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(e) Definition

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

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

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

(Pub. L. 87–195, pt. III, §656, as added Pub. L. 106–113, div. B, §1000(a)(7) [div. B, title XIII, §1307], Nov. 29, 1999, 113 Stat. 1536, 1501A–512; amended Pub. L. 107–228, div. B, title XII, §1262(a), Sept. 30, 2002, 116 Stat. 1434.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2416, Pub. L. 87–195, pt. III, §656, as added Pub. L. 92–226, pt. III, §304(b), Feb. 7, 1972, 86 Stat. 30; amended Pub. L. 93–559, §39(b), Dec. 30, 1974, 88 Stat. 1810; Pub. L. 94–329, title IV, §413(a), June 30, 1976, 90 Stat. 761, related to limitation on number of United States personnel in Cambodia, prior to repeal by Pub. L. 95–424, title VI, §§604, 605, Oct. 6, 1978, 92 Stat. 961, effective Oct. 1, 1978.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–228 designated existing provisions as par. (1), inserted par. (1) heading, and added par. (2).

Statutory Notes and Related Subsidiaries

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.

§ 2417. Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 87–195, pt. III, §657, as added Pub. L. 95–384, §14, Sept. 26, 1978, 92 Stat. 739, required annual Presidential reports for fiscal year ending previous Sept. 30 respecting military assistance, military education and training assistance, foreign military sales, and commercial military sales. See sections 2394 and 2765 of this title.

A prior section 2417, Pub. L. 87–195, pt. III, §657, as added Pub. L. 92–226, pt. III, §304(b), Feb. 7, 1972, 86 Stat. 30; amended Pub. L. 93–189, §23, Dec. 17, 1973, 87 Stat. 726; Pub. L. 94–273, §5(2), Apr. 21, 1976, 90 Stat. 377; Pub. L. 94–329, title II, §216, June 30, 1976, 90 Stat. 747, related to an annual report by the President to Congress showing the dollar value of foreign assistance including military sales, education and training, prior to repeal by Pub. L. 95–424, title V, §502(d)(1), Oct. 6, 1978, 92 Stat. 959, effective Oct. 1, 1978.

§ 2418. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. III, §658, as added Pub. L. 92–226, pt. III, §304(b), Feb. 7, 1972, 86 Stat. 32, related to certification by the Comptroller General of the release of previously impounded funds prior to the expenditure of funds appropriated to carry out the purposes of this chapter.

Statutory Notes and Related Subsidiaries

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.

§ 2419. Repealed. Pub. L. 97–113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 87–195, pt. III, §659, as added Pub. L. 93–559, §29(a), Dec. 30, 1974, 88 Stat. 1803, prohibited aid to any country containing a military base constructed, maintained, or used by the United States if access to such base was denied unduly to bona fide media correspondents of the United States by the country in question.

§ 2420. Police training prohibition

(a) Effective date of prohibition

On and after July 1, 1975, none of the funds made available to carry out this chapter, and none of the local currencies generated under this chapter, shall be used to provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.

(b) Exception; qualification

Subsection (a) of this section shall not apply—

(1) with respect to assistance rendered under section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968,¹ with respect to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which relates to crimes of the nature which are unlawful under the laws of the United States, or with respect to assistance authorized under section 2291a of this title;

(2) to any contract entered into prior to December 30, 1974, with any person, organization, or agency of the United States Government to provide personnel to conduct, or assist in conducting, any such program;

(3) with respect to assistance, including training, in maritime law enforcement and other maritime skills;

(4) with respect to assistance provided to police forces in connection with their participation in the regional security system of the Eastern Caribbean states; or²

(5) with respect to assistance, including training, relating to sanctions monitoring and enforcement;

(6) with respect to assistance provided to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure for the purposes of supporting a nation emerging from instability, and the provision of professional public safety training, to include training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy;

(7) with respect to assistance provided to customs authorities and personnel, including

¹ See References in Text note below.

² So in original. The word “or” probably should appear at end of par. (6).

training, technical assistance and equipment, for customs law enforcement and the improvement of customs laws, systems and procedures.

Notwithstanding clause (2), subsection (a) shall apply to any renewal or extension of any contract referred to in such paragraph entered into on or after December 30, 1974.

(c) Country with longstanding democratic tradition, etc.

Subsection (a) shall not apply with respect to a country which has a longstanding democratic tradition, does not have standing armed forces, and does not engage in a consistent pattern of gross violations of internationally recognized human rights.

(d) Assistance to Honduras or El Salvador

Notwithstanding the prohibition contained in subsection (a) assistance may be provided to Honduras or El Salvador for fiscal years 1986 and 1987 if, at least 30 days before providing assistance, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable to reprogramming notifications pursuant to section 2394-1 of this title, that he has determined that the government of the recipient country has made significant progress, during the preceding six months, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without trial. Any such notification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.

(Pub. L. 87-195, pt. III, §660, as added Pub. L. 93-559, §30(a), Dec. 30, 1974, 88 Stat. 1803; amended Pub. L. 99-83, title I, §127(b), title VII, §711, Aug. 8, 1985, 99 Stat. 205, 243; Pub. L. 101-513, title V, §594, Nov. 5, 1990, 104 Stat. 2060; Pub. L. 104-107, title V, §540A(d), Feb. 12, 1996, 110 Stat. 737; Pub. L. 106-113, div. B, §1000(a)(2) [title V, §574], Nov. 29, 1999, 113 Stat. 1535, 1501A-111.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

Section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (b)(1), is section 515(c) of title I of Pub. L. 90-351, June 19, 1968, 82 Stat. 207, which was formerly classified to section 3763(c) of Title 42, The Public Health and Welfare. Section 515 was omitted in the general revision of title I of Pub. L. 90-351 by Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1167.

AMENDMENTS

1999—Subsec. (b)(7). Pub. L. 106-113 added par. (7).
 1996—Subsec. (b)(5), (6). Pub. L. 104-107 added pars. (5) and (6).
 1990—Subsec. (b)(4). Pub. L. 101-513, which directed the amendment of this section by adding par. (4) at

"the end of the subsection", was executed by adding par. (4) after par. (3) in subsec. (b) to reflect the probable intent of Congress.

1985—Subsec. (b)(3). Pub. L. 99-83, §127(b), added par. (3).

Subsecs. (c), (d). Pub. L. 99-83, §711, added subsecs. (c) and (d).

Statutory Notes and Related Subsidiaries

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.

EXEMPTION OF NARCOTICS-RELATED MILITARY ASSISTANCE FOR SPECIFIC FISCAL YEARS FROM PROHIBITION ON ASSISTANCE FOR LAW ENFORCEMENT AGENCIES

Pub. L. 103-447, title I, §104, Nov. 2, 1994, 108 Stat. 4694, provided that:

"(a) EXEMPTION.—For fiscal year 1995, section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) shall not apply with respect to—

"(1) transfers of excess defense articles under section 517 of that Act (22 U.S.C. 2321k);

"(2) funds made available for the 'Foreign Military Financing Program' under section 23 of the Arms Export Control Act (22 U.S.C. 2763) that are used for assistance provided for narcotics-related purposes; or

"(3) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 and following) that is provided for narcotics-related purposes.

"(b) NOTIFICATION TO CONGRESS.—At least 15 days before any transfer under subsection (a)(1) or any obligation of funds under subsection (a)(2) or (a)(3), the President shall notify the appropriate congressional committees (as defined in section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e))) in accordance with the procedures applicable to reprogramming notifications under section 634A of that Act (22 U.S.C. 2394) [22 U.S.C. 2394-1].

"(c) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance provided pursuant to this section shall be coordinated with international narcotics control assistance under chapter 8 of part 1 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.)."

Pub. L. 102-583, §7, Nov. 2, 1992, 106 Stat. 4933, provided for exemption of narcotics-related military assistance for fiscal years 1993 and 1994 from prohibition on assistance for law enforcement agencies, prior to repeal by Pub. L. 103-447, title I, §103(a), Nov. 2, 1994, 108 Stat. 4693.

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.

ASSISTANCE TO PUBLIC SECURITY FORCES OF EL SALVADOR; DELEGATION OF FUNCTIONS

Determination of President of the United States, No. 86-2, Oct. 29, 1985, 50 F.R. 48073, provided:

Memorandum for the Honorable George P. Shultz, the Secretary of State

Pursuant to Section 660(d) of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2420(d)], I hereby determine that the Government of El Salvador has made significant progress, during the six month period preceding this determination, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the non-violent expression of their political views, or prolonged detention without trial.

You are requested to report this determination to the Congress immediately, together with a full description of the assistance to be provided and of the purposes to which it is to be directed. None of the assistance so provided shall be furnished until 30 days after such a report has been made, as required by law.

I hereby delegate to the Secretary of State authority to make such determinations and reports as called for in the future under Section 660(d).

This determination shall be published in the Federal Register.

RONALD REAGAN.

§ 2421. Trade and Development Agency

(a) Purpose

The Trade and Development Agency shall be an agency of the United States under the foreign policy guidance of the Secretary of State. The purpose of the Trade and Development Agency is to promote United States private sector participation in development projects in developing and middle-income countries, with special emphasis on economic sectors with significant United States export potential, such as energy, transportation, telecommunications, and environment.

(b) Authority to provide assistance

(1) Authority

The Director of the Trade and Development Agency is authorized to work with foreign countries, including those in which the United States development programs have been concluded or those not receiving assistance under subchapter I of this chapter, to carry out the purpose of this section by providing funds for feasibility studies, architectural and engineering design, and other activities related to development projects which provide opportunities for the use of United States exports.

(2) Use of funds

Funds under this section may be used to provide support for feasibility studies for the planning, development, and management of, and procurement for, bilateral and multilateral development projects, including training activities undertaken in connection with a project, for the purpose of promoting the use of United States goods and services in such projects. Funds under this section may also be used for architectural and engineering design, including—

(A) concept design, which establishes the basic technical and operational criteria for a project, such as architectural drawings for a proposed facility, evaluation of site constraints, procurement requirements, and equipment specifications; and

(B) detail design, which sets forth specific dimensions and criteria for structural, mechanical, electrical, and architectural operations, and identifies other resources required for project operations.

(3) Information dissemination

(A) The Trade and Development Agency shall disseminate information about its project activities to the private sector.

(B) Other agencies of the United States Government shall cooperate with the Trade and Development Agency in order for the Agency

to provide more effectively informational services to persons in the private sector concerning trade development and export promotion related to development projects.

(4) Nonapplicability of other provisions

Any funds used for purposes of this section may be used notwithstanding any other provision of law.

(5) Contributions to costs

The Trade and Development Agency shall, to the maximum extent practicable, require corporations and other entities to—

(A) share the costs of feasibility studies and other project planning services funded under this section; and

(B) reimburse the Trade and Development Agency those funds provided under this section, if the corporation or entity concerned succeeds in project implementation.

(c) Director and personnel

(1) Director

There shall be at the head of the Trade and Development Agency a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Officers and employees

(A) The Director may appoint such officers and employees of the Trade and Development Agency as the Director considers appropriate.

(B) The officers and employees appointed under this paragraph shall have such functions as the Director may determine.

(C) Of the officers and employees appointed under this paragraph, 2 may be appointed without regard to the provisions of title 5, governing appointments in the competitive service, and may be compensated without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title.

(D) Under such regulations as the President may prescribe, any individual appointed under subparagraph (C) may be entitled, upon removal (except for cause) from the position to which the appointment was made, to reinstatement to the position occupied by that individual at the time of appointment or to a position of comparable grade and pay.

(d) Annual report

The President shall, not later than December 31 of each year, submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the activities of the Trade and Development Agency in the preceding fiscal year.

(e) Audits

(1) In general

The Trade and Development Agency shall be subject to the provisions of chapter 35 of title 31, except as otherwise provided in this section.

(2) Independent audit

An independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Trade and Development Agency each year, in accordance