the terms and conditions of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] applicable to the furnishing of defense articles and

defense services under chapter 2 of part II of that Act [22 U.S.C. 2311 et seq.], except that no funds heretofore or hereafter appropriated under that Act shall be available to reimburse any agency of the United States Government for any such transfer or related services.

(b) Additional transfer authority of President of defense articles located outside of Korea; prerequisites for determinations respecting transfers; report by President to Congress of determinations

In order that transfers of defense articles under subsection (a) will not cause significant adverse impact on the readiness of the Armed Forces of the United States, the President is authorized, in lieu of such transfers, to transfer additional defense articles from the stocks of the Department of Defense, wherever located, to the Republic of Korea to compensate for the military capability of defense articles withdrawn from Korea in any case where he determines that—

(1) the transfer of specific defense articles located in Korea would have a significant adverse impact on the readiness of the United States Armed Forces;

(2) the defense capability provided by those defense articles is needed by the Armed Forces of the Republic of Korea in order to maintain the military balance on the Korean peninsula; and

(3) a comparable defense capability could be provided by less advanced defense articles in the stocks of the Department of Defense which could be transferred without significant adverse impact on the readiness of the United States Armed Forces.

The President shall report to the Congress each determination made under this subsection prior to the transfer of the defense articles described in such determination.

(c) Report by President to Congress of types, etc., of transferred defense articles

The President shall transmit to the Congress, together with the presentation materials for security assistance programs proposed for each fiscal year through and including the fiscal year 1983, a report describing the types, quantities, and value of defense articles furnished or intended to be furnished to the Republic of Korea under this section.

(d) Repealed. Pub. L. 97–113, title VII, §734(a)(12), Dec. 29, 1981, 95 Stat. 1560

(e) Congressional policy respecting further troop withdrawals

(1) It is the sense of the Congress that further withdrawal of ground forces of the United States from the Republic of Korea may seriously risk upsetting the military balance in that region and requires full advance consultation with the Congress.

(2) Repealed. Pub. L. 97–113, title VII, §734(a)(12), Dec. 29, 1981, 95 Stat. 1560.

(Pub. L. 95–384, §23, Sept. 26, 1978, 92 Stat. 743; Pub. L. 97–113, title VII, §734(a)(12), Dec. 29, 1981, 95 Stat. 1560.)

References in Text

The Foreign Assistance Act of 1961, referred to in subsec. (a)(2), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to this chapter (§2151 et seq.). Chapter 2 of part II of that Act is classified generally to part II (§2311 et seq.) of subchapter II of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Codification

Section was enacted as part of the International Security Assistance Act of 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Amendments

1981—Subsec. (d). Pub. L. 97–113 struck out subsec. (d) which required Presidential reports to Congress respecting viability of troop withdrawals from Korea.

Subsec. (e)(2). Pub. L. 97–113 struck out par. (2) which required Presidential reports to Congress respecting effect of further troop withdrawals from Korea.

§§2429, 2429a. Repealed. Pub. L. 103–236, title VIII, §826(b), Apr. 30, 1994, 108 Stat. 519

Section 2429, Pub. L. 87–195, pt. III, §669, as added Pub. L. 94–329, title III, §305, June 30, 1976, 90 Stat. 755; amended Pub. L. 95–92, §12, Aug. 4, 1977, 91 Stat. 620; Pub. L. 95–384, §§10(b)(4), 12(c)(3), Sept. 26, 1978, 92 Stat. 735, 737; Pub. L. 97–113, title VII, §737(b), Dec. 29, 1981, 95 Stat. 1562, related to nuclear enrichment transfers by or to recipients of economic, military or security supporting assistance from the United States. See section 2799aa of this title.

Section 2429a, Pub. L. 87–195, pt. III, §670, as added Pub. L. 95–92, §12, Aug. 4, 1977, 91 Stat. 620; amended Pub. L. 95–384, §§10(b)(4), 12(c)(3), Sept. 26, 1978, 92 Stat. 735, 737; Pub. L. 97–113, title VII, §737(c), Dec. 29, 1981, 95 Stat. 1562; Pub. L. 99–83, title XII, §1204(a), (b), Aug. 8, 1985, 99 Stat. 277, prohibited assistance to countries involved in transfer of nuclear reprocessing equipment, materials, or technology. See section 2799aa–1 of this title.

Effective Date of Repeal

Repeal by section 826(b) of Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

§2429a–1. Annual report on nuclear transfer activities

Beginning with the fiscal year 1983 and for each fiscal year thereafter, the President shall prepare and transmit to the Congress, as part of the presentation materials for foreign assistance programs proposed for that fiscal year, a classified report describing the nuclear programs and related activities of any country for which a waiver of section 2799aa or 2799aa–1 of this title is in effect, including an assessment of—

(1) the extent and effectiveness of International Atomic Energy Agency safeguards at that country's nuclear facilities; and

(2) the capability, actions, and intentions of the government of that country with respect to the manufacture or acquisition of a nuclear explosive device.

(Pub. L. 97–113, title VII, §735, Dec. 29, 1981, 95 Stat. 1561; Pub. L. 103–236, title VIII, §826(c), Apr. 30, 1994, 108 Stat. 519.)

Codification

Section was enacted as part of the International Security and Development Cooperation Act of 1981, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Amendments

1994—Pub. L. 103–236 substituted "section 2799aa or 2799aa–1" for "section 2429 or 2429a".

Effective Date of 1994 Amendment

Amendment by Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

§2429a–2. Enforcement of nonproliferation treaties

(a) Policy

It is the sense of the Congress that the President should instruct the United States Permanent Representative to the United Nations to enhance the role of that institution in the enforcement of nonproliferation treaties through the passage of a United Nations Security Council resolution which would state that, any 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 safeguard agreement or materially violated a bilateral United States nuclear cooperation agreement entered into after March 10, 1978.

(c) Waiver

The President may waive the application of subsection (b) if—

(1) the President determines that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security; and

(2) the President reports such determination to the Congress at least 15 days in advance of any resumption of assistance to that state.

(Pub. L. 103–236, title V, §530, Apr. 30, 1994, 108 Stat. 479.)

References in Text

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to this chapter (§2151 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Codification

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

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. 18103, set out in a note under section 635 of Title 12, Banks and Banking.

§2429b. Transferred

Codification

Section, Pub. L. 87–195, pt. III, §671, as added Pub. L. 95–88, title I, §130, Aug. 3, 1977, 91 Stat. 543, which related to notification of program changes, was transferred to section 2394–1 of this title.

SUBCHAPTER III–A—ENTERPRISE FOR THE AMERICAS INITIATIVE

§2430. Purpose

The purpose of this subchapter is to encourage and support improvement in the lives of the people of Latin America and the Caribbean through market-oriented reforms and economic growth with interrelated actions to promote debt reduction, investment reforms, community based conservation, and sustainable use of the environment, and child survival and child development. The Facility will support these objectives through administration of debt reduction operations under this subchapter for those countries with democratically elected governments that meet investment reforms and other policy conditions.

(Pub. L. 87–195, pt. IV, §701, as added Pub. L. 102–549, title VI, §602(a), Oct. 28, 1992, 106 Stat. 3664.)

Prior Provisions

A prior section 701 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 463, amended section 1651 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 87–565, pt. IV, §401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 701 affected section 1651.

§2430a. Definitions

For purposes of this subchapter—

(1) the term "administering body" means the entity provided for in section 2430g(c) of this title;

(2) the term "Americas Framework Agreement" means an Americas Framework Agreement provided for in section 2430g of this title;

(3) the term "Americas Fund" means an Enterprise for the Americas Fund provided for in section 2430f(a) of this title;

(4) the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate;

(5) the term "beneficiary country" means an eligible country with respect to which the authority of section 2430c(a)(1) of this title is exercised;

(6) the term "eligible country" means a country designated by the President in accordance with section 2430b of this title;

(7) the term "Enterprise for the Americas Board" or "Board" means the board established by section 1738i of title 7; and

(8) the term "Facility" means the Enterprise for the Americas Facility established in the Department of the Treasury by section 1738 of title 7.

(Pub. L. 87–195, pt. IV, §702, as added Pub. L. 102–549, title VI, §602(a), Oct. 28, 1992, 106 Stat. 3664; amended Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

Prior Provisions

A prior section 702 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 463, amended section 1701 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 87–565, pt. IV, §401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 702 affected section 1701.

Amendments

2008—Par. (7). Pub. L. 110–246 made technical amendment to reference in original act which appears in text as reference to section 1738i of title 7.

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), the President shall determine whether a country is eligible to receive benefits under this subchapter. The President shall notify the appropriate congressional committees of his intention to designate a country as an eligible country at least 15 days in advance of any formal determination.

(Pub. L. 87–195, pt. IV, §703, as added Pub. L. 102–549, title VI, §602(a), Oct. 28, 1992, 106 Stat. 3664.)

Prior Provisions

A prior section 703 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 463, amended section 1613d of this title and enacted provisions set out as a note under section 1613d of this title, prior to repeal by Pub. L. 87–565, pt. IV, §401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 703 affected section 1613d.

Delegation of Functions

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) 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).

(2) Exchange of obligations

The Facility shall notify the agency primarily responsible for administering subchapter I of this chapter of the agreement with an eligible country to exchange a new obligation for outstanding obligations pursuant to this subsection. At the direction of the Facility, the old obligations shall be canceled and a new debt obligation for the country shall be established, and the agency primarily responsible for administering subchapter I of this chapter shall make an adjustment in its accounts to reflect the debt reduction.

(Pub. L. 87–195, pt. IV, §704, as added Pub. L. 102–549, title VI, §602(a), Oct. 28, 1992, 106 Stat. 3665.)

References in Text

Section 321 of the International Development and Food Assistance Act of 1975, referred to in subsec. (a)(3)(B), is section 321 of Pub. L. 94–161, which is set out as a note under section 2220a of this title.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Prior Provisions

A prior section 704 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 463, amended section 1704 of Title 7, Agriculture, prior to repeal by Pub. L. 87–565, pt. IV, §401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 704 affected section 1704.

Delegation of Functions

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. (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.

§2430d. Repayment of principal

(a) Currency of payment

The principal amount of each new obligation issued pursuant to section 2430c(b) of this title shall be repaid in United States dollars.

(b) Deposit of payments

Principal repayments of new obligations shall be deposited in the United States Government account established for principal repayments of the obligations for which those obligations were exchanged.

(Pub. L. 87–195, pt. IV, §705, as added Pub. L. 102–549, title VI, §602(a), Oct. 28, 1992, 106 Stat. 3666.)

Prior Provisions

A prior section 705 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 463, amended section 1964 of this title, prior to repeal by Pub. L. 87–565, pt. IV, §401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 705 affected section 1964.

§2430e. Interest on new obligations

(a) Rate of interest

New obligations issued by a beneficiary country pursuant to section 2430c(b) of this title shall bear interest at a concessional rate.

(b) Currency of payment; deposits

(1) Local currency

If the beneficiary country has entered into an Americas Framework Agreement, interest shall be paid in the local currency of the beneficiary country and deposited in an Americas Fund. Such interest shall be the property

of the beneficiary country, until such time as it is disbursed pursuant to section 2430f(d) of this title. Such local currencies shall be used for the purposes specified in the Americas Framework Agreement.

(2) United States dollars

If the beneficiary country has not entered into an Americas Framework Agreement, interest shall be paid in United States dollars and deposited in the United States Government account established for interest payments of the obligations for which the new obligations were exchanged.

(c) Interest already paid

If a beneficiary country enters into an Americas Framework Agreement subsequent to the date on which interest first became due on the newly issued obligation, any interest already paid on such new obligation shall not be redeposited into the Americas Fund established for that country.

(Pub. L. 87–195, pt. IV, §706, as added Pub. L. 102–549, title VI, §602(a), Oct. 28, 1992, 106 Stat. 3666.)

Prior Provisions

A prior section 706 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 463, enacted section 1945 of this title, prior to repeal by Pub. L. 87–565, pt. IV, §401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 706 affected section 1945.

§2430f. Enterprise for the Americas Funds

(a) Establishment

Each beneficiary country that enters into an Americas Framework Agreement shall be required to establish an Enterprise for the Americas Fund to receive payments in local currency pursuant to section 2430e(b)(1) of this title.

(b) Deposits

Local currencies deposited in an Americas Fund shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(c) Investment

Deposits made in an Americas Fund shall be invested until disbursed. Any return on such investment may be retained by the Americas Fund, without deposit in the Treasury of the United States and without further appropriation by the Congress.

(d) Disbursements

Funds in an Americas Fund shall be disbursed only pursuant to an Americas Framework Agreement.

(Pub. L. 87–195, pt. IV, §707, as added Pub. L. 102–549, title VI, §602(a), Oct. 28, 1992, 106 Stat. 3666.)

Prior Provisions

A prior section 707 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 464, amended section 1783 of this title, prior to repeal by Pub. L. 87–565, pt. IV, §401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 707 affected section 1783.

§2430g. Americas Framework Agreements

(a) Authority

The Secretary of State is authorized, in consultation with other appropriate Government officials, to enter into an Americas Framework Agreement with any eligible country concerning the operation and use of the Americas Fund for that country. In the negotiation of such Agreements, the Secretary shall consult with the Enterprise for the Americas Board in accordance with section 2430h of this title.

(b) Contents of Agreements

An Americas Framework Agreement with an eligible country shall—

(1) require that country to establish an Americas Fund;

(2) require that country to make interest payments under section 2430e(b)(1) of this title into an Americas Fund;

(3) require that country to make prompt disbursements from the Americas Fund to the administering body described in subsection (c);

(4) when appropriate, seek to maintain the value of the local currency resources of the Americas Fund in terms of United States dollars;

(5) specify, in accordance with subsection (d), the purposes for which amounts in an Americas Fund may be used; and

(6) contain reasonable provisions for the enforcement of the terms of the agreement.

(c) Administering body

(1) In general

Funds disbursed from the Americas Fund in each beneficiary country shall be administered by a body constituted under the laws of that country.

(2) Composition

The administering body shall consist of—

(A) one or more individuals appointed by the United States Government,

(B) one or more individuals appointed by the government of the beneficiary country, and

(C) individuals who represent a broad range of—

(i) environmental nongovernmental organizations of the beneficiary country,

(ii) child survival and child development nongovernmental organizations of the beneficiary country,

(iii) local community development nongovernmental organizations of the beneficiary country, and

(iv) scientific or academic organizations or institutions of the beneficiary country.

A majority of the members of the administering body shall be individuals described in subparagraph (C).

(3) Responsibilities

The administering body—

(A) shall receive proposals for grant assistance from eligible grant recipients (as determined under subsection (e)) and make grants to eligible grant recipients in accordance with the priorities agreed upon in the Americas Framework Agreement, consistent with subsection (d);

(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 program for review each year by the Enterprise for the Americas Board; and

(F) shall submit a report each year on the activities that it undertook during the previous year to the Chair of the Enterprise for the Americas Board and to the government of the beneficiary country.

(d) Eligible activities

Grants from an Americas Fund shall be used for—

(1) activities that link the conservation and sustainable use of natural resources with local community development; and

(2) child survival and other child development activities.

(e) Grant recipients

Grants made from an Americas Fund shall be made to—

(1) nongovernmental environmental, conservation, child survival and child development, development, and indigenous peoples organizations of the beneficiary country;

(2) other appropriate local or regional entities; and

(3) in exceptional circumstances, the government of the beneficiary country.

(f) Review of larger grants

Any grant of more than $100,000 from an Americas Fund shall be subject to veto by the Government of the United States or the government of the beneficiary country.

(g) Eligibility criteria

In the event that a country ceases to meet the eligibility requirements set forth in section 2430b(a) of this title, as determined by the President pursuant to section 2430b(b) of this title, then grants from the Americas Fund for that country may only be made to nongovernmental organizations until such time as the President determines that such country meets the eligibility requirements set forth in section 2430b(a) of this title.

(Pub. L. 87–195, pt. IV, §708, as added Pub. L. 102–549, title VI, §602(a), Oct. 28, 1992, 106 Stat. 3667; amended Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814.)

Prior Provisions

A prior section 708 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 464, amended sections 1041, 1112, 1136, 1148, and 1157 of this title, prior to repeal by Pub. L. 87–565, pt. IV, §401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 708 affected sections 1041, 1112, 1136, 1148, and 1157.

Amendments

2004—Subsec. (c)(3)(D). Pub. L. 108–271 substituted "Government Accountability Office" for "General Accounting Office".

§2430h. Enterprise for the Americas Board

For purposes of this subchapter, the Enterprise for the Americas Board shall—

(1) advise the Secretary of State on the negotiations of Americas Framework Agreements;

(2) ensure, in consultation with—
(A) the government of the beneficiary country,
(B) nongovernmental organizations of the beneficiary country,
(C) nongovernmental organizations of the region (if appropriate),
(D) environmental, scientific, child survival and child development, and academic leaders of the beneficiary country, and
(E) environmental, scientific, child survival and child development, and academic leaders of the region (as appropriate),

that a suitable administering body is identified for each Americas Fund; and
(3) review the programs, operations, and fiscal audits of each administering body.

(Pub. L. 87–195, pt. IV, §709, as added Pub. L. 102–549, title VI, §602(a), Oct. 28, 1992, 106 Stat. 3668.)

Prior Provisions

A prior section 709 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 465, amended section 279a of this title, prior to repeal by Pub. L. 87–565, pt. IV, §401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 709 affected section 279a.

§2430i. Annual reports to Congress

The annual reports submitted pursuant to section 1738m of title 7 shall include a description of each Americas Framework Agreement and a description of any grants that have been extended by administering bodies pursuant to an Americas Framework Agreement.

(Pub. L. 87–195, pt. IV, §710, as added Pub. L. 102–549, title VI, §602(a), Oct. 28, 1992, 106 Stat. 3669; amended Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

Prior Provisions

A prior section 710 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 465, amended section 276 of this title and enacted provisions set out as a note under section 276 of this title, prior to repeal by Pub. L. 87–565, pt. IV, §401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 710 affected section 276.

Amendments

2008—Pub. L. 110–246 made technical amendment to reference in original act which appears in text as reference to section 1738m of title 7.

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 and coral reef ecosystems 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 agricultural and coastal resources depend.

(3) International negotiations and assistance programs to conserve forest resources have proliferated over the past decade, but the rapid rate of tropical deforestation continues unabated.

(4) Developing countries with urgent needs for investment and capital for development have allocated a significant amount of their forests to logging concessions.

(5) Poverty and economic pressures on the populations of developing countries have, over time, resulted in clearing of vast areas of 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 and coral reef ecosystems.

(7) Finding economic benefits to local communities from sustainable uses of tropical forests and coral reef ecosystems is critical to the protection of such areas.

(b) Purposes

The purposes of this subchapter are—

(1) to recognize the values received by United States citizens from protection of tropical forests and coral reef ecosystems;

(2) to facilitate greater protection of tropical forests and coral ecosystems (and to give priority to protecting areas with the highest levels of biodiversity and under the most severe threat) by providing for the alleviation of debt in countries where tropical forests and coral reef ecosystems 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 coral reef ecosystems and their associated values; and

(4) to rechannel existing resources to facilitate the protection of tropical forests and coral reef ecosystems.

(Pub. L. 87–195, pt. V, §802, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 885; amended Pub. L. 115–440, §3(a), Jan. 14, 2019, 132 Stat. 5580.)

Prior Provisions

A prior section 2431, Pub. L. 87–195, pt. V, §801, as added Pub. L. 93–189, §24, Dec. 17, 1973, 87 Stat. 728, authorized the President to furnish assistance for relief and reconstruction of South Vietnam, Cambodia, and Laos, prior to repeal by Pub. L. 94–329, title IV, §413(a), June 30, 1976, 90 Stat. 761.

A prior section 802 of Pub. L. 87–195, pt. V, was classified to section 2432 of this title prior to repeal by Pub. L. 94–329.

Amendments

2019—Subsec. (a)(1). Pub. L. 115–440, §3(a)(1), substituted "tropical forests and coral reef ecosystems" for "tropical forests".

Subsec. (a)(2)(C). Pub. L. 115–440, §3(a)(2), struck out "far-flung" before "agricultural".

Subsec. (a)(6). Pub. L. 115–440, §3(a)(1), substituted "tropical forests and coral reef ecosystems" for "tropical forests".

Subsec. (a)(7). Pub. L. 115–440, §3(a)(3), substituted "tropical forests and coral reef ecosystems is critical to the protection of such areas" for "tropical forests is critical to the protection of tropical forests".

Subsec. (b)(1). Pub. L. 115–440, §3(a)(1), substituted "tropical forests and coral reef ecosystems" for "tropical forests".

Subsec. (b)(2). Pub. L. 115–440, §3(a)(4), substituted "protection of tropical forests and coral ecosystems" for "protection of tropical forests", "protecting areas" for "protecting tropical forests", and "where tropical forests and coral reef ecosystems" for "'where tropical forests".

Subsec. (b)(3), (4). Pub. L. 115–440, §3(a)(1), substituted "tropical forests and coral reef ecosystems" for "tropical forests".

Short Title

For short title of this subchapter as the "Tropical Forest and Coral Reef Conservation Act of 1998", see section 801 of Pub. L. 87–195, set out as a note under section 2151 of this title.

§2431a. Definitions

As used in this subchapter:

(1) Administering body

The term "administering body" means the entity provided for in section 2431g(c) of this title.

(2) Appropriate congressional committees

The term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) Beneficiary country

The term "beneficiary country" means an eligible country with respect to which the authority of section 2431d(a)(1) of this title, section 2431e(a)(1) of this title, or paragraph (1) or (2) of section 2431f(a) of this title is exercised.

(4) Board

The term "Board" means the board referred to in section 2431i of this title.

(5) Developing country with a tropical forest or coral reef

The term "developing country with a tropical forest or coral reef" 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 or coral reef that is globally outstanding in terms of its biological diversity or represents one of the larger intact blocks of tropical forests or coral reefs 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) Conservation Agreement

The term "Conservation Agreement" or "Agreement" means a Conservation Agreement provided for in section 2431g of this title.

(8) Conservation Facility

The term "Conservation Facility" or "Facility" means the Conservation Facility established in the Department of the Treasury by section 2431b of this title.

(9) Conservation Fund

The term "Conservation Fund" or "Fund" means a Conservation Fund provided for in section 2431h of this title.

(10) Coral

The term "coral" means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), and Coenothecalia (blue coral), of the class Anthoza; [1] and

(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

(11) Coral reef

The term "coral reef" means any reef or shoal composed primarily of coral.

(12) Coral reef ecosystem

The term "coral reef ecosystem" means any coral reef and any coastal marine ecosystem surrounding, or directly related to, a coral reef and important to maintaining the ecological integrity of that coral reef, such as seagrasses, mangroves, sandy seabed communities, and immediately adjacent coastal areas.

(Pub. L. 87–195, pt. V, §803, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 886; amended Pub. L. 115–440, §§3(b), 4(b), 8(e), 9(b)(1), Jan. 14, 2019, 132 Stat. 5581, 5583, 5584.)

Prior Provisions

A prior section 803 of Pub. L. 87–195, pt. V, was classified to section 2433 of this title prior to repeal by Pub. L. 94–329.

Amendments

2019—Par. (5). Pub. L. 115–440, §3(b)(1)(A), (B), substituted "tropical forest or coral reef" for "tropical forest" in heading and introductory provisions.

Par. (5)(B). Pub. L. 115–440, §3(b)(1)(C), substituted "tropical forest or coral reef" for "tropical forest" and "tropical forests or coral reefs" for "tropical forests".

Par. (7). Pub. L. 115–440, §8(e), substituted "Conservation Agreement" for "Tropical Forest Agreement" in heading and in two places in text.

Par. (8). Pub. L. 115–440, §4(b), substituted "Conservation Facility" for "Tropical Forest Facility" in heading and in two places in text.

Par. (9). Pub. L. 115–440, §9(b)(1), substituted "Conservation Fund" for "Tropical Forest Fund" in heading and in two places in text.

Pars. (10) to (12). Pub. L. 115–440, §3(b)(2), added pars. (10) to (12).

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.

[1] *So in original. Probably should be "Anthozoa;".*

§2431b. Establishment of Facility

There is established in the Department of the Treasury an entity to be known as the "Conservation Facility" for the purpose of providing for the administration of debt reduction in accordance with this subchapter.

(Pub. L. 87–195, pt. V, §804, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 887; amended Pub. L. 115–440, §4(a), Jan. 14, 2019, 132 Stat. 5581.)

Prior Provisions

A prior section 804 of Pub. L. 87–195, pt. V, was classified to section 2434 of this title prior to repeal by Pub. L. 94–329.

Amendments

2019—Pub. L. 115–440 substituted "Conservation Facility" for "Tropical Forest Facility".

Change of Name

Pub. L. 115–440, §4(c), Jan. 14, 2019, 132 Stat. 5582, provided that: "Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the 'Tropical Forest Facility' shall be deemed to be a reference to the 'Conservation Facility'."

§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 or coral reef—

(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 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 a Fund monitored program, or is implementing sound macroeconomic policies, unless the President determines that such an arrangement or program could reasonably be expected to have significant adverse social or environmental effect; 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 that the resulting adjustment requirements could reasonably be expected to have significant adverse social or environmental effects;

(6) if appropriate, has [1] agreed with its commercial bank lenders on a satisfactory financing program, including, as appropriate, debt or debt service reduction; and

(7) 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), the President shall determine whether a country is eligible to receive benefits under this subchapter.

(2) Congressional notification

The President shall notify the appropriate congressional committees of his intention to designate a country as an eligible country at least 15 days in advance of any formal determination.

(Pub. L. 87–195, pt. V, §805, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 887; amended Pub. L. 107–26, §1, Aug. 17, 2001, 115 Stat. 206; Pub. L. 115–440, §5, Jan. 14, 2019, 132 Stat. 5582.)

Prior Provisions

A prior section 805 of Pub. L. 87–195, pt. V, enacted a provision set out as a note under former section 2431 of this title prior to repeal by Pub. L. 94–329, title IV, §413(a), June 30, 1976, 90 Stat. 761.

Amendments

2019—Subsec. (a). Pub. L. 115–440, §5(1), substituted "tropical forest or coral reef" for "tropical forest" in introductory provisions.

Subsec. (a)(1) to (7). Pub. L. 115–440, §5(2), (3), added pars. (1) to (6), redesignated former par. (2) as (7), and struck out former par. (1) which read as follows: "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".

2001—Subsec. (a)(2). Pub. L. 107–26 struck out "major" before "investment reforms,".

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.

[1] *So in original. Probably should be preceded by "that".*

§2431d. Reduction of debt owed to United States as result of concessional loans under this chapter

(a) Authority to reduce debt

(1) Authority

The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of concessional loans made to an eligible country by the United States under subchapter I of this chapter, part IV of subchapter II of this chapter, or predecessor foreign economic assistance legislation.

(2) Authorization of appropriations

For the cost (as defined in section 661a(5) of title 2) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

(A) $25,000,000 for fiscal year 1999;
(B) $75,000,000 for fiscal year 2000; and
(C) $100,000,000 for fiscal year 2001.

(3) Certain prohibitions inapplicable

(A) In general

A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(B) Additional requirement

The authority of this section may be exercised notwithstanding section 2370(r) of this title or section 321 of the International Development and Food Assistance Act of 1975.

(b) Implementation of debt reduction

(1) In general

Any debt reduction pursuant to subsection (a) 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) outstanding as of the date specified in subsection (a)(1).

(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) 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) (in accordance with paragraph (1)(A) of this subsection), repayment of principal on a new obligation established under subsection (b) may be made in the local currency of the beneficiary country and deposited in the Conservation 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.

(7) $20,000,000 for fiscal year 2019.

(8) $20,000,000 for fiscal year 2020.

(e) Use of funds to conduct program audits, evaluations, monitoring, and administration

Of the amounts made available to carry out this subchapter for a fiscal year, $300,000 is authorized to be made available to carry out audits, evaluations, monitoring, and administration of programs under this subchapter, including personnel costs associated with such audits, evaluations, monitoring and administration.

(Pub. L. 87–195, pt. V, §806, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 887; amended Pub. L. 107–26, §2(a), Aug. 17, 2001, 115 Stat. 206; Pub. L. 108–323, §§1–3(a), Oct. 6, 2004, 118 Stat. 1218; Pub. L. 115–440, §§9(b)(2), 11, Jan. 14, 2019, 132 Stat. 5584.)

References in Text

This chapter, referred to in section catchline, was in the original "the Foreign Assistance Act of 1961", meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to this chapter (§2151 et seq.). For complete classification of the Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Section 321 of the International Development and Food Assistance Act of 1975, referred to in subsec. (a)(3)(B), is section 321 of Pub. L. 94–161, Dec. 20, 1975, 89 Stat. 868, which is set out as a note under section 2220a of this title.

References to Subchapter I Deemed To Include Certain Parts of Subchapter II

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

Prior Provisions

A prior section 806 of Pub. L. 87–195, pt. V, was classified to section 2435 of this title prior to repeal by Pub. L. 94–329.

Amendments

2019—Subsec. (c)(2). Pub. L. 115–440, §9(b)(2), substituted "Conservation Fund" for "Tropical Forest Fund".

Subsec. (d)(7), (8). Pub. L. 115–440, §11(1), added pars. (7) and (8).

Subsec. (e). Pub. L. 115–440, §11(2), amended subsec. (e) generally. Prior to amendment, text read as follows: "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."

2004—Subsec. (c). Pub. L. 108–323, §3(a), designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), and added par. (2).

Subsec. (d)(4) to (6). Pub. L. 108–323, §1, added pars. (4) to (6).

Subsec. (e). Pub. L. 108–323, §2, added subsec. (e).

2001—Subsec. (d). Pub. L. 107–26 added subsec. (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.

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.

§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 14, 2019, 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) 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) outstanding as of the date specified in subsection (a)(1).

(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) 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) (in accordance with paragraph (1)(A) of this subsection), repayment of principal on a new obligation established under subsection (b) may be made in the local currency of the beneficiary country and deposited in the Conservation 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].

(Pub. L. 87–195, pt. V, §807, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 888; amended Pub. L. 108–323, §3(b), Oct. 6, 2004, 118 Stat. 1219; Pub. L. 110–246, title III, §3001(b)(1), (2)(Q), June 18, 2008, 122 Stat. 1820; Pub. L. 115–440, §§6, 9(b)(3), Jan. 14, 2019, 132 Stat. 5582, 5584.)

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 1691 of Title 7 and Tables.

Amendments

2019—Subsec. (a)(1). Pub. L. 115–440, §6, substituted "outstanding as of January 14, 2019," for "outstanding as of January 1, 1998,".

Subsec. (c)(2). Pub. L. 115–440, §9(b)(3), substituted "Conservation Fund" for "Tropical Forest Fund".

2008—Pub. L. 110–246 substituted "Food for Peace Act" for "Agricultural Trade Development and Assistance Act of 1954" in section catchline and wherever appearing in subsecs. (a)(1) and (c).

2004—Subsec. (c). Pub. L. 108–323 designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (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 2381 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 lessor of 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support eligible activities described in section 2431g(d) of this title.

(3) Limitation

The authority provided by paragraphs (1) and (2) shall be available only to the extent that appropriations for the cost (as defined in section 661a(5) of title 2) of the modification of any debt pursuant to such paragraphs are made in advance.

(4) Terms and conditions

Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans and credits may be sold, reduced, or canceled pursuant to this section.

(5) Administration

(A) In general

The Facility shall notify the administrator of the agency primarily responsible for administering subchapter I of this chapter or the Commodity Credit Corporation, as the case may be, of eligible purchasers described in paragraph (1)(B) that the President has determined to be eligible under paragraph (1), and shall direct such agency or Corporation, as the case may be, to carry out the sale, reduction, or cancellation of a loan pursuant to such paragraph.

(B) Additional requirement

Such agency or Corporation, as the case may be, shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(C) United States Government representation on the administering body

One or more individuals appointed by the United States Government shall serve in an official capacity on the administering body that oversees the implementation of grants arising from a debt-for-nature swap or debt buyback regardless of whether the United States is a party to any agreement between the eligible purchaser and the government of the beneficiary country.

(b) Deposit of proceeds

The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(Pub. L. 87–195, pt. V, §808, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 889; amended Pub. L. 107–26, §2(b), Aug. 17, 2001, 115 Stat. 206; Pub. L. 115–440, §7, Jan. 14, 2019, 132 Stat. 5582.)

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

2019—Subsec. (a)(5)(C). Pub. L. 115–440 added subpar. (C).

2001—Subsec. (a)(1)(D). Pub. L. 107–26 substituted "to be appropriated under sections 2431d(a)(2), 2431e(a)(2), and 2431d(d) of this title" for "to appropriated under sections 2431d(a)(2) and 2431e(a)(2) 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.

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.

§2431g. Conservation Agreement

(a) Authority

The Secretary of State is authorized, in consultation with other appropriate officials of the Federal Government, to enter into a Conservation Agreement with any eligible country concerning the operation and use of the Fund for that country.

(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 to serve in an official capacity;
(ii) one or more individuals appointed by the government of the beneficiary country; and
(iii) individuals who represent a broad range of—
(I) environmental nongovernmental organizations of, or active in, the beneficiary country;
(II) local community development nongovernmental organizations of the beneficiary country; and
(III) scientific, academic, or forestry organizations of the beneficiary country.

(B) Additional requirement

A majority of the members of the administering body shall be individuals described in subparagraph (A)(iii).

(3) Responsibilities

The requirements contained in section 2430g(c)(3) of this title (relating to responsibilities of the administering body) shall apply to an administering body described in paragraph (1) in the same manner as such requirements apply to an administering body described in section 2430g(c)(1) of this title.

(d) Eligible activities

Amounts deposited in a Fund shall be used only to provide grants to conserve, maintain, and restore the tropical forests and coral reef ecosystems 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 plant life to treat human diseases, illnesses, and health related concerns.

(6) Development and support of the livelihoods of individuals dependent on a tropical forest or coral reef ecosystem and related resources in a manner consistent with conserving such resources.

(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 limited circumstances, the government of the beneficiary country when needed to improve governance and enhance management of tropical forests or coral reef ecosystems, without replacing existing levels of financial efforts by the government of the beneficiary country and with priority given to projects that complement grants made under subparagraphs (A) and (B).

(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 $250,000 from a Fund must be approved by the Government of the United States and the government of the beneficiary country.

(g) Eligibility criteria

In the event that a country ceases to meet the eligibility requirements set forth in section 2431c(a) of this title, as determined by the President pursuant to section 2431c(b) of this title, then grants from the Fund for that country may only be made to nongovernmental organizations until such time as the President determines that such country meets the eligibility requirements set forth in section 2431c(a) of this title.

(Pub. L. 87–195, pt. V, §809, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 890; amended Pub. L. 115–440, §8(a)–(d), Jan. 14, 2019, 132 Stat. 5583.)

Amendments

2019—Pub. L. 115–440, §8(a)(1), substituted "Conservation Agreement" for "Tropical Forest Agreement" in section catchline.

Subsec. (a). Pub. L. 115–440, §8(a)(2), (b), struck out par. (1) designation and heading, substituted "Conservation Agreement" for "Tropical Forest Agreement", and struck out par. (2). Prior to amendment, text of par. (2) read as follows: "In the negotiation of such an Agreement, the Secretary shall consult with the Board in accordance with section 2431i of this title."

Subsec. (c)(2)(A)(i). Pub. L. 115–440, §8(d)(1), inserted "to serve in an official capacity" after "Government".

Subsec. (d). Pub. L. 115–440, §8(d)(2)(A), substituted "tropical forests and coral reef ecosystems" for "tropical forests" in introductory provisions.

Subsec. (d)(5). Pub. L. 115–440, §8(d)(2)(B), struck out "tropical forest" before "plant".

Subsec. (d)(6). Pub. L. 115–440, §8(d)(2)(C), substituted "dependent on a tropical forest or coral reef ecosystem and related resources in a manner consistent with conserving such resources" for "living in

or near a tropical forest in a manner consistent with protecting such tropical forest".

Subsec. (e)(1)(C). Pub. L. 115–440, §8(c)(1), substituted "in limited circumstances, the government of the beneficiary country when needed to improve governance and enhance management of tropical forests or coral reef ecosystems, without replacing existing levels of financial efforts by the government of the beneficiary country and with priority given to projects that complement grants made under subparagraphs (A) and (B)" for "in exceptional circumstances, the government of the beneficiary country".

Subsec. (f). Pub. L. 115–440, §8(c)(2), amended subsec. (f) generally. Prior to amendment, text read as follows: "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."

§2431h. Conservation Fund

(a) Establishment

Each beneficiary country that enters into a Conservation Agreement under section 2431g of this title shall be required to establish a Conservation 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 shall apply to the Fund in the same manner as such terms as [1] conditions apply to an Enterprise for the Americas Fund under section 2430f of this title:

(1) The provision relating to deposits under subsection (b) of such section.

(2) The provision relating to investments under subsection (c) of such section.

(3) The provision relating to disbursements under subsection (d) of such section.

(Pub. L. 87–195, pt. V, §810, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 892; amended Pub. L. 108–323, §3(c), Oct. 6, 2004, 118 Stat. 1219; Pub. L. 115–440, §9(a), Jan. 14, 2019, 132 Stat. 5584.)

Amendments

2019—Pub. L. 115–440, §9(a)(1), substituted "Conservation Fund" for "Tropical Forest Fund" in section catchline.

Subsec. (a). Pub. L. 115–440, §9(a)(2), substituted "Conservation Agreement" for "Tropical Forest Agreement" and "Conservation Fund" for "Tropical Forest Fund".

2004—Subsec. (a). Pub. L. 108–323 inserted "and principal" after "interest".

[1] *So in original. Probably should be "and".*

§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.
(3) Review the programs, operations, and fiscal audits of each administering body.

(Pub. L. 87–195, pt. V, §811, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 892; amended Pub. L. 107–26, §3, Aug. 17, 2001, 115 Stat. 206; Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

Amendments

2008—Subsecs. (a), (b)(2). Pub. L. 110–246 made technical amendments to references in original act which appear in text as references to section 1738i(a) of title 7 in subsec. (a) and section 1781i(b)(2) of title 7 in subsec. (b)(2).

2001—Subsec. (b)(2). Pub. L. 107–26 substituted "and shall be the representative from the Department of State appointed under section 1738i(b)(1)(A) of title 7" for "from among the representatives appointed under section 1738i(b)(1)(A) of title 7 or paragraph (1)(A) of this subsection".

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 2381 of this title.

§2431j. Consultations with Congress

The President shall consult with the appropriate congressional committees on a periodic basis to review the operation of the Facility under this subchapter and the eligibility of countries for benefits from the Facility under this subchapter.

(Pub. L. 87–195, pt. V, §812, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 893.)

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.

§2431k. Annual reports to Congress

Not later than April 15 of each year, the President shall prepare and transmit to the Congress an annual report concerning the operation of the Facility for the prior calendar year. Such report shall include—

(1) a description of the activities undertaken by the Facility during the previous calendar 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.

(Pub. L. 87–195, pt. V, §813, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 893; amended Pub. L. 115–440, §10, Jan. 14, 2019, 132 Stat. 5584.)

Prior Provisions

Prior sections 2432 to 2435 were repealed by Pub. L. 94–329, title IV, §413(a), June 30, 1976, 90 Stat. 761.

Section 2432, Pub. L. 87–195, pt. V, §802, as added Pub. L. 93–189, §24, Dec. 17, 1973, 87 Stat. 728, authorized appropriation of $504,000,000 for fiscal year 1974 to remain available until expended for relief and reconstruction of South Vietnam, Cambodia, and Laos.

Section 2433, Pub. L. 87–195, pt. V, §803, as added Pub. L. 93–189, §24, Dec. 17, 1973, 87 Stat. 728, provided for assistance to South Vietnamese children.

Section 2434, Pub. L. 87–195, pt. V, §804, as added Pub. L. 93–189, §24, Dec. 17, 1973, 87 Stat. 729, made provision for assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

Section 2435, Pub. L. 87–195, pt. V, §806, as added Pub. L. 93–559, §41, Dec. 30, 1974, 88 Stat. 1812, directed that provisions covering special programs for relief of South Vietnam, Cambodia, and Laos

not apply to programs related to population growth, narcotics control, humanitarian programs by international organizations, and regional programs.

Amendments

2019—Pub. L. 115–440 struck out subsec. (a) designation and heading, substituted "April 15" for "December 31" and, in two places, "calendar year" for "fiscal year", and struck out subsec. (b). Prior to amendment, text of subsec. (b) read as follows: "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). 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."

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 2 of Ex. Ord. No. 13345, July 8, 2004, 69 F.R. 41901, set out as a note under section 1738 of Title 7, Agriculture.

SUBCHAPTER V—MIDDLE EAST ASSISTANCE

§§2441 to 2443. Repealed. Pub. L. 95–384, §12(c)(4), Sept. 26, 1978, 92 Stat. 737

Section 2441, Pub. L. 87–195, pt. VI, §901, as added Pub. L. 93–559, §42, Dec. 30, 1974, 88 Stat. 1812; amended Pub. L. 94–329, title IV, §401, June 30, 1976, 90 Stat. 756, related to Congressional statement of policy with regard to Middle East assistance.

Section 2442, Pub. L. 87–195, pt. VI, §902, as added Pub. L. 93–559, §42, Dec. 30, 1974, 88 Stat. 1812, related to allocations of funds with regard to Middle East assistance.

Section 2443, Pub. L. 87–195, pt. VI, §903, as added Pub. L. 93–559, §42, Dec. 30, 1974, 88 Stat. 1812; amended Pub. L. 94–329, title V, §502, June 30, 1976, 90 Stat. 763; Pub. L. 95–92, §13, Aug. 4, 1977, 91 Stat. 621, related to a special requirements fund with regard to Middle East assistance.