

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.)

Editorial Notes

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. 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.

Statutory Notes and Related Subsidiaries

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 Repealed.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), 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.)

Editorial Notes**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 subssecs. (a) to (d) for former subssecs. (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 subssecs. (b) and (c).

Statutory Notes and Related Subsidiaries**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 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.

DEFENDING ECONOMIC LIVELIHOODS AND THREATENED ANIMALS

Pub. L. 115–353, Dec. 21, 2018, 132 Stat. 5070, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Defending Economic Livelihoods and Threatened Animals Act’ or the ‘DELTA Act’.

“SEC. 2. FINDINGS.

“Congress finds the following:

“(1) The greater Okavango River Basin, which ranges from the highland plateau of Angola to northeastern Namibia and northern Botswana, and also provides critical natural resources that sustain wildlife in Zambia and Zimbabwe, is the largest freshwater watershed in southern Africa.

“(2) The greater Okavango River Basin is the main source of water and livelihoods for over 1 million people, and the effective management and protection of this critical watershed will help advance important conservation and economic growth objectives for Angola, Botswana, Namibia, local communities, and the broader region.

“(3) The greater Okavango River Basin is home to the largest remaining elephant population in the world, as well as other threatened wildlife species.

“(4) Poaching and trafficking of threatened wildlife species in the greater Okavango River Basin has increased in recent years, and has the potential to undermine regional stability by disrupting local governance and management of resources, and supplanting key economic opportunities for community members.

“(5) Governments in the region have taken important steps to coordinate through existing conservation frameworks to combat trafficking, ensure responsible resource management, support local livelihoods, and protect threatened wildlife species.

“SEC. 3. SENSE OF CONGRESS.

“It is the sense of Congress that it is in the interest of the United States to engage, as appropriate, with the Governments of Angola, Botswana, Namibia, and neighboring countries, and in partnership with donors, regional organizations, nongovernmental organizations, local communities, and the private sector, to advance conservation efforts and promote economic growth and stability in the greater Okavango River Basin and neighboring watersheds and conservation areas.

“SEC. 4. STATEMENT OF POLICY.

“It is the policy of the United States to promote inclusive economic growth through conservation and biodiversity programs that facilitate transboundary cooperation, improve water and natural resource management, and build local capacity to protect and preserve threatened wildlife species in the greater Okavango River Basin and neighboring watersheds and conservation areas.

“SEC. 5. STRATEGY.

“(a) IN GENERAL.—The Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, shall seek, as appropriate, to work with the Governments of Angola, Botswana, Namibia, and neighboring countries, and in partnership with donors, regional organizations, nongovernmental organizations, local communities, and the private sector, to develop a strategy to—

“(1) create and advance a cooperative framework to promote responsible natural resource, water, and wildlife management practices in the greater Okavango River Basin;

“(2) protect traditional migration routes of elephants and other threatened wildlife species;

“(3) combat wildlife poaching and trafficking;

“(4) address human health and development needs of local communities; and

“(5) catalyze economic growth in such countries and across the broader region.

“(b) ELEMENTS.—The strategy established pursuant to subsection (a) shall—

“(1) promote cooperative and responsible water, natural resource, and wildlife management policies and practices within and among the countries of Angola, Botswana, and Namibia, with a particular focus on the greater Okavango River Basin and the critical headwaters located in Angola;

“(2) protect and restore wildlife habitats and traditional migratory patterns of elephants and other threatened species;

“(3) combat wildlife poaching and trafficking in Angola, Botswana, Namibia, and those areas of Zambia and Zimbabwe that border Angola, Botswana, or Namibia, including within regional and national parks and reserves, by building the capacity of the governments of such countries, local law enforcement, community leaders, and park rangers to detect, disrupt, and prosecute poachers and traffickers;

“(4) promote conservation as a foundation for inclusive economic growth and development within a comprehensive assistance strategy that places Angola, Botswana, and Namibia on a trajectory toward graduation from the need for United States foreign assistance;

“(5) identify opportunities and mechanisms to leverage regional organizations, nongovernmental organizations, and public-private partnerships to con-

tribute to support the implementation of the strategy;

“(6) establish monitoring and evaluation mechanisms, including measurable goals, objectives, and benchmarks of success, that are included in grants, contracts, and cooperative agreements to ensure the effective use of United States foreign assistance; and

“(7) coordinate with and build the capacity of regional conservation frameworks in order to advance regional conservation objectives.

“SEC. 6. UNITED STATES SUPPORT.

“(a) IN GENERAL.—The Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, are authorized to prioritize and advance ongoing efforts to—

“(1) promote inclusive economic growth and development through responsible water and natural resource management and wildlife protection activities in the greater Okavango River Basin;

“(2) provide technical assistance to governments and local communities in Angola, Botswana, and Namibia to create a policy-enabling environment for such responsible water and natural resource management and wildlife protection activities; and

“(3) build the capacity of local law enforcement, park rangers, and community leaders to combat wildlife poaching and trafficking.

“(b) COORDINATION AND INTEGRATION WITH REGIONAL CONSERVATION FRAMEWORKS.—The Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, shall coordinate assistance provided by Department of State, the United States Agency for International Development, and such other relevant Federal agencies with existing regional conservation frameworks in order to ensure regional integration of conservation, wildlife trafficking, and water management initiatives, to prevent duplication of efforts, and to advance regional conservation objectives.

“(c) COORDINATION WITH PRIVATE SECTOR.—The Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, are authorized to work with the private sector and nongovernmental organizations to leverage public and private capital to promote responsible resource management, combat wildlife poaching and trafficking, and support inclusive economic growth and local livelihoods in the greater Okavango River Basin.

“(d) MONITORING AND EVALUATION.—The Secretary and the Administrator shall establish monitoring and evaluation mechanisms, to include measurable goals, objectives, and benchmarks, to ensure the effective use of United States foreign assistance to achieve the objectives of this section.

“SEC. 7. REPORT.

“(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Dec. 21, 2018], the Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, shall submit to the appropriate congressional committees a report on the implementation of this Act.

“(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the strategy required by section 5, including—

“(1) the monitoring and evaluation plans and indicators used to measure performance under the strategy;

“(2) any legislative impediments to meeting the objectives of such strategy;

“(3) the extent to which Angola, Botswana, and Namibia have demonstrated a commitment and willingness to cooperate to advance efforts described in section 5(b);

“(4) progress made to date in meeting the objectives of such strategy;

“(5) efforts to coordinate, deconflict, and streamline conservation programs in order to maximize resource effectiveness;

“(6) the extent to which Angola, Botswana, and Namibia and other government[s] in the region are in-

vesting resources to advance conservation initiatives; and

“(7) the extent to which other funding sources, including through private sector investment and other investment by Angola, Botswana, and Namibia, have been identified to advance conservation initiatives.

“SEC. 8. DEFINITIONS.

“In this Act:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the United States Agency for International Development.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

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

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of State.”

CLEAN WATER FOR THE AMERICAS PARTNERSHIP

Pub. L. 107–228, div. A, title VI, subtitle D, Sept. 30, 2002, 116 Stat. 1402, provided that:

“SEC. 641. SHORT TITLE.

“This subtitle may be cited as the ‘Clean Water for the Americas Partnership Act of 2002’.

“SEC. 642. DEFINITIONS.

“In this subtitle:

“(1) JOINT PROJECT.—The term ‘joint project’ means a project between a United States association or nonprofit entity and a Latin American or Caribbean association or nongovernmental organization.

“(2) LATIN AMERICAN OR CARIBBEAN NONGOVERNMENTAL ORGANIZATION.—The term ‘Latin American or Caribbean nongovernmental organization’ includes any institution of higher education, any private nonprofit entity involved in international education activities, or any research institute or other research organization, based in the region.

“(3) REGION.—The term ‘region’ refers to the region comprised of the member countries of the Organization of American States (other than the United States and Canada).

“(4) UNITED STATES ASSOCIATION.—The term ‘United States association’ means a business league described in section 501(c)(6) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(6)), and exempt from taxation under section 501(a) of such Code (26 U.S.C. 501(a)).

“(5) UNITED STATES NONPROFIT ENTITY.—The term ‘United States nonprofit entity’ includes any institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), any private nonprofit entity involved in international education activities, or any research institute or other research organization, based in the United States.

“SEC. 643. ESTABLISHMENT OF PROGRAM.

“The President is authorized to establish a program which shall be known as the ‘Clean Water for the Americas Partnership’.

“SEC. 644. ENVIRONMENTAL ASSESSMENT.

“The President is authorized to conduct a comprehensive assessment of the environmental problems in the region to determine—

“(1) which environmental problems threaten human health the most, particularly the health of the urban poor;

“(2) which environmental problems are most threatening, in the long-term, to the region’s natural resources;

“(3) which countries have the most pressing environmental problems; and

“(4) whether and to what extent there is a market for United States environmental technology, practices, knowledge, and innovations in the region.

“SEC. 645. ESTABLISHMENT OF TECHNOLOGY AMERICA CENTERS.

“(a) AUTHORITY TO ESTABLISH.—The President, acting through the Director General of the United States and Foreign Commercial Service of the Department of Commerce, is authorized to establish Technology America Centers (TEAMs) in the region to serve the entire region and, where appropriate, to establish TEAMs in urban areas of the region to focus on urban environmental problems.

“(b) FUNCTIONS.—The TEAMs would link United States private sector environmental technology firms with local partners, both public and private, by providing logistic and information support to United States firms seeking to find local partners and opportunities for environmental projects. TEAMs should emphasize assisting United States small businesses.

“(c) LOCATION.—In determining whether to locate a TEAM in a country, the President, acting through the Director General of the United States and Foreign Commercial Service of the Department of Commerce, shall take into account the country’s need for logistic and informational support and the opportunities presented for United States firms in the country. A TEAM may be located in a country without regard to whether a mission of the United States Agency for International Development is established in that country.

“SEC. 646. PROMOTION OF WATER QUALITY, WATER TREATMENT SYSTEMS, AND ENERGY EFFICIENCY.

“Subject to the availability of appropriations, the President is authorized to provide matching grants to United States associations and United States nonprofit entities for the purpose of promoting water quality, water treatment systems, and energy efficiency in the region. The grants shall be used to support joint projects, including professional exchanges, academic fellowships, training programs in the United States or in the region, cooperation in regulatory review, development of training materials, the establishment and development in the region of local chapters of the associations or nonprofit entities, and the development of online exchanges.

“SEC. 647. GRANTS FOR PREFEASIBILITY STUDIES WITHIN A DESIGNATED SUBREGION.

“(a) GRANT AUTHORITY.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Director of the Trade and Development Agency is authorized to make grants for prefeasibility studies for water projects in any country within a single subregion or in a single country designated under paragraph (2).

“(2) DESIGNATION OF SUBREGION.—The Director of the Trade and Development Agency shall designate in advance a single subregion or a single country for purposes of paragraph (1).

“(b) MATCHING REQUIREMENT.—The Director of the Trade and Development Agency may not make any grant under this section unless there are made available non-Federal contributions in an amount equal to not less than 25 percent of the amount of Federal funds provided under the grant.

“(c) LIMITATION PER SINGLE PROJECT.—With respect to any single project, grant funds under this section shall be available only for the prefeasibility portion of that project.

“(d) DEFINITIONS.—In this section:

“(1) PREFEASIBILITY.—The term ‘prefeasibility’ means, with respect to a project, not more than 25 percent of the design phase of the project.

“(2) SUBREGION.—The term ‘subregion’ means an area within the region and includes areas such as Central America, the Andean region, and the Southern cone.

“SEC. 648. CLEAN WATER TECHNICAL SUPPORT COMMITTEE.

“(a) IN GENERAL.—The President is authorized to establish a Clean Water Technical Support Committee (in

this section referred to as the ‘Committee’) to provide technical support and training services for individual water projects.

“(b) COMPOSITION.—The Committee shall consist of international investors, lenders, water service providers, suppliers, advisers, and others with a direct interest in accelerating development of water projects in the region.

“(c) FUNCTIONS.—Members of the Committee shall act as field advisers and may form specialized working groups to provide in-country training and technical assistance, and shall serve as a source of technical support to resolve barriers to project development.

“SEC. 649. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to the President \$10,000,000 for each of the fiscal years 2003, 2004, and 2005 to carry out this subtitle.

“(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to remain available until expended.

“SEC. 650. REPORT.

“Eighteen months after the establishment of the program pursuant to section 643, the President shall submit a report to the appropriate congressional committees containing—

“(1) an assessment of the progress made in carrying out the program established under this subtitle; and

“(2) any recommendations for the enactment of legislation to make changes in the program established under this subtitle.

“SEC. 651. TERMINATION DATE.

“(a) IN GENERAL.—Except as provided in subsection (b), the authorities of this subtitle shall terminate 3 years after the date of establishment of the program described in section 643.

“(b) EXCEPTION.—In lieu of the termination date specified in subsection (a), the termination required by that subsection shall take effect five years after the date of establishment of the program described in section 643 if, prior to the termination date specified in subsection (a), the President determines and certifies to the appropriate congressional committees that it would be in the national interest of the United States to continue the program described in such section 643 for an additional 2-year period.

“SEC. 652. EFFECTIVE DATE.

“This subtitle shall take effect 90 days after the date of enactment of this Act [Sept. 30, 2002].”

[For definition of “appropriate congressional committees” as used in subtitle D of title VI of div. A of Pub. L. 107-228, set out above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.]

Executive Documents

DELEGATION OF FUNCTIONS

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

§ 2151p-1. Tropical forests

(a) Importance of forests and tree cover

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

(1) result in shortages of wood, especially wood for fuel; loss of biologically productive