

mits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam.”

Similar provisions were contained in the following prior acts:

- Pub. L. 90-581, title I, §107, Oct. 17, 1968, 82 Stat. 1139.
- Pub. L. 90-249, title I, §107, Jan. 2, 1968, 81 Stat. 938.
- Pub. L. 89-691, title I, §107, Oct. 15, 1966, 80 Stat. 1020.
- Pub. L. 89-273, title I, §107, Oct. 20, 1965, 79 Stat. 1004.
- Pub. L. 88-634, title I, §107, Oct. 7, 1964, 78 Stat. 1018.
- Pub. L. 88-258, title I, §107, Jan. 6, 1964, 77 Stat. 859.
- Pub. L. 87-872, title I, §107, Oct. 23, 1962, 76 Stat. 1165.

**RESTRICTIONS ON ASSISTANCE TO COUNTRIES SELLING, FURNISHING OR PERMITTING SHIPS TO CARRY CERTAIN ITEMS TO NORTH VIETNAM**

Pub. L. 91-194, title I, §116, Feb. 9, 1970, 84 Stat. 10, forbid assistance under the Foreign Assistance Act of 1961, as amended, to any country that sold, furnished or permitted any ships under its registry to carry to North Vietnam certain enumerated items unless the President determined that the withholding of such assistance was contrary to the national interest of the United States and reported such determination to Congress.

Similar provisions were contained in the following prior acts:

- Pub. L. 90-581, title I, §116, Oct. 17, 1968, 82 Stat. 1141.
- Pub. L. 90-249, title I, §116, Jan. 2, 1968, 81 Stat. 940.
- Pub. L. 89-691, title I, §116, Oct. 15, 1966, 80 Stat. 1022.
- Pub. L. 89-273, title I, §116, Oct. 20, 1965, 79 Stat. 1005.

**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.

**INTERDICTION OF THE DELIVERY OF OFFENSIVE WEAPONS TO CUBA**

For Presidential proclamation prohibiting the delivery of offensive weapons to Cuba, see Proc. No. 3504, Oct. 23, 1962, 27 F.R. 10401, set out as a note preceding section 1 of Title 50, War and National Defense.

**PROC. NO. 3447. EMBARGO ON TRADE WITH CUBA**

Proc. No. 3447, Feb. 3, 1962, 27 F.R. 1085, provided: WHEREAS the Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance, in its Final Act resolved that the present Government of Cuba is incompatible with the principles and objectives of the Inter-American system; and, in light of the subversive offensive of Sino-Soviet Communism with which the Government of Cuba is publicly aligned, urged the member states to take those steps that they may consider appropriate for their individual and collective self-defense;

WHEREAS the Congress of the United States, in section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended [subsection (a) of this section], has authorized the President to establish and maintain an embargo upon all trade between the United States and Cuba; and

WHEREAS the United States, in accordance with its international obligations, is prepared to take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alignment with the communist powers:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended [subsection (a) of this section], do

1. Hereby proclaim an embargo upon trade between the United States and Cuba in accordance with paragraphs 2 and 3 of this proclamation.

2. Hereby prohibit, effective 12:01 A.M., Eastern Standard Time, February 7, 1962, the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba; and I hereby authorize and direct the Secretary of the Treasury to carry out such prohibition, to make such exceptions thereto, by license or otherwise, as he determines to be consistent with the effective operation of the embargo hereby proclaimed, and to promulgate such rules and regulations as may be necessary to perform such functions.

3. AND FURTHER, I do hereby direct the Secretary of Commerce, under the provisions of the Export Control Act of 1949, as amended (50 U.S.C. App. 2021-2032), to continue to carry out the prohibition of all exports from the United States to Cuba, and I hereby authorize him, under that Act, to continue, make, modify or revoke exceptions from such prohibition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this third day of February, in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY.

**§ 2370a. Expropriation of United States property**

**(a) Prohibition**

None of the funds made available to carry out this Act, the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], or the Arms Export Control Act [22 U.S.C. 2751 et seq.] may be provided to a government or any agency or instrumentality thereof, if the government of such country (other than a country described in<sup>1</sup> subsection (d))—

(1) has on or after January 1, 1956—

(A) nationalized or expropriated the property of any United States person,

(B) repudiated or nullified any contract with any United States person, or

(C) taken any other action (such as the imposition of discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(2) has not, within the period specified in subsection (c), either—

(A) returned the property,

(B) provided adequate and effective compensation for such property in convertible foreign exchange or other mutually acceptable compensation equivalent to the full value thereof, as required by international law,

(C) offered a domestic procedure providing prompt, adequate and effective compensation in accordance with international law, or

(D) submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes or other mutually agreeable binding international arbitration procedure.

**(b) Other actions**

The President shall instruct the United States Executive Directors of each multilateral devel-

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

opment bank and international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of any country to which assistance is prohibited under subsection (a), unless such assistance is directed specifically to programs which serve the basic human needs of the citizens of that country.

**(c) Period for settlement of claims**

The period of time described in subsection (a)(2) is the latest of the following—

- (1) 3 years after the date on which a claim was filed,
- (2) in the case of a country that has a totalitarian or authoritarian government at the time of the action described in subsection (a)(1), 3 years after the date of installation of a democratically elected government, or
- (3) 90 days after April 30, 1994.

**(d) Excepted countries and territories**

This section shall not apply to any country established by international mandate through the United Nations or to any territory recognized by the United States Government to be in dispute.

**(e) Resumption of assistance**

A prohibition or termination of assistance under subsection (a) and an instruction to vote against loans under subsection (b) shall cease to be effective when the President certifies in writing to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate that such government has taken one of the steps described in subsection (a)(2).

**(f) Reporting requirement**

Not later than 90 days after April 30, 1994, and at the beginning of each fiscal year thereafter, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, a report containing the following:

- (1) A list of every country in which the United States Government is aware that a United States person has an outstanding expropriation claim.
- (2) The total number of such outstanding expropriation claims made by United States persons against each such country.
- (3) The period of time in which each such claim has been outstanding.
- (4) The status of each case and efforts made by the United States Government and the government of the country in which such claim has been made, to take one or more of the steps described in subsection (a)(2).
- (5) Each project a United States Executive Director voted against as a result of the action described in subsection (b).

**(g) Waiver**

The President may waive the prohibitions in subsections (a) and (b) for a country, on an annual basis, if the President determines and so notifies Congress that it is in the national interest to do so.

**(h) “United States person” defined**

For the purpose of this section, the term “United States person” means a United States

citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

**(i) Certain claims for expropriation by the Government of Nicaragua**

(1) Any action of the types set forth in subparagraphs (A), (B), and (C) of subsection (a)(1) that was taken by the Government of Nicaragua during the period beginning on January 1, 1956, and ending on January 9, 2002, shall not be considered in implementing the prohibition under subsection (a) unless the action has been presented in accordance with the procedure set forth in paragraph (2).

(2) An action shall be deemed presented for purposes of paragraph (1) if it is—

- (A) in writing; and
- (B) received by the United States Department of State on or before 120 days after the date specified in paragraph (3) at—
  - (i) the headquarters of the United States Department of State in Washington, D.C.; or
  - (ii) the Embassy of the United States of America to Nicaragua.

(3) The date to which paragraph (2) refers is a date after December 8, 2004, that is specified by the Secretary of State, in the Secretary’s discretion, in a notice published in the Federal Register.

(Pub. L. 103-236, title V, §527, Apr. 30, 1994, 108 Stat. 475; Pub. L. 108-447, div. D, title V, §584(c), Dec. 8, 2004, 118 Stat. 3032.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 103-236, Apr. 30, 1994, 108 Stat. 382, known as the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 2651 of this title and Tables.

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

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

CODIFICATION

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

AMENDMENTS

2004—Subsec. (i). Pub. L. 108-447 added subsec. (i).

**Executive Documents**

DELEGATION OF RESPONSIBILITIES UNDER FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

Memorandum of President of the United States, July 26, 1994, 59 F.R. 40205, provided:

Memorandum for the Secretary of State  
By the authority vested in me by the Constitution and laws of the United States of America, including

section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of State the functions vested in the President by the following provisions of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) (the “Act”): sections 102(g) [22 U.S.C. 287e note], 161(c) [22 U.S.C. 2651a note], 401(b) [108 Stat. 446], 407(a) [22 U.S.C. 287b note], 409 [22 U.S.C. 287e note], 431(b) [108 Stat. 459], 514(b) [22 U.S.C. 1928 note], 523 [108 Stat. 473], 527(e) and (g) [22 U.S.C. 2370a(e), (g)], 528 [108 Stat. 477], 532(a) [108 Stat. 480], 574 [22 U.S.C. 2656 note], 583(b)(1) and (b)(6) [108 Stat. 489, 490], 733 [22 U.S.C. 2779a] and 735(d) [22 U.S.C. 2797b-1].

The functions under section 407(a) of the Act [22 U.S.C. 287b note] shall be exercised in coordination with the Secretary of Defense.

The functions under section 527(e) and (g) of the Act [22 U.S.C. 2370a(e), (g)] shall be exercised in consultation with the Secretary of the Treasury and the heads of other departments and agencies, as appropriate.

Any reference in this memorandum to any act, order, determination, or delegation of authority shall be deemed to be a reference to such act, order, determination, or delegation of authority as amended from time to time.

The functions delegated by this memorandum may be redelegated within the Department of State.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

Memorandum of President of the United States, Jan. 4, 1995, 60 F.R. 3335, provided:

Memorandum for the Secretary of the Treasury

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of the Treasury the functions under section 527(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) [22 U.S.C. 2370a(b)].

Any reference in this memorandum to any Act, order, determination, or delegation of authority shall be deemed to be a reference to such Act, order, determination, or delegation of authority as amended.

The functions delegated by this memorandum may be redelegated within the Department of the Treasury.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

## § 2370b. Humanitarian assistance code of conduct

### (a) In general

None of the funds made available for foreign operations, export financing, and related programs under the headings “Migration and Refugee Assistance”, “United States Emergency Refugee and Migration Assistance Fund”, “International Disaster and Famine Assistance”, or “Transition Initiatives” may be obligated to an organization that fails to adopt a code of conduct that provides for the protection of beneficiaries of assistance under any such heading from sexual exploitation and abuse in humanitarian relief operations.

### (b) Consistency with United Nations principles

The code of conduct referred to in subsection (a) shall, to the maximum extent practicable, be consistent with the six core principles of the United Nations Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises.

### (c) Reports

Not later than 180 days after May 11, 2005, and not later than one year after May 11, 2005, the

President shall transmit to the appropriate congressional committees a report on the implementation of this section.

### (d) Effective Date

This section shall take effect 60 days after May 11, 2005, and shall apply to funds obligated after such date for fiscal year 2005 and any subsequent fiscal year.

(Pub. L. 109-13, div. A, title II, §2110, May 11, 2005, 119 Stat. 268.)

## Editorial Notes

### CODIFICATION

Section was enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

## Executive Documents

### ASSIGNMENT OF FUNCTIONS RELATING TO THE REPORT TO THE CONGRESS ON IMPLEMENTATION OF HUMANITARIAN ASSISTANCE CODE OF CONDUCT

Memorandum of President of the United States, May 12, 2006, 71 F.R. 30549, provided:

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Constitution and laws of the United States, including section 301 of title 3, United States Code, the functions of the President under section 2110(c) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (title II of Public Law 109-13) (22 U.S.C. 2370b), are assigned to the Secretary of State.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

## § 2370c. Definitions

In sections 2370c to 2370c-2 of this title:

### (1) Appropriate congressional committees

The term “appropriate congressional committees” means—

- (A) the Committee on Foreign Relations of the Senate;
- (B) the Committee on Appropriations of the Senate;
- (C) the Committee on Foreign Affairs of the House of Representatives; and
- (D) the Committee on Appropriations of the House of Representatives.

### (2) Child soldier

Consistent with the provisions of the Optional Protocol to the Convention of the Rights of the Child, the term “child soldier”—

(A) means—

- (i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces, police, or other security forces;
- (ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces, police, or other security forces;
- (iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces, police, or other security forces; or