

guards agreement would be subjected to international economic sanctions, the scope of which to be determined by the United Nations Security Council.

(b) Prohibition

Notwithstanding any other provision of law, no United States assistance under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] shall be provided to any non-nuclear weapon state that is found by the President to have terminated, abrogated, or materially violated an IAEA full-scope safeguard agreement or materially violated a bilateral United States nuclear cooperation agreement entered into after March 10, 1978.

(c) Waiver

The President may waive the application of subsection (b) of this section if—

- (1) the President determines that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security; and
- (2) the President reports such determination to the Congress at least 15 days in advance of any resumption of assistance to that state.

(Pub. L. 103-236, title V, §530, Apr. 30, 1994, 108 Stat. 479.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to this chapter (§2151 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

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) of this section, the President shall determine whether a country is eligible to receive benefits under this subchapter. The President shall notify the appropriate congressional committees of his intention to designate a country as an eligible country at least 15 days in advance of any formal determination.

(Pub. L. 87–195, pt. IV, § 703, as added Pub. L. 102–549, title VI, § 602(a), Oct. 28, 1992, 106 Stat. 3664.)

PRIOR PROVISIONS

A prior section 703 of Pub. L. 87–195, pt. IV, Sept. 4, 1961, 75 Stat. 463, amended section 1613d of this title and

enacted provisions set out as a note under section 1613d of this title, prior to repeal by Pub. L. 87–565, pt. IV, § 401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 703 affected section 1613d.

DELEGATION OF FUNCTIONS

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

For delegation of functions of President under this section, see section 1 of Ex. Ord. No. 13345, July 8, 2004, 69 F.R. 41901, set out as a note under section 1738 of Title 7, Agriculture.

§ 2430c. Reduction of certain debt**(a) Authority to reduce debt****(1) Authority**

The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1992, as a result of concessional loans made to an eligible country by the United States under subchapter I of this chapter, part IV of subchapter II of this chapter, or predecessor foreign economic assistance legislation.

(2) Appropriations requirement

The authority provided by this section may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) Certain prohibitions inapplicable

(A) A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(B) The authority of this section may be exercised notwithstanding section 2370(r) of this title or section 321 of the International Development and Food Assistance Act of 1975.

(b) Implementation of debt reduction**(1) In general**

Any debt reduction pursuant to subsection (a) of this section shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations outstanding as of the date specified in subsection (a)(1) of this section.

(2) Exchange of obligations

The Facility shall notify the agency primarily responsible for administering subchapter I of this chapter of the agreement with an eligible country to exchange a new obligation for outstanding obligations pursuant to this subsection. At the direction of the Facility, the old obligations shall be canceled and a new debt obligation for the country shall be established, and the agency primarily responsible for administering subchapter I of this chapter shall make an adjustment in its accounts to reflect the debt reduction.

(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, in-

terest 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 En-

terprise for the Americas Board in accordance with section 2430h of this title.

(b) Contents of Agreements

An Americas Framework Agreement with an eligible country shall—

- (1) require that country to establish an Americas Fund;
- (2) require that country to make interest payments under section 2430e(b)(1) of this title into an Americas Fund;
- (3) require that country to make prompt disbursements from the Americas Fund to the administering body described in subsection (c) of this section;
- (4) when appropriate, seek to maintain the value of the local currency resources of the Americas Fund in terms of United States dollars;
- (5) specify, in accordance with subsection (d) of this section, the purposes for which amounts in an Americas Fund may be used; and
- (6) contain reasonable provisions for the enforcement of the terms of the agreement.

(c) Administering body

(1) In general

Funds disbursed from the Americas Fund in each beneficiary country shall be administered by a body constituted under the laws of that country.

(2) Composition

The administering body shall consist of—

- (A) one or more individuals appointed by the United States Government,
- (B) one or more individuals appointed by the government of the beneficiary country, and
- (C) individuals who represent a broad range of—
 - (i) environmental nongovernmental organizations of the beneficiary country,
 - (ii) child survival and child development nongovernmental organizations of the beneficiary country,
 - (iii) local community development nongovernmental organizations of the beneficiary country, and
 - (iv) scientific or academic organizations or institutions of the beneficiary country.

A majority of the members of the administering body shall be individuals described in subparagraph (C).

(3) Responsibilities

The administering body—

- (A) shall receive proposals for grant assistance from eligible grant recipients (as determined under subsection (e) of this section) and make grants to eligible grant recipients in accordance with the priorities agreed upon in the Americas Framework Agreement, consistent with subsection (d) of this section;
- (B) shall be responsible for the management of the program and oversight of grant activities funded from resources of the Americas Fund;
- (C) shall be subject, on an annual basis, to an audit of financial statements conducted

in accordance with generally accepted auditing standards by an independent auditor;

(D) shall be required to grant to representatives of the United States 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 re-

peal by Pub. L. 94–329, title IV, §413(a), June 30, 1976, 90 Stat. 761.

§ 2431. Findings and purposes**(a) Findings**

The Congress finds the following:

(1) It is the established policy of the United States to support and seek protection of tropical forests around the world.

(2) Tropical forests provide a wide range of benefits to humankind by—

(A) harboring a major share of the Earth's biological and terrestrial resources, which are the basis for developing pharmaceutical products and revitalizing agricultural crops;

(B) playing a critical role as carbon sinks in reducing greenhouse gases in the atmosphere, thus moderating potential global climate change; and

(C) regulating hydrological cycles on which far-flung agricultural and coastal resources depend.

(3) International negotiations and assistance programs to conserve forest resources have proliferated over the past decade, but the rapid rate of tropical deforestation continues unabated.

(4) Developing countries with urgent needs for investment and capital for development have allocated a significant amount of their forests to logging concessions.

(5) Poverty and economic pressures on the populations of developing countries have, over time, resulted in clearing of vast areas of forest for conversion to agriculture, which is often unsustainable in the poor soils underlying tropical forests.

(6) Debt reduction can reduce economic pressures on developing countries and result in increased protection for tropical forests.

(7) Finding economic benefits to local communities from sustainable uses of tropical forests is critical to the protection of tropical forests.

(b) Purposes

The purposes of this subchapter are—

(1) to recognize the values received by United States citizens from protection of tropical forests;

(2) to facilitate greater protection of tropical forests (and to give priority to protecting tropical forests with the highest levels of biodiversity and under the most severe threat) by providing for the alleviation of debt in countries where tropical forests are located, thus allowing the use of additional resources to protect these critical resources and reduce economic pressures that have led to deforestation;

(3) to ensure that resources freed from debt in such countries are targeted to protection of tropical forests and their associated values; and

(4) to rechannel existing resources to facilitate the protection of tropical forests.

(Pub. L. 87–195, pt. V, §802, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 885.)

PRIOR PROVISIONS

A prior section 2431, Pub. L. 87–195, pt. V, §801, as added Pub. L. 93–189, §24, Dec. 17, 1973, 87 Stat. 728, au-