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SUBCHAPTER I—INTERNATIONAL DEVELOPMENT

PART I—DECLARATION OF POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

§ 2151. Congressional findings and declaration of policy

(a) United States development cooperation policy

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

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

United States development cooperation policy should emphasize five principal goals:

- (1) the alleviation of the worst physical manifestations of poverty among the world's poor majority;
- (2) the promotion of conditions enabling developing countries to achieve self-sustaining economic growth with equitable distribution of benefits;
- (3) the encouragement of development processes in which individual civil and economic rights are respected and enhanced;
- (4) the integration of the developing countries into an open and equitable international economic system; and
- (5) the promotion of good governance through combating corruption and improving transparency and accountability.

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

**(b) Coordination of development-related activities**

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

(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 guaranties 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 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 288f, 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 section 2099 of Title 50, Appendix, 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 sec-

tion] 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 2405 of Title 50, Appendix, War and National Defense, and enacting provisions set out as a note under section 2371 of this title] may be cited as the ‘Anti-Terrorism and Arms Export Amendments Act of 1989.’”

#### SHORT TITLE OF 1988 AMENDMENTS

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

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

#### SHORT TITLE OF 1986 AMENDMENTS

Pub. L. 99-570, title II, § 2001, Oct. 27, 1986, 100 Stat. 3207-60, provided that title II of Pub. L. 99-570 could be

cited as the ‘International Narcotics Control Act of 1986’, prior to repeal by Pub. L. 103-447, title I, § 103(c), Nov. 2, 1994, 108 Stat. 4694.

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

#### SHORT TITLE OF 1985 AMENDMENTS

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

Pub. L. 99-83, § 1(a), Aug. 8, 1985, 99 Stat. 190, provided that: “This Act [enacting sections 2227, 2271 to 2276, 2291b, 2346 to 2346c, 2347c, 2347d, 2349aa-7 to 2349aa-9, 2511, 2521a, and 2770a of this title, section 469j of Title 16, Conservation, and sections 1356b and 1515a of former Title 49, Transportation, amending sections 290f, 290h-8, 290h-9, 2151-1, 2151a to 2151d, 2151f, 2151h, 2151s, 2151u, 2151x, 2151z, 2174, 2182, 2182a, 2184, 2201, 2222, 2291, 2291a, 2292a, 2304, 2311, 2312, 2314, 2321h, 2321i, 2346b, 2347a, 2348a, 2349aa-2, 2349aa-4, 2354, 2361, 2364, 2370, 2371, 2375, 2394, 2394-1, 2396, 2411, 2413, 2420, 2421, 2427, 2429a, 2501, 2502, 2504, 2506, 2510, 2522, 2523, 2752, 2753, 2761, 2763 to 2767, 2771, 2776, 2778, 2791, 2792, 2794, and 2795 of this title, sections 1431, 1721, 1722, 1727a, and 1736b of Title 7, Agriculture, section 7307 of Title 10, Armed Forces, and sections 1356, 1471, and 1515 of former Title 49, repealing sections 2293, 2294, 2346 to 2346c, 2346e to 2346i, and 2349aa-6 of this title, enacting provisions set out as notes under this section and sections 2151-1, 2151b, 2151u, 2291, 2346, 2374, 2429a, 2506, 2511, 2751, and 2758 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 provi-

sions 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, 2292f, 2304, 2311, 2312, 2318, 2321h to 2321j, 2346, 2347a, 2348a, 2354, 2364, 2367, 2370, 2384, 2394, 2399d, 2403, 2411, 2421, 2427, 2502, 2514, 2753, 2761 to 2765, 2771, 2776 to 2779, 2791, 2794, and 3510 of this title, sections 1712 and 1733 of Title 7, Agriculture, sections 5041 and 5045 of Title 42, The Public Health and Welfare, and section 2405 of Title 50, Appendix, War and National Defense, repealing sections 2151q, 2346c to 2346e, and 2348b of this title, enacting provisions set out as notes under this section and sections 290h, 2151a, 2291a, 2293, 2370, and 3401 of this title, section 1522 of Title 8, Aliens and Nationality, and section 2667 of Title 10, Armed Forces, and repealing a provision set out as a note under section 2293 of this title] may be cited as the ‘International Security and Development Cooperation Act of 1980’.”

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

#### SHORT TITLE OF 1979 AMENDMENTS

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

Pub. L. 96-53, § 1, Aug. 14, 1979, 93 Stat. 359, provided that: “This Act [enacting sections 2151x, 2151y, 2374, and 3501 to 3513 of this title, and sections 1736g of Title 7, Agriculture, amending sections 2151-1, 2151a to 2151d, 2151i, 2151k, 2151n, 2151p, 2151q, 2151s, 2151u, 2151v, 2174, 2182, 2182a, 2183, 2220b, 2222, 2292a, 2292f, 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, 2292f, 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 2403 of Title 50, Appendix, War and National Defense, repealing sections 2441 to 2443 of this title, and enacting provisions set out as notes under this section and sections 287c, 1754, 2291, 2311, 2346, 2346a, 2370, and 2751 of this title] may be cited as the ‘International Security Assistance Act of 1978’.”

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

#### SHORT TITLE OF 1977 AMENDMENTS

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

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 2151i, 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, sec-

tion 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, provided that: ‘‘This part [part V (§§ 801–813) of Pub. L. 87–195, enacting subchapter IV of this chapter] may be cited as the ‘‘Tropical Forest Conservation Act of 1998.’’

#### REPEALS

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.

#### UNITED STATES SECURITY AND ASSISTANCE STRATEGIES IN AFRICA

Pub. L. 113–66, div. A, title XII, § 1206, Dec. 26, 2013, 127 Stat. 899, provided that:

‘‘(a) STRATEGIC FRAMEWORK FOR COUNTERTERRORISM ASSISTANCE AND COOPERATION IN THE SAHEL AND THE MAGHREB REGIONS.—

‘‘(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the Secretary of State, develop a strategic framework for United States counterterrorism assistance and cooperation in the Sahel and Maghreb regions of Africa, including for programs conducted under the Trans-Sahara Counter Terrorism Partnership, Operation Enduring Freedom–Trans Sahara, and related security assistance authorities.

‘‘(2) ELEMENTS.—The strategic framework required by paragraph (1) shall include the following:

‘‘(A) An evaluation of the threat of terrorist organizations operating in the Sahel and Maghreb regions to the national security of the United States.

‘‘(B) An identification on a regional basis of the primary objectives, priorities, and desired end-states of United States counterterrorism assistance and cooperation programs in the region, and of the resources required to achieve such objectives, priorities, and end-states.

‘‘(C) A methodology for assessing the effectiveness of United States counterterrorism assistance and cooperation programs in the region in making progress towards the objectives and desired end-states identified pursuant to subparagraph (B), including an identification of key benchmarks of such progress.

‘‘(D) Criteria for bilateral and multilateral partnerships in the region.

‘‘(E) Plans for enhancing coordination among United States and international agencies for planning and implementation of United States counterterrorism assistance and cooperation programs for the region on a regional basis, rather than a country-by-country basis, in order to improve coordination among United States regional and bilateral counterterrorism assistance and cooperation programs in the region.

‘‘(3) REPORT.—Not later than 180 days after the date of the enactment of this Act [Dec. 26, 2013], the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report that includes the following:

‘‘(A) A comprehensive description of the strategic framework required by paragraph (1).

‘‘(B) A description of lessons learned regarding the organization and implementation of United States counterterrorism assistance and cooperation programs for the Sahel and Maghreb regions of Africa, including an evaluation of the performance and commitment of regional partners in the Sahel and Maghreb regions, including Mali in particular, in 2012 and 2013.

‘‘(b) STRATEGY TO SUPPORT CONSOLIDATION OF SECURITY AND GOVERNANCE GAINS IN SOMALIA.—

‘‘(1) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act [Dec. 26, 2013], the President shall submit to the appropriate committees of Congress a strategy to guide future United States policy and programs in Somalia to counter armed threats and support regional security, and in support of Somali and international efforts to foster economic growth and opportunity, counter armed threats to stability, and develop credible, transparent, and representative government systems and institutions.

‘‘(2) CONTENT OF STRATEGY.—The strategy required under paragraph (1) should include the following elements:

‘‘(A) An interagency framework to plan, coordinate and review diplomatic, military, intelligence, development, and humanitarian elements of the United States policy regarding Somalia.



“(B) Plans and benchmarks for strengthening efforts, as appropriate, of the Government of Somalia, the African Union, and regional governments to stabilize the security situation within Somalia and further degrade al-Shabaab’s capabilities, in order to enable the eventual transfer of security operations to Somali security forces capable of—

“(i) maintaining and expanding security and stability within Somalia;

“(ii) confronting transnational security threats; and

“(iii) preventing human rights abuses.

“(C) A plan to support the development and professionalization of credible, civilian led, Somali security forces that are representative of the population, including the infrastructure and procedures required to ensure chain of custody and the safe storage of military equipment and an assessment of the benefits and risks of the provision of weaponry to the Somali security forces by the United States.

“(D) A description of United States national security objectives addressed through military-to-military cooperation activities with Somali security forces.

“(E) A description of security risks to any United States personnel conducting security cooperation activities within Somalia and plans to assist the Somali security forces in preventing infiltration and insider attacks, including through the application of lessons learned in United States military training efforts in Afghanistan.

“(F) A description of United States tools for monitoring and responding to violations of the United Nations Security Council arms embargo, charcoal ban, and other international agreements affecting the stability of Somalia.

“(G) A description of mechanisms for coordinating United States military and non-military assistance with other international donors, regional governments, and relevant multilateral organizations.

“(H) A plan to support the consolidation of political gains at the national level, while also encouraging and supporting complementary processes at the local and regional levels and encouraging improved collaboration among Somali national and regional administrations.

“(I) Any plans to increase United States diplomatic engagement with Somalia, including through the future establishment of an embassy or other diplomatic posts in Mogadishu.

“(J) Any other element the President determines appropriate.

“(3) REPORTS.—Not later than 180 days after the date of the submission of the strategy required under paragraph (1), and annually thereafter for three years, the President shall submit to the appropriate committees of Congress an update on implementation of the strategy and progress made in Somalia and associated benchmarks for security, stability, development, and governance.

“(4) FORM.—The strategy required under paragraph (1) and the reports required under paragraph (3) shall be submitted in unclassified form, but may include a classified annex.

“(c) INTELLIGENCE ASSESSMENT AND REPORT ON AL-SHABAAB.—Not later than 90 days after the date of the enactment of this Act [Dec. 26, 2013], the Director of National Intelligence shall submit to the appropriate committees of Congress a classified intelligence assessment of the terrorist organization known as al-Shabaab. Such assessment shall include the following:

“(1) A description of organizational structure, operational objectives, and funding sources for al-Shabaab.

“(2) An assessment of the extent to which al-Shabaab threatens security and stability within Somalia and surrounding countries.

“(3) An assessment of the extent to which al-Shabaab threatens the security of United States citi-

zens or the national security or interests of the United States.

“(4) The description of the relationship between al-Shabaab and al-Qaeda and al-Qaeda affiliates.

“(5) An assessment of the capacity of the Government of Somalia to counter the threat posed by al-Shabaab.

“(6) An assessment of the capacity of regional countries and organizations, including the African Union, to counter the threat posed by al-Shabaab.

“(d) DESIGNATION OF GOVERNMENT OFFICIAL FOR AFRICA EXPORT POLICY.—Not later than 60 days after the date of the enactment of this Act [Dec. 26, 2013], and for the following three years, the President shall 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.

“(e) 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, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

“(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.”

#### 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 that:

“(a) AUTHORITY TO PROVIDE ASSISTANCE.—

“(1) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance on a reimbursement basis to the Government of Jordan for purposes of supporting and maintaining efforts of the armed forces of Jordan to increase security and sustain increased security along the border between Jordan and Syria.

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

“(3) CERTIFICATION.—Assistance may be provided under this subsection only if the Secretary of Defense certifies to the specified congressional committees that the Government of Jordan is continuing to support and maintain efforts of the armed forces of Jordan to increase security or sustain increased security along the border between Jordan and Syria.

“(b) FUNDS AVAILABLE FOR ASSISTANCE.—Amounts authorized to be appropriated for fiscal year 2014 by title XV [127 Stat. 935] 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] as specified in the funding table in section 4302 [127 Stat. 1137] may be used to provide assistance under the authority in subsection (a).

“(c) LIMITATIONS.—

“(1) LIMITATION ON AMOUNT.—The total amount of assistance provided under the authority in subsection (a) may not exceed \$150,000,000.

“(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS.—The Secretary of Defense may not enter into any contractual obligation to provide assistance under the authority in subsection (a).

“(d) NOTICE BEFORE EXERCISE.—Not later than 15 days before providing assistance under the authority in subsection (a), the Secretary of Defense shall submit to the specified congressional committees a report setting forth a full description of the assistance to be provided, including the amount of assistance to be provided, and the timeline for the provision of such assistance.

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

“(1) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]; and

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

“(f) EXPIRATION OF AUTHORITY.—No assistance may be provided under the authority in subsection (a) after December 31, 2015.”

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 that:

“(a) AUTHORITY.—Pursuant to the policy established by the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111-172; 124 Stat. 1209) [set out below], the Secretary of Defense may, with the concurrence of Secretary of State, provide logistic support, supplies, and services, and intelligence support, to foreign forces participating in operations to mitigate and eliminate the threat posed by the Lord’s Resistance Army as follows:

“(1) The national military forces of Uganda.

“(2) The national military forces of any other country determined by the Secretary of Defense to be participating in such operations.

“(b) FUNDING.—

“(1) IN GENERAL.—Of the amount authorized to be appropriated for a fiscal year for the Department of Defense for operation and maintenance, not more than \$50,000,000 may be used in such fiscal year to provide support under subsection (a).

“(2) AVAILABILITY OF FUNDS ACROSS FISCAL YEARS.—Amounts available under this subsection for a fiscal year for support under the authority in subsection (a) may be used for support under that authority that begins in such fiscal year but ends in the next fiscal year.

“(c) Limitations.—

“(1) IN GENERAL.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support that is otherwise prohibited by any provision of law.

“(2) AVAILABILITY OF FUNDS FOR FISCAL YEAR 2014.—Of the amount available under subsection (b) for fiscal year 2014, not more than \$37,500,000 may be obligated or expended to provide support under subsection (a) until the Secretary submits to the appropriate committees of Congress a report on Operation Observant Compass, including the specific goals of the campaign to counter the Lord’s Resistance Army, the precise metrics used to measure progress in the campaign, and the actions that will be taken to transition the campaign if it is determined that it is no longer necessary for the United States to support the mission of the campaign.

“(d) NOTICE TO CONGRESS ON SUPPORT TO BE PROVIDED.—Not less than 15 days before the date on which funds are obligated to provide support under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a notice setting forth the following:

“(1) The type of support to be provided.

“(2) The national military forces to be supported.

“(3) The objectives of such support.

“(4) The estimated cost of such support.

“(5) The intended duration of such support.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

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

“(2) The term ‘logistic support, supplies, and services’ has the meaning given that term in section 2350(1) of title 10, United States Code.

“(f) EXPIRATION.—The authority provided under this section may not be exercised after September 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, 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 equipment, supplies, and training.

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

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

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

“(d) FORMULATION AND APPROVAL OF ASSISTANCE PROGRAMS.—

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

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

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

“(f) TRANSFER AUTHORITY.—

“(1) DEPARTMENT OF DEFENSE FUNDS.—Funds authorized to be appropriated to the Department of Defense for operation and maintenance for Defense-wide activities may be transferred to the Fund by the Secretary of Defense in accordance with established pro-

cedures 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.—Amounts in the Fund shall remain available until September 30, 2015, except that amounts appropriated or transferred to the Fund before that date shall remain available for obligation and expenditure after that date for activities under programs commenced under subsection (b) before that date.

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

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

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

“(o) 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.

“(p) EXPIRATION.—The authority under this section may not be exercised after September 30, 2015. 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 2015.”

#### 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 civil-

ians 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 gov-

ernment 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 [19 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 As-



sistance 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 made 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 non-proliferation regimes for nuclear, chemical, and biological weapons and materiel;

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

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

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

“(6) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

“(c) FUNDING.—The President may provide assistance under this section using—

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

“(2) amounts made available pursuant to the 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. 2394-1), 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 section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(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 Council Resolution 425, and Syrian- and Iranian-supported Hizballah and other militant organizations continue to attack civilian targets in Israel.

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

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

“(15) On February 12, 2003, Director of Central Intelligence George Tenet stated the following with respect to the Syrian- and Iranian-supported Hizballah: ‘[A]s an organization with capability and worldwide presence [it] is [al Qaeda’s] equal if not a far more capable organization \* \* \* [T]hey’re a notch above in many respects, in terms of in their relationship with the Iranians and the training they receive, [which]

puts them in a state-sponsored category with a potential for lethality that’s quite great.’.

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

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

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

port: *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, 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, and restore the rule of law.

“SEC. 3. **DEFINITIONS.**

“In this Act:

“(1) **INTERNATIONAL FINANCIAL INSTITUTIONS.**—The term ‘international financial institutions’ means the multilateral development banks and the International Monetary Fund.

“(2) **MULTILATERAL DEVELOPMENT BANKS.**—The term ‘multilateral development banks’ means the International Bank for Reconstruction and Development, the International Development Association, the 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 costly deployment of troops to the Democratic Republic of the Congo, the Government of Zimbabwe has rendered itself ineligible to participate in International Bank for Reconstruction and Development and International Monetary Fund programs, which would otherwise be providing substantial resources to assist in the recovery and modernization of Zimbabwe’s economy. The people of Zimbabwe have thus been denied the economic and democratic benefits envisioned by the donors to such programs, including the United States.

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

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

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

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

“(b) 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 propose that the bank should undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that bank; and

“(B) direct the United States executive director of each international financial institution to which the United States is a member to propose to undertake financial and technical support for Zimbabwe, especially support that is intended to promote Zimbabwe’s economic recovery and development, the stabilization of the Zimbabwean dollar, 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 consistent with agreements reached at the International Donors’ Conference on Land Reform and Resettlement in Zimbabwe held in Harare, Zimbabwe, in September 1998.

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

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

“(e) WAIVER.—The President may waive the provisions of subsection (b)(1) or subsection (c), if the President determines that it is in the national interest of the United States to do so.

“SEC. 5. SUPPORT FOR DEMOCRATIC INSTITUTIONS, THE FREE PRESS AND INDEPENDENT MEDIA, AND THE RULE OF LAW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 inter-agency 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 shall continue to suspend the issuance of any new insurance, reinsurance, guarantees, financing, or other financial support with respect to the People's Republic of China, unless the President makes a report under subsection (b)(1) or (2) of this section.

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

“(3) MUNITIONS EXPORT LICENSES.—(A) The issuance of licenses under section 38 of the Arms Export Control Act [22 U.S.C. 2778] for the export to the People's Republic of China of any defense article on the United States Munitions List, including helicopters

and helicopter parts, shall continue to be suspended, subject to subparagraph (B), unless the President makes a report under subsection (b)(1) or (2) of this section.

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

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

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

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

“(i) application for a license under the Export Administration Act of 1979 [50 U.S.C. App. 2401 et seq.] for the export to the People’s Republic of China for use in a nuclear production or utilization facility of any goods or technology which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978 [42 U.S.C. 2139a(c)], could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be 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 non-nuclear-weapon state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices;

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

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

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

“(7) LIBERALIZATION OF EXPORT CONTROLS.—(A) The President shall negotiate with the governments participating in the group known as the Coordinating Committee (COCOM) to suspend, on a multilateral basis, any liberalization by the Coordinating Com-

mittee of controls on exports of goods and technology to the People’s Republic of China under section 5 of the Export Administration Act of 1979 [50 U.S.C. App. 2404], including—

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

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

“(B) The President shall oppose any liberalization by the Coordinating Committee of controls which is described in subparagraph (A)(ii), until the end of the 6-month period beginning on the date of enactment of this Act [Feb. 16, 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, prohib-

ited 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 ADMINIS-  
TRATIVE 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 co-

ordinating 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 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. Mem-

bers 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.

EXTENSION OF TERM OF PRESIDENT'S GLOBAL DEVELOPMENT COUNCIL

Term of President's Global Development Council extended until Sept. 30, 2015, by Ex. Ord. No. 13652, Sept. 30, 2013, 78 F.R. 61817, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

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.

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

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

ance 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.

**§ 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 car-

ried 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 post-harvest food losses, and improving food distribution.

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

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

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

(Pub. L. 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 subsections (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.]

#### 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 sim-

ple, 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) of this section (relating to development assistance for health), \$50,000,000 shall be used to carry out this paragraph.

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

dated 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 and 1983 only for the United Nations Fund for Population Activities.

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

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) of this section \$50,000,000 for each of the fiscal years 2001 and 2002.

**(2) Availability**

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

(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)<sup>1</sup> of this title and increased pursuant to paragraphs (1) through (3) of section 7673(d)<sup>1</sup> 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 assist-

<sup>1</sup> See References in Text note below.

ance 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.<sup>2</sup>

**(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,<sup>2</sup> appropriate governmental and nongovernmental organizations, and relevant executive branch agencies within the framework of the principles of the Three Ones.

**(d) Activities supported**

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

**(1) Prevention**

Prevention of HIV/AIDS through activities including—

(A) programs and efforts that are designed or intended to impart knowledge with the exclusive purpose of helping individuals avoid behaviors that place them at risk of HIV infection, including integration of such programs into health programs and the inclusion in counseling programs of information on methods of avoiding infection of HIV, including delaying sexual debut, abstinence, fidelity and monogamy, reduction of casual sexual partnering and multiple concurrent sexual partnering,<sup>2</sup> 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

<sup>2</sup> So in original.

(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.<sup>3</sup>

(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;<sup>4</sup>

(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;<sup>5</sup>

## (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;

<sup>3</sup> So in original. The period probably should be “; and”.

<sup>4</sup> So in original. The word “and” probably should appear.

<sup>5</sup> So in original. The semicolon probably should be a period.

(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 quali-

fied 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<sup>6</sup>

(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

<sup>6</sup> So in original. The "and" probably should not appear.

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, in-

cluding 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 re-

designated 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.

## § 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 de-

tected 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.

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

## AMENDMENTS

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

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

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

1985—Subsec. (a). Pub. L. 99-83, §306, substituted “for the purposes of this section, in addition to funds other-

wise 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.

**§ 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.

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

Section 2151I, 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)<sup>1</sup> 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 sub-

chapter 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)<sup>1</sup> Protection of children from exploitation

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

#### (c) Factors considered

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

(1) the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States;

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

(3) whether the government—

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

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

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

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

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

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

<sup>1</sup> So in original. Two subsecs. (b) have been enacted.

(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<sup>2</sup> Jewish people, and acts of violence against, or vandalism of<sup>2</sup> 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 in-

<sup>2</sup> So in original. Probably should be followed by a comma.

fluence the outcome of any election in any country.

**(f) Annual country reports on human rights practices**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(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.)

REFERENCES IN TEXT

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 Imple-

mentation 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

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 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.

**§ 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 non-governmental organizations in foreign countries; and
- (5) to carry out such other related activities as are consistent with paragraphs (1) through (4).

**(c) Funding**

**(1) In general**

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

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

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

**(3) Father John Kaiser Memorial Fund**

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

(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.]

**§ 2151o. 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) of this section, the President is authorized to furnish assistance



under subchapter I of this chapter for developing and strengthening the capacity of developing countries to protect and manage their environment and natural resources. Special efforts shall be made to maintain and where possible to restore the land, vegetation, water, wildlife, and other resources upon which depend economic growth and human well-being, especially of the poor.

**(c) Implementation considerations applicable to programs and projects**

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

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

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

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

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

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

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

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

**CODIFICATION**

Other sections 117 of Pub. L. 87-195, pt. I, were classified to section 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.

**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, destruc-

tion, and loss of tropical forests in developing countries, which pose a serious threat to development and the environment. Tropical forest destruction and loss—

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

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

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

**(b) Priorities**

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

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

(2) in seeking opportunities to coordinate public and private development and investment activities which affect forests in developing countries.

**(c) Assistance to developing countries**

In providing assistance to developing countries, the President shall do the following:

(1) Place a high priority on conservation and sustainable management of tropical forests.

(2) To the fullest extent feasible, engage in dialogues and exchanges of information with recipient countries—

(A) which stress the importance of conserving and sustainably managing forest resources for the long-term economic benefit of those countries, as well as the irreversible losses associated with forest destruction, and

(B) which identify and focus on policies of those countries which directly or indirectly contribute to deforestation.

(3) To the fullest extent feasible, support projects and activities—

(A) which offer employment and income alternatives to those who otherwise would cause destruction and loss of forests, and

(B) which help developing countries identify and implement alternatives to colonizing forested areas.

(4) To the fullest extent feasible, support training programs, educational efforts, and the establishment or strengthening of institutions which increase the capacity of developing countries to formulate forest policies, engage in relevant land-use planning, and otherwise improve the management of their forests.

(5) To the fullest extent feasible, help end destructive slash-and-burn agriculture by supporting stable and productive farming prac-

tices 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) of this section for activities which were not funded prior to fiscal year 1987. In addition, the Agency for International Development shall, to the fullest extent possible, continue and increase assistance pursuant to subsection (b) of this section for activities for which assistance was provided in fiscal years prior to fiscal year 1987.

**(d) Country analysis requirements**

Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of—

(1) the actions necessary in that country to conserve biological diversity, and

(2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.

**(e) Local involvement**

To the fullest extent possible, projects supported under this section shall include close consultation with and involvement of local people at all stages of design and implementation.

**(f) PVOs and other nongovernmental organizations**

Whenever feasible, the objectives of this section shall be accomplished through projects managed by appropriate private and voluntary organizations, or international, regional, or national nongovernmental organizations, which are active in the region or country where the project is located.

**(g) Actions by AID**

The Administrator of the Agency for International Development shall—

(1) cooperate with appropriate international organizations, both governmental and nongovernmental;

(2) look to the World Conservation Strategy as an overall guide for actions to conserve biological diversity;

(3) engage in dialogues and exchanges of information with recipient countries which stress the importance of conserving biological diversity for the long-term economic benefit of those countries and which identify and focus on policies of those countries which directly or indirectly contribute to loss of biological diversity;

(4) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity;

(5) whenever possible, enter into long-term agreements in which the recipient country agrees to protect ecosystems or other wildlife habitats recommended for protection by relevant governmental or nongovernmental organizations or as a result of activities undertaken pursuant to paragraph (6), and the United States agrees to provide, subject to obtaining the necessary appropriations, additional assistance necessary for the establishment and maintenance of such protected areas;

(6) support, as necessary and in cooperation with the appropriate governmental and nongovernmental organizations, efforts to identify and survey ecosystems in recipient countries worthy of protection;

(7) cooperate with and support the relevant efforts of other agencies of the United States Government, including the United States Fish and Wildlife Service, the National Park Service, the Forest Service, and the Peace Corps;

(8) review the Agency's environmental regulations and revise them as necessary to ensure that ongoing and proposed actions by the Agency do not inadvertently endanger wildlife species or their critical habitats, harm protected areas, or have other adverse impacts on biological diversity (and shall report to the Congress within a year after October 24, 1986, on the actions taken pursuant to this paragraph);

(9) ensure that environmental profiles sponsored by the Agency include information needed for conservation of biological diversity; and

(10) deny any direct or indirect assistance under this part for actions which significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas.

**(h) Annual reports**

Each annual report required by section 2394(a) of this title shall include, in a separate volume, a report on the implementation of this section.

(Pub. L. 87-195, pt. I, §119, as added Pub. L. 98-164, title VII, §702, Nov. 22, 1983, 97 Stat. 1045; amended Pub. L. 99-529, title III, §302, Oct. 24, 1986, 100 Stat. 3017; Pub. L. 101-167, title V, §533(d)(4)(A), Nov. 21, 1989, 103 Stat. 1227.)

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

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

PRIOR PROVISIONS

A prior section 2151q, Pub. L. 87-195, pt. I, §119, as added Pub. L. 95-88, title I, §114, Aug. 3, 1977, 91 Stat. 538; amended Pub. L. 95-424, title I, §111, Oct. 6, 1978, 92 Stat. 948; Pub. L. 96-53, title I, §§104(c), 107, Aug. 14, 1979, 93 Stat. 362, related to renewable and unconventional energy technologies, prior to repeal by Pub. L. 96-533, title III, §304(g), Dec. 16, 1980, 94 Stat. 3147.

AMENDMENTS

1989—Subsec. (b). Pub. L. 101-167 inserted “, notwithstanding section 2420 of this title,” after “subchapter I of this chapter”.

1986—Subsec. (c). Pub. L. 99-529 added subsec. (c) and struck out former subsec. (c) which read as follows: “The Administrator of the Agency for International Development, in conjunction with the Secretary of State, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, and the heads of other appropriate Government agencies, shall develop a United States strategy, including specific policies and programs, to protect and conserve biological diversity in developing countries.”

Subsec. (d). Pub. L. 99-529 added subsec. (d) and struck out former subsec. (d) which read as follows: “Each annual report required by section 2394(a) of this title shall include, in a separate volume, a report on the implementation of this subsection. Not later than one year after November 22, 1983, the President shall submit a comprehensive report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate on the United States strategy to protect and conserve biological diversity in developing countries.”

Subsecs. (e) to (h). Pub. L. 99-529 added subsecs. (e) to (h).

SHORT TITLE

For short title of title VII of Pub. L. 98-164, which enacted this section and amended section 2452 of this title, as the “International Environment Protection Act of 1983”, see section 701 of Pub. L. 98-164, set out as a Short Title of 1983 Amendment note under section 2151 of this title.

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 ap-

proval 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,<sup>1</sup> and 2292 of this title shall be made available for the activities of private and voluntary organizations, and the President shall seek to channel funds in an amount not less than 16 percent of such aggregate amount for the activities of private and voluntary organizations. Funds made available under part IV of subchapter II of this chapter for the activities of private and voluntary organizations may be considered in determining compliance with the requirements of this subsection.

**(g) Repealed. Pub. L. 105-277, div. A, § 101(d) [title II], Oct. 21, 1998, 112 Stat. 2681-150, 2681-156**

**(h) Promotion of democratic cooperatives**

The Congress recognizes that, in addition to their role in social and economic development, cooperatives provide an opportunity for people to participate directly in democratic decision-making. Therefore, assistance under this part shall be provided to rural and urban cooperatives which offer large numbers of low- and middle-income people in developing countries an opportunity to participate directly in democratic decisionmaking. Such assistance shall be designed to encourage the adoption of self-help, private sector cooperative techniques and practices which have been successful in the United States.

(Pub. L. 87-195, pt. I, §123, as added Pub. L. 95-424, title I, §102(e), Oct. 6, 1978, 92 Stat. 941; 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,

<sup>1</sup> See References in Text note below.



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 de-

velopment 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.]”

**§ 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) of this section applies with respect to funds made available for fiscal year 1991 or any fiscal year thereafter.

(Pub. L. 101-623, § 6, Nov. 21, 1990, 104 Stat. 3355.)

## REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 1 of part I and chapter 4 of part II of the Act are classified generally to part I (§ 2151 et seq.) of subchapter I and part IV (§ 2346 et seq.) of subchapter II, respectively, of this chapter. For provisions deeming references to part I of subchapter I to include a reference to section 2293 of this title, see section 2293(d)(1) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

## CODIFICATION

Section was enacted as part of the International Narcotics Control Act of 1990, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

**§ 2151x-2. Assistance in furtherance of narcotics control objectives of United States**

**(a) Waiver of certain restrictions**

For the purpose of reducing dependence upon the production of crops from which narcotic and psychotropic drugs are derived, the President may provide economic assistance for a country which, because of its coca production, is a major illicit drug producing country (as defined in section 481(i)(2)<sup>1</sup> of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(2))) to promote the production, processing, or the marketing of products which can be economically produced in such country, notwithstanding the provisions of law described in subsection (b) of this section.

**(b) Description of restrictions waived**

The provisions of law made inapplicable by subsection (a) of this section are any other provisions of law that would otherwise restrict the

use of economic assistance funds with respect to the production, processing, or marketing of agricultural commodities (or the products thereof) or other products, including sections 521, 546, and 547 (but excluding section 510) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, and comparable provisions of subsequent Acts appropriating funds for foreign operations, export financing, and related programs.

**(c) "Economic assistance" defined**

As used in this section, the term "economic assistance" means assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) and assistance under chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund).

(Pub. L. 101-624, title XV, § 1544, Nov. 28, 1990, 104 Stat. 3695.)

## REFERENCES IN TEXT

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, referred to in subsec. (b), is Pub. L. 101-167, Nov. 21, 1989, 103 Stat. 1195. Sections 510, 521, 546, and 547 of that Act are not classified to the Code.

The Foreign Assistance Act of 1961, referred to in subsecs. (a) and (c), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 1 of part I and chapter 4 of part II of the Act are classified generally to part I (§ 2151 et seq.) of subchapter I and part IV (§ 2346 et seq.) of subchapter II, respectively, of this chapter. For provisions deeming references to part I of subchapter I to include a reference to section 2293 of this title, see section 2293(d)(1) of this title. Subsec. (i) of section 481 of the Act was redesignated (e) by Pub. L. 102-583, § 6(b)(3), Nov. 2, 1992, 106 Stat. 4932. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

## CODIFICATION

Section was enacted as part of the Agricultural Development and Trade Act of 1990, and also as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

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

The Administrator of the agency primarily responsible for administering subchapter I of this chapter shall conduct an annual review of bilateral concessional loan balances and shall determine and identify those countries whose financial resources make possible accelerated loan repayments. In particular, European countries that were recipients of concessional loans by predecessor agencies to the agency primarily responsible for administering subchapter I of this chapter shall be contacted to negotiate accelerated repayments. The criteria used by the Administrator in making these determinations shall be established in conjunction with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Pub. L. 87-195, pt. I, § 127, as added Pub. L. 96-53, title V, § 508(a), Aug. 14, 1979, 93 Stat. 379.)

<sup>1</sup> See References in Text note below.

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

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

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) of this section, the Secretary shall provide economic and financial technical assistance to foreign governments and foreign central banks of developing and transitional countries by providing advisers with appropriate expertise to advance the enactment of laws and establishment of administrative procedures and institutions in such countries to promote macroeconomic and fiscal stability, efficient resource allocation, transparent and market-oriented processes and sustainable private sector growth.

**(2) Additional requirements**

To the extent practicable, such technical assistance shall be designed to establish—

(A) tax systems that are fair, objective, and efficiently gather sufficient revenues for governmental operations;

(B) debt issuance and management programs that rely on market forces;

(C) budget planning and implementation that permits responsible fiscal policy management;

(D) commercial banking sector development that efficiently intermediates between savers and investors; and

(E) financial law enforcement to protect the integrity of financial systems, financial institutions, and government programs.

**(3) Emphasis on anti-corruption**

Such technical assistance shall include elements designed to combat anti-competitive, unethical, and corrupt activities, including protection against actions that may distort or inhibit transparency in market mechanisms and, to the extent applicable, privatization procedures.

**(c) Administrative requirements**

In carrying out the program established under subsection (a) of this section, the Secretary—

(1) shall establish a methodology for identifying and selecting foreign governments and foreign central banks to receive assistance under the program;

(2) prior to selecting a foreign government or foreign central bank to receive assistance under the program, shall receive the concurrence of the Secretary of State with respect to the selection of such government or central bank and with respect to the cost of the assistance to such government or central bank;

(3) shall consult with the heads of appropriate Executive agencies of the United States, including the Secretary of State and the Administrator of the United States Agency for International Development, and appropriate international financial institutions to avoid duplicative efforts with respect to those foreign countries for which such agencies or organizations provide similar assistance;

(4) shall ensure that the program is consistent with the International Affairs Strategic Plan and Mission Performance Plan of the United States Agency for International Development;

(5) shall establish and carry out a plan to evaluate the program.

**(d) Administrative authorities**

In carrying out the program established under subsection (a) of this section, the Secretary shall have the following administrative authorities:

(1) The Secretary may provide allowances and benefits under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) to any officer or employee of any agency of the United States Government performing functions under this section outside the United States.

(2)(A) The Secretary may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out this section, including any advance 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 or-

ganization, friendly government or government agency, whether within or without the United States, and international organizations, as the Secretary determines is appropriate to carry out the purposes of this section.

(4) Whenever the Secretary determines it to be consistent with the purposes of this section, the Secretary is authorized to furnish services and commodities on an advance-of-funds basis to any friendly country or international organization that is not otherwise prohibited from receiving assistance under this chapter. Such advances may be credited to the currently applicable appropriation, account, or fund of the Department of the Treasury and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used.

**(e) Issuance of regulations**

The Secretary is authorized to issue such regulations with respect to personal service contractors as the Secretary deems necessary to carry out this section.

**(f) Rule of construction**

Nothing in this section shall be construed to infringe upon the powers or functions of the Secretary of State (including the powers or functions described in section 4802 of this title) or of any chief of mission (including the powers or functions described in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)).

**(g) Termination of assistance**

The Secretary shall conclude assistance activities for a recipient foreign government or foreign central bank under the program established under subsection (a) of this section if the Secretary, after consultation with the appropriate officers of the United States, determines that such assistance has resulted in the enactment of laws or the establishment of institutions in that country that promote fiscal stability and administrative procedures, efficient resource allocation, transparent and market-oriented processes and private sector growth in a sustainable manner.

**(h) Report**

**(1) In general**

Not later than 3 months after October 21, 1998, and every 6 months thereafter, the Secretary shall prepare and submit to the appropriate congressional committees a report on the conduct of the program established under this section during the preceding 6-month period.

**(2) Definition**

In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

**(i) Definitions**

In this section:

**(1) Developing or transitional country**

The term “developing or transitional country” means a country eligible to receive development assistance under this part.

**(2) International financial institution**

The term “international financial institution” means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Asian Development Bank, the African Development Bank, the African Development Fund, the Inter-American Development Bank, the Inter-American Investment Corporation, the European Bank for Reconstruction and Development, and the Bank for Economic Cooperation and Development in the Middle East and North Africa.

**(3) Secretary**

The term “Secretary” means the Secretary of the Treasury.

**(4) Technical assistance**

The term “technical assistance” includes—

(A) the use of short-term and long-term expert advisers to assist foreign governments and foreign central banks for the purposes described in subsection (b)(1) of this section;

(B) training in the recipient country, the United States, or elsewhere for the purposes described in subsection (b)(1) of this section;

(C) grants of goods, services, or funds to foreign governments and foreign central banks;

(D) grants to United States nonprofit organizations to provide services or products which contribute to the provision of advice to foreign governments and foreign central banks; and

(E) study tours for foreign officials in the United States or elsewhere for the purpose of providing technical information to such officials.

**(5) Foreign participant**

The term “foreign participant” means the national of a developing or transitional country that is receiving assistance under the program established under subsection (a) of this section who has been designated to participate in activities under such program.

**(j) Authorization of appropriations**

**(1) In general**

There are authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 1999.

**(2) Availability of amounts**

Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(Pub. L. 87-195, pt. I, §129, as added Pub. L. 105-277, div. A, §101(d) [title V, §589(a)], Oct. 21, 1998, 112 Stat. 2681-150, 2681-205; 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) of this section, 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 nec-

essary 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) of this section shall include, to the extent appropriate, projects and activities that—

(1) support responsible independent media to promote oversight of public and private institutions;

(2) implement financial disclosure among public officials, political parties, and candidates for public office, open budgeting processes, and transparent financial management systems;

(3) support the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;

(4) promote responsive, transparent, and accountable legislatures and local governments that ensure legislative and local oversight and whistle-blower protection;

(5) promote legal and judicial reforms that criminalize corruption and law enforcement reforms and development that encourage prosecutions of criminal corruption;

(6) assist in the development of a legal framework for commercial transactions that fosters business practices that promote transparent, ethical, and competitive behavior in the economic sector, such as commercial codes that incorporate international standards and protection of intellectual property rights;

(7) promote free and fair national, state, and local elections;

(8) foster public participation in the legislative process and public access to government information; and

(9) engage civil society in the fight against corruption.

**(c) Conduct of projects and activities**

Projects and activities under the programs established pursuant to subsection (a) of this section may include, among other things, training and technical assistance (including drafting of anti-corruption, privatization, and competitive statutory and administrative codes), drafting of anti-corruption, privatization, and competitive statutory and administrative codes, support for independent media and publications, financing of the program and operating costs of non-

governmental organizations that carry out such projects or activities, and assistance for travel of individuals to the United States and other countries for such projects and activities.

**(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 Combating Bribery of Foreign Public Officials in International Business Transactions.

“(5) The Vice President, at the Global Forum on Fighting Corruption in 1999, declared corruption to be a direct threat to the rule of law and the Secretary of State declared corruption to be a matter of profound political and social consequence for our efforts to strengthen democratic governments.

“(6) The Secretary of State, at the Inter-American Development Bank’s annual meeting in March 2000, declared that despite certain economic achievements, democracy is being threatened as citizens grow weary of the corruption and favoritism of their official institutions and that efforts must be made to improve governance if respect for democratic institutions is to be regained.

“(7) In May 1996 the Organization of American States (OAS) adopted the Inter-American Convention Against Corruption requiring countries to provide various forms of international cooperation and assistance to facilitate the prevention, investigation, and prosecution of acts of corruption.

“(8) Independent media, committed to fighting corruption and trained in investigative journalism techniques, can both educate the public on the costs of corruption and act as a deterrent against corrupt officials.

“(9) Competent and independent judiciary, founded on a merit-based selection process and trained to enforce contracts and protect property rights, is critical for creating a predictable and consistent environment for transparency in legal procedures.

“(10) Independent and accountable legislatures, responsive political parties, and transparent electoral processes, in conjunction with professional, accountable, and transparent financial management and procurement policies and procedures, are essential to the promotion of good governance and to the combat of corruption.

“(11) Transparent business frameworks, including modern commercial codes and intellectual property rights, are vital to enhancing economic growth and decreasing corruption at all levels of society.

“(12) The United States should attempt to improve accountability in foreign countries, including by—

“(A) promoting transparency and accountability through support for independent media, promoting financial disclosure by public officials, political parties, and candidates for public office, open budgeting processes, adequate and effective internal control systems, suitable financial management systems, and financial and compliance reporting;

“(B) supporting the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;

“(C) promoting responsive, transparent, and accountable legislatures that ensure legislative oversight and whistle-blower protection;

“(D) promoting judicial reforms that criminalize corruption and promoting law enforcement that prosecutes corruption;

“(E) fostering business practices that promote transparent, ethical, and competitive behavior in the private sector through the development of an effective legal framework for commerce, including anti-bribery laws, commercial codes that incorporate international standards for business practices, and protection of intellectual property rights; and

“(F) promoting free and fair national, state, and local elections.

“(b) PURPOSE.—The purpose of this title [see Short Title of 2000 Amendments note set out under section 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<sup>1</sup> 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

<sup>1</sup> So in original. Probably should be “living in”.

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)<sup>2</sup> 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)<sup>2</sup> 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<sup>3</sup> 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

<sup>2</sup> See References in Text note below.

<sup>3</sup> So in original. Probably should be “express”.

offices, bureaus, and field missions within the United States Agency for International Development.

(B) Advise the various offices, bureaus, and field missions within the United States Agency for International Development to ensure that programs approved for assistance under this section are consistent with best practices, meet the requirements of this chapter, and conform to the strategy outlined in section 4 of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005.

(C) Advise the various offices, bureaus, and field missions within the United States Agency for International Development in developing any component of their annual plan, as it relates to assistance for orphans or other vulnerable children in developing countries, to ensure that each program, project, or activity relating to such assistance is consistent with best practices, meets the requirements of this chapter, and conforms to the strategy outlined in section 4 of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005.

(D) Coordinate all United States assistance to orphans and other vulnerable children among United States departments and agencies, including the provision of assistance relating to HIV/AIDS authorized under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25) [22 U.S.C. 7601 et seq.], and the amendments made by such Act (including section 102 of such Act, and the amendments made by such section, relating to the coordination of HIV/AIDS programs).

(E) Establish priorities that promote the delivery of assistance to the most vulnerable populations of orphans and children, particularly in those countries with a high rate of HIV infection among women.

(F) Disseminate a collection of best practices to field missions of the United States Agency for International Development to guide the development and implementation of programs to assist orphans and vulnerable children.

(G) Administer the monitoring and evaluation system established in subsection (d) of this section.

(H) Prepare the annual report required by section 2152g of this title.

**(f) Authorization of appropriations**

**(1) In general**

There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for each of the fiscal years 2006 and 2007.

**(2) Availability of funds**

Amounts made available under paragraph (1) are authorized to remain available until expended.

(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.

CODIFICATION

Another section 135 of Pub. L. 87-195 is classified to section 2152h of this title.

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.]

### § 2152g. Annual report

#### (a) Report

Not later than one year after the date on which the President transmits to the appro-

priate 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 and sanitation**

**(a) Purposes**

The purposes of assistance authorized by this section are—

(1) to promote good health, economic development, poverty reduction, women’s empowerment, conflict prevention, and environmental

sustainability by providing assistance to expand access to safe water and sanitation, promoting integrated water resource management, and improving hygiene for people around the world;

(2) to seek to reduce by one-half from the baseline year 1990 the proportion of people who are unable to reach or afford safe drinking water and the proportion of people without access to basic sanitation by 2015;

(3) to focus water and sanitation assistance toward the countries, locales, and people with the greatest need;

(4) to promote affordability and equity in the provision of access to safe water and sanitation for the very poor, women, and other vulnerable populations;

(5) to improve water efficiency through water demand management and reduction of unaccounted-for water;

(6) to promote long-term sustainability in the affordable and equitable provision of access to safe water and sanitation through the creation of innovative financing mechanisms such as national revolving funds, and by strengthening the capacity of recipient governments and communities to formulate and implement policies that expand access to safe water and sanitation in a sustainable fashion, including integrated planning;

(7) to secure the greatest amount of resources possible, encourage private investment in water and sanitation infrastructure and services, particularly in lower middle-income countries, without creating unsustainable debt for low-income countries or unaffordable water and sanitation costs for the very poor; and

(8) to promote the capacity of recipient governments to provide affordable, equitable, and sustainable access to safe water and sanitation.

**(b) Authorization**

To carry out the purposes of subsection (a) of this section, the President is authorized to furnish assistance for programs in developing countries to provide affordable and equitable access to safe water and sanitation.

**(c) Activities supported**

Assistance provided under subsection (b) of this section shall, to the maximum extent practicable, be used to—

(1) expand affordable and equitable access to safe water and sanitation for underserved populations;

(2) support the design, construction, maintenance, upkeep, repair, and operation of water delivery and sanitation systems;

(3) improve the safety and reliability of water supplies, including environmental management; and

(4) improve the capacity of recipient governments and local communities, including capacity-building programs for improved water resource management.

**(d) Local currency**

The President may use payments made in local currencies under an agreement made under title I of the Food for Peace Act (7 U.S.C. 1701 et seq.) to provide assistance under this section.



(Pub. L. 87-195, pt. I, §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.)

## 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.

## CODIFICATION

Another section 135 of Pub. L. 87-195 is classified to section 2152f 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”.

## 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, 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. SAFE WATER AND SANITATION STRATEGY.

“(a) STRATEGY.—The President, acting through the Secretary of State, shall develop a strategy to further the United States foreign assistance objective to provide affordable and equitable access to safe water and sanitation in developing countries, as described in section 135 of the Foreign Assistance Act of 1961 [this section], as added by section 5(a) of this Act.

“(b) CONSULTATION.—The strategy required by subsection (a) shall be developed in consultation with the Administrator of the United States Agency for International Development, the heads of other appropriate Federal departments and agencies, international organizations, international financial institutions, recipient governments, United States and international nongovernmental organizations, indigenous civil society, and other appropriate entities.

“(c) IMPLEMENTATION.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall implement the strategy required by subsection (a). The strategy may also be implemented in part by other Federal departments and agencies, as appropriate.

“(d) CONSISTENT WITH SAFE WATER AND SANITATION POLICY.—The strategy required by subsection (a) shall be consistent with the policy stated in section 3 of this Act.

“(e) CONTENT.—The strategy required by subsection (a) shall include—

“(1) an assessment of the activities that have been carried out, or that are planned to be carried out, by all appropriate Federal departments and agencies to improve affordable and equitable access to safe water and sanitation in all countries that receive assistance from the United States;

“(2) specific and measurable goals, benchmarks, and timetables to achieve the objective described in subsection (a);

“(3) an assessment of the level of funding and other assistance for United States water and sanitation programs needed each year to achieve the goals, benchmarks, and timetables described in paragraph (2);

“(4) methods to coordinate and integrate United States water and sanitation assistance programs with other United States development assistance programs to achieve the objective described in subsection (a);

“(5) methods to better coordinate United States water and sanitation assistance programs with programs of other donor countries and entities to achieve the objective described in subsection (a); and

“(6) an assessment of the commitment of governments of countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, as added by section 5(a) of this Act, to policies or policy reforms that support affordable and equitable access by the people of such countries to safe water and sanitation.

“(f) DESIGNATION OF HIGH PRIORITY COUNTRIES.—The strategy required by subsection (a) shall further include the designation of high priority countries for assistance under section 135 of the Foreign Assistance Act of 1961, as added by section 5(a) of this Act. This designation shall be made on the basis of—

“(1) countries in which the need for increased access to safe water and sanitation is greatest; and

“(2) countries in which assistance under such section can be expected to make the greatest difference in promoting good health, economic development, poverty reduction, women’s empowerment, conflict prevention, and environmental sustainability.

“(g) REPORTS.—

“(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act [Dec. 1, 2005], the Secretary of State shall submit to the appropriate congressional committees a report that describes the strategy required by subsection (a).

“(2) SUBSEQUENT REPORTS.—

“(A) IN GENERAL.—Not less than once every year after the submission of the initial report under paragraph (1) until 2015, the Secretary of State shall submit to the appropriate congressional committees a report on the status of the implementation of the strategy, progress made in achieving the objective described in subsection (a), and any changes to the strategy since the date of the submission of the last report.

“(B) ADDITIONAL INFORMATION.—Such reports shall include information on the amount of funds

expended in each country or program, disaggregated by purpose of assistance, including information on capital investments, and the source of such funds by account.

“(3) DEFINITION.—In this subsection, 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.

“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.”

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.