

the “Prevention and Stabilization Fund” (in this subsection referred to as “The Fund”), to be administered by the Department of State and USAID, as appropriate, to support stabilization of conflict-affected areas and to mitigate fragility, including through the Global Fragility Strategy established pursuant to section 9803 of this title, which shall replace the Relief and Recovery Fund.

(2) Authorization of appropriations

There is authorized to be appropriated to the Fund \$200,000,000 for each of the fiscal years 2020 through 2024.

(3) Purposes of the Fund

(A) In general

Amounts authorized to be appropriated to the Fund shall be used—

(i) to support stabilization of conflict-affected areas and prevent global fragility, including through the Global Fragility Strategy established pursuant to section 9803 of this title; and

(ii) to provide assistance to areas liberated or at risk from, or under the control of, the Islamic State of Iraq and Syria, other terrorist organizations, or violent extremist organizations, including for stabilization assistance for vulnerable ethnic and religious minority communities affected by conflict.

(B) Amounts in addition

Amounts authorized to be appropriated to the Fund under this section are in addition to any funds otherwise made available for the purposes described in paragraph (1).

(4) Congressional notification

Funds may not be obligated under this section unless the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) are notified of the amount and nature of such proposed obligation at least 15 days in advance of such proposed obligation, in accordance with the procedures applicable to notifications regarding reprogrammings pursuant to such section.

(b) Complex Crisis Fund

(1) Establishment

There is established in the Treasury of the United States a fund, which shall be known as the “Complex Crises Fund” (in this subsection referred to as the “Fund”), to be administered by USAID, to support programs and activities to prevent or respond to emerging or unforeseen events overseas, including to support the Global Fragility Strategy established pursuant to section 9803 of this title.

(2) Authorization of appropriations

There is authorized to be appropriated to the Fund \$30,000,000 for each of the fiscal years 2020 through 2024, which shall remain available until expended.

(3) Purposes of the Fund

(A) In general

Notwithstanding any other provision of law, except section 620M of the Foreign As-

sistance Act of 1961 (22 U.S.C. 2378d), amounts in the Fund may be used to carry out the provisions of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to support programs and activities to prevent or respond to emerging or unforeseen foreign challenges and complex crises overseas, including through the Global Fragility Strategy established pursuant to section 9803 of this title.

(B) Amounts in addition

Amounts authorized to be appropriated to the Fund are in addition to any amounts otherwise made available for the purposes described in subparagraph (A).

(4) Limitations

(A) In general

Amounts in the Fund may not be expended for lethal assistance or to respond to natural disasters.

(B) Administrative expenses

Not more than five percent of the amounts in the Fund may be used for administrative expenses.

(5) Congressional notification

The United States Agency for International Development shall notify the appropriate congressional committees not less than five days prior to the obligation of amounts in the Fund.

(6) Waiver

The notification requirement under paragraph (5) may be waived if—

(A) notification by the deadline specified in such paragraph would pose a substantial risk to human health or welfare; and

(B) the appropriate congressional committees—

(i) are notified as early as practicable but in no event later than three days after an obligation of amounts from the Fund; and

(ii) are provided with an explanation of the emergency circumstances that necessitated such waiver.

(Pub. L. 116–94, div. J, title V, § 509, Dec. 20, 2019, 133 Stat. 3066.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b)(3)(A), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

§ 9809. Improving and leveraging assistance for the global fragility strategy

(a) Sense of Congress

It is the sense of Congress that the President, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, and the heads of other relevant Federal departments and agencies should—

(1) develop more adaptive and responsive policy and program planning, implementation, and scaling under the Global Fragility Strategy established pursuant to section 9803 of this title, and work with the appropriate congressional committees to identify any legislative changes that may be necessary to support such efforts;

(2) better integrate the strategy and other conflict and violence reduction objectives and activities into other policy and program areas, where appropriate; and

(3) support transparent and accountable multilateral funds, initiatives, and strategies to enhance and better coordinate private and public efforts to stabilize conflict-affected areas and prevent violence and fragility globally.

(b) Other funding and cost matching

The Global Fragility Strategy established pursuant to section 9803 of this title—

(1) may, after consultation with the appropriate congressional committees, be supported with funds other than funds authorized to be appropriated pursuant to section 9808 of this title; and

(2) shall seek to leverage funds from sources other than the United States Government in order to promote coordination and cost-matching to the maximum extent practicable.

(c) Multi-donor Global Fragility Fund

(1) Authority

Pursuant to sections 2357 and 2392 of this title, and consistent with subsection (b), and after consultation with the appropriate congressional committees, the Secretary of State is authorized to establish funding mechanisms, to include the establishment of a Global Fragility Fund, to leverage, receive, coordinate, and program funds provided by other donors and private sector partners to carry out the purposes of this chapter.

(2) Purposes

A funding mechanism established pursuant to paragraph (1) should—

(A) include input from and participation by key bilateral and multilateral donors, representatives of civil society, relevant nongovernmental organizations and private sector entities, and developing countries where fragility threatens to exacerbate violent extremism and undermine development;

(B) enhance donor coordination and cooperation;

(C) advance clearly defined goals, objectives, and metrics for monitoring, evaluating, and measuring progress; and

(D) focus on strengthening national and local good governance and conflict resolution capacity in fragile and conflict-affected areas over the long-term through comprehensive, compact-based agreements that support country-led strategies.

(3) Congressional notification

Funds may not be obligated under this section except in consultation with the appropriate congressional committees and subject to the notification of such committees of the

amount and proposed uses of such funds at least 15 days in advance of such proposed obligation.

(Pub. L. 116–94, div. J, title V, § 510, Dec. 20, 2019, 133 Stat. 3067.)

§ 9810. Rule of construction

Nothing in this chapter shall be construed as a declaration of war or an authorization for the use of military force.

(Pub. L. 116–94, div. J, title V, § 511, Dec. 20, 2019, 133 Stat. 3069.)

CHAPTER 106—CHAMPIONING AMERICAN BUSINESS THROUGH DIPLOMACY

Sec. 9901.	Findings.
9902.	Report from each mission on matters of commercial relations.
9903.	Consolidated report on unified investment climate statement and country commercial guide.
9904.	Whole-of-government coordination and consultation to support United States economic and business interests.
9905.	Private sector consultation and coordination.
9906.	Improving awareness of United States Government tools and services to support United States businesses overseas.

§ 9901. Findings

Congress makes the following findings:

(1) According to the 2017 National Security Strategy of the United States of America, “Retaining our position as the world’s pre-eminent economic actor strengthens our ability to use the tools of economic diplomacy for the good of Americans and others.”.

(2) A November 7, 2018, cable from Secretary of State Michael R. Pompeo to all diplomatic and consular posts—“Boosting Commercial Diplomacy Around the World”—stated that “helping American companies is a foreign policy priority. . . Promoting broad-based, responsible, and sustainable economic growth helps to stabilize regions and creates new and growing markets for U.S. companies. A transparent and level playing field for U.S. investment in these countries counters real and growing challenges such as China’s Belt and Road initiative.”.

(3) In the January–February 2019 issue of *The Foreign Service Journal*, Ambassador Barbara Stephenson, the President of the American Foreign Service Association, wrote, “Foreign Service support for American business. . . is a major reason why the U.S. Foreign Service was created.”.

(Pub. L. 116–94, div. J, title VII, § 702, Dec. 20, 2019, 133 Stat. 3069.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 116–94, div. J, title VII, § 701, Dec. 20, 2019, 133 Stat. 3069, provided that: “This title [enacting this chapter and amending sections 2651a, 3927, and 4028 of this title] may be cited as the ‘Championing American Business Through Diplomacy Act of 2019’.”

DIRECTION TO EMBASSY DEAL TEAMS

Pub. L. 118–31, div. F, title LXV, § 6503, Dec. 22, 2023, 137 Stat. 1007, provided that: