

form their military missions, and should be coordinated with and from part of the total economic and social development effort, and struck out prohibition against further assistance to Latin American countries, now incorporated in section 2319(c) of this title.

1963—Pub. L. 88-205 inserted proviso stopping further military assistance under this chapter to Latin American countries except to the extent necessary to fulfill prior commitments or to safeguard the security of the United States or of a country associated with the United States in the Alliance for Progress against the overthrow of a duly constituted government, now incorporated in section 2319(c) of this title.

Statutory Notes and Related Subsidiaries

TRANSFER TO REPUBLIC OF KOREA OF DEFENSE ARTICLES; REIMBURSEMENT FOR TRANSFER

Pub. L. 91-652, §3, Jan. 5, 1971, 84 Stat. 1942, authorized the President until June 30, 1972, to transfer to the Republic of Korea such Armed Forces defense articles located in Korea on July 1, 1970 as he determined appropriate and provided that no funds appropriated under Pub. L. 91-652 or this chapter were to be available for reimbursement to any Government agency for any such transfers of defense articles.

§ 2303. Repealed. Pub. L. 104-164, title I, § 104(b)(2)(A), July 21, 1996, 110 Stat. 1426

Section, Pub. L. 87-195, pt. II, §502A, as added Pub. L. 93-189, §12(a), Dec. 17, 1973, 87 Stat. 720, directed that excess defense articles be provided whenever possible rather than new items.

§ 2304. Human rights and security assistance

(a) Observance of human rights as principal goal of foreign policy; implementation requirements

(1) The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.

(2) Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights. Security assistance may not be provided to the police, domestic intelligence, or similar law enforcement forces of a country, and licenses may not be issued under the Export Administration Act of 1979 for the export of crime control and detection instruments and equipment to a country, the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate (when licenses are to be issued pursuant to the Export Administration Act of 1979),¹ that extraordinary circumstances

exist warranting provision of such assistance and issuance of such licenses. Assistance may not be provided under part V of this subchapter to a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that extraordinary circumstances exist warranting provision of such assistance.

(3) In furtherance of paragraphs (1) and (2), the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

(4) In determining whether the government of a country engages in a consistent pattern of gross violations of internationally recognized human rights, the President shall give particular consideration to whether the government—

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

(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.

(b) Report by Secretary of State on practices of proposed recipient countries; considerations

The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor and with the assistance of the Ambassador at Large for International Religious Freedom, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. Wherever applicable, such report shall include consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987). Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization. Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 6402 of this title). Wherever applicable, such report shall include a description of the nature and extent of acts of anti-Semitism and

¹ So in original. The period probably should not appear.

anti-Semitic incitement that occur, including the descriptions of such acts required under section 2151n(d)(8) of this title. Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country. Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year. Each report under this section shall also include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State. Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement. In determining whether a government falls within the provisions of subsection (a)(3) and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights.

(c) Congressional request for information; information required; 30-day period; failure to supply information; termination or restriction of assistance

(1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Secretary of State shall, within thirty days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor, with respect to the country designated in such request, setting forth—

(A) all the available information about observance of and respect for human rights and fundamental freedom in that country, and a detailed description of practices by the recipient government with respect thereto;

(B) the steps the United States has taken to—

(i) promote respect for and observance of human rights in that country and discourage any practices which are inimical to internationally recognized human rights, and

(ii) publicly or privately call attention to, and disassociate the United States and any security assistance provided for such country from, such practices;

(C) whether, in the opinion of the Secretary of State, notwithstanding any such practices—

(i) extraordinary circumstances exist which necessitate a continuation of security assistance for such country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section), and

(ii) on all the facts it is in the national interest of the United States to provide such assistance; and

(D) such other information as such committee or such House may request.

(2)(A) A resolution of request under paragraph (1) of this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) The term "certification", as used in section 601 of such Act, means, for the purposes of this subsection, a resolution of request of the Senate under paragraph (1) of this subsection.

(3) In the event a statement with respect to a country is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within thirty days after receipt of such request, no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law from such country unless and until such statement is transmitted.

(4)(A) In the event a statement with respect to a country is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing security assistance for such country. In the event such a joint resolution is adopted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

(d) Definitions

For the purposes of this section—

(1) the term "gross violations of internationally recognized human rights" includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person;

(2) the term "security assistance" means—

(A) assistance under part II (military assistance) or part IV (economic support fund) or part V (military education and training) or part VI (peacekeeping operations) or part VIII (antiterrorism assistance) of this subchapter;

(B) sales of defense articles or services, extensions of credits (including participations in credits), and guaranties of loans under the Arms Export Control Act [22 U.S.C. 2751 et seq.]; or

(C) any license in effect with respect to the export to or for the armed forces, police, intelligence, or other internal security forces of a foreign country of—

(i) defense articles or defense services under section 38 of the Armed² Export Control Act (22 U.S.C. 2778); or

(ii) items listed under the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations;³

(e) Removal of prohibition on assistance

Notwithstanding any other provision of law, funds authorized to be appropriated under subchapter I of this chapter may be made available for the furnishing of assistance to any country with respect to which the President finds that such a significant improvement in its human rights record has occurred as to warrant lifting the prohibition on furnishing such assistance in the national interest of the United States.

(f) Allocations concerned with performance record of recipient countries without contravention of other provisions

In allocating the funds authorized to be appropriated by this chapter and the Arms Export Control Act [22 U.S.C. 2751 et seq.], the President shall take into account significant improvements in the human rights records of recipient countries, except that such allocations may not contravene any other provision of law.

(g) Report to Congress on use of certain authorities relating to human rights conditions

Whenever the provisions of subsection (e) or (f) of this section are applied, the President shall report to the Congress before making any funds available pursuant to those subsections. The report shall specify the country involved, the amount and kinds of assistance to be provided, and the justification for providing the assistance, including a description of the significant improvements which have occurred in the country's human rights record.

(h) Report on practices of recipient countries relating to trafficking in persons

(1) The report required by subsection (b) shall include the following:

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

(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in per-

sons, 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.

² So in original. Probably should be "Arms".

³ So in original. The semicolon probably should be a period.

(i)⁴ Report on status of freedom of the press in recipient countries

The report required by subsection (b) shall include, wherever applicable—

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

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

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

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

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

(i)⁴ Child marriage status**(1) In general**

The report required under subsection (b) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country.

(2) Defined term

In this subsection, the term “child marriage” means the marriage of a girl or boy who is—

(A) younger than the minimum age for marriage under the laws of the country in which such girl or boy is a resident; or

(B) younger than 18 years of age, if no such law exists.

(Pub. L. 87-195, pt. II, §502B, as added Pub. L. 93-559, §46, Dec. 30, 1974, 88 Stat. 1815; amended Pub. L. 94-329, title III, §301(a), June 30, 1976, 90 Stat. 748; Pub. L. 95-105, title I, §109(a)(3), Aug. 17, 1977, 91 Stat. 846; Pub. L. 95-384, §§6(a)-(d)(1), (e), 10(b)(1), 12(b), Sept. 26, 1978, 92 Stat. 731, 732, 735, 737; Pub. L. 96-53, title V, §511, Aug. 14, 1979, 93 Stat. 380; Pub. L. 96-92, §4, Oct. 29, 1979, 93 Stat. 702; Pub. L. 96-533, title VII, §§701(b), 704, Dec. 16, 1980, 94 Stat. 3156, 3157; Pub. L. 98-151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972; Pub. L. 99-64, title I, §124, July 12, 1985, 99 Stat. 156; Pub. L. 99-83, title XII, §1201, Aug. 8, 1985, 99 Stat. 276; Pub. L. 100-204, title I, §127(2), Dec. 22, 1987, 101 Stat. 1343; Pub. L. 103-236, title I, §162(e)(2), Apr. 30, 1994, 108 Stat. 405; Pub. L. 103-437, §9(a)(6), Nov. 2, 1994, 108 Stat. 4588; Pub. L. 104-319, title II, §201(b), Oct. 19, 1996, 110 Stat. 3866; Pub. L. 105-292, title I, §102(d)(2), title IV, §421(b), Oct. 27, 1998, 112 Stat. 2795, 2810; Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title II, §252, title VIII, §806(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-432,

1501A-471; Pub. L. 106-386, div. A, §104(b), Oct. 28, 2000, 114 Stat. 1472; Pub. L. 107-228, div. A, title VI, §§665(b), 683(b), Sept. 30, 2002, 116 Stat. 1407, 1411; Pub. L. 108-332, §6(a)(2), Oct. 16, 2004, 118 Stat. 1285; Pub. L. 111-166, §2(2), May 17, 2010, 124 Stat. 1187; Pub. L. 113-4, title XII, §1207(b)(2), Mar. 7, 2013, 127 Stat. 141; Pub. L. 113-276, title II, §§206, 208(b)(2), Dec. 18, 2014, 128 Stat. 2992, 2993.)

Editorial Notes

REFERENCES IN TEXT

The Export Administration Act of 1979, referred to in subsec. (a)(2), is Pub. L. 96-72, Sept. 29, 1979, 93 Stat. 503, which was classified principally to chapter 56 (§4601 et seq.) of Title 50, War and National Defense, prior to repeal by Pub. L. 115-232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232, except for sections 11A, 11B, and 11C thereof (50 U.S.C. 4611, 4612, 4613).

Section 2(a) of the Genocide Convention Implementation Act of 1987, referred to in subsec. (b), probably means section 2(a) of the Genocide Convention Implementation Act of 1987 (the Proxmire Act), Pub. L. 100-606, Nov. 4, 1988, 102 Stat. 3045, which enacted chapter 50A (§1091 et seq.) of Title 18, Crimes and Criminal Procedure.

Section 601 of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (c)(2)(A), (4)(B), is section 601 of Pub. L. 94-329, which was not classified to the Code.

The Arms Export Control Act, referred to in subsecs. (d)(2)(B) and (f), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

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

The 1983 amendment by Pub. L. 98-151 is based on section 202(a) of H.R. 2992, Ninety-eighth Congress, 1st Session, as reported May 17, 1983, which was enacted into permanent law by Pub. L. 98-151.

AMENDMENTS

2014—Subsec. (b), Pub. L. 113-276, §208(b)(2)(A), substituted “Wherever applicable, such report shall include a description” for “Wherever applicable, a description” in introductory provisions.

Subsec. (d)(1), Pub. L. 113-276, §206(1), struck out “and” at end.

Subsec. (d)(2)(B), Pub. L. 113-276, §208(b)(2)(B), which directed substitution of “credits” for “credits”, was executed by making the substitution for “credits” after “participations in”, to reflect the probable intent of Congress.

Subsec. (d)(2)(C), Pub. L. 113-276, §206(2), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “any license in effect with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country under section 38 of the Arms Export Control Act.”

2013—Subsec. (i), Pub. L. 113-4 added subsec. (i) relating to child marriage status.

2010—Subsec. (i), Pub. L. 111-166 added subsec. (i) relating to report on status of freedom of the press in recipient countries.

2004—Subsec. (b), Pub. L. 108-332 inserted after fourth sentence of introductory provisions “Wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur, including the descriptions of such acts required under section 2151n(d)(8) of this title.”

⁴ So in original. Two subsecs. (i) have been enacted.

2002—Subsec. (b). Pub. L. 107-228, § 683(b), in introductory provisions, inserted after sixth sentence “Each report under this section shall also include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State.”

Pub. L. 107-228, § 665(b), in introductory provisions, inserted after fourth sentence “Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country.”

2000—Subsec. (h). Pub. L. 106-386 added subsec. (h).

1999—Subsec. (b). Pub. L. 106-113, in introductory provisions, inserted after first sentence “Wherever applicable, such report shall include consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987),” and inserted after fourth sentence “Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement.”

1998—Subsec. (a)(4). Pub. L. 105-292, § 421(b), added par. (4).

Subsec. (b). Pub. L. 105-292, § 102(d)(2), in introductory provisions, inserted “and with the assistance of the Ambassador at Large for International Religious Freedom” after “Labor” and “Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 6402 of this title),” after “sterilization.”

1996—Subsec. (b). Pub. L. 104-319 inserted “Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission’s annual session during the period covered during the preceding year.” after second sentence.

1994—Subsec. (b). Pub. L. 103-236 substituted “Democracy, Human Rights, and Labor” for “Human Rights and Humanitarian Affairs” in introductory provisions.

Subsec. (c)(1). Pub. L. 103-437 substituted “Foreign Affairs” for “International Relations” in introductory provisions.

Pub. L. 103-236 substituted “Democracy, Human Rights, and Labor” for “Human Rights and Humanitarian Affairs” in introductory provisions.

1987—Subsec. (b). Pub. L. 100-204 inserted after first sentence “Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization.”

1985—Subsec. (a)(2). Pub. L. 99-64 inserted “and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate (when licenses are to be issued pursuant to the Export Administration Act of 1979).”

Subsec. (g). Pub. L. 99-83 added subsec. (g).

1983—Subsec. (d)(2)(A). Pub. L. 98-151 inserted “or part VIII (antiterrorism assistance).”

1980—Subsec. (a)(2). Pub. L. 96-533, § 704, substituted “Export Administration Act of 1979” for “Export Administration Act of 1969”.

Subsec. (d)(1). Pub. L. 96-533, § 701(b), defined “gross violations of internationally recognized human rights” to include causing the disappearance of persons by the abduction and clandestine detention of those persons.

1979—Subsec. (e). Pub. L. 96-53 added subsec. (e).

Subsec. (f). Pub. L. 96-92 added subsec. (f).

1978—Subsec. (a)(1). Pub. L. 95-384, § 6(a), substituted “The United States shall” for “It is the policy of the United States”, “throughout the world” for “for all”, and “Accordingly” for “To this end”.

Subsec. (a)(2). Pub. L. 95-384, § 6(b), (d)(1), (e), substituted “Except” for “It is further the policy of the United States that, except” and inserted provisions prohibiting security assistance, including crime control and detection instruments, from being provided to police, domestic intelligence, or other police forces of governments which the executive branch determines are guilty of a consistent pattern of gross violations of internationally recognized human rights and prohibiting assistance under part V of this subchapter to a country the government of which, as determined by the executive branch, is engaged in a consistent pattern of gross violations of internationally recognized human rights.

Subsec. (a)(3). Pub. L. 95-384, § 6(c), substituted “paragraphs (1) and (2),” for “the foregoing policy”.

Subsec. (d)(2)(A). Pub. L. 95-384, §§ 10(b)(1), 12(b), substituted “(economic support fund)” for “(security supporting assistance)”, inserted “or part VI (peacekeeping operations)” after “and training”, and struck out “or subchapter V (assistance to the Middle East) of this chapter” after “of this subchapter”.

1977—Subsecs. (b), (c)(1). Pub. L. 95-105 substituted “Assistant Secretary of State” for “Coordinator”.

1976—Pub. L. 94-329 restricted the power of the President by eliminating the extraordinary circumstances exception to termination of assistance for gross violations of recognized human rights, directed the Secretary of State, as part of the presentation materials for an assistance program, to transmit a full and complete report to Congress on the human rights practices of the proposed recipient country and, within 30 days of a request by Congress, to supply information concerning the human rights practices of a country receiving assistance for determination as to whether the assistance should be continued, restricted, or terminated, and defined “security assistance”.

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 2004 AMENDMENT

Amendment by Pub. L. 108-332 applicable beginning with the first report under sections 2151n(d), 2304(b), and 6412(b) of this title submitted more than 180 days after Oct. 16, 2004, see section 6(c) of Pub. L. 108-332, set out as a note under section 2151n of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103-236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103-236, as amended, set out as a note under section 2651a of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

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

EFFECTIVE DATE OF 1979 AMENDMENT

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

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.

§ 2305. National Security Assistance Strategy**(a) Multiyear plan**

Not later than 180 days after October 6, 2000, and annually thereafter at the time of submission of the congressional presentation materials of the foreign operations appropriations budget request, the Secretary of State should submit to the appropriate committees of Congress a plan setting forth a National Security Assistance Strategy for the United States.

(b) Elements of the Strategy

The National Security Assistance Strategy should—

- (1) set forth a multi-year plan for security assistance programs;
- (2) be consistent with the National Security Strategy of the United States;
- (3) be coordinated with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff;
- (4) be prepared, in consultation with other agencies, as appropriate;
- (5) identify overarching security assistance objectives, including identification of the role that specific security assistance programs will play in achieving such objectives;
- (6) identify a primary security assistance objective, as well as specific secondary objectives, for individual countries;
- (7) identify, on a country-by-country basis, how specific resources will be allocated to accomplish both primary and secondary objectives;
- (8) discuss how specific types of assistance, such as foreign military financing and international military education and training, will be combined at the country level to achieve United States objectives; and
- (9) detail, with respect to each of the paragraphs (1) through (8), how specific types of assistance provided pursuant to the Arms Export Control Act [22 U.S.C. 2751 et seq.] and the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] are coordinated with United States assistance programs managed by the Department of Defense and other agencies.

(c) Covered assistance

The National Security Assistance Strategy should cover assistance provided under—

- (1) section 23 of the Arms Export Control Act [22 U.S.C. 2763];
- (2) chapter 5 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2347 et seq.]; and
- (3) section 516 of the Foreign Assistance Act of 1961 [22 U.S.C. 2321j].

(Pub. L. 106-280, title V, §501, Oct. 6, 2000, 114 Stat. 854.)

Editorial Notes

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (b)(9), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsecs. (b)(9) and (c)(2), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to this chapter. Chapter 5 of part II of the Act is classified generally to part V (§2347 et seq.) of subchapter II of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the Security Assistance Act of 2000, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITION

Pub. L. 106-280, §2, Oct. 6, 2000, 114 Stat. 846, provided that: "In this Act [see Short Title of 2000 Amendments note set out under section 2151 of this title], the term 'appropriate committees of Congress' means the Committee on Foreign Relations of the Senate and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives."

PART II—MILITARY ASSISTANCE

§ 2311. General authority**(a) Defense articles and services; noncombatant personnel; transfer of funds**

The President is authorized to furnish military assistance, on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, by—

- (1) acquiring for any source and providing (by loan or grant) any defense article or defense service;
- (2) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to perform duties of a noncombatant nature; or
- (3) transferring such of the funds appropriated or otherwise made available under this part as the President may determine for assistance to a recipient country, to the account in which funds for the procurement of defense articles and defense services under section 21 and section 22 of the Arms Export Control Act [22 U.S.C. 2761 and 2762] have been deposited for such recipient, to be merged with such deposited funds, and to be used solely to meet obligations of the recipient for payment for sales under that Act [22 U.S.C. 2751 et seq.].

Sales which are wholly paid from funds transferred under paragraph (3) or from funds made available on a non-repayable basis under section 23 of the Arms Export Control Act [22 U.S.C. 2763] shall be priced to exclude the costs of salaries of members of the Armed Forces of the United States (other than the Coast Guard).