

Legal Authorities

§18 USC 2339A

Providing material support to terrorists

(a) Offense.— Whoever provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 37, 81, 175, 229, 351, 831, 842 (m) or (n), 844 (f) or (i), 930 (c), 956, 1091, 1114, 1116, 1203, 1361, 1362, 1363, 1366, 1751, 1992, 2155, 2156, 2280, 2281, 2332, 2332a, 2332b, 2332f, 2340A, or 2442 of this title, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), section 46502 or 60123 (b) of title 49, or any offense listed in section 2332b (g)(5)(B) (except for sections 2339A and 2339B) or in preparation for, or in carrying out, the concealment of an escape from the commission of any such violation, or attempts or conspires to do such an act, shall be fined under this title, imprisoned not more than 15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.

(b) Definitions.— As used in this section—

- (1) the term “material support or resources” means any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials;
- (2) the term “training” means instruction or teaching designed to impart a specific skill, as opposed to general knowledge; and
- (3) the term “expert advice or assistance” means advice or assistance derived from scientific, technical or other specialized knowledge.

18 USC 2339 B

Providing material support or resources to designated foreign terrorist organizations

(a) Prohibited Activities.—

(1) Unlawful conduct.— Whoever knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g) (6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a) (3)(B) of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

(2) Financial institutions.— Except as authorized by the Secretary, any financial institution that becomes aware that it has possession of, or control over, any funds in which a foreign terrorist organization, or its agent, has an interest, shall—

- (A) retain possession of, or maintain control over, such funds; and
- (B) report to the Secretary the existence of such funds in accordance with regulations issued by the Secretary.

(b) Civil Penalty.— Any financial institution that knowingly fails to comply with subsection (a)(2) shall be subject to a civil penalty in an amount that is the greater of—

- (1) \$50,000 per violation; or
- (2) twice the amount of which the financial institution was required under subsection (a)(2) to retain possession or control.

(c) Injunction.— Whenever it appears to the Secretary or the Attorney General that any person is engaged in, or is about to engage in, any act that constitutes, or would constitute, a violation of this section, the Attorney General may initiate civil action in a district court of the United States to enjoin such violation.

(d) Extraterritorial Jurisdiction.—

(1) In general.— There is jurisdiction over an offense under subsection (a) if—

- (A) an offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(20)));
- (B) an offender is a stateless person whose habitual residence is in the United States;
- (C) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States;
- (D) the offense occurs in whole or in part within the United States;
- (E) the offense occurs in or affects interstate or foreign commerce; or
- (F) an offender aids or abets any person over whom jurisdiction exists under this paragraph in committing an offense under subsection (a) or conspires with any person over whom jurisdiction exists under this paragraph to commit an offense under subsection (a).

(2) Extraterritorial jurisdiction.— There is extraterritorial Federal jurisdiction over an offense under this section.

(e) Investigations.—

(1) In general.— The Attorney General shall conduct any investigation of a possible violation of this section, or of any license, order, or regulation issued pursuant to this section.

(2) Coordination with the department of the treasury.— The Attorney General shall work in coordination with the Secretary in investigations relating to—

- (A) the compliance or noncompliance by a financial institution with the requirements of subsection (a)(2); and
- (B) civil penalty proceedings authorized under subsection (b).

(3) Referral.— Any evidence of a criminal violation of this section arising in the course of an investigation by the Secretary or any other Federal agency shall be referred immediately to the Attorney General for further investigation. The Attorney General shall timely notify the Secretary of any action taken on referrals from the Secretary, and may refer investigations to the Secretary for remedial licensing or civil penalty action.

(f) Classified Information in Civil Proceedings Brought by the United States.—

(1) Discovery of classified information by defendants.—

(A) Request by united states.— In any civil proceeding under this section, upon request made ex parte and in writing by the United States, a court, upon a sufficient showing, may authorize the United States to—

- (i) redact specified items of classified information from documents to be introduced into evidence or made available to the defendant through discovery under the Federal Rules of Civil Procedure;

- (ii) substitute a summary of the information for such classified documents; or
- (iii) substitute a statement admitting relevant facts that the classified information would tend to prove.

(B) Order granting request.— If the court enters an order granting a request under this paragraph, the entire text of the documents to which the request relates shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.

(C) Denial of request.— If the court enters an order denying a request of the United States under this paragraph, the United States may take an immediate, interlocutory appeal in accordance with paragraph (5). For purposes of such an appeal, the entire text of the documents to which the request relates, together with any transcripts of arguments made ex parte to the court in connection therewith, shall be maintained under seal and delivered to the appellate court.

(2) Introduction of classified information; precautions by court.—

(A) Exhibits.— To prevent unnecessary or inadvertent disclosure of classified information in a civil proceeding brought by the United States under this section, the United States may petition the court ex parte to admit, in lieu of classified writings, recordings, or photographs, one or more of the following:

- (i) Copies of items from which classified information has been redacted.
- (ii) Stipulations admitting relevant facts that specific classified information would tend to prove.
- (iii) A declassified summary of the specific classified information.

(B) Determination by court.— The court shall grant a request under this paragraph if the court finds that the redacted item, stipulation, or summary is sufficient to allow the defendant to prepare a defense.

(3) Taking of trial testimony.—

(A) Objection.— During the examination of a witness in any civil proceeding brought by the United States under this subsection, the United States may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

(B) Action by court.— In determining whether a response is admissible, the court shall take precautions to guard against the compromise of any classified information, including

- (i) permitting the United States to provide the court, ex parte, with a proffer of the witness's response to the question or line of inquiry; and
- (ii) requiring the defendant to provide the court with a proffer of the nature of the information that the defendant seeks to elicit.

(C) Obligation of defendant.— In any civil proceeding under this section, it shall be the defendant's obligation to establish the relevance and materiality of any classified information sought to be introduced.

(4) Appeal.— If the court enters an order denying a request of the United States under this subsection, the United States may take an immediate interlocutory appeal in accordance with paragraph (5).

(5) Interlocutory appeal.—

(A) Subject of appeal.— An interlocutory appeal by the United States shall lie to a court of appeals from a decision or order of a district court—

- (i) authorizing the disclosure of classified information;
- (ii) imposing sanctions for nondisclosure of classified information; or
- (iii) refusing a protective order sought by the United States to prevent the disclosure of classified information.

(B) Expedited consideration.—

(i) In general.— An appeal taken pursuant to this paragraph, either before or during trial, shall be expedited by the court of appeals.

(ii) Appeals prior to trial.— If an appeal is of an order made prior to trial, an appeal shall be taken not later than 14 days after the decision or order appealed from, and the trial shall not commence until the appeal is resolved.

(iii) Appeals during trial.— If an appeal is taken during trial, the trial court shall adjourn the trial until the appeal is resolved, and the court of appeals—

(I) shall hear argument on such appeal not later than 4 days after the adjournment of the trial, excluding intermediate weekends and holidays;

(II) may dispense with written briefs other than the supporting materials previously submitted to the trial court;

(III) shall render its decision not later than 4 days after argument on appeal, excluding intermediate weekends and holidays; and

(IV) may dispense with the issuance of a written opinion in rendering its decision.

(C) Effect of ruling.— An interlocutory appeal and decision shall not affect the right of the defendant, in a subsequent appeal from a final judgment, to claim as error reversal by the trial court on remand of a ruling appealed from during trial.

(6) Construction.— Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and State secrets privilege.

(g) Definitions.— As used in this section—

(1) the term “classified information” has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.);

(2) the term “financial institution” has the same meaning as in section 5312 (a)(2) of title 31, United States Code;

(3) the term “funds” includes coin or currency of the United States or any other country, traveler’s checks, personal checks, bank checks, money orders, stocks, bonds, debentures, drafts, letters of credit, any other negotiable instrument, and any electronic representation of any of the foregoing;

(4) the term “material support or resources” has the same meaning given that term in section 2339A (including the definitions of “training” and “expert advice or assistance” in that section);

(5) the term “Secretary” means the Secretary of the Treasury; and

(6) the term “terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(h) Provision of Personnel.— No person may be prosecuted under this section in connection with the term “personnel” unless that person has knowingly provided, attempted to provide, or conspired to provide a foreign terrorist organization with 1 or more individuals (who may be or include himself) to work under that terrorist organization’s direction or control or to organize, manage, supervise, or otherwise direct the operation of that organization. Individuals who act entirely independently of the foreign terrorist organization to advance its goals or objectives shall not be considered to be working under the foreign terrorist organization’s direction and control.

(i) Rule of Construction.— Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.

(j) Exception.— No person may be prosecuted under this section in connection with the term “personnel”, “training”, or “expert advice or assistance” if the provision of that material support or resources to a foreign terrorist organization was approved by the Secretary of State with the concurrence of the Attorney General. The Secretary of State may not approve the provision of any material support that may be used to carry out terrorist activity (as defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act).

Prohibitions against the financing of terrorism

(a) Offenses.—

(1) In general.— Whoever, in a circumstance described in subsection (b), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

(A) an act which constitutes an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or

(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act,

shall be punished as prescribed in subsection (d)(1).

(2) Attempts and conspiracies.— Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

(3) Relationship to predicate act.— For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

(b) Jurisdiction.— There is jurisdiction over the offenses in subsection (a) in the following circumstances—

(1) the offense takes place in the United States and—

(A) a perpetrator was a national of another state or a stateless person;

(B) on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

(C) on board an aircraft which is operated by the government of another state;

(D) a perpetrator is found outside the United States;

(E) was directed toward or resulted in the carrying out of a predicate act against—

(i) a national of another state; or

(ii) another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

(F) was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or

(G) was directed toward or resulted in the carrying out of a predicate act—

(i) outside the United States; or

(ii) within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;

(2) the offense takes place outside the United States and—

(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

(B) a perpetrator is found in the United States; or

(C) was directed toward or resulted in the carrying out of a predicate act against—

(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

(ii) any person or property within the United States;

- (iii) any national of the United States or the property of such national; or
- (iv) any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;

- (3) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;
- (4) the offense is committed on board an aircraft which is operated by the United States; or
- (5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

(c) Concealment.— Whoever—

- (1)
 - (A) is in the United States; or
 - (B) is outside the United States and is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); and
- (2) knowingly conceals or disguises the nature, location, source, ownership, or control of any material support or resources, or any funds or proceeds of such funds—
 - (A) knowing or intending that the support or resources are to be provided, or knowing that the support or resources were provided, in violation of section 2339B of this title; or
 - (B) knowing or intending that any such funds are to be provided or collected, or knowing that the funds were provided or collected, in violation of subsection (a),

shall be punished as prescribed in subsection (d)(2).

(d) Penalties.—

- (1) Subsection (a).—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.
- (2) Subsection (c).—Whoever violates subsection (c) shall be fined under this title, imprisoned for not more than 10 years, or both.

(e) Definitions.— In this section—

- (1) the term “funds” means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;
- (2) the term “government facility” means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;
- (3) the term “proceeds” means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);
- (4) the term “provides” includes giving, donating, and transmitting;
- (5) the term “collects” includes raising and receiving;
- (6) the term “predicate act” means any act referred to in subparagraph (A) or (B) of subsection (a) (1);
- (7) the term “treaty” means—
 - (A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;
 - (B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

- (C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973;
- (D) the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979;
- (E) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;
- (F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;
- (G) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;
- (H) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or
- (I) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997;
- (8) the term “intergovernmental organization” includes international organizations;
- (9) the term “international organization” has the same meaning as in section 1116 (b)(5) of this title;
- (10) the term “armed conflict” does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;
- (11) the term “serious bodily injury” has the same meaning as in section 1365 (g)(3) of this title; ^[1]
- (12) the term “national of the United States” has the meaning given that term in section 101(a) (22) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(22));
- (13) the term “material support or resources” has the same meaning given that term in section 2339B (g)(4) of this title; and
- (14) the term “state” has the same meaning as that term has under international law, and includes all political subdivisions thereof.
- (f) Civil Penalty.**— In addition to any other criminal, civil, or administrative liability or penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least \$10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).
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[1] See References in Text note below.

22 USC 2151 et seq.

Congressional findings and declaration of policy.

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TITLE 22--FOREIGN RELATIONS AND INTERCOURSE

CHAPTER 32--FOREIGN ASSISTANCE

SUBCHAPTER I--INTERNATIONAL DEVELOPMENT

Part I--Declaration of Policy; Development Assistance Authorizations

Sec. 2151. Congressional findings and declaration of policy

(a) United States development cooperation policy

The Congress finds that fundamental political, economic, and technological changes have resulted in the interdependence of nations. The Congress declares that the individual liberties, economic prosperity, and security of the people of the United States are best sustained and enhanced in a community of nations which respect individual civil and economic rights and freedoms and which work together to use wisely the world's limited resources in an open and equitable international economic system. Furthermore, the Congress reaffirms the traditional humanitarian ideals of the American people and renews its commitment to assist people in developing countries to eliminate hunger, poverty, illness, and ignorance.

Therefore, the Congress declares that a principal objective of the foreign policy of the United States is the encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives.

United States development cooperation policy should emphasize five principal goals:

- (1) the alleviation of the worst physical manifestations of poverty among the world's poor majority;
- (2) the promotion of conditions enabling developing countries to achieve self-sustaining economic growth with equitable distribution of benefits;
- (3) the encouragement of development processes in which individual civil and economic rights are respected and enhanced;
- (4) the integration of the developing countries into an open and equitable international economic system; and
- (5) the promotion of good governance through combating corruption and improving transparency and accountability.

The Congress declares that pursuit of these goals requires that development concerns be fully reflected in United States foreign policy and that United States development resources be effectively and efficiently utilized.

(b) Coordination of development-related activities

Under the policy guidance of the Secretary of State, the agency primarily responsible for administering subchapter I of this chapter should have the responsibility for coordinating all United States development-related activities.

(Pub. L. 87-195, pt. I, Sec. 101, formerly Sec. 102, Sept. 4, 1961, 75 Stat. 424; Pub. L. 87-565, pt. I, Sec. 101, Aug. 1, 1962, 76 Stat. 255; Pub. L. 88-205, pt. I, Sec. 101(c), Dec. 16, 1963, 77 Stat. 379; Pub. L. 89-171, pt. I, Sec. 101, Sept. 6, 1965, 79 Stat. 653; Pub. L. 89-583, pt. I, Sec. 101, Sept. 19, 1966, 80 Stat. 796; Pub. L. 90-137, pt. I, Sec. 101, Nov. 14, 1967, 81 Stat. 445; Pub. L. 93-189, Sec. 2(2), Dec. 17, 1973, 87 Stat. 714; Pub. L. 94-161, title III, Sec. 301, Dec. 20, 1975, 89 Stat. 855; Pub. L. 95-88, title I,

Secs. 101, 113(b), Aug. 3, 1977, 91 Stat. 533, 538; renumbered and amended Pub. L. 95-424, title I, Sec. 101, Oct. 6, 1978, 92 Stat. 937; Pub. L. 106-309, title II, Sec. 203(a), Oct. 17, 2000, 114 Stat. 1091.)

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 (Sec. 2346 et seq.), VI (Sec. 2348 et seq.), and VIII (Sec. 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.

Amendments

2000--Subsec. (a). Pub. L. 106-309 substituted "five principal goals" for "four principal goals" in introductory provisions of third paragraph and added par. (5). 1978--Subsec. (a). Pub. L. 95-424, in setting forth a new declaration of policy generally substituted four principal goals of development cooperation policy, they being (1) the alleviation of the worst manifestations of poverty, (2) self-sustained economic growth, (3) respect for civil and economic rights, and (4) the integration of the developing countries into an open and equitable economic system, for former seven pars. relating to: (1) primary responsibility for development being in the less developed countries themselves; (2) the active involvement of many countries; (3) the encouragement of regional cooperation; (5) assistance being of such nature as to help United States balance of payments; (6) furnishing of assistance in such manner as to promote efficiency, and (7) the furnishing of agricultural commodities, etc., to complement assistance under this subchapter.

Subsec. (b). Pub. L. 95-424 substituted provisions relating to the responsibility of the agency primarily responsible for administering the program for coordination of all development related activities, for former seven criteria for restructuring relationships with less developed countries, those criteria being: (1) sharing of technical expertise; (2) focusing on critical problems affecting the majority of the people; (3) use of the private sector; (4) development goals as the responsibility of each sovereign nation; (5) priority to undertakings directly improving the lives of the poorest people; (6) private investment in development programs; and (7) responsibility for coordination of activities with the agency having primary responsibility for administering this part.

Subsecs. (c) to (e). Pub. L. 95-424 struck out subsecs. (c) to (e).

1977--Subsec. (a). Pub. L. 95-88, Sec. 113(b)(1), inserted "environment and natural resources" to enumeration of fundamental needs of the people of less developed countries which development assistance must be used in meeting.

Subsec. (b)(2). Pub. L. 95-88, Sec. 113(b)(2), inserted "environment and natural resources;" after "population planning and health;"

Subsec. (d). Pub. L. 95-88, Sec. 101(a), substituted provisions under which the President developed the criteria and factors to be used in assessing the commitment and progress of countries in meeting the objectives set forth in subsec. (c) and transmitted a report by Jan. 31, 1978, to the Speaker of the House and to the Committee on Foreign Relations of the Senate for provisions under which the President had established the criteria without Congressional involvement.

Subsec. (e). Pub. L. 95-88, Sec. 101(b), added subsec. (e).

1975--Subsecs. (c), (d). Pub. L. 94-161 added subsecs. (c) and (d).

1973--Pub. L. 93-189 designated existing provisions as subsec. (a) and added subsec. (b).

1967--Pub. L. 90-137, in providing a new statement of policy, reaffirming basic foreign assistance principles, and recognizing new problems and need for new priorities, substituted five pars. Concerned with (1) freedom, security, prosperity, aggression, subversion, ignorance, want, despair, and national

security; (2) economic cooperation and trade among countries, etc. (a reenactment of former sixth par. less provision for resort to international law procedures in adjudication of issues among friendly countries in support of such economic cooperation, etc.); (3) seven principles pertaining to: self-help efforts and responsibility of the country, multilateral basis of involvement and cooperation, regional cooperation, food production and voluntary family planning, balance of payments, maximum dollar effectiveness, and coordination of overall assistance; (4) Permanent Peace in the Middle East; and (5) suspension of assistance after severance of diplomatic relations for former sixteen pars. relating to: (1) dignity and interdependence of man, and freedom; (2) resources development, living standards improvement, and aspirations for justice, education, etc., now covered in par. (1); (4) free economic institutions and flow of private investment capital; (5) investment guaranties; (6) economic cooperation and trade among countries, etc., as described for par. (2); (7) long-range continuity and disposal of surplus property and agricultural crops; (8) world peace, national security, and dangers of international communism; (9) countries sharing United States views on world crisis; (10) loan guarantees and related technical assistance and development program; (11) regional organizations for mutual assistance; (12) prohibition of assistance for short-term emergency purposes; (13) common undertaking of countries to meet goals; (14) discretionary assistance by the President to South Vietnam to gain victory in the war against communism and return to homeland of Americans from that struggle; (15) damage or destruction by mob action of United States property and termination of assistance, now covered in section 2370(j) of this title; and (16) use of United States Armed Forces, now covered in section 2409 of this title.

1966--Pub. L. 89-583 provided for termination of assistance to any foreign country which does not take appropriate measures to provide compensation for damage or destruction by mob action of United States property within such country and declared that furnishing assistance shall not be construed as creating a new commitment or as affecting any existing commitment to use armed forces of the United States for the defense of any foreign country.

1965--Pub. L. 89-171 added expressions of the sense of Congress that in furnishing assistance under this subchapter excess personal property shall be utilized wherever practicable in lieu of the procurement of new items for United States-assisted projects and programs and that assistance under this chapter and other statutes should be terminated to any country permitting damage to or destruction of U.S. property within such country by mob action or by failing to take adequate preventive measures.

1963--Pub. L. 88-205 declared that institution of full investment guaranty programs with all recipient countries would be regarded as a significant measure of self-help by such countries improving investment climate, that assistance to maintain freedom from communism "shall" rather than "should" emphasize long-range development, that in the administration of programs of assistance, every precaution be taken to assure that assistance is not diverted to any short-term emergency purpose or any purpose not essential to long-range economic development, that other industrialized free-world countries increase their contributions and assistance to more equitably share the burden, and the President should in his discretion, extend or withhold assistance from South Vietnam to further victory and the return home of Americans involved in the struggle there.

1962--Pub. L. 87-565 declared distinctions made by foreign nations between American citizens because of race, color, or religion, relating to rights available to such citizens, to be repugnant to our principals, required in the administration of these funds, that consideration be given those countries sharing our world views and which do not divert their resources to military or propaganda efforts, supported by the Soviet Union or Communist China, against the United States or countries receiving aid under this chapter, that the highest emphasis be given to programs for loans or loan guarantees for use by organizations in making low-interest loans to individuals in friendly countries for the purchase of small farms, purchase of homes, aiding or establishing small businesses, purchase of tools and equipment for an occupation or trade, or to obtain practical education in vocational skills, and to programs of technical assistance and development, each assisted country should be encouraged to recognize needs of the people in the preparation of national development programs, and declared that friendly nations are to be invited, where possible, to join in missions to consult with countries receiving assistance on the possibilities of joint action to assure effective development of economic development plans and effective use of

assistance provided them, and that the President may request international financial institutions to assist in establishing such missions.

Effective Date of 1979 Amendment

Pub. L. 96-53, title V, Sec. 512, Aug. 14, 1979, 93 Stat. 380, provided that:

“(a) Except as provided in subsection (b) of this section and in section 503(b) [set out as an Effective Date of 1979 Amendment note under section 2385a of this title] this Act [see Short Title of 1979 Amendments note below] shall take effect on October 1, 1979.

“(b) Sections 114(b) [not classified to the Code], 123 [amending a provision set out as a note below], 501 [not classified to the Code], and 509 [set out as a note below] of this Act shall take effect on the date of enactment of this Act [Aug. 14, 1979].”

Effective Date of 1978 Amendment

Section 605 of Pub. L. 95-424 provided that: “The amendments made by this Act [see Short Title of 1978 Amendment note below] shall take effect on October 1, 1978.”

Short Title of 2002 Amendments

Pub. L. 107-246, Sec. 1, Oct. 23, 2002, 116 Stat. 1511, provided that: “This Act [amending sections 2295 and 2295b of this title and enacting provisions set out as notes under section 2295 of this title] may be cited as the ‘Russian Democracy Act of 2002’.”

Pub. L. 107-228, div. A, title VI, Sec. 661, Sept. 30, 2002, 116 Stat. 1405, provided that: “This subtitle [subtitle E (Secs. 661-665) of title VI of div. A of Pub. L. 107-228, enacting section 2151n-2 of this title, amending sections 2151n and 2304 of this title, and enacting provisions set out as notes under sections 2151n and 2151n-2 of this title] may be cited as the ‘Freedom Investment Act of 2002’.”

Pub. L. 107-228, div. B, title X, Sec. 1001, Sept. 30, 2002, 116 Stat. 1425, provided that: “This division [see Tables for classification] may be cited as the ‘Security Assistance Act of 2002’.”

Short Title of 2000 Amendments

Pub. L. 106-570, Sec. 1, Dec. 27, 2000, 114 Stat. 3038, provided that: “This Act [enacting section 2151b-1 of this title and enacting provisions set out as notes under this section and sections 2151b-1, 2517, 2656, and 6901 of this title, section 1701 of Title 50, War and National Defense, and preceding section 28101 of Title 49, Transportation] may be cited as the ‘Assistance for International Malaria Control Act’.”

Pub. L. 106-570, title I, Sec. 101, Dec. 27, 2000, 114 Stat. 3039, provided that: “This title [enacting section 2151b-1 of this title and provisions set out as a note under section 2151b-1 of this title] may be cited as the ‘International Malaria Control Act of 2000’.”

Pub. L. 106-373, Sec. 1, Oct. 27, 2000, 114 Stat. 1427, provided that: “This Act [amending sections 2220a to 2220c and 2220e of this title] may be cited as the ‘Famine Prevention and Freedom From Hunger Improvement Act of 2000’.”

Pub. L. 106-309, Sec. 1, Oct. 17, 2000, 114 Stat. 1078, provided that: “This Act [enacting sections 2152a to 2152c and 2462 of this title, amending this section and sections 287e-1, 2151-1, 2151f, 2151i,

2151aa, and 2395 of this title, and enacting provisions set out as notes under this section and sections 2151f, 2151i, 2152b, 2152c, 2462, and 2517 of this title and section 402 of Title 10, Armed Forces] may be cited as the `Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000'."

Pub. L. 106-309, title I, Sec. 101, Oct. 17, 2000, 114 Stat. 1079, provided that: ``This title [enacting sections 2152a and 2152b of this title, amending section 2151f of this title, and enacting provisions set out as notes under sections 2151f and 2152b of this title] may be cited as the `Microenterprise for Self-Reliance Act of 2000'."

Pub. L. 106-309, title II, Sec. 201, Oct. 17, 2000, 114 Stat. 1090, provided that: ``This title [enacting section 2152c of this title, amending this section and sections 2151-1 and 2151aa of this title, and enacting provisions set out as notes under section 2152c of this title] may be cited as the `International Anti-Corruption and Good Governance Act of 2000'."

Pub. L. 106-309, title IV, Sec. 401(a), Oct. 17, 2000, 114 Stat. 1096, provided that: ``This section [amending section 2151i of this title and enacting provisions set out as notes under section 2151i of this title] may be cited as the `Support for Overseas Cooperative Development Act'."

Pub. L. 106-280, Sec. 1(a), Oct. 6, 2000, 114 Stat. 845, provided that: ``This Act [enacting part IX (Sec. 2349bb et seq.) of subchapter II of this chapter and sections 2305, 2347f, and 2347g of this title, amending sections 2302, 2318, 2321h, 2321j, 2349aa-4, 2415, 2776, 2778, 2797, and 6723 of this title, and enacting provisions set out as notes under sections 2305, 2797, and 2797b of this title] may be cited as the `Security Assistance Act of 2000'."

Pub. L. 106-264, title II, Sec. 201, Aug. 19, 2000, 114 Stat. 758, provided that: ``This title [amending section 2151b of this title and enacting provisions set out as a note under section 2151b of this title] may be cited as the `International Tuberculosis Control Act of 2000'."

Short Title of 1999 Amendments

Pub. L. 106-158, Sec. 1, Dec. 9, 1999, 113 Stat. 1745, provided that: ``This Act [enacting section 4727a of Title 15, Commerce and Trade, amending sections 2191a, 2193, 2195, and 2421 of this title and section 4727 of Title 15, and enacting provisions set out as a note under section 2191a of this title] may be cited as the `Export Enhancement Act of 1999'."

Pub. L. 106-113, div. B, Sec. 1000(a)(2) [title V, Sec. 596(a)], Nov. 29, 1999, 113 Stat. 1535, 1501A-123, provided that: ``This section [enacting part XII of subchapter I of this chapter and amending sections 5812 and 5814 of this title] may be cited as the `Silk Road Strategy Act of 1999'."

Pub. L. 106-113, div. B, Sec. 1000(a)(7) [div. B, title XII, Sec. 1201], Nov. 29, 1999, 113 Stat. 1536, 1501A-497, provided that: ``This title [amending sections 2321h, 2321j, 2367, 2753, 2761, 2762, 2776, and 2779a of this title and section 301 of Title 13, Census, and enacting provisions set out as notes under section 2551 of this title, sections 1 and 301 of Title 13, and section 2099 of Title 50, Appendix, War and National Defense] may be cited as the `Security Assistance Act of 1999'."

Pub. L. 106-87, Sec. 1, Nov. 3, 1999, 113 Stat. 1301, provided that: ``This Act [amending section 2152 of this title and provisions set out as a note under section 2152 of this title] may be cited as the `Torture Victims Relief Reauthorization Act of 1999'."

Short Title of 1996 Amendment

Pub. L. 104-319, Sec. 1, Oct. 19, 1996, 110 Stat. 3864, provided that: ``This Act [amending sections 277b, 2151n, and 2304 of this title, enacting provisions set out as notes under this section and section 2452 of this title, and amending provisions set out as notes under sections 1157 and 1255 of Title 8, Aliens and Nationality] may be cited as the `Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996'."

Short Title of 1994 Amendments

Pub. L. 103-447, Sec. 1, Nov. 2, 1994, 108 Stat. 4691, provided that: ``This Act [amending sections 2291, 2291a, 2291e, 2291f, 2291h to 2291k of this title, section 635 of Title 12, Banks and Banking, section 981 of Title 18, Crimes and Criminal Procedure, section 1616a of Title 19, Customs Duties, and section 881 of Title 21, Food and Drugs, repealing section 2291-2 of this title, enacting provisions set out as notes under this section, sections 1928 and 2420 of this title, and section 1182 of Title 8, Aliens and Nationality, amending provisions set out as a note under section 5311 of Title 31, Money and Finance, and repealing provisions set out as notes under this section, sections 2291, 2291h, and 2420 of this title, section 701 of Title 41, Public Contracts, and section 1902 of Title 46, Appendix, Shipping] may be cited as the `International Narcotics Control Corrections Act of 1994'."

Pub. L. 103-392, Sec. 1, Oct. 22, 1994, 108 Stat. 4098, provided that: ``This Act [enacting section 2151t-1 of this title, amending sections 2191, 2195, and 2421 of this title and sections 4052 and 4728 of Title 15, Commerce and Trade, and enacting provisions set out as a note under section 4701 of Title 15] may be cited as the `Jobs Through Trade Expansion Act of 1994'."

Short Title of 1992 Amendments

Pub. L. 102-583, Sec. 1, Nov. 2, 1992, 106 Stat. 4914, provided that Pub. L. 102-583 could be cited as the ``International Narcotics Control Act of 1992", prior to repeal by Pub. L. 103-447, title I, Sec. 103(a), Nov. 2, 1994, 108 Stat. 4693.

Pub. L. 102-549, Sec. 1, Oct. 28, 1992, 106 Stat. 3651, provided that: ``This Act [enacting sections 2077, 2200b, 2421a to 2421e, and 2430 to 2430i of this title and section 4723a of Title 15, Commerce and Trade, amending sections 2191, 2191a, 2194, 2195, 2197 to 2199, 2200a, 2421, and 5401 of this title, section 5314 of Title 5, Government Organization and Employees, section 1738i of Title 7, Agriculture, and sections 635q to 635s of Title 12, Banks and Banking, repealing section 2296 of this title, enacting provisions set out as notes under this section and sections 262s-2, 2296, 2421, and 2421a of this title, and amending provisions set out as a note under this section] may be cited as the `Jobs Through Exports Act of 1992'."

Pub. L. 102-549, title VI, Sec. 601, Oct. 28, 1992, 106 Stat. 3664, provided that: ``This title [enacting sections 2077 and 2430 to 2430i of this title, amending section 1738i of Title 7, Agriculture, repealing section 2296 of this title, and enacting provisions set out as a note under section 2296 of this title] may be cited as the `Enterprise for the Americas Act of 1992'."

Short Title of 1990 Amendment

Pub. L. 101-623, Sec. 1(a), Nov. 21, 1990, 104 Stat. 3350, provided that: ``This Act [enacting section 2151x-1 of this title and section 3196 of Title 18, Crimes and Criminal Procedure, amending sections 2291c, 2321k, 2346c, and 2360 of this title and section 635 of Title 12, Banks and Banking, and enacting provisions set out as notes under sections 2291, 2291h, and 2360 of this title] may be cited as the `International Narcotics Control Act of 1990'."

Short Title of 1989 Amendments

Pub. L. 101-240, Sec. 1(a), Dec. 19, 1989, 103 Stat. 2492, provided that: ``This Act [enacting sections 262m-7, 262p-4g to 262p-4k, 262r to 262r-2, 262s-1, 262t, 283z-5 to 283z-8, 286e-12, 286kk, and 2281 to 2286 of this title and section 3904a of Title 12, Banks and Banking, amending sections 262d, 262m-7,

262p-1, 262p-5, 262s-2, 282b, 283b, 283cc, 284b, 285b, 286b, 286e-9, 286k-1, 286s, 290g-2, 290i-3, and 290k-5 of this title and sections 635 and 635i-3 of Title 12, transferring former section 262q of this title to section 262s of this title, and former section 4722 of Title 15, Commerce and Trade, to section 262s-2 of this title, repealing sections 262i, 262m-6, 276c-3, 283i, 286b-1, and 286b-2 of this title, enacting provisions set out as notes under this section, sections 262d, 283z-6, and 2291 of this title, and sections 635, 3901, and 3904a of Title 12, amending provisions set out as a note under section 262l of this title, and repealing provisions set out as notes under sections 262g-2 and 283 of this title] may be cited as the `International Development and Finance Act of 1989'."

Pub. L. 101-240, title VII, Sec. 701, Dec. 19, 1989, 103 Stat. 2521, provided that: ``This title [enacting sections 2281 to 2286 of this title] may be cited as the `Global Environmental Protection Assistance Act of 1989'."

Pub. L. 101-231, Sec. 1(a), Dec. 13, 1989, 103 Stat. 1954, provided that: ``This Act [enacting section 2321k of this title, amending sections 2291, 2291a, 2708, and 2795 of this title and sections 2492 and 2495 of Title 19, Customs Duties, and enacting provisions set out as notes under sections 2291 and 2708 of this title] may be cited as the `International Narcotics Control Act of 1989'."

Pub. L. 101-222, Sec. 1(a), Dec. 12, 1989, 103 Stat. 1892, provided that: ``This Act [amending sections 1732, 2364, 2371, 2753, 2776, 2778, and 2780 of this title and section 2405 of Title 50, Appendix, War and National Defense, and enacting provisions set out as a note under section 2371 of this title] may be cited as the `Anti-Terrorism and Arms Export Amendments Act of 1989'."

Short Title of 1988 Amendments

Pub. L. 100-690, title IV, Sec. 4001, Nov. 18, 1988, 102 Stat. 4261, provided that title IV of Pub. L. 100-690 could be cited as the ``International Narcotics Control Act of 1988", prior to repeal by Pub. L. 103-447, title I, Sec. 103(b), Nov. 2, 1994, 108 Stat. 4693.

Pub. L. 100-461, title V, Sec. 555 [H.R. 5263, title I, Sec. 101, and S. 2757, title I, Sec. 101], Oct. 1, 1988, 102 Stat. 2268-36, provided that: ``This title [amending sections 2191, 2194, 2194b, 2195, 2197, 2199, and 2200a of this title] may be cited as the `Overseas Private Investment Corporation Amendments Act of 1988'."

Short Title of 1986 Amendments

Pub. L. 99-570, title II, Sec. 2001, Oct. 27, 1986, 100 Stat. 3207-60, provided that title II of Pub. L. 99-570 could be cited as the ``International Narcotics Control Act of 1986", prior to repeal by Pub. L. 103-447, title I, Sec. 103(c), Nov. 2, 1994, 108 Stat. 4694.

Pub. L. 99-529, Sec. 1, Oct. 24, 1986, 100 Stat. 3010, provided that: ``This Act [enacting section 2151p-1 of this title, amending sections 290f, 2151b, 2151p, 2151q, 2222, 2291a, 2427, and 3929 of this title, and enacting provisions set out as a note under section 290f of this title] may be cited as the `Special Foreign Assistance Act of 1986'."

Short Title of 1985 Amendments

Pub. L. 99-204, Sec. 1, Dec. 23, 1985, 99 Stat. 1669, provided that: ``This Act [enacting sections 2191a and 2194b of this title, amending sections 2191, 2194, 2195, and 2197 to 2200a of this title and section 709 of Title 18, Crimes and Criminal Procedure, repealing section 2200b of this title, enacting provisions set out as a note under section 2191a of this title, and repealing provisions set out as a note under section 2200a of this title] may be cited as the `Overseas Private Investment Corporation Amendments Act of 1985'."

Pub. L. 99-83, Sec. 1(a), Aug. 8, 1985, 99 Stat. 190, provided that: ``This Act [enacting sections 2227, 2271 to 2276, 2291b, 2346 to 2346c, 2347c, 2347d, 2349aa-7 to 2349aa-9, 2511, 2521a, and 2770a of this title, section 469j of Title 16, Conservation, and sections 1356b and 1515a of former Title 49, Transportation, amending sections 290f, 290h-8, 290h-9, 2151-1, 2151a to 2151d, 2151f, 2151h, 2151s, 2151u, 2151x, 2151z, 2174, 2182, 2182a, 2184, 2201, 2222, 2291, 2291a, 2292a, 2304, 2311, 2312, 2314, 2321h, 2321i, 2346b, 2347a, 2348a, 2349aa-2, 2349aa-4, 2354, 2361, 2364, 2370, 2371, 2375, 2394, 2394-1, 2396, 2411, 2413, 2420, 2421, 2427, 2429a, 2501, 2502, 2504, 2506, 2510, 2522, 2523, 2752, 2753, 2761, 2763 to 2767, 2771, 2776, 2778, 2791, 2792, 2794, and 2795 of this title, sections 1431, 1721, 1722, 1727a, and 1736b of Title 7, Agriculture, section 7307 of Title 10, Armed Forces, and sections 1356, 1471, and 1515 of former Title 49, repealing sections 2293, 2294, 2346 to 2346c, 2346e to 2346i, and 2349aa-6 of this title, enacting provisions set out as notes under this section and sections 2151-1, 2151b, 2151u, 2291, 2346, 2374, 2429a, 2506, 2511, 2751, and 2778 of this title, section 4011 of Title 15, Commerce and Trade, and section 1515 of former Title 49, amending provisions set out as notes under sections 2370 and 2501 of this title, and repealing provisions set out as a note under section 2293 of this title] may be cited as the `International Security and Development Cooperation Act of 1985'."

Pub. L. 99-83, title VI, Sec. 601, Aug. 8, 1985, 99 Stat. 228, provided that: ``This title [enacting section 2291b of this title, amending sections 2151x, 2291, and 2291a of this title, and enacting provisions set out as a note under section 2291 of this title] may be cited as the `International Narcotics Control Act of 1985'."

Short Title of 1983 Amendments

Pub. L. 98-164, title VII, Sec. 701, Nov. 22, 1983, 97 Stat. 1045, provided that: ``This title [enacting section 2151q of this title and amending section 2452 of this title] may be cited as the `International Environment Protection Act of 1983'."

Pub. L. 98-151, Sec. 101(b)(2), Nov. 14, 1983, 97 Stat. 968, provided in part that: ``Section 101(b)(2) of this joint resolution [enacting sections 2151f, and 2349aa to 2349aa-6 of this title, amending sections 2304, 2346a, 2403, and 2771 of this title, and enacting provisions set out as a note under section 2349aa of this title] may be cited as the `International Security and Development Assistance Authorizations Act of 1983'."

Short Title of 1981 Amendments

Pub. L. 97-113, Sec. 1, Dec. 29, 1981, 95 Stat. 1519, provided that: ``This Act [see Tables for classification] may be cited as the `International Security and Development Cooperation Act of 1981'."

Pub. L. 97-65, Sec. 1, Oct. 16, 1981, 95 Stat. 1021, provided that: ``This Act [enacting sections 2194a and 2200b of this title, amending sections 2191, 2193, 2194, 2195, 2197, 2198, 2199, and 2200a of this title, and enacting provisions set out as notes under sections 2193 and 2200a of this title] may be cited as the `Overseas Private Investment Corporation Amendments Act of 1981'."

Short Title of 1980 Amendments

Pub. L. 96-533, Sec. 1, Dec. 16, 1980, 94 Stat. 3131, provided: ``This Act [enacting sections 290h to 290h-9, 2226, 2346a, 2346b, 2769, and 2778a of this title, amending sections 2151a to 2151d, 2151n, 2151s, 2151u, 2151v, 2174, 2221, 2222, 2291a, 2292, 2292a, 2292l, 2304, 2311, 2312, 2318, 2321h to 2321j, 2346, 2347a, 2348a, 2354, 2364, 2367, 2370, 2384, 2394, 2399d, 2403, 2411, 2421, 2427, 2502, 2514, 2753, 2761 to 2765, 2771, 2776 to 2779, 2791, 2794, and 3510 of this title, sections 1712 and 1733 of Title 7, Agriculture, sections 5041 and 5045 of Title 42, The Public Health and Welfare, and section

2405 of Title 50, Appendix, War and National Defense, repealing sections 2151q, 2346c to 2346e, and 2348b of this title, enacting provisions set out as notes under this section and sections 290h, 2151a, 2291a, 2293, 2370, and 3401 of this title, section 1522 of Title 8, Aliens and Nationality, and section 2667 of Title 10, Armed Forces, and repealing a provision set out as a note under section 2293 of this title] may be cited as the `International Security and Development Cooperation Act of 1980'."

Pub. L. 96-257, Sec. 1, May 31, 1980, 94 Stat. 422, provided: ``That this Act [enacting section 2346e of this title] may be cited as the `Special Central American Assistance Act of 1979'."

Short Title of 1979 Amendments

Pub. L. 96-92, Sec. 1, Oct. 29, 1979, 93 Stat. 701, provided that: ``This Act [enacting sections 2346d, 2767, and 2768 of this title, amending sections 2261, 2291, 2291a, 2304, 2312, 2318, 2321h to 2321j, 2346 to 2346c, 2347a, 2348, 2348a, 2403, 2753, 2761, 2765, 2771, 2773, 2776, 2778, 2792, and 2794 of this title, and enacting provisions set out as notes under this section and sections 2321h, 2346c, 2771, 2776, and 3302 of this title] may be cited as the `International Security Assistance Act of 1979'."

Pub. L. 96-53, Sec. 1, Aug. 14, 1979, 93 Stat. 359, provided that: ``This Act [enacting sections 2151x, 2151y, 2374, and 3501 to 3513 of this title, and sections 1736g of Title 7, Agriculture, amending sections 2151-1, 2151a to 2151d, 2151i, 2151k, 2151n, 2151p, 2151q, 2151s, 2151u, 2151v, 2174, 2182, 2182a, 2183, 2220b, 2222, 2292a, 2292l, 2304, 2357, 2361, 2385a, 2395, 2399c, 2421, 2427, 2502, and 2506 of this title, sections 5314 to 5316 and 5924 of Title 5, Government Organization and Employees, and sections 1703, 1704, 1722, 1726, 1727, 1727a, 1727b, 1727d to 1727f, 1731, and 1734 of Title 7, and enacting provisions set out as notes under this section and sections 2151n, 2151y, 2312, 2385a, and 3201 of this title] may be cited as the `International Development Cooperation Act of 1979'."

Short Title of 1978 Amendments

Section 1 of Pub. L. 95-424 provided that: ``This Act [enacting sections 2151-1, 2151t, 2151u, 2151v, 2151w, 2201, 2292l, 2335a, 2393a, 2394-1, 2394-1a and 2395a of this title, amending this section and sections 2151a, 2151a-1, 2151b, 2151c, 2151d, 2151e, 2151g, 2151h, 2151k, 2151n, 2151p, 2151q, 2151r, 2174, 2181, 2182, 2182a, 2183, 2213, 2220a, 2220d, 2221, 2222, 2292, 2292a, 2292i, 2292k, 2351, 2357, 2358, 2361, 2370, 2381a, 2384, 2394, 2395, 2396, 2397, 2399c, 2403, 2421, and 2427 of this title and sections 1703, 1706, 1727c, and 1727d of Title 7, Agriculture, repealing sections 2151f, 2151l, 2151m, 2151o, 2161, 2162, 2164, 2167, 2168, 2171, 2172, 2175, 2176, 2177, 2178, 2180, 2180a, 2211, 2212, 2213, 2216, 2217, 2217a, 2219, 2219a, 2220, 2224, 2271, 2281, 2292d, 2292g, 2368, 2369, 2408, 2410, 2415, 2416, 2417, 2418, and 2425 of this title, and enacting provisions set out as notes under this section and sections 2151v, 2151u, 2222, 2292d, and 2395 of this title and section 1711 of Title 7] may be cited as the `International Development and Food Assistance Act of 1978'."

Pub. L. 95-384, Sec. 1, Sept. 26, 1978, 92 Stat. 730, provided that: ``This Act [enacting sections 2348 to 2348c, 2373, 2417, 2428b, and 2766 of this title, amending sections 1754, 2261, 2291, 2291a, 2304, 2312, 2321b, 2321h to 2321j, 2346 to 2346c, 2347a, 2347b, 2360, 2372, 2413, 2429, 2429a, 2751, 2761, 2762, 2765, 2771, and 2776 of this title and section 2403 of Title 50, Appendix, War and National Defense, repealing sections 2441 to 2443 of this title, and enacting provisions set out as notes under this section and sections 287c, 1754, 2291, 2311, 2346, 2346a, 2370, and 2751 of this title] may be cited as the `International Security Assistance Act of 1978'."

Pub. L. 95-268, Sec. 1, Apr. 24, 1978, 92 Stat. 213, provided that: ``This Act [enacting section 2200 of this title and amending sections 2191, 2194, 2195, 2197, 2199, and 2200a of this title] may be cited as the `Overseas Private Investment Corporation Amendments Act of 1978'."

Short Title of 1977 Amendments

Pub. L. 95-92, Sec. 1, Aug. 4, 1977, 91 Stat. 614, provided that: ``This Act [enacting sections 2294, 2346b, 2372, and 2429a of this title, amending sections 2261, 2291a, 2312, 2321h to 2321j, 2346, 2346a, 2347a, 2370, 2391, 2429, 2443, 2753, 2771, 2778, and 2792 of this title, and enacting provisions set out as notes under this section and sections 2346, 2370, 2406, 2431, and 2751 of this title] may be cited as the `International Security Assistance Act of 1977'.

Section 1 of Pub. L. 95-88 provided that: ``This Act [enacting sections 2151o to 2151s, 2292k, and 2429b of this title and sections 1712, 1713, 1714, and 1727 to 1727f of Title 7, Agriculture, amending this section and sections 2151a, 2151b, 2151c, 2151d, 2151g, 2151h, 2151i, 2151k, 2151l, 2151m, 2151n, 2174, 2181, 2182, 2182a, 2183, 2222, 2225, 2292a, 2292h, 2357, 2370, 2384, 2385, 2386, 2399c, 2421, and 2427 of this title, section 5315 of Title 5, Government Organization and Employees, and sections 1427, 1431, 1692, 1702, 1703, 1706, 1711, 1721, 1722, 1723, 1726, 1731, and 1736b of Title 7, repealing section 2424 of this title, and enacting provisions set out as notes under this section and sections 2151b, 2151i, 2174, 2357, and 2384 of this title and sections 1702, 1708, and 1722 of Title 7] may be cited as the `International Development and Food Assistance Act of 1977'.

Short Title of 1976 Amendment

Pub. L. 94-329, Sec. 1, June 30, 1976, 90 Stat. 729, provided: ``That this Act [enacting sections 2292h, 2292i, 2321j, 2347, 2347a, 2347b, 2371, 2394a, 2428, 2429, 2755, 2765, 2778, and 2779 of this title, amending sections 2183, 2222, 2261, 2291, 2291a, 2292f, 2304, 2312, 2314, 2318, 2321b, 2321h, 2321i, 2346a, 2370, 2382, 2383, 2384, 2386, 2392, 2394, 2396, 2403, 2415, 2416, 2417, 2441, 2443, 2751, 2751 note, 2752, 2753, 2761, 2762, 2763, 2771, 2776, 2791, 2792, and 2794 of this title, repealing sections 2321a, 2415 note, 2431, 2431 notes, 2432, 2432 note, 2433, 2433 note, 2434, and 2435, and enacting provisions set out as notes under this section and sections 2291, 2292, 2314, 2321a, 2321b, 2347, 2352, 2370, 2428, 2431, 2441, 2751, 2753, 2763, 2776, and 2778 of this title] may be cited as the `International Security Assistance and Arms Export Control Act of 1976'.

Short Title of 1975 Amendment

Section 1 of Pub. L. 94-161 provided: ``That this Act [redesignating as sections 2292c to 2292e former sections 2262, 2399-1a, and 2399-1b of this title, enacting sections 2151a-1, 2151d, 2151e, 2151n, 2220a to 2220e, 2292 to 2292b, 2292f, and 2425 to 2427 of this title and sections 1691a, 1711, 1726, and 1736f of Title 7, Agriculture, amending this section and sections 2151a, 2151b, 2151c, 2151h, 2151i, 2151k, 2169, 2174, 2181 to 2183, 2221, 2222, 2225, 2293, 2357 and 2421 of this title and sections 1691, 1703, 1706, 1709, 1721, 1736, 1736a, and 1736b of Title 7, repealing sections 2151d, 2151e, 2201, 2292, and 2399 of this title, and enacting provisions set out as a note under section 2220a of this title and as a note under section 1691a of Title 7] may be cited as the `International Development and Food Assistance Act of 1975'.

Short Title of 1974 Amendments

Pub. L. 93-559, Sec. 1, Dec. 30, 1974, 88 Stat. 1795, provided: ``That this Act [enacting sections 2151m, 2175a, 2182a, 2225, 2293, 2304, 2321h, 2321i, 2419 to 2424, 2435, and 2441 to 2443 of this title, amending sections 278, 2151a to 2151c, 2163, 2181, 2183, 2219a, 2222, 2261, 2312, 2318, 2321b, 2321f, 2346a, 2360, 2364, 2370, 2394, 2399, 2413, 2415, 2416, 2753, 2763, 2764, 2771, 2773, 2775, and 2776 of this title, repealing sections 2151j and 2200 of this title, enacting provisions set out as notes under

sections 2166, 2175, 2311, 2370, 2399, 2406, 2415, 2431 to 2433, 2551, and 2764 of this title, and repealing provisions set out as a note under this section] may be cited as the `Foreign Assistance Act of 1974'."

Pub. L. 93-390, Sec. 1, Aug. 27, 1974, 88 Stat. 763, provided: ``That this Act [amending sections 2191, 2194, 2195, 2197, 2199, 2200 and 2200a of this title] may be cited as the `Overseas Private Investment Corporation Amendments Act of 1974'."

Pub. L. 93-333, Sec. 1, July 8, 1974, 88 Stat. 290, provided: ``That this Act [enacting section 2292c of this title, amending section 2292d of this title, and enacting provisions set out as notes under this section and section 2395 of this title] may be cited as the `Foreign Disaster Assistance Act of 1974'."

Short Title of 1973 Amendment

Section 1 of Pub. L. 93-189 provided: ``That this Act [enacting sections 2151a to 2151i, 2303, 2399-1a, 2399-1b, 2399c, 2399d, 2431 to 2434 and 2794 of this title, amending this section and sections 285n, 1934, 2163, 2171, 2174, 2181, 2183, 2195, 2199, 2200, 2212, 2219a, 2221, 2222, 2261, 2291, 2291a, 2311, 2312, 2314, 2318, 2321b, 2321f, 2346a, 2367, 2370, 2385, 2394, and section 2397 of this title, repealing sections 2314a, 2319 to 2321, 2321e, 2321g, and 2346a, of this title, and enacting provisions set out as notes under this section and sections 1942, 2163, 2220, 2415, and 2431 of this title] may be cited as the `Foreign Assistance Act of 1973'."

Short Title of 1972 Amendment

Pub. L. 92-226, Sec. 1, Feb. 7, 1972, 86 Stat. 20, provided: ``That this Act [enacting sections 2180a, 2291, 2292, 2321d to 2321g, 2346 to 2346b, and 2413 to 2418 of this title, amending sections 276, 290f, 1476, 1928b, 2162, 2163, 2169, 2172, 2174, 2181, 2183, 2198, 2199, 2200, 2212, 2219a, 2222, 2261, 2312, 2314, 2318, 2319, 2321b, 2370, 2384, 2394, 2397, 2403, 2411, 2684, 2771, 2773, and 2791 of this title and section 5314 of Title 5, Government Organization and Employees, repealing sections 2165 and 2241 to 2243 of this title, and enacting provisions set out as notes under this section and sections 287e, 2411, 2417, and 2680 of this title] may be cited as the `Foreign Assistance Act of 1971'."

Short Title of 1971 Amendment

Pub. L. 91-652, Sec. 1, Jan. 5, 1971, 84 Stat. 1942, provided: ``That this Act [enacting section 2411 of this title, amending sections 2261 and 2242 of this title, and enacting provisions set out as notes under sections 2261, 2302, and 2411 of this title] may be cited as the `Special Foreign Assistance Act of 1971'."

Short Title of 1969 Amendment

Pub. L. 91-175, Sec. 1, Dec. 30, 1969, 83 Stat. 805, provided that: ``This Act [enacting sections 290f, 2179, 2180, 2194 to 2200a and 2321a of this title, amending sections 2162, 2163, 2172, 2174, 2181 to 2183, 2191 to 2193, 2212, 2219a, 2221, 2222, 2242, 2261, 2312, 2318, 2360, 2362, 2370, 2384, 2394, 2396, 2397 and 2402 of this title, section 846 of former Title 31, Money and Finance, and sections 3343, 3581, 3582 and 5314 to 5316 of Title 5, Government Organization and Employees, and enacting provision set out as a note under this section], may be cited as the `Foreign Assistance Act of 1969'."

Short Title of 1968 Amendment

Pub. L. 90-554, Sec. 1, Oct. 8, 1968, 82 Stat. 960, provided: ``That this Act [enacting sections 2381a, 2399b, and 2410 of this title and section 617 of Title 16, Conservation, amending sections 2161, 2162, 2171, 2172, 2174, 2181, 2184, 2212, 2218, 2219a, 2222, 2242, 2261, 2312, 2318-2320, 2354, 2357, 2370, 2381, 2385, 2396, and 2397 of this title, and enacting provisions set out as a note under this section] may be cited as the `Foreign Assistance Act of 1968'."

Short Title of 1967 Amendment

Section 1 of Pub. L. 90-137 provided: ``That this Act [enacting sections 2167 to 2169, 2178, 2219, 2219a, 2220, 2224, 2243, 2302, 2341 to 2345, and 2409 of this title, amending this section and sections 276, 276c-1, 1928b to 1928d, 1934, 2161, 2162, 2165, 2171, 2172, 2174, 2181 to 2184, 2192, 2211, 2212, 2218, 2221, 2222, 2241, 2242, 2261, 2271, 2301, 2302, 2311, 2312, 2314, 2318 to 2321, 2341 to 2345, 2351, 2358, 2360, 2361, 2364, 2384 to 2386, 2389, 2392, 2394 to 2397, 2399a, and 2403 of this title, repealing sections 2217b and 2317(a) of this title, and enacting provision set out as a note under section 2395 of this title] may be cited as the `Foreign Assistance Act of 1967'."

Short Title of 1966 Amendment

Section 1 of Pub. L. 89-583 provided: ``That this Act [enacting sections 2217 to 2217b, 2218, 2281, and 2322 of this title and amending this section and sections 2161, 2162, 2165, 2171, 2172, 2174, 2181, 2182, 2184, 2211, 2212, 2221, 2222, 2241, 2242, 2261, 2312, 2314, 2316, 2318, 2320, 2351, 2354, 2358, 2360, 2362, 2364, 2370, 2382, 2384, 2394, 2395, and 2397 of this title] may be cited as the `Foreign Assistance Act of 1966'."

Short Title of 1965 Amendment

Section 1 of Pub. L. 89-171 provided: ``That this Act [enacting sections 2166, 2399, 2399a and 2408 of this title, and amending this section and sections 2165, 2172, 2174, 2181 to 2184, 2212, 2221, 2222, 2242, 2261, 2311 to 2313, 2315 to 2320, 2355, 2362, 2363, 2370, 2382, 2384 to 2386, 2390, 2391, 2395 to 2398, 2403, and 2404 of this title, section 1707 of Title 7, Agriculture, and provisions set out as a note under this section] may be cited as the `Foreign Assistance Act of 1965'."

Short Title of 1964 Amendment

Pub. L. 88-633, Sec. 1, Oct. 7, 1964, 78 Stat. 1009, provided: ``That this Act [enacting sections 2177, 2321, and 2407 of this title, amending sections 276, 1754, 2161, 2172, 2174, 2176, 2181, 2184, 2192, 2212, 2222, 2242, 2261, 2311, 2312, 2315, 2317, 2318, 2320, 2351, 2362, 2370, 2385, 2386, and 2397 of this title, and enacting provisions set out as a note under this section] may be cited as the `Foreign Assistance Act of 1964'."

Short Title of 1963 Amendment

Section 1 of Pub. L. 88-205 provided that: ``This Act [enacting sections 816, 1138a, 2216, 2320, 2398, and 2684 of this title, amending sections 961, 1136, 1139, 1251, 1928a, 1943, 2161, 2162, 2172, 2174,

2181, 2182, 2184, 2201, 2211 to 2213, 2222, 2242, 2261, 2312, 2313, 2318, 2319, 2351, 2361, 2362, 2370, 2381, 2384, 2386, 2391, 2395 to 2397, 2403, and 2404 of this title, sections 1701, 1705, 1706, and 1722 of Title 7, Agriculture, and section 1861 of Title 19, Customs Duties, enacting provisions set out as notes under this section and section 1942 of this title, and section 1706 of Title 7, and repealing provisions set out as notes under this section and section 2301 of this title], may be cited as the 'Foreign Assistance Act of 1963'."

Short Title of 1962 Amendment

Section 1 of Pub. L. 87-565 provided: "That this Act [enacting sections 2211 to 2213 of this title, amending this section and sections 276, 2161, 2171, 2172, 2181, 2182, 2184, 2192, 2222, 2242, 2261, 2271, 2314, 2315, 2318, 2360, 2361, 2368, 2370, 2381, 2384, 2385, 2389, 2394, 2395, 2397, 2402 to 2404, 2452, and 2669 of this title, repealing section 2173 of this title, enacting provisions set out as a note under section 2452 of this title, and repealing Part IV of the Foreign Assistance Act of 1961] may be cited as the 'Foreign Assistance Act of 1962'."

Short Title

Section 1 of Pub. L. 87-195, as added by Pub. L. 87-329, title I, Sec. 111, Sept. 30, 1961, 75 Stat. 719, provided: "That this Act [enacting this chapter and sections 1613d and 1945 of this title, amending sections 276, 279a, 1041, 1112, 1136, 1148, 1157, 1754, 1783, 1925, 1951 and 1964 of this title, section 1704 of Title 7, Agriculture, and sections 1651 and 1701 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 276, 1613d, and 1925 of this title, and repealing sections 1750, 1750a, 1750b to 1753a, 1755 to 1759, 1760, 1761 to 1765, 1766a to 1766c, 1767a, 1768, 1781, 1782, 1784 to 1795, 1797, 1811, 1812 to 1817, 1841, 1851, 1852, 1854, 1870, 1871 to 1876, 1891 to 1896, 1897, 1920, 1921, 1923, 1924, 1926, 1927, 1929, 1931, 1933, 1935, 1936, 1939 to 1940a, 1941, 2051 to 2053, 2071 and 2072 of this title, Reorganization Plan No. 7 of 1953, and provisions set out as notes under sections 1753, 1783, 1922, 1928b, 1939 and 1951 of this title] may be cited as 'The Foreign Assistance Act of 1961'."

Section 101 of Pub. L. 87-195 which provided that this subchapter should be cited as the "Act for International Development of 1961" was repealed by section 101(b) of Pub. L. 88-205.

Pub. L. 87-195, pt. V, Sec. 801, as added by Pub. L. 105-214, Sec. 1, July 29, 1998, 112 Stat. 885, provided that: "This part [part V (Secs. 801-813) of Pub. L. 87-195, enacting subchapter IV of this chapter] may be cited as the 'Tropical Forest Conservation Act of 1998'."

Repeals

Section 642 of Pub. L. 87-195, as amended by Pub. L. 89-171, pt. III, Sec. 303(a), Sept. 6, 1965, 79 Stat. 661, provided that:

(a) There are hereby repealed—

(1) Reorganization Plan Numbered 7 of 1953 [formerly set out as a note under section 1785 of this title].

(2) the Mutual Security Act of 1954, as amended [section 1750 et seq. of this title] (except sections 402, 405(a), 405(c), 405(d), 408, 414, 417, 451(c), 502(a), 502(b), 514, 523(d), and 536 [sections 1922, 1925(a), 1925(c), 1925(d), 1928, 1934, 1937, 1951(c), 1754(a), (b), 1766, 1783(d) and 1796 of this title]);

(3) section 12 of the Mutual Security Act of 1955 [formerly set out as a note under section 1811 of this title];

- (4) sections 12, 13, and 14 of the Mutual Security Act of 1956 [section 1870 of this title and notes formerly set out under sections 1753 and 1939 of this title];
 - (5) section 503 of the Mutual Security Act of 1958 [section 1750a of this title];
 - (6) section 108 of the Mutual Security Appropriation Act, 1959 [formerly set out as a note under section 1922 of this title];
 - (7) section 501(a), chapter VI, and sections 702 and 703 of the Mutual Security Act of 1959, as amended [sections 1941, and 2051 to 2053 of this title and notes formerly set out under sections 1928b and 1951 of this title]; and
 - (8) section 604 and chapter VII of the Mutual Security Act of 1960 [sections 2071 and 2072 of this title and note formerly set out under section 1783 of this title].
- (b) References in law to the Acts, or provisions of such Acts, repealed by subsection (a) of this section shall hereafter be deemed to be references to this Act [see Short Title note for the Foreign Assistance Act of 1961 above] or appropriate provisions of this Act.
- (c) The repeal of the Acts listed in subsection (a) of this section shall not be deemed to affect amendments contained in such Acts to Acts not named in that subsection."

United States Agency for International Development Deemed Agency Primarily Responsible for Administering This Subchapter

Any reference in this chapter to the agency primarily responsible for administering this subchapter, or to the Administrator of such agency, deemed reference to the United States Agency for International Development or to the Administrator of that agency, as appropriate, see section 1-200(a) of 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 for Zimbabwe

Pub. L. 107-115, title V, Sec. 560, Jan. 10, 2002, 115 Stat. 2162, provided that: "The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association."

Pub. L. 107-99, Dec. 21, 2001, 115 Stat. 962, provided that:

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Zimbabwe Democracy and Economic Recovery Act of 2001'.

SEC. 2. STATEMENT OF POLICY.

It is the policy of the United States to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

SEC. 3. DEFINITIONS.

In this Act:

- (1) International financial institutions.--The term 'international financial institutions' means the multilateral development banks and the International Monetary Fund.
- (2) Multilateral development banks.--The term 'multilateral development banks' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

SEC. 4. SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.

(a) Findings.--Congress makes the following findings:

(1) Through economic mismanagement, undemocratic practices, and the costly deployment of troops to the Democratic Republic of the Congo, the Government of Zimbabwe has rendered itself ineligible to participate in International Bank for Reconstruction and Development and International Monetary Fund programs, which would otherwise be providing substantial resources to assist in the recovery and modernization of Zimbabwe's economy. The people of Zimbabwe have thus been denied the economic and democratic benefits envisioned by the donors to such programs, including the United States.

(2) In September 1999 the IMF suspended its support under a 'Stand By Arrangement', approved the previous month, for economic adjustment and reform in Zimbabwe.

(3) In October 1999, the International Development Association (in this section referred to as the 'IDA') suspended all structural adjustment loans, credits, and guarantees to the Government of Zimbabwe.

(4) In May 2000, the IDA suspended all other new lending to the Government of Zimbabwe.

(5) In September 2000, the IDA suspended disbursement of funds for ongoing projects under previously-approved loans, credits, and guarantees to the Government of Zimbabwe.

(b) Support for Democratic Transition and Economic Recovery.--

(1) Bilateral debt relief.--Upon receipt by the appropriate congressional committees of a certification described in subsection (d), the Secretary of the Treasury shall undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by any agency of the United States Government.

(2) Multilateral debt relief and other financial assistance.--It is the sense of Congress that, upon receipt by the appropriate congressional committees of a certification described in subsection (d), the Secretary of the Treasury should--

(A) direct the United States executive director of each multilateral development bank to propose that the bank should undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that bank; and

(B) direct the United States executive director of each international financial institution to which the United States is a member to propose to undertake financial and technical support for Zimbabwe, especially support that is intended to promote Zimbabwe's economic recovery and development, the stabilization of the Zimbabwean dollar, and the viability of Zimbabwe's democratic institutions.

(c) Multilateral Financing Restriction.--Until the President makes the certification described in subsection (d), and except as may be required to meet basic human needs or for good governance, the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to oppose and vote against--

(1) any extension by the respective institution of any loan, credit, or guarantee to the Government of Zimbabwe; or

(2) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to the United States or any international financial institution.

(d) Presidential Certification That Certain Conditions Are Satisfied.--A certification under this subsection is a certification transmitted to the appropriate congressional committees of a determination made by the President that the following conditions are satisfied:

(1) Restoration of the rule of law.--The rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association, and an end to the lawlessness, violence, and intimidation sponsored, condoned, or

tolerated by the Government of Zimbabwe, the ruling party, and their supporters or entities.

(2) Election or pre-election conditions.--Either of the following two conditions is satisfied:

(A) Presidential election.--Zimbabwe has held a presidential election that is widely accepted as free and fair by independent international monitors, and the president-elect is free to assume the duties of the office.

(B) Pre-election conditions.--In the event the certification is made before the presidential election takes place, the Government of Zimbabwe has sufficiently improved the pre-election environment to a degree consistent with accepted international standards for security and freedom of movement and association.

(3) Commitment to equitable, legal, and transparent land reform.--The Government of Zimbabwe has demonstrated a commitment to an equitable, legal, and transparent land reform program consistent with agreements reached at the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare, Zimbabwe, in September 1998.

(4) Fulfillment of agreement ending war in Democratic Republic of Congo.--The Government of Zimbabwe is making a good faith effort to fulfill the terms of the Lusaka, Zambia, agreement on ending the war in the Democratic Republic of Congo.

(5) Military and national police subordinate to civilian government.--The Zimbabwean Armed Forces, the National Police of Zimbabwe, and other state security forces are responsible to and serve the elected civilian government.

(e) Waiver.--The President may waive the provisions of subsection (b)(1) or subsection (c), if the President determines that it is in the national interest of the United States to do so.

SEC. 5. SUPPORT FOR DEMOCRATIC INSTITUTIONS, THE FREE PRESS AND INDEPENDENT MEDIA, AND THE RULE OF LAW.

(a) In General.--The President is authorized to provide assistance under part I [22 U.S.C. 2151 et seq.] and chapter 4 of part II [22 U.S.C. 2346 et seq.] of the Foreign Assistance Act of 1961 to--

(1) support an independent and free press and electronic media in Zimbabwe;

(2) support equitable, legal, and transparent mechanisms of land reform in Zimbabwe, including the payment of costs related to the acquisition of land and the resettlement of individuals, consistent with the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare, Zimbabwe, in September 1998, or any subsequent agreement relating thereto; and

(3) provide for democracy and governance programs in Zimbabwe.

(b) Funding.--Of the funds authorized to be appropriated to carry out part I [22 U.S.C. 2151 et seq.] and chapter 4 of part II [22 U.S.C. 2346 et seq.] of the Foreign Assistance Act of 1961 for fiscal year 2002--

(1) \$20,000,000 is authorized to be available to provide the assistance described in subsection (a)(2); and

(2) \$6,000,000 is authorized to be available to provide the assistance described in subsection (a)(3).

(c) Supersedes Other Laws.--The authority in this section supersedes any other provision of law.

SEC. 6. SENSE OF CONGRESS ON THE ACTIONS TO BE TAKEN AGAINST INDIVIDUALS RESPONSIBLE FOR VIOLENCE AND THE BREAKDOWN OF THE RULE OF LAW IN ZIMBABWE.

It is the sense of Congress that the President should begin immediate consultation with the governments of European Union member states, Canada, and other appropriate foreign countries on ways in which to--

- (1) identify and share information regarding individuals responsible for the deliberate breakdown of the rule of law, politically motivated violence, and intimidation in Zimbabwe;
- (2) identify assets of those individuals held outside Zimbabwe;
- (3) implement travel and economic sanctions against those individuals and their associates and families; and
- (4) provide for the eventual removal or amendment of those sanctions."

Report on Relations With Vietnam

Pub. L. 105-277, div. G, subdiv. B, title XXVIII, Sec. 2805, Oct. 21, 1998, 112 Stat. 2681-846, as amended by Pub. L. 106-113, div. B, Sec. 1000(a)(7) [div. A, title II, Sec. 209(c)], Nov. 29, 1999, 113 Stat. 1536, 1501A-423, provided that: "In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary of State shall submit a report to the appropriate congressional committees [Committee on International Relations of House of Representatives and Committee on Foreign Relations of Senate], not later than 90 days after the date of enactment of this Act [Oct. 21, 1998] and every 180 days thereafter during the period ending September 30, 2001, on the extent to which--

- (1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved cases of prisoners of war (POWs) or persons missing-in-action (MIAs) through the provision of records and the unilateral and joint recovery and repatriation of American remains;
- (2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including Catholic, Protestant, and Buddhist clergy;
- (3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;
- (4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and
- (5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101-167) [8 U.S.C. 1157 note, 1255 note]."

Iraq Liberation

Pub. L. 105-338, Oct. 31, 1998, 112 Stat. 3178, provided that:

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Iraq Liberation Act of 1998'.

SEC. 2. FINDINGS.

The Congress makes the following findings:

- (1) On September 22, 1980, Iraq invaded Iran, starting an 8 year war in which Iraq employed chemical weapons against Iranian troops and ballistic missiles against Iranian cities.
- (2) In February 1988, Iraq forcibly relocated Kurdish civilians from their home villages in the Anfal campaign, killing an estimated 50,000 to 180,000 Kurds.

- (3) On March 16, 1988, Iraq used chemical weapons against Iraqi Kurdish civilian opponents in the town of Halabja, killing an estimated 5,000 Kurds and causing numerous birth defects that affect the town today.
- (4) On August 2, 1990, Iraq invaded and began a 7 month occupation of Kuwait, killing and committing numerous abuses against Kuwaiti civilians, and setting Kuwait's oil wells ablaze upon retreat.
- (5) Hostilities in Operation Desert Storm ended on February 28, 1991, and Iraq subsequently accepted the ceasefire conditions specified in United Nations Security Council Resolution 687 (April 3, 1991) requiring Iraq, among other things, to disclose fully and permit the dismantlement of its weapons of mass destruction programs and submit to long-term monitoring and verification of such dismantlement.
- (6) In April 1993, Iraq orchestrated a failed plot to assassinate former President George Bush during his April 14-16, 1993, visit to Kuwait.
- (7) In October 1994, Iraq moved 80,000 troops to areas near the border with Kuwait, posing an imminent threat of a renewed invasion of or attack against Kuwait.
- (8) On August 31, 1996, Iraq suppressed many of its opponents by helping one Kurdish faction capture Irbil, the seat of the Kurdish regional government.
- (9) Since March 1996, Iraq has systematically sought to deny weapons inspectors from the United Nations Special Commission on Iraq (UNSCOM) access to key facilities and documents, has on several occasions endangered the safe operation of UNSCOM helicopters transporting UNSCOM personnel in Iraq, and has persisted in a pattern of deception and concealment regarding the history of its weapons of mass destruction programs.
- (10) On August 5, 1998, Iraq ceased all cooperation with UNSCOM, and subsequently threatened to end long-term monitoring activities by the International Atomic Energy Agency and UNSCOM.
- (11) On August 14, 1998, President Clinton signed Public Law 105-235 [112 Stat. 1538], which declared that 'the Government of Iraq is in material and unacceptable breach of its international obligations' and urged the President 'to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.'
- (12) On May 1, 1998, President Clinton signed Public Law 105-174 [see Tables for classification], which made \$5,000,000 available for assistance to the Iraqi democratic opposition for such activities as organization, training, communication and dissemination of information, developing and implementing agreements among opposition groups, compiling information to support the indictment of Iraqi officials for war crimes, and for related purposes.

SEC. 3. SENSE OF THE CONGRESS REGARDING UNITED STATES POLICY TOWARD IRAQ.

It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.

SEC. 4. ASSISTANCE TO SUPPORT A TRANSITION TO DEMOCRACY IN IRAQ.

(a) Authority To Provide Assistance.--The President may provide to the Iraqi democratic opposition organizations designated in accordance with section 5 the following assistance:

(1) Broadcasting assistance.—

(A) Grant assistance to such organizations for radio and television broadcasting by such organizations to Iraq.

(B) There is authorized to be appropriated to the United States Information Agency \$2,000,000 for fiscal year 1999 to carry out this paragraph.

(2) Military assistance.—

(A) The President is authorized to direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training for such organizations.

(B) The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961 [22 U.S.C. 2403(m)]) of assistance provided under this paragraph may not exceed \$97,000,000.

(b) Humanitarian Assistance.--The Congress urges the President to use existing authorities under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] to provide humanitarian assistance to individuals living in areas of Iraq controlled by organizations designated in accordance with section 5, with emphasis on addressing the needs of individuals who have fled to such areas from areas under the control of the Saddam Hussein regime.

(c) Restriction on Assistance.--No assistance under this section shall be provided to any group within an organization designated in accordance with section 5 which group is, at the time the assistance is to be provided, engaged in military cooperation with the Saddam Hussein regime.

(d) Notification Requirement.--The President shall notify the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 [22 U.S.C. 2394-1] at least 15 days in advance of each obligation of assistance under this section in accordance with the procedures applicable to reprogramming notifications under section 634A.

(e) Reimbursement Relating to Military Assistance.--

(1) In general.--Defense articles, defense services, and military education and training provided under subsection (a)(2) shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to paragraph (2).

(2) Authorization of appropriations.--There are authorized to be appropriated to the President for each of the fiscal years 1998 and 1999 such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 644(m) of the Foreign Assistance Act of 1961 [22 U.S.C. 2403(m)]) of defense articles, defense services, or military education and training provided under subsection (a)(2).

(f) Availability of Funds.—

(1) Amounts authorized to be appropriated under this section are authorized to remain available until expended.

(2) Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for the purposes described in this section.

(g) Authority To Provide Assistance.--Activities under this section (including activities of the nature described in subsection (b)) may be undertaken notwithstanding any other provision of law.

SEC. 5. DESIGNATION OF IRAQI DEMOCRATIC OPPOSITION ORGANIZATION.

(a) Initial Designation.--Not later than 90 days after the date of the enactment of this Act [Oct. 31, 1998], the President shall designate one or more Iraqi democratic opposition organizations that the President determines satisfy the criteria set forth in subsection (c) as eligible to receive assistance under section 4.

(b) Designation of Additional Organizations.--At any time subsequent to the initial designation pursuant to subsection (a), the President may designate one or more additional Iraqi democratic opposition organizations that the President determines satisfy the criteria set forth in subsection (c) as eligible to receive assistance under section 4.

(c) Criteria for Designation.--In designating an organization pursuant to this section, the President shall consider only organizations that--

(1) include a broad spectrum of Iraqi individuals, groups, or both, opposed to the Saddam Hussein regime; and

(2) are committed to democratic values, to respect for human rights, to peaceful relations with Iraq's neighbors, to maintaining Iraq's territorial integrity, and to fostering cooperation among democratic opponents of the Saddam Hussein regime.

(d) Notification Requirement.--At least 15 days in advance of designating an Iraqi democratic opposition organization pursuant to this section, the President shall notify the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 [22 U.S.C. 2394-1] of his proposed designation in accordance with the procedures applicable to reprogramming notifications under section 634A.

SEC. 6. WAR CRIMES TRIBUNAL FOR IRAQ.

Consistent with section 301 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138 [105 Stat. 707]), House Concurrent Resolution 137, 105th Congress (approved by the House of Representatives on November 13, 1997), and Senate Concurrent Resolution 78, 105th Congress (approved by the Senate on March 13, 1998), the Congress urges the President to call upon the United Nations to establish an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other criminal violations of international law.

SEC. 7. ASSISTANCE FOR IRAQ UPON REPLACEMENT OF SADDAM HUSSEIN REGIME.

It is the sense of the Congress that once the Saddam Hussein regime is removed from power in Iraq, the United States should support Iraq's transition to democracy by providing immediate and substantial humanitarian assistance to the Iraqi people, by providing democracy transition assistance to Iraqi parties and movements with democratic goals, and by convening Iraq's foreign creditors to develop a multilateral response to Iraq's foreign debt incurred by Saddam Hussein's regime.

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to authorize or otherwise speak to the use of United States Armed Forces (except as provided in section 4(a)(2)) in carrying out this Act."

Designations Under the Iraq Liberation Act of 1998

Determination of President of the United States, No. 03-05, Dec. 7, 2002, 67 F.R. 78121, provided:
Memorandum for the Secretary of State

Pursuant to the authority vested in me as President of the United States, including under section 5 of the Iraq Liberation Act of 1998 (Public Law 105-338) ("the Act") [set out in a note above], I hereby determine that each of the following groups is a democratic opposition organization and that each satisfies the criteria set forth in section 5(c) of the Act: the Assyrian Democratic Movement; the Iraqi Free Officers and Civilians Movement; the Iraqi National Front; the Iraqi National Movement; the Iraqi Turkmen Front; and the Islamic Accord of Iraq. I hereby designate each of these organizations as eligible to receive assistance under section 4 of the Act.

You are authorized and directed to report this determination and designation to the Congress and to arrange for its publication in the Federal Register.

George W. Bush.

Determination of President of the United States, No. 99-13, Feb. 4, 1999, 64 F.R. 6781, provided:
Memorandum for the Secretary of State

Pursuant to the authority vested in me as President of the United States, including under section 5 of the Iraq Liberation Act of 1998 (Public Law 105-338) (the "Act") [set out in a note above], I hereby determine that each of the following groups is a democratic opposition organization and that each satisfies the criteria set forth in section 5(c) of the Act: the Iraqi National Accord, the Iraqi National Congress, the Islamic Movement of Iraqi Kurdistan, the Kurdistan Democratic Party, the Movement for Constitutional

Monarchy, the Patriotic Union of Kurdistan, and the Supreme Council for the Islamic Revolution in Iraq. I hereby designate each of these organizations as eligible to receive assistance under section 4 of the Act.

You are authorized and directed to report this determination and designation to the Congress and arrange for its publication in the Federal Register.

William J. Clinton.

Assistance for Mauritania

Pub. L. 104-319, title II, Sec. 202, Oct. 19, 1996, 110 Stat. 3866, provided that:

(a) Prohibition.--The President should not provide economic assistance, military assistance or arms transfers to the Government of Mauritania unless the President certifies to the Congress that such Government has taken appropriate action to eliminate chattel slavery in Mauritania, including--

(1) the enactment of anti-slavery laws that provide appropriate punishment for violators of such laws; and

(2) the rigorous enforcement of such laws.

(b) Definitions.--For purposes of this section, the following definitions apply:

(1) Economic assistance.--The term 'economic assistance' means any assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except that such term does not include humanitarian assistance.

(2) Military assistance or arms transfers.--The term 'military assistance or arms transfers' means--

(A) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.; relating to military assistance), including the transfer of excess defense articles under sections 516 through 519 of that Act (22 U.S.C. 2321j through 2321m);

(B) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training);

(C) assistance under the 'Foreign Military Financing Program' under section 23 of the Arms Export Control Act (22 U.S.C. 2763); or

(D) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778)."

Authority for Anticrime Assistance

Pub. L. 103-447, title I, Sec. 106, Nov. 2, 1994, 108 Stat. 4694, provided that:

(a) Policy.--International criminal activities, including international narcotics trafficking, money laundering, smuggling, and corruption, endanger political and economic stability and democratic development, and assistance for the prevention and suppression of international criminal activities should be a priority for the United States.

(b) Authority.--

(1) In general.--For fiscal year 1995, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the prevention and suppression of international criminal activities.

(2) Waiver of prohibition of police training.--Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) shall not apply with respect to assistance furnished under paragraph (1)."

[Functions of President under section 106 of Pub. L. 103-447, set out above, delegated to Secretary of State by Memorandum of President of the United States, Apr. 4, 1995, 60 F.R. 19153.]

African Conflict Resolution

Pub. L. 103-381, Oct. 19, 1994, 108 Stat. 3513, provided that:

SECTION. 1. SHORT TITLE.

This Act may be cited as the `African Conflict Resolution Act'.

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(a) Findings.--The Congress makes the following findings:

(1) It is in the national interest of the United States to help build African capability in conflict resolution. A relatively small investment of assistance in promoting African conflict resolution--

(A) would reduce the enormous human suffering which is caused by wars in Africa;

(B) would help the United States avoid huge future expenditures necessitated by Somalia-like humanitarian disasters; and

(C) would reduce the need for United Nations intervention as African institutions develop the ability to resolve African conflicts.

(2) Africa, to a greater extent than any other continent, is afflicted by war. Africa has been marred by more than 20 major civil wars since 1960. Rwanda, Somalia, Angola, Sudan, Liberia, and Burundi are among those countries that have recently suffered serious armed conflict.

(3) In the last decade alone, between 2,000,000 and 4,000,000 Africans have died because of war. There were 5,200,000 refugees and 13,100,000 displaced people in Africa in 1993.

(4) Millions more Africans are currently at risk of war-related death. Looming or ongoing conflicts in Zaire, Angola, Sudan, Rwanda, and other countries threaten Africa's future.

(5) War has caused untold economic and social damage to the countries of Africa. Food production is impossible in conflict areas, and famine often results. Widespread conflict has condemned many of Africa's children to lives of misery and, in certain cases, has threatened the existence of traditional African cultures.

(6) Conflict and instability in Africa, particularly in large, potentially rich countries such as Angola, Sudan, and Zaire, deprive the global economy of resources and opportunities for trade and investment. Peace in these countries could make a significant contribution to global economic growth, while creating new opportunities for United States businesses.

(7) Excessive military expenditures threaten political and economic stability in Africa while diverting scarce resources from development needs. Demobilization and other measures to reduce the size of African armies, and civilian control of the military under the rule of law are in the interest of international security and economic development.

(8) Conflict prevention, mediation, and demobilization are prerequisites to the success of development assistance programs. Nutrition and education programs, for example, cannot succeed in a nation at war. Billions of dollars of development assistance have been virtually wasted in war-ravaged countries such as Liberia, Somalia, and Sudan.

(9) Africans have a long tradition of informal mediation. This tradition should be built upon to create effective institutions through which Africans can resolve African conflicts.

(10) The effectiveness of U.S. support for conflict resolution programs requires coordination and collaboration with multilateral institutions and other bilateral donors.

(11) African institutions are playing an active role in conflict resolution and mediation utilizing the experience of elder statesmen. Groups such as the All African Council of

Churches have assisted in defusing conflicts. The Economic Community of West African States (ECOWAS) has sought to address the conflict in Liberia by deploying an African peacekeeping force. The Southern African states have been working to prevent a crisis in Lesotho. The Intergovernmental Authority on Desertification and Drought (IGADD) has been engaged in attempting to resolve the conflict in Sudan.

(12) The Organization of African Unity, under the leadership of Secretary General Salim Salim, has established a conflict resolution mechanism and has been active in mediation and conflict resolution in several African countries.

(b) United States Policy.--The Congress declares, therefore, that a key goal for United States foreign policy should be to help institutionalize conflict resolution capability in Africa.

SEC. 3. IMPROVING THE CONFLICT RESOLUTION CAPABILITIES OF THE ORGANIZATION OF AFRICAN UNITY.

(a) Authorization of Assistance.--The President is authorized to provide assistance to strengthen the conflict resolution capability of the Organization of African Unity, as follows:

(1) Funds may be provided to the Organization of African Unity for use in supporting its conflict resolution capability, including providing technical assistance.

(2) Funds may be used for expenses of sending individuals with expertise in conflict resolution to work with the Organization of African Unity.

(b) Funding.--Of the foreign assistance funds that are allocated for sub-Saharan Africa, not less than \$1,500,000 for each of the fiscal years 1995 through 1998 should be used to carry out subsection (a).

SEC. 4. IMPROVING CONFLICT RESOLUTION CAPABILITIES OF MULTILATERAL SUBREGIONAL ORGANIZATIONS IN AFRICA.

(a) Authorization of Assistance.--The President is authorized to provide assistance to strengthen the conflict resolution capabilities of subregional organizations established by countries in sub-Saharan Africa, as follows:

(1) Funds may be provided to such organizations for use in supporting their conflict resolution capability, including providing technical assistance.

(2) Funds may be used for the expenses of sending individuals with expertise in conflict resolution to work with such organizations.

(b) Funding.--Of the foreign assistance funds that are allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 through 1998 may be used to carry out subsection (a).

SEC. 5. IMPROVING CONFLICT RESOLUTION CAPABILITIES OF NON-GOVERNMENTAL ORGANIZATIONS.

(a) Authorization of Assistance.--The President is authorized to provide assistance to nongovernmental organizations that are engaged in mediation and reconciliation efforts in sub-Saharan Africa.

(b) Funding.--Of the foreign assistance funds that are allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 and 1996 should be used to carry out subsection (a).

SEC. 6. AFRICAN DEMOBILIZATION AND RETRAINING PROGRAM.

(a) Authorization of Assistance.--In order to facilitate reductions in the size of the armed forces of countries of sub-Saharan Africa, the President is authorized to--

(1) provide assistance for the encampment and related activities for the purpose of demobilization of such forces; and

(2) provide assistance for the reintegration of demobilized military personnel into civilian society through activities such as retraining for civilian occupations, creation of income-generating opportunities, their reintegration into agricultural activities, and the transportation to the home areas of such personnel.

(b) Funding.--Of the foreign assistance funds that are allocated sub-Saharan Africa, \$25,000,000 for each of the fiscal years 1995 and 1996 should be used for the assistance described in subsection (a), if conditions permit.

(c) Civilian Involvement.--The President is also authorized to promote civilian involvement in the planning and organization of demobilization and reintegration activities.

SEC. 7. TRAINING FOR AFRICANS IN CONFLICT RESOLUTION AND PEACEKEEPING.

(a) Authorization.--The President is authorized to establish a program to provide education and training in conflict resolution and peacekeeping for civilian and military personnel of countries in sub-Saharan Africa.

(b) Funding.--Of the funds made available under chapter 5 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2347 et seq.], such sums as may be necessary for each of the fiscal years 1995 and 1996 should be used for the purposes of subsection (a).

SEC. 8. PLAN FOR UNITED STATES SUPPORT FOR CONFLICT RESOLUTION AND DEMOBILIZATION IN SUB-SAHARAN AFRICA.

(a) In General.--Pursuant to the provisions of sections 3 through 7, the President should develop an integrated long-term plan, which incorporates local perspectives, to provide support for the enhancement of conflict resolution capabilities and demobilization activities in sub-Saharan Africa.

(b) Contents of Plan.--Such plan should include:

(1) The type, purpose, amount, and duration of assistance that is planned to be provided to conflict resolution units in sub-Saharan Africa.

(2) The type and amount of assistance that is planned to be provided for the demobilization of military personnel of countries of sub-Saharan Africa, including--
(A) a list of which countries will receive such assistance and an explanation of why such countries were chosen for such assistance; and
(B) a list of other countries and international organizations that are providing assistance for such demobilization.

(3) The type and amount of assistance that is planned to be provided to nongovernmental organizations that are engaged in mediation and reconciliation efforts in sub-Saharan Africa.

(4) A description of proposed training programs for Africans in conflict resolution and peacekeeping under section 7, including a list of prospective participants and plans to expand such programs.

(5) The mechanisms to be used to coordinate interagency efforts to administer the plan.

(6) Efforts to seek the participation of other countries and international organizations to achieve the objectives of the plan.

(c) Report.--Not later than 180 days after the date of the enactment of this Act [Oct. 19, 1994], the President shall submit to the appropriate congressional committees a report containing a description of the plan developed under this section.

SEC. 9. REPORTING REQUIREMENT.

(a) Requirement.--The President shall submit to the appropriate congressional committees a report describing the efforts and progress made in carrying out the provisions of this Act.

(b) Date of Submission.--The first report submitted under subsection (a) shall be submitted no later than 180 days after the date of the enactment of this Act [Oct. 19, 1994], and shall be submitted annually thereafter.

SEC. 10. CONSULTATION REQUIREMENT.

The President shall consult with the appropriate congressional committees prior to providing assistance under sections 3 through 7.

SEC. 11. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

For purposes of this Act, the term 'appropriate congressional committees' means the Committee on Foreign Affairs [now Committee on International Relations] and the Committee on

Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate."

[Functions of President under sections 8 and 9 of Pub. L. 103-381, set out above, delegated to Administrator of the Agency for International Development by Memorandum of President of the United States, June 6, 1995, 60 F.R. 30771.]

Waiver of Restrictions for Narcotics-Related Economic Assistance

Pub. L. 104-164, title I, Sec. 133, July 21, 1996, 110 Stat. 1430, provided that: "For each of the fiscal years 1996 and 1997, narcotics-related assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may be provided notwithstanding any other provision of law that restricts assistance to foreign countries (other than section 490(e) or section 502B of that Act (22 U.S.C. 2291j(e) and 2304)) if, at least 15 days before obligating funds for such assistance, the President notifies the appropriate congressional committees (as defined in section 481(e) of that Act (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. 2394-1)."

Similar Provisions

Similar provisions were contained in the following prior acts:

Pub. L. 103-447, title I, Sec. 105, Nov. 2, 1994, 108 Stat. 4694.

Pub. L. 102-583, Sec. 8, Nov. 2, 1992, 106 Stat. 4933, prior to repeal by Pub. L. 103-447, title I, Sec. 103(a), Nov. 2, 1994, 108 Stat. 4693.

"Appropriate Congressional Committees" Defined for Purposes of Pub. L. 102-583

Pub. L. 102-583, Sec. 11(b), Nov. 2, 1992, 106 Stat. 4935, provided that as used in Pub. L. 102-583, the term "appropriate congressional committees" had the definition given that term by section 481(e)(6) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(6)), prior to repeal by Pub. L. 103-447, title I, Sec. 103(a), Nov. 2, 1994, 108 Stat. 4693.

Impact on Employment in United States

Pub. L. 102-549, title VIII, Sec. 801, Oct. 28, 1992, 106 Stat. 3671, provided that: "No funds made available to carry out any provision of this Act [see Short Title of 1992 Amendments note above] or the amendments made by this Act may be obligated or expended for any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States, if such incentive or inducement is likely to reduce the number of employees in the United States because United States production is being replaced by such enterprise outside the United States."

Internationally Recognized Worker Rights

Pub. L. 102-549, title VIII, Sec. 802, Oct. 28, 1992, 106 Stat. 3671, provided that: "No funds made available to carry out any provision of this Act [see Short Title of 1992 Amendments note above] or the amendments made by this Act may be obligated or expended for any project or activity that contributes to

the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974 [19 U.S.C. 2462(a)(4)], of workers in the recipient country, including any designated zone in that country."

Horn of Africa Recovery and Food Security

Pub. L. 102-274, Apr. 21, 1992, 106 Stat. 115, known as the Horn of Africa Recovery and Food Security Act, provided findings of Congress concerning the Horn of Africa (the region comprised of Ethiopia, Somalia, Sudan, and Djibouti), stated policy regarding individual countries, authorized a relief and rehabilitation program, provided for a peace initiative and a food security and recovery strategy, prohibited security assistance to Ethiopia, Somalia, or Sudan for fiscal year 1992 or 1993 absent a certification by the President, required the President to submit a report to Congress on the efforts and progress in carrying out Pub. L. 102-274 not later than 180 days after Apr. 21, 1992, and required additional reports.

Peace Process in Liberia

Pub. L. 102-270, Apr. 16, 1992, 106 Stat. 106, as amended by Pub. L. 104-107, title V, Sec. 573(a), Feb. 12, 1996, 110 Stat. 749, provided that:

(a) the Congress--

- (1) strongly supports the peace process for Liberia initiated by the Yamoussoukro peace accord;
- (2) urges all parties to abide by the terms of the Yamoussoukro agreement;
- (3) commends and congratulates the governments of the Economic Community of West African States (ECOWAS) for their leadership in seeking peace in Liberia; and
- (4) extends particularly praise to President Babangida of Nigeria, President Houphouet-Boigny of Cote d'Ivoire, and President Diouf of Senegal for their efforts to resolve this conflict.

(b) Authorization of Limited Assistance.--The President is authorized to provide--

- (1) nonpartisan election and democracy-building assistance to support democratic institutions in Liberia, and
- (2) assistance for the resettlement of refugees, the demobilization and retraining of troops, and the provision of other appropriate assistance:

Provided, that the President determines and so certifies to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs [now Committee on International Relations] and the Committee on Appropriations of the House of Representatives that Liberia has made significant progress toward democratization and that the provision of such assistance will assist that country in making further progress and is otherwise in the national interest of the United States. A separate determination and certification shall be required for each fiscal year in which such assistance is to be provided."

Suspension of Certain Programs and Activities Relating to the People's Republic of China

Pub. L. 101-246, title IX, Sec. 902, Feb. 16, 1990, 104 Stat. 83, as amended by Pub. L. 102-549, title II, Sec. 202(e), Oct. 28, 1992, 106 Stat. 3658, provided that:

(a) Suspensions.--

- (1) Overseas private investment corporation.--The Overseas Private Investment Corporation shall continue to suspend the issuance of any new insurance, reinsurance, guarantees, financing,

or other financial support with respect to the People's Republic of China, unless the President makes a report under subsection (b)(1) or (2) of this section.

(2) Trade and development agency.--The President shall suspend the obligation of funds under the Foreign Assistance Act of 1961 [see Short Title note above] for any new activities of the Trade and Development Agency with respect to the People's Republic of China, unless the President makes a report under subsection (b)(1) or (2) of this section.

(3) Munitions export licenses.—

(A) The issuance of licenses under section 38 of the Arms Export Control Act [22 U.S.C. 2778] for the export to the People's Republic of China of any defense article on the United States Munitions List, including helicopters and helicopter parts, shall continue to be suspended, subject to subparagraph (B), unless the President makes a report under subsection (b)(1) or (2) of this section.

(B) The suspension set forth in subparagraph (A) shall not apply to systems and components designed specifically for inclusion in civil products and controlled as defense articles only for purposes of export to a controlled country, unless the President determines that the intended recipient of such items is the military or security forces of the People's Republic of China.

(4) Crime control and detection instruments and equipment.--The issuance of any license under section 6(k) of the Export Administration Act of 1979 [50 App. U.S.C. 2405(k)] for the export to the People's Republic of China of any crime control or detection instruments or equipment shall be suspended, unless the President makes a report under subsection (b)(1) or (2) of this section.

(5) Export of satellites for launch by the People's Republic of China.--Exports of any satellite of United States origin that is intended for launch from a launch vehicle owned by the People's Republic of China shall remain suspended, unless the President makes a report under subsection (b)(1) or (2) of this section.

(6) Nuclear cooperation with the People's Republic of China.--

(A) Any--

(i) application for a license under the Export Administration Act of 1979 [50 App. U.S.C. 2401 et seq.] for the export to the People's Republic of China for use in a nuclear production or utilization facility of any goods or technology which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978 [42 U.S.C. 2139a(c)], could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be diverted for use in such a facility, for any nuclear explosive device, or for research on or development of any nuclear explosive device, shall be suspended,

(ii) application for a license for the export to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall be suspended,

(iii) approval for the transfer or retransfer to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall not be given, and

(iv) specific authorization for assistance in any activities with respect to the People's Republic of China relating to the use of nuclear energy under section 57b.(2) of the Atomic Energy Act of 1954 [42 U.S.C. 2077(b)(2)] shall not be given, until the conditions specified in subparagraph (B) are met.

(B) Subparagraph (A) applies until--

(i) the President certifies to the Congress that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any nonnuclear-weapon state, either directly or indirectly, in

acquiring nuclear explosive devices or the materials and components for such devices;

(ii) the President makes the certifications and submits the report required by Public Law 99-183 [Dec. 16, 1985, 99 Stat. 1174]; and

(iii) the President makes a report under subsection (b)(1) or (2) of this section.

(C) For purposes of this paragraph, the term `Agreement' means the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy (done on July 23, 1985).

(7) Liberalization of export controls.—

(A) The President shall negotiate with the governments participating in the group known as the Coordinating Committee (COCOM) to suspend, on a multilateral basis, any liberalization by the Coordinating Committee of controls on exports of goods and technology to the People's Republic of China under section 5 of the Export Administration Act of 1979 [50 App. U.S.C. 2404], including--

(i) the implementation of bulk licenses for exports to the People's Republic of China; and

(ii) the raising of the performance levels of goods or technology below which no authority or permission to export to the People's Republic of China would be required.

(B) The President shall oppose any liberalization by the Coordinating Committee of controls which is described in subparagraph (A)(ii), until the end of the 6-month period beginning on the date of enactment of this Act [Feb. 16, 1990] or until the President makes a report under subsection (b)(1) or (2) of this section, whichever occurs first.

(b) Termination of Suspensions.--A report referred to in subsection (a) is a report by the President to the Congress either--

(1) that the Government of the People's Republic of China has made progress on a program of political reform throughout the country, including Tibet, which includes--

(A) lifting of martial law;

(B) halting of executions and other reprisals against individuals for the nonviolent expression of their political beliefs;

(C) release of political prisoners;

(D) increased respect for internationally recognized human rights, including freedom of expression, the press, assembly, and association; and

(E) permitting a freer flow of information, including an end to the jamming of Voice of America and greater access for foreign journalists; or

(2) that it is in the national interest of the United States to terminate a suspension under subsection (a)(1), (2), (3), (4), or (5), to terminate a suspension or disapproval under subsection (a)(6), or to terminate the opposition required by subsection (a)(7), as the case may be.

(c) Reporting Requirement.--Sixty days after the date of enactment of this Act [Feb. 16, 1990], the President shall submit to the Congress a report on--

(1) any steps taken by the Government of China to achieve the objectives described in subsection (b)(1);

(2) the effect of multilateral sanctions on political and economic developments in China and on China's international economic relations;

(3) the impact of the President's actions described in section 901(a)(9) [Pub. L. 101-246, title IX, Feb. 16, 1990, 104 Stat. 80] and of the suspensions under subsection (a) of this section on--

(A) political and economic developments in China;

(B) the standard of living of the Chinese people;

(C) relations between the United States and China; and

- (D) the actions taken by China to promote a settlement in Cambodia which will ensure Cambodian independence, facilitate an act of self-determination by the Cambodian people, and prevent the Khmer Rouge from returning to exclusive power;
- (4) the status of programs and activities suspended under subsection (a); and
- (5) the additional measures taken by the President under section 901(c) if repression in China deepens."

[Certification of President under section 902(a)(6)(B)(i) of Pub. L. 101-246, set out above, provided in Determination of President of the United States, No. 98-10, Jan. 12, 1998, 63 F.R. 3447.]

Limitation on Assistance to Panamanian Defense Force

Pub. L. 100-456, div. A, title XIII, Sec. 1302, Sept. 29, 1988, 102 Stat. 2060, provided that:

(a) Limitation.--The President may not use any funds appropriated to or for the use of any department, agency, or other entity of the United States for the purpose of providing assistance to the Panamanian Defense Force. The limitation in the preceding sentence shall cease to apply upon the submission by the President to Congress of a certification by the President--

- (1) that no armed forces of the Soviet Union, the Republic of Cuba, or the Republic of Nicaragua are present in the Republic of Panama (other than military attaches accredited to the Republic of Panama); and
- (2) that General Manuel Noriega has relinquished command of the Panamanian Defense Force and no longer holds any official position of leadership (either military or civilian) in the Republic of Panama.

(b) Clarification.--Subsection (a) does not prohibit the President from obligating or expending any funds necessary for--

- (1) the defense of the Panama Canal,
- (2) the collection of intelligence,
- (3) the maintenance of United States Armed Forces in the Republic of Panama, or
- (4) the protection of United States interests in the Republic of Panama.

(c) Report.--Not later than 30 days after the date of the enactment of this Act [Sept. 29, 1988], the President shall submit to Congress a detailed report, in both classified and unclassified form, indicating--

- (1) whether (and to what extent) military, paramilitary, or intelligence personnel of the Soviet Union, Cuba, or Nicaragua are present in the Republic of Panama; and
- (2) whether (and to what extent) the Panamanian Defense Force has coordinated with, cooperated with, supported, or received support from, any such personnel."

Codification of Policy Prohibiting Negotiations With the Palestine Liberation Organization

Pub. L. 99-83, title XIII, Sec. 1302, Aug. 8, 1985, 99 Stat. 280, as amended by Pub. L. 101-246, title I, Sec. 108, Feb. 16, 1990, 104 Stat. 21, provided that:

(a) United States Policy.--The United States in 1975 declared in a memorandum of agreement with Israel, and has reaffirmed since, that "The United States will continue to adhere to its present policy with respect to the Palestine Liberation Organization, whereby it will not recognize or negotiate with the Palestine Liberation Organization so long as the Palestine Liberation Organization does not recognize Israel's right to exist and does not accept Security Council Resolutions 242 and 338."

(b) Reaffirmation and Codification of Policy.--The United States hereby reaffirms that policy. In accordance with that policy, no officer or employee of the United States Government and no agent or other individual acting on behalf of the United States Government shall negotiate with

the Palestine Liberation Organization or any representatives thereof (except in emergency or humanitarian situations) unless and until the Palestine Liberation Organization recognizes Israel's right to exist, accepts United Nations Security Council Resolutions 242 and 338, and renounces the use of terrorism, except that no funds authorized to be appropriated by this or any other Act may be obligated or made available for the conduct of the current dialogue on the Middle East peace process with any representative of the Palestine Liberation Organization if the President knows and advises the Congress that that representative directly participated in the planning or execution of a particular terrorist activity which resulted in the death or kidnapping of a United States citizen."

Obligation or Expenditure of Funds for Planning, etc., Mining of the Ports or Territorial Waters of Nicaragua

Pub. L. 98-369, div. B, title IX, Sec. 2907, July 18, 1984, 98 Stat. 1210, provided that: "It is the sense of the Congress that no funds heretofore or hereafter appropriated in any Act of Congress shall be obligated or expended for the purpose of planning, directing, executing, or supporting the mining of the ports or territorial waters of Nicaragua."

Prohibition on Certain Assistance to the Khmer Rouge in Kampuchea

Pub. L. 98-164, title X, Sec. 1005, Nov. 22, 1983, 97 Stat. 1058, provided that:

(a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Kampuchea or elsewhere in Indochina.

(b) All funds appropriated before the date of enactment of this section [Nov. 22, 1983] which were obligated but not expended for activities having the purpose or effect described in subsection (a) shall be deobligated and shall be deposited in the Treasury of the United States as miscellaneous receipts.

(c) This section shall not be construed as limiting the provision of food, medicine, or other humanitarian assistance to the Kampuchean people."

Termination of Nonrecurring Activities Under Foreign Assistance Act of 1961 and Removal From Law

Pub. L. 97-113, title VII, Sec. 734(c), Dec. 29, 1981, 95 Stat. 1561, provided that: "Except as otherwise explicitly provided by their terms, amendments to the Foreign Assistance Act of 1961 [see Short Title note above] and the Arms Export Control Act [see Short Title note set out under section 2751 of this title] which are applicable only to a single fiscal or calendar year or which require reports or other actions on a nonrecurring basis shall be deemed to have expired and shall be removed from law upon the expiration of the applicable time periods for the fulfillment of the required actions."

Assistance for Panama

Pub. L. 101-167, title V, Sec. 561, Nov. 21, 1989, 103 Stat. 1239, provided that:

(a) Unless the President certifies to Congress that--

- (1) the Government of Panama has demonstrated substantial progress in assuring civilian control of the armed forces and that the Panama Defense Forces and its leaders have been removed from nonmilitary activities and institutions;
- (2) an impartial investigation into allegations of illegal actions by members of the Panama Defense Force is being conducted;
- (3) a satisfactory agreement has been reached between the governing authorities and representatives of the opposition forces on conditions for free and fair elections; and
- (4) freedom of the press and other constitutional guarantees, including due process of law, are being restored to the Panamanian people;

then no United States assistance (including any such assistance appropriated and previously obligated) shall be obligated or expended for programs, projects, or activities which assist or lend support for the Noriega regime, or ministries of government under the control of the Noriega regime, or any successor regime that does not meet the criteria specified in subsection (a) of this section in this fiscal year and any fiscal year thereafter, and none of the funds appropriated or otherwise made available in this Act, or any other Act, shall be used to finance any participation of the United States in joint military exercises conducted in Panama during the fiscal year 1990.

(b) It is the sense of the Congress that if the conditions described in paragraphs (1) through (4) of subsection (a) have been certified as having been met, then not only will United States assistance be restored, but increased levels of such assistance should be considered for Panama.

(c) For purposes of this section, the term `United States assistance' means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government, including--

- (1) assistance under the Foreign Assistance Act of 1961 [see Short Title note above] (including programs under title IV of chapter 2 of part I of such Act [22 U.S.C. 2191 et seq.]);
- (2) sales, credits, and guarantees under the Arms Export Control Act [see Short Title note set out under section 2751 of this title];
- (3) sales under title I [7 U.S.C. 1701 et seq.] or III [7 U.S.C. 1727 et seq.] and donations under title II [7 U.S.C. 1721 et seq.] of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;
- (4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;
- (5) financing under the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.]; and
- (6) assistance provided by the Central Intelligence Agency or assistance provided by any other entity or component of the United States Government if such assistance is carried out in connection with, or for purposes of conducting, intelligence or intelligence-related activities except that this shall not include activities undertaken solely to collect necessary intelligence; except that the term `United States assistance' does not include

(A) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] insofar as such assistance is provided through private and voluntary organizations or other nongovernmental agencies,

(B) assistance which involves the donations of food or medicine,

(C) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2292 et seq.]),

(D) assistance for refugees,

(E) assistance under the Inter-American Foundation Act [22 U.S.C. 290f],

(F) assistance necessary for the purpose of continuing participant training programs (including scholarships) already being supported as of the date of any prohibition of assistance otherwise applicable to Panama, or

(G) assistance made available for termination costs arising from the requirements of this section.

(d) The Secretary of the Treasury shall instruct the United States Executive Directors to the International Financial Institutions (the International Bank for Reconstruction and Development, the International Finance Corporation, and the Inter-American Development Bank) to vote against any loan to Panama, unless the President has certified in advance that the conditions set forth in subsection (a) of this section have been met."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 100-461, title V, Sec. 564, Oct. 1, 1988, 102 Stat. 2268-40.

Pub. L. 100-202, Sec. 101(e) [title V, Sec. 570], Dec. 22, 1987, 101 Stat. 1329-131, 1329-174.

Pub. L. 96-92, Sec. 28, Oct. 29, 1979, 93 Stat. 711. [Repealed by Pub. L. 97-113, title VII, Sec. 734(a)(11), Dec. 29, 1981, 95 Stat. 1560.]

Final Accounting of Americans Missing in Action in Vietnam

Pub. L. 95-426, title VII, Sec. 705, Oct. 7, 1978, 92 Stat. 992, as amended by Pub. L. 97-241, title V, Sec. 505(a)(2), (b)(2), Aug. 24, 1982, 96 Stat. 299, provided that: "The President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam." Similar provisions were contained in the following acts:

Pub. L. 95-105, title V, Sec. 505, Aug. 17, 1977, 91 Stat. 858, as amended by Pub. L. 97-241, title V, Sec. 505(a)(3), (b)(2), Aug. 24, 1982, 96 Stat. 299.

Pub. L. 95-88, title I, Sec. 132, Aug. 3, 1977, 91 Stat. 544, as amended by Pub. L. 97-113, title VII, Sec. 734(a)(6), Dec. 29, 1981, 95 Stat. 1560.

Plan for Increased Minority Business Participation in Foreign Assistance Activities; Minority Resource Center Section as Implementing Administrative Unit; Functions, Duties, Etc., of Center

Section 133 of Pub. L. 95-88, as amended by Pub. L. 96-53, title I, Sec. 123, Aug. 14, 1979, 93 Stat. 366; Pub. L. 97-113, title VII, Sec. 734(a)(6), Dec. 29, 1981, 95 Stat. 1560, provided that:

(a) The Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [this subchapter] shall prepare and transmit to the Congress, not later than 30 days after the date of enactment of this Act [Aug. 3, 1977], a detailed plan for the establishment of a section on minority business within such agency.

(b) Such plan shall include, but shall not be limited to--

- (1) a description of where the section on minority business will be located in such agency's organizational structure and what relevant lines of authority will be established;
- (2) a listing of the specific responsibilities that will be assigned to the section on minority business to enable it to increase, in a rational and effective manner, participation of minority business enterprises in activities funded by such agency;
- (3) a design for a time-phase system for bringing about expanded minority business enterprise participation, including specific recommendations for percentage allocations of contracts by such agency to minority business enterprises;
- (4) a proposed reporting system that will permit objective measuring of the degree of participation of minority business enterprises in comparison to the total activities funded by such agency;
- (5) a detailed projection of the administrative budgetary impact of the establishment of the section on minority business; and
- (6) a detailed set of objective criteria upon which determinations will be made as to the qualifications of minority business enterprises to receive contracts funded by such agency.

(c)

(1) Upon the enactment of the International Development Cooperation Act of 1979 [Aug. 14, 1979], the section on minority business established pursuant to subsection (a) shall be redesignated as the Minority Resource Center (hereafter in this section referred to as the `Center') which shall be responsible for increasing the participation of economically and socially disadvantaged business enterprises in contract, procurement, grant, and research and development activities funded by the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [this subchapter] (hereafter in this section referred to as the `agency').

(2) The Center shall--

(A) establish, maintain, and disseminate information to, and otherwise serve as an information clearinghouse for, economically and socially disadvantaged business enterprises regarding business opportunities in development assistance programs funded by the agency;

(B) design and conduct programs to encourage, promote, and assist economically and socially disadvantaged business enterprises to secure direct contracts, host country contracts, operation expatriate contracts, indefinite quantity contracts, subcontracts, projects, grants, and research and development contracts in order for such enterprises to participate in such development assistance programs;

(C) conduct market research, planning, economic and business analyses, and feasibility studies to identify business opportunities in such development assistance programs;

(D) develop support mechanisms which will enable socially and economically disadvantaged businesses to take advantage of business opportunities in such development assistance programs; and

(E) enter into such contracts (to such extent or in such amounts as are provided in appropriation Acts), cooperative agreements, or other transactions as may be necessary in the conduct of its functions under this section.

(3) The Administrator of the agency and the Secretary of State shall provide the Center with such relevant information, including procurement schedules, bids, and specifications with respect to development assistance programs funded by the agency, as may be requested by the Center in connection with the performance of its functions under this section.

(4) There shall be a Director of the Center who shall be the chief executive officer of the Center. The Director shall be appointed by the Administrator of the agency.

(5)

(A) For the purposes of this section, the term `economically and socially disadvantaged enterprise' means a business--

(i) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(ii) whose management and daily business operations are controlled by one or more such individuals.

(B) Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

(C) Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. In determining the degree of diminished credit and capital opportunities, the Administrator of the agency shall consider, but not be limited to, the assets and net worth of the socially disadvantaged individual.

(6) [Repealed. Pub. L. 97-113, title VII, Sec. 734(a)(6), Dec. 29, 1981, 95 Stat. 1560.]

(7) Of the funds available to the agency for operating expenses, up to \$950,000 for fiscal year 1980 may be allocated to the Center to carry out its functions under this section.

(8) If the Administrator of the agency determines that such a consolidation would significantly further the purposes of this section and would eliminate unnecessary duplication of activity, the Administrator may consolidate the Center with the Office of Small and Disadvantaged Business Utilization established in the agency by section 15(k) of the Small Business Act [section 644(k) of Title 15, Commerce and Trade]. Any such consolidation shall ensure that all the functions specified in paragraph (2) of this subsection continue to be carried out. Before implementing any such consolidation, the Administrator shall submit to the Congress a detailed report setting forth the reasons for the proposed consolidation."

[Amendment by Pub. L. 96-53 (adding subsec. (c) to section 133 of Pub. L. 95-88) effective Aug. 14, 1979, see section 512(b) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note above.]

Use of Accrued Foreign Currencies

Section 40 of Pub. L. 93-189 provided that: "Effective July 1, 1974, no amount of any foreign currency (including principal and interest from loan repayments) which accrues in connection with any sale for foreign currency under any provision of law may be used under any agreement entered into after the date of the enactment of this Act [Dec. 17, 1973], or any revision or extension entered into after such date of any prior or subsequent agreement, to provide any assistance to any foreign country to procure equipment, materials, facilities, or services for the common defense, including internal security, unless such agreement is specifically authorized by legislation enacted after such date."

Religious Freedom and Persecution

Pub. L. 88-633, pt. V, Sec. 501, Oct. 7, 1964, 78 Stat. 1015, provided that: "It is the sense of the Congress that the United States deeply believes in the freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Congress condemns the persecution of any persons because of their religion. It is further the sense of Congress that all persons should be permitted the free exercise of religion and the pursuit of their culture."

Communist Regime in China

Pub. L. 91-194, title I, Sec. 105, Feb. 9, 1970, 84 Stat. 7, related to Congressional opposition to the seating in the United Nations of the Communist regime in China as the representative of China, and requested the President, in the event of the seating of representatives of the Chinese Communist regime in the Security Council or the General Assembly of the United Nations, to inform the Congress of the implications of the seating upon the foreign policy of the United States. Similar provisions were contained in the following prior acts:

Oct. 17, 1968, Pub. L. 90-581, title I, Sec. 105, 82 Stat. 1139.

Jan. 2, 1968, Pub. L. 90-249, title I, Sec. 105, 81 Stat. 938.

Oct. 15, 1966, Pub. L. 89-691, title I, Sec. 105, 80 Stat. 1020.

Oct. 20, 1965, Pub. L. 89-273, title I, Sec. 105, 79 Stat. 1003.

Oct. 7, 1964, Pub. L. 88-634, title I, Sec. 105, 78 Stat. 1017.

Jan. 6, 1964, Pub. L. 88-258, title I, Sec. 105, 77 Stat. 858.

Oct. 23, 1962, Pub. L. 87-872, title I, Sec. 105, 76 Stat. 1164.

Sept. 30, 1961, Pub. L. 87-329, title I, Sec. 107, 75 Stat. 718.

Sept. 2, 1960, Pub. L. 86-704, title I, Sec. 107, 74 Stat. 779.

Sept. 28, 1959, Pub. L. 86-383, title I, Sec. 112, 73 Stat. 720.
Aug. 28, 1958, Pub. L. 85-853, Sec. 105, 72 Stat. 1101.
Sept. 3, 1957, Pub. L. 85-279, Sec. 109, 71 Stat. 604.
July 31, 1956, ch. 803, Sec. 108, 70 Stat. 735.
July 8, 1955, ch. 301, Sec. 12, 69 Stat. 290 (repealed by Pub. L. 87-195, pt. III, Sec. 642(a)(3), Sept. 4, 1961, 75 Stat. 460).

Definitions

Pub. L. 107-228, div. B, title X, Sec. 1002, Sept. 30, 2002, 116 Stat. 1425, provided that: ``In this division [see Tables for classification]:

- (1) Defense article.--The term `defense article' has the meaning given the term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794 note [22 U.S.C. 2794]).
- (2) Defense service.--The term `defense service' has the meaning given the term in section 47(4) of the Arms Export Control Act (22 U.S.C. 2794 note [22 U.S.C. 2794]).
- (3) Excess defense article.--The term `excess defense article' has the meaning given the term in section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g))."

Section Referred to in Other Sections

This section is referred to in sections 2151-1, 2151v, 2162, 2399c, 3502, 6593 of this title.

Section 559 of the FY06 Foreign Operations Appropriations Act

WEST BANK AND GAZA PROGRAM

SEC. 559. (a) OVERSIGHT- For fiscal year 2006, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading `Economic Support Fund' for the West Bank and Gaza.

(b) VETTING- Prior to the obligation of funds appropriated by this Act under the heading `Economic Support Fund' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which he has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION- None of the funds appropriated by this Act for assistance under the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(d) AUDITS-

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading `Economic Support Fund' that are made available for assistance for the West Bank and Gaza, up to \$1,000,000 may

be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2006 under the heading 'Economic Support Fund'. The audit shall address--

(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of [Public Law 109-13](#).

Executive Order 13224 of September 23, 2001

Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution (UNSCR) 1214 of December 8, 1998, UNSCR 1267 of October 15, 1999, UNSCR 1333 of December 19, 2000, and the multilateral sanctions contained therein, and UNSCR 1363 of July 30, 2001, establishing a mechanism to monitor the implementation of UNSCR 1333,

I, GEORGE W. BUSH, President of the United States of America, find that grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and the Pentagon committed on September 11, 2001, acts recognized and condemned in UNSCR 1368 of September 12, 2001, and UNSCR 1269 of October 19, 1999, and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and in furtherance of my proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, hereby declare a national emergency to deal with that threat. I also find that because of the pervasiveness and expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists. I also find that a need exists for further consultation and cooperation with, and sharing of information by, United States and foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism.

I hereby order:

Section 1. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding

any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States or that hereafter come within the United States, or that hereafter come within the possession or control of United States persons are blocked:

(a) foreign persons listed in the Annex to this order;

(b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States;

(c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order;

(d) except as provided in section 5 of this order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General;

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to this order or determined to be subject to this order; or

(ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order.

Sec. 2. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order;

(b) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited; and

(c) any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and

(d) the term "terrorism" means an activity that --

(i) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(ii) appears to be intended --

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

Sec. 4. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to persons determined to be subject to this order would seriously impair my ability to deal with the national emergency declared in this order, and would endanger Armed Forces of the United States that are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, and hereby prohibit such donations as provided by section 1 of this order. Furthermore, I hereby determine that the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106-387) shall not affect the imposition or the continuation of the imposition of any unilateral agricultural sanction or unilateral medical sanction on any person determined to be subject to this order because imminent involvement of the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

Sec. 5. With respect to those persons designated pursuant to subsection 1(d) of this order, the Secretary of the Treasury, in the exercise of his discretion and in consultation with the Secretary of State and the Attorney General, may take such other actions than the complete blocking of property or interests in property as the President is authorized to take under IEEPA and UNPA if the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, deems such other actions to be consistent with the national interests of the United States, considering such factors as he deems appropriate.

Sec. 6. The Secretary of State, the Secretary of the Treasury, and other appropriate agencies shall make all relevant efforts to cooperate and coordinate with other countries, including through technical assistance, as well as bilateral and multilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of financing and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

Sec. 7. The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 8. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 9. Nothing contained in this order is intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees or any other person.

Sec. 10. For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 11. (a) This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

(b) This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH

THE WHITE HOUSE,

September 23, 2001.

ANNEX

Al Qaida/Islamic Army

Abu Sayyaf Group

Armed Islamic Group (GIA)

Harakat ul-Mujahidin (HUM)

Al-Jihad (Egyptian Islamic Jihad)

Islamic Movement of Uzbekistan (IMU)

Asbat al-Ansar

Salafist Group for Call and Combat (GSPC)

Libyan Islamic Fighting Group

Al-Itihaad al-Islamiya (AIAI)

Islamic Army of Aden

Usama bin Laden

Muhammad Atif (aka, Subhi Abu Sitta, Abu Hafs Al Masri)

Sayf al-Adl

Shaykh Sai'id (aka, Mustafa Muhammad Ahmad)

Abu Hafs the Mauritanian (aka, Mahfouz Ould al-Walid, Khalid Al- Shanqiti)

Ibn Al-Shaykh al-Libi

Abu Zubaydah (aka, Zayn al-Abidin Muhammad Husayn, Tariq)

Abd al-Hadi al-Iraqi (aka, Abu Abdallah)

Ayman al-Zawahiri

Thirwat Salah Shihata

Tariq Anwar al-Sayyid Ahmad (aka, Fathi, Amr al-Fatih)

Muhammad Salah (aka, Nasr Fahmi Nasr Hasanayn)

Makhtab Al-Khidamat/Al Kifah

Wafa Humanitarian Organization

Al Rashid Trust

Mamoun Darkazanli Import-Export Company

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Executive Order 13099

Responsible Office: Office of Life and Microgravity Sciences and Applications

Subject: Prohibiting Transactions With Terrorists Who Threaten To Disrupt the Middle East Peace Process

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), and section 301 of title 3, United States Code.

I, WILLIAM J. CLINTON, President of the United States of America, in order to take additional steps with respect to grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process and the national emergency described and declared in Executive Order 12947 of January 23, 1995, hereby order:

Section 1. The title of the Annex to Executive Order 12947 of January 23, 1995, is revised to read "TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS."

Sec. 2. The Annex to Executive Order 12947 of January 23, 1995, is amended by adding thereto the following persons in appropriate alphabetical order:

Usama bin Muhammad bin Awid bin Ladin (a.k.a. Usama bin Ladin)

Islamic Army (a.k.a Al-Qaida, Islamic Salvation Foundation. The Islamic Army for the Liberation of the Holy Places, The World Islamic Front for Jihad Against Jews and Crusaders, and The Group for the Preservation of the Holy Sites)

Abu Hafs al-Masri

Rifa'i Ahmad Taha Musa

Sec. 3. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 4. (a) This order is effective at 12:01 a.m., eastern daylight time on August 21, 1998.

(b) This order shall be transmitted to the Congress and published in the Federal Register.

/s/William J. Clinton

THE WHITE HOUSE,
August 20, 1998.

Executive Order 12947

Preventing transactions with terrorists. 1-24-95

Annexed on 8-22-98 for bombing without consent of Congress.

Lists terrorists groups in annex at end.

PROHIBITING TRANSACTIONS WITH TERRORISTS WHO THREATEN TO DISRUPT THE

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release January 24, 1995

EXECUTIVE ORDER #12947

PROHIBITING TRANSACTIONS WITH TERRORISTS WHO
THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), and section 301 of title 3, United States Code,

I, WILLIAM J. CLINTON, President of the United States of America, find that grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and hereby declare a national emergency to deal with that threat.

I hereby order:

Section 1. Except to the extent provided in section 203(b)(3) and (4) of IEEPA (50 U.S.C. 1702(b)(3) and (4)) and in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

(a) all property and interests in property of:

(i) the persons listed in the Annex to this order;

(ii) foreign persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, because they are found:

(A) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or

(B) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence; and

(iii) persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any of the foregoing persons, that are in the United States, that hereafter come within the United States, or that hereafter come within the possession or control of United States persons, are blocked;

(b) any transaction or dealing by United States persons or within the United States in property or interests in property of the persons designated in or pursuant to this order is prohibited, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons;

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(c) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order, is prohibited.

Sec. 2. For the purposes of this order: (a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and

(d) the term "foreign person" means any citizen or national of a foreign state (including any such individual who is also a citizen or national of the United States) or any entity not organized solely under the laws of the United States or existing solely in the United States, but does not include a foreign state.

Sec. 3. I hereby determine that the making of donations of the type specified in section 203(b)(2)(A) of IEEPA (50 U.S.C. 1702(b)(2)(A)) by United States persons to persons designated in or pursuant to this order would seriously impair my ability to deal with the national emergency declared in this order, and hereby prohibit such donations as provided by section 1 of this order.

Sec. 4.

(a) The Secretary of the Treasury, in consultation with the Secretary of State and, as appropriate, the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

(b) Any investigation emanating from a possible violation of this order, or of any license, order, or regulation issued pursuant to this order, shall first be coordinated with the Federal Bureau of Investigation (FBI), and any matter involving evidence of a criminal violation shall be referred to the FBI for further investigation. The FBI shall timely notify the Department of the Treasury of any action it takes on such referrals.

Sec. 5. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any - talities, its officers or employees, or any other person.

Sec. 6.

(a) This order is effective at 12:01 a.m., eastern standard time on January 24, 1995.

(b) This order shall be transmitted to the Congress and published in the Federal Register.

WILLIAM J. CLINTON

THE WHITE HOUSE,

January 23, 1995.

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ANNEX

TERRORIST ORGANIZATIONS WHICH THREATEN TO
DISRUPT THE MIDDLE EAST PEACE PROCESS

Abu Nidal Organization (ANO)

Democratic Front for the Liberation of Palestine (DFLP)

Hizballah

Islamic Gama'at (IG)

Islamic Resistance Movement (HAMAS)

Jihad

Kach

Kahane Chai

Palestinian Islamic Jihad-Shiqaqi faction (PIJ)

Palestine Liberation Front-Abu Abbas faction (PLF-Abu Abbas)

Popular Front for the Liberation of Palestine (PFLP)

Popular Front for the Liberation of Palestine-General Command (PFLP-GC)

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Homeland Security Presidential Directive 6

Homeland Security Presidential Directive-6

September 16, 2003

SUBJECT: Integration and Use of Screening Information

To protect against terrorism it is the policy of the United States to (1) develop, integrate, and maintain thorough, accurate, and current information about individuals known or appropriately suspected to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism (Terrorist Information); and (2) use that information as appropriate and to the full extent permitted by law to support (a) Federal, State, local, territorial, tribal, foreign-government, and private-sector screening processes, and (b) diplomatic, military, intelligence, law enforcement, immigration, visa, and protective processes.

This directive shall be implemented in a manner consistent with the provisions of the Constitution and applicable laws, including those protecting the rights of all Americans.

To further strengthen the ability of the United States Government to protect the people, property, and territory of the United States against acts of terrorism, and to the full extent permitted by law and consistent with the policy set forth above:

1. The Attorney General shall establish an organization to consolidate the Government's approach to terrorism screening and provide for the appropriate and lawful use of Terrorist Information in screening processes.
2. The heads of executive departments and agencies shall, to the extent permitted by law, provide to the Terrorist Threat Integration Center (TTIC) on an ongoing basis all appropriate Terrorist Information in their possession, custody, or control. The Attorney General, in coordination with the Secretary of State, the Secretary of Homeland Security, and the Director of Central Intelligence shall implement appropriate procedures and safeguards with respect to all such information about United States persons. The TTIC will provide the organization referenced in paragraph (1) with access to all appropriate information or intelligence in the TTIC's custody, possession, or control that the organization requires to perform its functions.
3. The heads of executive departments and agencies shall conduct screening using such information at all appropriate opportunities, and shall report to the Attorney General not later than 90 days from the date of this directive, as to the opportunities at which such screening shall and shall not be conducted.
4. The Secretary of Homeland Security shall develop guidelines to govern the use of such information to support State, local, territorial, and tribal screening processes, and private sector screening processes that have a substantial bearing on homeland security.
5. The Secretary of State shall develop a proposal for my approval for enhancing cooperation with certain foreign governments, beginning with those countries for which the United States has waived visa requirements, to establish appropriate access to terrorism screening information of the participating governments.

This directive does not alter existing authorities or responsibilities of department and agency heads to carry out operational activities or provide or receive information. This directive is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit enforceable at law or in equity by any party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.

The Attorney General, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Director of Central Intelligence, shall report to me through the Assistant to the President for Homeland Security not later than October 31, 2003, on progress made to implement this directive and shall thereafter report to me on such progress or any recommended changes from time to time as appropriate.