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U.S. Agency For International Development
Washington, D.C. 20523

FACSIMILE TRANSMITTAL COVER SHEET

DATE: 9/30/98

TO:

ATTENTION: Martha Foley

ORGANIZATION: White House, Legislative Affairs

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FROM:

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ORGANIZATION: Bureau for Legislative and Public Affairs

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SUBJECT: Tiahrt Amendment

NUMBER OF PAGES (including this cover sheet): 7

COMMENTS:

Martha,

As you heard from Carolyn Bartholemew, the bipartisan HACFO staff want to meet tomorrow at 9:30 to discuss the Tiahrt Amendment. Attached is the USAID analysis which we gave all parties last week preparatory to a meeting requested by John Shank. The analysis is basically Steve Tisa's interpretation of the amendment, combined with input from the Office of Population. Clearly, we would prefer that the House agreed to delete the provision. However, if the HACFO staff have to take something back to Tiahrt et al., the proposed language included in the analysis would fix the problems that the amendment in its current form would cause the program.

Population: TIAHRT AMENDMENT: REQUIREMENTS FOR VOLUNTARY
FAMILY PLANNING PROJECTS

DESCRIPTION OF AMENDMENT:

The amendment requires that voluntary family planning projects shall not (1) use numerical quotas, goals, or targets on any level other than estimates for planning and budgeting; (2) pay any form of incentive or monetary or nonmonetary compensation to clients or to providers for achieving a numerical goal or quota; (3) deny any right or benefit to a welfare program or health care to individuals who do not accept family planning. Further, projects shall (4) inform each client about the method chosen, its contraindications and health risks, and alternatives; (5) provide a reasonable range of methods including natural family planning; and (6) ensure that experimental methods of family planning are administered only in a scientifically controlled study in which participants are advised of potential risks and benefits. Finally, within 30 days of determining a violation of any of these provisions, the USAID Administrator must write a report on each violation to the relevant House and Senate Committees.

USAID ANALYSIS AND PROPOSED ALTERNATIVE LANGUAGE

- The amendment is unnecessary because USAID already implements the amendment's objectives either as a matter of policy or in conformity with more broadly stated requirements in the foreign assistance authorizing legislation. USAID contracts, grants, and cooperative agreements specifically require recipients:
 - "to take any steps necessary to ensure that funds...not be used to coerce any individual,"
 - "to conduct activities in a manner which safeguards the rights, health and welfare of all individuals who take part in the program," and
 - "to provide a broad range of family planning methods and services" or information regarding where such methods and services may be obtained.

These programmatic and contractual requirements are monitored and enforced through ongoing staff monitoring, periodic program evaluations and independent project audits, and constant dialogue with host country recipient institutions.

- The difficulties of interpreting and applying, as a matter of law, requirements as specific as those in the amendment could paralyze implementation of USAID's family planning assistance program and, by effectively denying services to many women, have the opposite effect of that which is intended. The monitoring and reporting systems that would be needed to comply with its provisions and report to Congress on any violation would be so elaborate, costly and

burdensome for both USAID and host country partners that program efficiency and ability to serve clients would be seriously compromised, and many such partners are likely to refuse assistance rather than endure such intrusive oversight. In its thirty-year history, the Agency has fully addressed problems covered by the amendment without the burdensome systems that would be needed to identify and report on every violation as envisioned by the amendment.

Even with good intentions, what constitutes a legal "violation" would be nearly impossible to define and measure objectively in the wide variety of situations covered by the amendment, as is discussed further below. USAID assistance supports programs of sovereign governments as well as programs of thousands of non-governmental organizations in over 60 countries. Where USAID assistance is provided in conjunction with other bilateral and multilateral donors, as in Bangladesh, Bolivia, Ghana, and many other countries, it is unlikely with the proposed amendment that USAID could continue its support. Neither governments nor other donors would be likely to tolerate the cumbersome processes that would be necessary to monitor and report to Congress on both administrative and service-related violations throughout a national program receiving USAID assistance.

- Provision (5) of the amendment concerning methods to be made available is inconsistent with current law and should be deleted. See discussion of (5) below.
- Two other provisions of the amendment (1) and (4) also raise particular issues, and alternative language is proposed, as discussed below.
- Three provisions of the amendment (2), (3), and (6), would codify principles and policies that already govern USAID family planning assistance, and are acceptable on their own merits although unnecessary. These provisions become problematic, moreover, in the context of this amendment as they are coupled with the amendment's extremely burdensome reporting requirements to Congress for any violation within a very short time period.
- The amendment would require notification within 30 days of any violation, even for rare events. It takes no account of the significance of the violation or the corrective action taken, which would make the reporting requirement unnecessary and extremely onerous. For example, one health service provider not informing one family planning client of potential health risks is a violation. Even if corrected by the project manager, a report must still be prepared and filed with the Committees.

Proposed alternative text of the Tiahrt Amendment to Foreign Operations, Export Financing, and Related Programs Appropriations Bill, 1999, H.R. 4569: (USAID proposed deletions indicated by ~~xxx~~; insertions indicated by xxx.)

Page 8, line 10, after "services" insert the following:
; and that any such voluntary family planning project shall meet the following requirements:

(1) ~~Service providers or referral agents in the project shall not be subject to requirements to achieve the project shall not make use of quotas, goals, or other numerical targets, on an individual, local, regional, or national basis, of total number of births, the number of family planning acceptors, or acceptors of a particular method of family planning, or any other performance standard (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes);~~

Comment: USAID policy, as reaffirmed last May by the Administrator, is to oppose performance-based quotas or targets and "work with host country partners to change these policies or activities." At the same time, the language of the amendment is so broad that neither USAID nor host country managers would find it practical to comply. USAID is working in sovereign countries, with increasingly decentralized decision-making, and where policies often change. Since all programs work with numerical indicators of expected achievements, it would be extremely difficult if not impossible to make an objective distinction between "numerical goals" (not permitted under the amendment) and "quantitative estimates for budgeting and planning purposes" (permitted) as a test for violation of this amendment or, by implication, for eligibility for USAID assistance. Countries which have quantitative goals or indicators for their family planning program achievements, such as Bolivia, Zambia, the Philippines, and many others, would be at risk of losing USAID assistance, despite the fact that their programs are fully voluntary.

The changes proposed here put the focus where it belongs, on the service providers or referral agents -- the individuals or facilities which directly serve clients or those who refer them. Under the alternative, countries which have numerical goals in their national, regional, or local-level family planning strategies would be able to retain these goals as well as performance standards which relate to the quality of services provided. Reference to "any other performance standards" should be deleted, as that is so broad as to preclude, for example, "percentage of clients who receive their choice of method at service sites with trained providers." Reference to "indicators" is included,

as programs at all levels regularly measure progress in increasing use of family planning, often through national sample surveys, as well as progress on many other dimensions of service access and quality. These measures are essential for budget and planning purposes, including forecasting contraceptive purchasing needs.

(2) the project shall not include payment of incentives, bribes, ~~or gratuities, or any other form of compensation or reward, monetary or nonmonetary,~~ to (A) an individual in exchange for becoming a family acceptor, or (B) program personnel for achieving ~~any a numerical goal target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning.~~

Comment: Reference to "any other form of compensation or reward, monetary or nonmonetary" is deleted, as it is simply too broad. Monetary rewards would be covered by reference to incentives, bribes, and gratuities, as would some nonmonetary rewards such as job offers. However, precluding all forms of recognition for progress achieved -- certificates, ceremonies, letters of congratulations, and the like -- seems unnecessary as well as impossible to monitor. Phrasing is modified in (B) to make it consistent with (1) above.

This provision as modified is consistent with existing USAID policy (in force since 1982 and reiterated by the USAID Administrator in a special message on informed choice and informed consent to all staff last May), which states that "An individual's consent is considered voluntary if it is based upon the exercise of free choice and is not obtained by any special inducements or element of force, fraud, deceit, duress or other forms of coercion or misrepresentation." The same policy states in the case of voluntary sterilization (VS), that no USAID funds "can be used to pay potential acceptors of sterilization to induce their acceptance of VS" and that payments to providers must be made in such a way that "no financial incentive is created for the providers to carry out VS procedures compared to provision of other methods of family planning."

(3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services;

Comment: This provision can be supported. It is consistent with the 1982 policy stating that USAID "does not support programs in which there is any element of coercion of individuals to practice family planning or to accept any

particular method of contraception."

(4) the project shall ~~inform family planning acceptors, in comprehensible terms, of the nature of the family planning method chosen, its contraindications and potential health risks, and available alternatives; conduct activities in a manner which safeguards the rights, health and welfare of all individuals who take part in the project.~~

Comment: The language originally in the amendment should be deleted and replaced by language proposed here that is currently in USAID contracts and agreements. In effect, it calls on all concerned to carry out programs in such a manner as to put clients first and to keep this key objective in mind when exercising managerial and medical judgement. Counselling clients on both risks and benefits so that they can make an informed and voluntary choice is a central objective of USAID policies and programmatic guidelines. Just in the last five years, USAID cooperating agencies have worked with over thirty countries to develop or revise guidelines for providing contraceptives and has supported distribution of hundreds of thousands of manuals and other materials to help providers provide up to date technical information. However, it would be impossible and unprecedented to codify universal specific regulations for the wide range of service providers, clients with different needs and characteristics, and different family planning methods, -- as the amendment would require -- and then hold programs, including those of sovereign governments, responsible for every departure from such regulations.

For example, programs that work with commercial distributors to market condoms subsidized by USAID would be precluded by the amendment as written, as they cannot as a practical matter provide comprehensive counselling as the amendment would require. Natural family planning providers would also have particular difficulty complying with this requirement. A doctor or nurse counselling a young married woman desiring a temporary method to delay her first pregnancy would be required to spend time counselling her on sterilization, contraceptive implants, and IUDs. Medical counselling on family planning or other health procedures in the United States is not governed by the kind of legal regulations implied by this amendment as written.

~~(5) the project shall provide a reasonable range of options of methods of family planning, including natural methods,~~

Comment: This provision should be deleted. Under current law (the DeConcini amendment), voluntary family planning projects must offer, either directly or through referral or information, a broad range of methods. However, the Tiahrt

amendment states that each project itself, on a given site, must actually offer a range of methods -- a requirement which is currently not made, for example, of natural family planning providers. Such a requirement would also be impossible for programs which work through village-based health workers to provide temporary methods such as pills and condoms.

~~(6) (5) the project shall ensure that experimental contraceptive drugs and devices are provided only in the context of a scientific methods of family planning are administered only in a scientifically controlled study in which participants are advised of potential risks and benefits.~~

Comment: This provision can be supported as modified, as it affirms existing USAID policy. "Methods of family planning" is changed to "contraceptive drugs and devices," so as not to apply to a service provide who is trying a different approach to a method such as the lactational amenorrhea method (LAM). USAID has adopted and complies with the government-wide common rule on protection of human subjects in all research. USAID research contracts, cooperative agreements and grants already require that this rule be followed, including provisions on review and approval by human subjects committees and on informed consent, with information to study participants on risks and benefits.

~~and, not later than 30 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of any provision contained in the preceding 6 paragraphs, or a violation of any other provision contained in this heading, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report containing a description of such violation.~~

Comment: Even with the above suggested changes in the amendment, this provision should be deleted. Determining the kinds of events which would trigger a report would still be extremely difficult. Rather than putting a reporting requirement into law, it would be more practical to expect the Administrator to inform Congressional committees in a timely manner when substantial evidence comes to his or her attention indicating a significant violation of the amendment's provisions, i.e., where a pattern or practice violating the provisions is officially documented. Information should also be provided on corrective actions taken.

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1ST ITEM of Level 1 printed in FULL format.

CONGRESSIONAL RECORD -- Senate

Wednesday, November 1, 1995

104th Congress 1st Session

141 Cong Rec S 16492

REFERENCE: Vol. 141 No. 171

TITLE: FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS
ACT-CONFERENCE REPORT

TEXT: [*S16492]

The Senate continued with the consideration of the conference report.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 3041

Mr. SIMPSON. Mr. President, I ask that I be added as a cosponsor of the Leahy-Kassebaum amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I want to show my support for this amendment, which, of course, includes U.S. funding for the U.N. Population Fund, UNFPA, as it is known. President Clinton had to resume funding for the population fund 2 years ago after a 7-year suspension during the Reagan and Bush administrations. I did not ascribe to that. I did not agree with the fine Presidents of my own party on that issue-either the wonderful Ronald Reagan or my fine, loyal friend, George Bush.

Last year, the Congress appropriated \$ 40 million for the fund, and \$ 50 million was appropriated for 1995. This year, we are looking at funding levels of \$ 35 million.

I do understand that funding for all programs across the board needs to be reduced if we are to incur savings in this year's budget bill. However, I do not want to see population programs unfairly targeted for larger reductions than other foreign assistance programs.

The United States needs to keep its funding at an adequate level, or we will surely send exactly the wrong message to the rest of the developed nations across the world. Last year, the United States was seen as a world's leader of population and development assistance at the International Conference on Population and Development in Cairo. I was a congressional delegate at the conference, as was my friend, Senator John Kerry. There were not a lot of colleagues eager or seeking to go to that particular conference. I came away very impressed with the leadership and direction displayed there by Vice President Gore, and the assistance given him by the now Under Secretary of State, former Senator, Tim Wirth in guiding the conference and its delegates

in developing a "consensus document," on a broad range of short- and long-term recommendations concerning maternal and child health care, strengthening family planning programs, the promotion of educational opportunities for girls and women, and improving status and rights of women across the world.

We surely do not want to lose our moral leadership role and relinquish any momentum by abandoning or severely weakening our financial commitment to population and development assistance. The United States needs to continue its global efforts to achieve responsible and sustainable population levels, and to back that up with leadership with specific commitments to population planning activities.

In my mind, of all of the challenges facing this country-and there are surely plenty of them-and around the world-none compares to that of the increasing of the population growth of the world. All of our efforts to protect the environment, all the things we hear about what is going to happen, what will happen to this forest system, or this ecosystem, promoting economic development, jobs for those around the world, are compromised and severely injured by the staggering growth in the world's population.

I hope my colleagues realize, of course, that there are currently 5.7 billion people on the Earth. In 1950, when I was a freshman at the University of Wyoming-not that long ago, surely-there were 2.5 billion people on the face of the Earth. Mr. President, 2.5 billion people using the Earth's surface for sustenance and procreation in 1950. Today, 5.7 billion-double-more than double.

Since 1950 to today, the figure has doubled and it will double again if birth and death rates continue. The world's population will double again in 40 years. These are huge figures.

If you want to talk about food supply, want to talk about the environment, pollution, fish, timber, coal, resources, there is your figure. Nobody pays much attention to that because we allow this debate to slip over to abortion. It does not have anything to do with abortion or coercive practices.

That is why it is so important we show our support by funding this particular fund. It is supported entirely by voluntary contributions, not by the U.N. regular budget.

You do not have to get into this one because you hate the United Nations either. This is not about whether you like the United Nations or not. Many of us have great problems with the United Nations, and they have certainly failed in many endeavors, but this is not a "U.N. caper."

There were 88 donors to the fund in 1994, most of which were developing nations. Japan and the United States were the leading contributors to the fund with the Nordic countries not lagging far behind.

UNFPA assistance goes to support 150 countries and territories across the world. UNFPA total income in 1994 was \$ 265.3 million, and it provides about one-fourth of the world's population assistance to all developing countries.

I think it would be a real shame if the United States were to back away from its commitment to the world's largest source of multilateral assistance for population programs.

I want to reiterate again what has been said already about U.S. participation in this fund. The U.S. contribution would be subject to all the restrictions which have been in place for many years. These restrictions are in place to address concerns specifically about U.S. funds being spent in China. I hear those concerns.

Under current appropriations law, foreign aid funding is denied to any organization or program that "supports or participates in the management of a program of coerced abortion or involuntary sterilization" in any country. That is pretty clear. I agree with that.

Furthermore, current appropriations law ensures that none of the United States contribution to UNFPA may be used in China--none. Listen carefully: The United States is not funding any of the population activities in China.

Furthermore, the U.N. Population Fund does not fund abortions or support coercive activities in any country including China. The UNFPA assistance goes toward family planning services and maternal and child health care across the developing world.

Finally, no U.S. funds may be commingled with other UNFPA funds and numerous penalties exist in law for any violation of this requirement.

I also have deep and serious concerns about China's coerced abortion policy, but forcing the U.N. Population Fund to withdraw from China will not affect that policy one whit. In fact, without [*S16493] the careful monitoring that the fund performs, conditions in China would get very much worse. That is an important consideration. The world and the United States cannot turn its back on what is currently going on in China. Remove the funding and that great door will close ever further. No one will be able to participate or to change those policies.

Finally, this amendment would strike the House Mexico City language that denies United States population assistance to groups that are involved in dialog with foreign governments about abortion policy or even distribute literature on preventing unsafe abortions. This House amendment would ultimately deny family planning activities overseas. Since the House language applies to nongovernment organizations (NGO's) it would cut off funds to the most effective and dedicated providers of services, groups that best understand the needs of the people in the country they serve.

I urge my colleagues to vote for the Leahy-Kassebaum amendment so that the United States might continue its leadership role in addressing the global population issues which are wholly significant in the range of other issues that we confront from day-to-day, because all of it comes back to the simple fact, how many footprints will fit on the face of the Earth?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Thompson). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. M c CONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Abraham). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, for the information of all Senators, Senator Nickles is going to speak for a few moments and then we are prepared to vote. It is my understanding that if the Leahy amendment is agreed to, that will be the last vote of the evening.

I yield the floor.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I rise in opposition to Senator Leahy 's amendment. I will read it for my colleagues' information:

That in determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, nongovernmental and multilateral organizations shall not be subjected to requirements more restrictive than requirements applicable to foreign governments for such assistance: That none of the funds made available under this Act may be used to lobby for or against abortion.

It sounds kind of reasonable, until you realize we do not have restrictions on governments dealing with the prohibition of abortion. So this language is meaningless. It has no restriction whatsoever. That means that we would be funding international family planning groups that use abortion as a method of family planning. A lot of us really do not want to do that. It is troublesome to think that international groups, some of which support abortion as a method of family planning, would be receiving tax dollars to be used in that fashion. Maybe this amendment is a nice attempt to cover that up, as a substitute for the House language. I just hope that our colleagues will not agree to it, for a lot of different reasons.

One, I do not think we want to fund international groups that promote or support or fund abortions. I do not think U.S. taxpayers' dollars should be used for that purpose. We have restrictions in this country. We have restrictions in this country that prohibit the use of taxpayers' dollars to be used to fund abortions, except in necessary cases-to save the life of the mother, or in cases of rape or incest. That is really what the House language is trying to do.

The House language reinstates the so-called Mexico City policy, and it goes back to 1984 through January 1993, which includes the Reagan and Bush era. It says we do not want to fund international groups that support or fund abortion. That was the policy of this country for that period of time.

The Clinton administration, through an Executive order in January 1993, reversed that policy. So now we have a policy, and Tim Wirth who served in this body has been actively promoting it, where we actually have been involved in encouraging countries to change their laws on abortion. I think 95 countries

have significant restrictions in their laws against abortion.

I think using U.S. taxpayers' funds to be telling other countries to change their laws is very offensive. Certainly to be contributing to organizations that use part of their money or some of their moneys for abortions is also offensive.

Again, our stated policy in this country is we do not want to support abortion. We do not want taxpayers' moneys used to subsidize abortion unless it is necessary to save the life of mother or in cases of rape or incest. To be giving money to international organizations that either support or use abortions as a method of family planning or to try to change Government laws for abortion, in my opinion, is wrong.

I looked at the House language and it basically says that money will not be used for organizations, nongovernmental or multilateral organizations, until the organization certifies it will not, during the period for which the funds are made available, perform abortions in any foreign country except if the life of the mother were in danger if the fetus were carried to term, or in cases of forcible rape or incest.

I think that is good language. I think that language mirrors the language that we have agreed to on this floor dealing with Labor-HHS, the so-called Hyde language. Why in the world would we be supporting and giving money to foreign organizations that do the opposite? I think that is a serious, serious mistake.

Also, I might mention this House language says that we do not want any money to be used to violate the laws of any foreign country concerning circumstances under which abortion is permitted, regulated or prohibited. We do not want U.S. taxpayers' dollars used to go into other countries to lobby, to encourage, to change laws that they may have dealing with abortion. Why in the world should we have the idea that we know best, and so we want to manipulate and make those laws basically more pro-abortion.

I want to touch for a second on the issue of the People's Republic of China. There had been restrictions under the Reagan and Bush eras that we did not give money to the UNFPA organization if they were giving money to the People's Republic of China, because they had a coercive abortion policy. The House language, likewise, says we would not give money to the U.N. family planning organization if they were still supporting the coercive policies or contributing to the policies in the People's Republic of China.

Mr. President, I remember when Mrs. Clinton addressed a large conference in Beijing earlier this year and she condemned forced abortion. Unfortunately, that happens to be the policy in the People's Republic of China today—a one-child policy, enforced by, in some cases, coercive abortion. That is unbelievable. It is also undeniable. Yet UNFPA has actually made supportive comments about some of the things that are going on in the PRC today concerning their family planning efforts.

It is reprehensible to think that we might be contributing to an organization that might be assisting in coercive abortion. That should not happen.

Mr. President, I look at the language that we have before the Senate in the so-called Leahy language. I do not find it acceptable. I find no restriction whatever on U.S. funds to international organizations, no restriction

whatever. If it passes and if it became law, we will be giving money to international groups that use abortion as a method of family planning.

That is offensive to me as a taxpayer. It is offensive to me to think that the result of that is that U.S. tax dollars will be used in some way or another to subsidize the destruction of innocent, unborn human beings.

I look at the House language. The House language is basically reinstating the policy that we had from 1984 to January 1993. That policy saved [*S16494] lives. Did it restrict use of family planning? No. Did family planning continue? Yes. Did family planning continue with funding from the United States? Yes.

Over 350 organizations signed up and said, "We will take your money and use it for family planning, but we will not use abortion as a method of family planning." That means organizations all across the world. It worked. Some people said they would not sign up, but they did.

So we had family planning efforts, but we had family planning efforts separate from abortion. That is what we are trying to do with this House language.

I urge our colleagues to reject the Leahy amendment and support the House language.

I might mention, also, I think that the House language, which passed overwhelmingly, passed by a vote of 232-187. My guess is that if we do not have language similar to that, we will not have a bill. We will be looking at the foreign operations bill in a continuing resolution, in all likelihood, throughout the year.

Mr. President, I urge my colleagues to vote "no" on the Leahy amendment. I yield the floor.

Mr. LEAHY. Mr. President, very briefly, with all due respect to my friend from Oklahoma, his description of the Leahy-Kassebaum amendment is not accurate.

Mr. President, we debated the basic aspects of the Leahy-Kassebaum amendment less than a month ago. Mr. President, 57 Senators voted against what is in the House position, voted against the position we seek to replace. Nothing has changed since then.

The Leahy -Kassebaum amendment simply says that private family planning organizations like the foreign organizations supported by the International Planned Parenthood Federation should not be restricted to require more subjective requirements, more restrictive than those applicable to Government.

In other words, it permits us to support private organizations, provided U.S. Government funds are not used, are not used for abortion activities as we made funds available for family planning to governments in countries where abortion is legal, as it is in this country, just as we give foreign aid to countries where abortion is legal, as it is in this country.

This bill contains the same explicit prohibition of funding for abortion that has been the law for years. Not one dime in this bill could be spent on abortion or anything related to abortion. The bill already contains a

prohibition against using any United States funds in China.

The House amendment would, nevertheless, prohibit a U.S. contribution to the U.N. population fund. I think that would be foolhardy. The question is whether we should accept the House position so that the bill might go forward.

I ask unanimous consent that a statement of administration policy from OMB be printed in the Record .

There being no objection, the material was ordered to be printed in the Record, as follows:

Office of the President,

Office of Management and Budget,

Washington, DC, October 31, 1995.

Re H.R. 1868-Foreign operations, export financing and related programs appropriations bill, FY 1996 (Sponsors: Livingston, Louisiana; Callahan, Alabama).

Statement of Administration Policy

(This statement has been coordinated by OMB with the concerned agencies)

This Statement of Administration Policy provides the Administration's views on the item reported in disagreement by the conference on H.R. 1868, the Foreign Operations, Export Financing, and Related Programs Appropriations Bill, FY 1996. Your consideration of the Administration's views would be appreciated.

The conferees have reported in disagreement provisions related to population assistance to non-governmental organizations. This is an issue of the highest importance to the Administration.

The Administration opposes coercion in family planning practices, and no U.S. assistance is used to pay for abortion as a method of family planning. The House provision, however, would prohibit any assistance from being provided to entities that fund abortions or lobby for abortions with private funds, thus ending U.S. support for many qualified and experienced non-governmental organizations providing vital voluntary family planning information and services. The provision would also end U.S. support for the United Nations Population Fund (UNFPA). This would sharply limit the availability of effective voluntary family planning programs abroad that are designed to reduce the incidence of unwanted pregnancy and thereby decrease the need for abortion. The Administration also has serious concerns about the constitutionality of the House provision. If the House language were included in the bill presented to the President, the Secretary of State would recommend to the President that he veto the bill.

Mr. LEAHY. I read the last sentence: "If the House language were included in the bill presented to the President, the Secretary of State would recommend to the President he veto the bill."

I think, Mr. President, we have heard debate for and against the Leahy-Kassebaum amendment. I know Senators are concerned about their schedule, and I am happy to go forward with a vote.

Mr. COVERDELL. I would like to thank the chairman for his leadership in crafting this foreign operation conference report. In light of the budgetary restriction placed upon all of these projects, I think the chairman has done a skillful job of handling many divergent interests.

Mr. McCONNELL. I thank the Senator.

Mr. COVERDELL. I would also like to thank the Senator for his assistance in attempting to remedy funding difficulties we have experienced for International Narcotics Control. As the chairman knows, I am extremely concerned that funding for U.S. drug interdiction efforts has been drastically declining since 1992. During this time we have witnessed a proportionate increase in the use of drugs in America. For example:

After a steep drop in monthly cocaine use between 1988 and 1991 from 2.9 to 1.3 million users, and a similar drop in overall drug use between 1991 and 1992, from 14.5 to 11.4 million users, numbers released earlier this year revealed that youth drug use increased in 1994, for all surveyed grades for crack, cocaine, heroin, LSD, non-LSD hallucinogens, inhalants, and mari- juana.

According to the Department of Health and Human Services, illegal drug use among the Nation's high school seniors has risen 44.6 percent in the last 2 years.

The resurgence of heroin in the United States borders on epidemic proportions. DEA Administrator Thomas Constantine recently noted that heroin is now available in more cities at lower prices and higher purities than ever before in our history. In addition, Administrator Constantine says: "'For the first time in our history, America's crime problem is being controlled by worldwide drug syndicates who operate their networks from places like Cali, Colombia * * *.'"

Mr. M c CONNELL. I am in complete agreement with my colleague from Georgia, that we are at a crucial point in our war on drugs. Without the immediate commitment of resources to stop the flow of illegal narcotics across our borders, the United States will be facing the largest expansion of illicit drug supplies and the greatest increase in drug use in modern American history.

Mr. COVERDELL. The chairman has clearly summarized the problem that the Senate attempted to address by increasing funding for international drug control in the foreign operations appropriations bill. I know the chairman shares my concern that the conference report before us today severely undermines the Senate's commitment to drug interdiction by decreasing the direct funding from \$ 150 to \$ 115 million and replacing the \$ 20 million mandatory transfer of funds with language merely allowing the transfer of funds from "'Development Assistance"' and/or the "'Economic Support Fund"' to "'International Narcotics Control.'"

Mr. M c CONNELL. The Senator from Georgia is correct. It is my understanding, however, that the conference committee fully intended that the identified \$ 20 million be transferred to International Narcotics Control.

Mr. COVERDELL. I appreciate the chairman's clarification and would ask if the chairman would be willing to assist the Senator from Georgia in securing these resources.

Mr. M c CONNELL. I would say to my colleague, that I strongly support the transfer of the funds, identified in the conference report, to International Narcotics Control for drug interdiction [*S16495] activities and will work side-by-side with the Senator from Georgia to ensure these resources are committed to our war on drugs.

Mr. COVERDELL. I thank the chairman for his efforts to stop the flow of illegal narcotics into the United States.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the motion to concur in the House amendment with the Leahy-Kassebaum amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon (Mr. Hatfield) is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. Hatfield) would vote 'yea.'

Mr. FORD. I announce that the Senator from New Jersey (Mr. Bradley) is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced--yeas 53, nays 44, as follows:
(Rollcall Vote No. 561 Leg.)

YEAS-53

Akaka Wellstone
NAYS-44

SEE HARDCOPY FOR NAMES

Abraham Warner
NOT VOTING-2

Bradley

So the motion was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

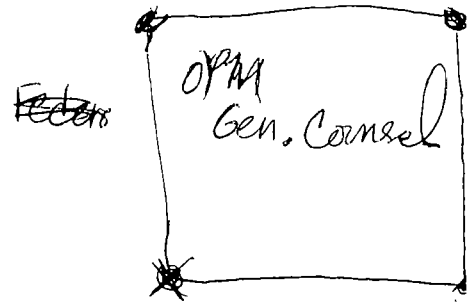
Mr. LEAHY. Mr. President, I see the distinguished leader in the Chamber. And I just mention first that we have, so my colleagues will know--

The PRESIDING OFFICER. The Senator will suspend. The Senate will come to order, please.

Mr. LEAHY. So colleagues would know, we have passed the conference and sent one amendment back in disagreement.

Mr. DOLE. Let me thank the managers of the bill.

Huge fight over moral exception for future plans left out



~~scribbles~~
originally didn't have 1 + 2 break -

implied →

- 1- Rel. plans
 - 2- if opp on religious beliefs (conscious clause)
- tried plan or any spons. org. of plan could object
we objected to "spon org" -
understanding from OPM would be up to plan to make agents of

"beliefs" →

"C" indiv. conscious clause →
Biggest fight over who covered by C.C.



"indiv. HC provider" → concerned could be hosp.
So agreed covered only Doctors
They wanted pharmacists

so went to → "individual" "prescribed"



Gingrich - C app only covers doctors writing prescriptions -

" Full Range of options →
FY'99

was one of issues

prov for cont. coverage

all 5 pres

- IUD
- Pill
- Norplant
- Diagram
- Depo provera

watered down

contraceptive

POTUS say

only 10% of FETHB cover
all 5
20% cover none
exemption for religion

June Turner

Chris Shanks
225-2041

Did we
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• Bill Kissinger
State

• Steve - AID
TSA

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(Chris Smith)

AID

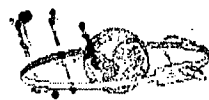
State
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Langs.
has been
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Nancy Pelosi

✓ Cov. amend +

family planning review
in city



Michael Granston <Michael.Granston @ usdoj.gov>

09/09/98 09:50:00 AM

Record Type: Record

To: Michelle.Peterson/WHO/EOP

cc:

Subject: Who do these people have in common (for seating) Lara, Steve K., Gripkey, -Reply

Warren is Carelton but doesn't really know any of them well -- seat him where you will.

Handwritten notes and stamps at the bottom left of the page, including a date stamp '2/10/98' and a signature.

Wiggins

voted against articles^I of impeach + - ~~insult~~ ^{insult} and
" " Art II - a of p not imp. offense.

62615

→ Adam Smith

Oliver A. Smith

Estelle Rogers
 planned parenthood
 Nina Lowe -

Nina Lowe -
House

provision has history

Key phrases argued about

Hdd in H.C.

- FDA approved devices — stricken
- dropped "all"

- o Senate had all - dropped out

A is lang from 1st cont rept.

basic prov. passed both H/S.

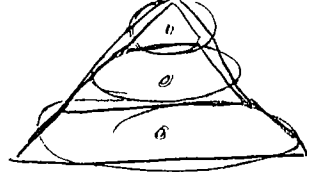
Ginny Coray
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"prov. for cont. cov."

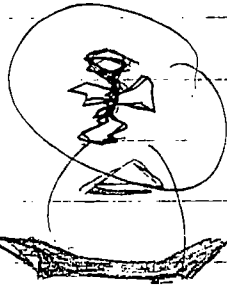
feel strongly that all 5 presc.

A hand-drawn sketch of a door. The door is rectangular with a handle on the right side. Above the handle is a lock mechanism. The door is labeled "omar?" and "62615".

~~XXXXXXXXXX~~



language in grants ?
cant use fund "promote abortion (as method of FP)"



"influence legislation" tax code

other options to narrow use of federal funds

NON PROJECT ASSISTANCE

milestones - must meet, then given \$
one pop. program falls within - umbrella NGO
They have complained - in UP
we could end to sweeten deal

could give up

22 USCS @ 2151 (1998) printed in FULL format.

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*** THIS SECTION IS CURRENT THROUGH 105-205, APPROVED 7/22/98 ***

TITLE 22. FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 32. FOREIGN ASSISTANCE
INTERNATIONAL DEVELOPMENT
DECLARATION OF POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

22 USCS @ 2151 (1998)

@ 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 four 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; and
- (4) the integration of the developing countries into an open and equitable international economic system.

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 this part should have the responsibility for coordinating all United States development-related activities.

HISTORY: (Sept. 4, 1961, P.L. 87-195, Part I, Ch 1, @ 101 [102], 75 Stat. 424; Aug. 1, 1962, P.L. 87-565, Part I, Ch 1, @ 101, 76 Stat. 255; Dec. 16, 1963, P.L. 88-205, Part I, Ch 1, @ 101(c), 77 Stat. 379; Sept. 6, 1965, P.L.

89-171, Part I, Ch 1, @ 101, 79 Stat. 653; Sept. 19, 1966, P.L. 89-583, Part I, Ch 1, @ 101, 80 Stat. 796; Nov. 14, 1967, P.L. 90-137, Part I, Ch 1, @ 101, 81 Stat. 445; Dec. 17, 1973, P.L. 93-189, @ 2(2), 87 Stat. 714; Dec. 20, 1975, P.L. 94-161, Title III, @ 301, 89 Stat. 855; Aug. 3, 1977, P.L. 95-88, Title I, @@ 101, 113(b), 91 Stat. 533, 538; Oct. 6, 1978, P.L. 95-424, Title I, @ 101, 92 Stat. 937.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

"This part", referred to in this section, is Part I of Act Sept. 4, 1961, P.L. 87-195, 75 Stat. 424, popularly known as the Foreign Assistance Act of 1961, which appears generally as 22 USCS @@ 2151 et seq.. For full classification of such Part, consult USCS Tables volumes.

Effective date of section:

This section is effective upon enactment on Sept. 4, 1961, as provided by Act Sept. 4, 1961, P.L. 87-195, Part III, Ch 3, @ 641, 75 Stat. 460, which appears as 22 USCS @ 2401.

Amendments:

1962. Act Aug. 1, 1962, in the fifth undesignated para., inserted "The Congress further declares that any distinction made by foreign nations between American citizens because of race, color, or religion in the granting of, or the exercise of, personal or other rights available to American citizens is repugnant to our principles."; and added after the seventh undesignated para. the following new paras.:

"It is the sense of Congress that in the administration of these funds great attention and consideration should be given to those countries which share the view of the United States on the world crisis and which do not, as a result of United States assistance, divert their own economic resources to military or propaganda efforts, supported by the Soviet Union or Communist China, and directed against the United States or against other countries receiving aid under this Act.

"The Congress further declares that in the administration of programs of assistance under this Act, the highest practicable emphasis should be given to: programs providing for loans or loan guarantees for use by institutions and organizations in making repayable low-interest rate loans to individuals in friendly foreign countries for the purchase of small farms, the purchase of homes, the establishment, equipment and strengthening of small independent business concerns, purchase of tools or equipment needed by individuals for carrying on an occupation or a trade, or financing the opportunity for individuals to obtain practical education in vocational and occupational skills, and to those programs of technical assistance and development which will assist in carrying out and in preparing a favorable environment for such programs. While recognizing that special requirements, differing development needs and political conditions in various assisted countries will affect the priority of such programs and of each country's relative ability to implement them, it is further the sense of Congress that each such assisted country should be encouraged to give adequate recognition to such needs of the people in the preparation of national development programs."

Such Act further inserted in the eleventh undesignated para.: "It is the sense of Congress that, where feasible, the United States Government invite friendly nations to join in missions to consult with countries which are recipients of assistance under this part on the possibilities for joint action

to assure the effective development of plans for the economic development of such recipient countries and the effective use of assistance provided them; and that the President may request the assistance of international financial institutions in bringing about the establishment of such missions."

1963. Act Dec. 16, 1963, added between the fourth and fifth undesignated paras. the following new para.: "It is the sense of the Congress that the institution of full investment guaranty programs under title III of chapter 2 of this part with all recipient countries would be regarded as a significant measure of self-help by such countries improving the climate for private investment both domestic and foreign."; in the seventh undesignated para. substituted "shall" for "should"; inserted after the tenth undesignated para. the following new para.: "It is the sense of the Congress that, in the administration of programs of assistance under chapter 2 of this part, every possible precaution should be taken to assure that such assistance is not diverted to short-term emergency purposes (such as budgetary purposes, balance-of-payments purposes, or military purposes) or any other purpose not essential to the long-range economic development of recipient countries."; in the thirteenth undesignated para. substituted "The" for "Finally, the", inserted "(including private enterprise within such countries)", and inserted: "In particular, the Congress urges that other industrialized free-world countries increase their contributions and improve the forms and terms of their assistance so that the burden of the common undertaking, which is for the benefit of all, shall be equitably borne by all."; and after the thirteenth undesignated added para. the following new para.:

"It is the sense of the Congress that assistance authorized by this Act should be extended to or withheld from the government of South Vietnam, in the discretion of the President, to further the objectives of victory in the war against communism and the return to their homeland of Americans involved in that struggle."

1965. Act Sept. 6, 1965, in the seventh undesignated para., substituted "It is the sense of the Congress that in furnishing assistance under this part excess personal property shall be utilized wherever practicable in lieu of the procurement of new items for United States-assisted projects and programs. It is the further sense of the Congress that assistance under this part shall be complemented by the furnishing under any other Act of surplus agricultural commodities and by disposal of excess property under this and other Acts." for one which read: "It is the sense of the Congress that assistance under this part shall be complemented by the furnishing under any other Act of surplus agricultural commodities and by disposal of excess property under this and other Acts."; and after the fourteenth undesignated para. added the following new para.: "It is the sense of the Congress that assistance under this or any other Act to any foreign country which hereafter permits, or fails to take adequate measures to prevent, the damage or destruction by mob action of United States property within such country, should be terminated and should not be resumed until the President determines that appropriate measures have been taken by such country to prevent a recurrence thereof."

1966. Act Sept. 19, 1966, in the fifteenth undesignated para., inserted "and to provide adequate compensation for such damage or destruction"; and after such fifteenth undesignated para. added the following new para.: "The furnishing of economic, military, or other assistance under this Act 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."

1967. Act Nov. 14, 1967, substituted this section for one which read:

"It is the sense of the Congress that peace depends on wider recognition of the dignity and interdependence of men, and survival of free institutions in

the United States can best be assured in a worldwide atmosphere of freedom.

"To this end, the United States has in the past provided assistance to help strengthen the forces of freedom by aiding peoples of less developed friendly countries of the world to develop their resources and improve their living standards, to realize their aspirations for justice, education, dignity, and respect as individual human beings, and to establish responsible governments.

"The Congress declares it to be a primary necessity, opportunity, and responsibility of the United States, and consistent with its traditions and ideals, to renew the spirit which lay behind these past efforts, and to help make a historic demonstration that economic growth and political democracy can go hand in hand to the end that an enlarged community of free, stable, and self-reliant countries can reduce world tensions and insecurity.

"It is the policy of the United States to strengthen friendly foreign countries by encouraging the development of their free economic institutions and productive capabilities, and by minimizing or eliminating barriers to the flow of private investment capital.

"It is the sense of the Congress that the institution of full investment guaranty programs under title III of chapter 2 of this part with all recipient countries would be regarded as a significant measure of self-help by such countries improving the climate for private investment both domestic and foreign.

"In addition, the Congress declares that it is the policy of the United States to support the principles of increased economic cooperation and trade among countries, freedom of the press, information, and religion, freedom of navigation in international waterways, and recognition of the right of all private persons to travel and pursue their lawful activities without discrimination as to race or religion. The Congress further declares that any distinction made by foreign nations between American citizens because of race, color, or religion in the granting of, or the exercise of, personal or other rights available to American citizens is repugnant to our principles. In the administration of all parts of this Act these principles shall be supported in such a way in our relations with countries friendly to the United States which are in controversy with each other as to promote an adjudication of the issues involved by means of international law procedures available to the parties.

"Accordingly, the Congress hereby affirms it to be the policy of the United States to make assistance available, upon request, under this part in scope and on a basis of long-range continuity essential to the creation of an environment in which the energies of the peoples of the world can be devoted to constructive purposes, free of pressure and erosion by the adversaries of freedom. It is the sense of the Congress that in furnishing assistance under this part excess personal property shall be utilized wherever practicable in lieu of the procurement of new items for United States-assisted projects and programs. It is the further sense of the Congress that assistance under this part shall be complemented by the furnishing under any other Act of surplus agricultural commodities and by disposal of excess property under this and other Acts.

"Also, the Congress reaffirms its conviction that the peace of the world and the security of the United States are endangered so long as international communism continues to attempt to bring under Communist domination peoples now free and independent and to keep under domination peoples once free but now subject to such domination. It is, therefore, the policy of the United States to continue to make available to other free countries and peoples, upon request, assistance of such nature and in such amounts as the United States deems advisable and as may be effectively used by free countries and peoples to help them maintain their freedom. Assistance shall be based upon sound plans and programs; be directed toward the social as well as economic aspects of

economic development; be responsive to the efforts of the recipient countries to mobilize their own resources and help themselves; be cognizant of the external and internal pressures which hamper their growth; and should emphasize long-range development assistance as the primary instrument of such growth.

"It is the sense of Congress that in the administration of these funds great attention and consideration should be given to those countries which share the view of the United States on the world crisis and which do not, as a result of United States assistance, divert their own economic resources to military or propaganda efforts, supported by the Soviet Union or Communist China, and directed against the United States or against other countries receiving aid under this Act.

"The Congress further declares that in the administration of programs of assistance under this Act, the highest practicable emphasis should be given to: programs providing for loans or loan guarantees for use by institutions and organizations in making repayable low-interest rate loans to individuals in friendly foreign countries for the purchase of small farms, the purchase of homes, the establishment, equipment and strengthening of small independent business concerns, purchase of tools or equipment needed by individuals for carrying on an occupation or a trade, or financing the opportunity for individuals to obtain practical education in vocational and occupational skills, and to those programs of technical assistance and development which will assist in carrying out and in preparing a favorable environment for such programs. While recognizing that special requirements, differing development needs and political conditions in various assisted countries will affect the priority of such programs and of each country's relative ability to implement them, it is further the sense of Congress that each such assisted country should be encouraged to give adequate recognition to such needs of the people in the preparation of national development programs.

"It is the sense of the Congress that, in the administration of programs of assistance under chapter 2 of this part, every possible precaution should be taken to assure that such assistance is not diverted to short-term emergency purposes (such as budgetary purposes, balance-of-payments purposes, or military purposes) or any other purpose not essential to the long-range economic development of recipient countries.

"The Congress reaffirms its belief in the importance of regional organizations of free peoples for mutual assistance, such as the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the European Economic Community, the Organization of American States, the Colombo Plan, the South East Asia Treaty Organization, the Central Treaty Organization, and others, and expresses its hope that such organizations may be strengthened and broadened, and their programs of self-help and mutual cooperation may be made more effective in the protection of the independence and security of free people, and in the development of their economic and social well-being, and the safeguarding of their basic rights and liberties.

"The Congress urges that all other countries (including private enterprise within such countries) able to contribute join in a common undertaking to meet the goals stated in this part. In particular, the Congress urges that other industrialized free-world countries increase their contributions and improve the forms and terms of their assistance so that the burden of the common undertaking, which is for the benefit of all, shall be equitably borne by all. It is the sense of Congress that, where feasible, the United States Government invite friendly nations to join in missions to consult with countries which are recipients of assistance under this part on the possibilities for joint action to assure the effective development of plans for the economic development of such recipient countries and the effective use of assistance provided them;

and that the President may request the assistance of international financial institutions in bringing about the establishment of such missions.

"It is the sense of the Congress that assistance authorized by this Act should be extended to or withheld from the government of South Vietnam, in the discretion of the President, to further the objectives of victory in the war against communism and the return to their homeland of Americans involved in that struggle.

"It is the sense of the Congress that assistance under this or any other Act to any foreign country which hereafter permits, or fails to take adequate measures to prevent, the damage or destruction by mob action of United States property within such country, should be terminated and should not be resumed until the President determines that appropriate measures have been taken by such country to prevent a recurrence thereof and to provide adequate compensation for such damage or destruction.

"The furnishing of economic, military, or other assistance under this Act 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."

1973. Act. Dec. 17, 1973, designated existing provisions as subsec. (a); and added subsec. (b).

1975. Act Dec. 20, 1975, added subsecs. (c) and (d).

1977. Act Aug. 3, 1977, substituted subsec. (d) for one which read:

"(d) For the purpose of assuring that development assistance furnished under this chapter is increasingly concentrated in countries which will make effective use of such assistance to help the poor toward a better life (especially such countries which are suffering from the worst and most widespread poverty and are in greatest need of outside assistance), the President shall establish appropriate criteria to assess the commitment and progress of countries in meeting the objectives set forth in subsection (c) of this section and in other sections of this chapter. In establishing such criteria, the President shall specifically take into account their value in assessing the efforts of countries to--

"(1) increase agricultural productivity per unit of land through small-farm labor-intensive agriculture;

"(2) reduce infant mortality;

"(3) control population growth;

"(4) promote greater equality of income distribution, including measures such as more progressive taxation and more equitable returns to small farmers; and

"(5) reduce rates of unemployment and underemployment.

"The President shall endeavor to bring about the adoption of similar criteria by international development organizations in which the United States participates. Presentation materials submitted to the Congress with respect to assistance under this chapter, beginning with fiscal year 1977, shall contain detailed information concerning the steps being taken to implement this subsection."

Such Act further added subsec. (e).

1978. Act Oct. 6, 1978 (effective 10/1/78, as provided by @ 605 of such Act, which appears as an Other provisions note to this section), substituted this section for one which read:

"(a) The Congress declares that the freedom, security, and prosperity of the United States are best sustained in a community of free, secure, and prospering nations. In particular, the Congress recognizes the threat to world peace posed by aggression and subversion wherever they occur, and that ignorance, want, and despair breed the extremism and violence which lead to aggression and

subversion. The Congress declares therefore that it is not only expressive of our sense of freedom, justice, and compassion but also important to our national security that the United States, through private as well as public efforts, assist the people of less developed countries in their efforts to acquire the knowledge and resources essential for development and to build the economic, political, and social institutions which will meet their aspirations for a better life, with freedom, and in peace.

"In addition, the Congress declares that it is the policy of the United States to support the principles of increased economic cooperation and trade among countries, freedom of the press, information, and religion, freedom of navigation in international waterways, and recognition of the right of all private persons to travel and pursue their lawful activities without discrimination as to race or religion. The Congress further declares that any distinction made by foreign nations between American citizens because of race, color, or religion in the granting of, or the exercise of, personal or other rights available to American citizens is repugnant to our principles.

"The Congress further declares that to achieve the objectives of this Act, programs authorized by this Act should be carried out in accordance with the following principles:

"First, development is primarily the responsibility of the people of the less developed countries themselves. Assistance from the United States shall be used in support of, rather than substitution for, the self-help efforts that are essential to successful development programs, and shall be concentrated in those countries that take positive steps to help themselves. Maximum effort shall be made, in the administration of this Act, to stimulate the involvement of the people in the development process through the encouragement of democratic participation in private and local governmental activities and institution-building appropriate to the requirements of the recipient nations.

"Second, the tasks of successful development in some instances require the active involvement and cooperation of many countries on a multilateral basis. Therefore, to the maximum extent practicable, other countries shall be encouraged to increase their contributions to development programs and projects so that the cost of such common undertakings, which are for the benefit of all, may be shared equitably by all.

"Third, assistance shall be utilized to encourage regional cooperation by less developed countries in the solution of common problems and the development of shared resources.

"Fourth, the first objects of assistance shall be to support the efforts of less developed countries to meet the fundamental needs of their peoples for sufficient food, good health, home ownership and decent housing, and the opportunity to gain the basic knowledge and skills required to make their own way forward to a brighter future. In supporting these objectives, particular emphasis shall be placed on utilization of resources for food production and voluntary family planning.

"Fifth, assistance shall wherever practicable be constituted of United States commodities and services furnished in a manner consistent with other efforts of the United States to improve its balance of payments position.

"Sixth, assistance shall be furnished in such a manner as to promote efficiency and economy in operations so that the United States obtains maximum possible effectiveness for each dollar spent.

"Seventh, to the maximum extent practicable, the furnishing of agricultural commodities, disposal of excess property, and United States payments to international lending institutions, undertaken pursuant to this or any other Act, shall complement and be coordinated with assistance provided under this part.

"It is the sense of the Congress that every effort must be made to obtain a permanent peace in the Middle East. To help promote that objective, the United States should encourage, as part of pacific settlement, direct talks among the parties concerned, using such third party or United Nations assistance as they may wish. To this end, the President should undertake immediately (1) a thorough review of the needs of the several countries of that area, and (2) a reevaluation of United States policies aimed at helping meet those needs and securing a permanent peace in the area.

"It is further the sense of the Congress that in any case in which any foreign country has severed diplomatic relations with the United States, the President should suspend assistance to such country under this or any other Act, including any program designed to complement assistance under this Act (such as sales of agricultural commodities under the Agricultural Trade Development and Assistance Act of 1954). When diplomatic relations are resumed, a further study should be made on a country-by-country basis to determine whether United States foreign policy objectives would be served by extending assistance under this or any other Act, including any program designed to complement such assistance.

"(b) The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the economic progress of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with these countries, the President should place appropriate emphasis on the following criteria:

"(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on large-scale capital transfers, which when made should be in association with contributions from other industrialized countries working together in a multilateral framework.

"(2) Future United States bilateral support for development should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.

"(3) United States cooperation in development should be carried out to the maximum extent possible through the private sector, including those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies.

"(4) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

"(5) United States bilateral development assistance should give the highest priority to undertakings submitted by host governments which directly improve the lives of the poorest of their people and their capacity to participate in the development of their countries.

"(6) The economic and social development programs to which the United States lends support should reflect, to the maximum extent practicable, the role of United States private investment in such economic and social development programs.

"(7) Under the policy guidance of the Secretary of State, the agency primarily responsible for administering this part should have the responsibility for coordinating all United States development-related activities.

"(c) Assistance under this chapter should be used not simply for the purpose of transferring financial resources to developing countries, but to help countries solve development problems in accordance with a strategy that aims to increase substantially the participation of the poor. Accordingly, greatest emphasis shall be placed on countries and activities which effectively involve the poor in development, by expanding their access to the economy through services and institutions at the local level, increasing labor-intensive production, spreading productive investment and services out from major cities to small towns and outlying rural areas, and otherwise providing opportunities for the poor to better their lives through their own effort.

"(d)

(1) Development assistance furnished under this chapter shall be increasingly concentrated in countries which will make the most effective use of such assistance to help the poor toward a better life (especially such countries which are suffering from the worst and most widespread poverty and are in greatest need of outside assistance). In order to make possible consistent and informed judgments concerning which countries will make the most effective use of such assistance, the President shall propose appropriate criteria and factors to assess the commitment and progress of countries in meeting the objectives set forth in subsection (c) of this section and in other sections of this chapter. In developing such criteria and factors, the President shall specifically take into account their value in assessing countries' actions which demonstrate genuine concern and effective action for materially improving the lives of the poor and their ability to participate in development, including but not limited to efforts to--

"(A) increase agricultural productivity per unit of land through small-farm, labor-intensive agriculture;

"(B) reduce infant mortality;

"(C) control population growth;

"(D) promote greater equality of income distribution, including measures such as more progressive taxation and more equitable returns to small farmers; and

"(E) reduce rates of unemployment and underemployment.

"A report on such proposed criteria and factors shall be transmitted to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate by January 31, 1978.

"(2) The President shall endeavor to bring about the adoption of similar criteria and factors by international development organizations in which the United States participates.

"(3) Presentation materials submitted to the Congress with respect to assistance under this chapter, beginning with fiscal year 1977, shall contain detailed information concerning the steps being taken to implement this subsection.

"(e) For the purpose of promoting economic growth in the poorest countries, the President is authorized, notwithstanding any other provision of law, to make assistance under this chapter available to the relatively least developed countries on a grant basis to the maximum extent that is consistent with the attainment of United States development objectives."

Redesignation:

This section, enacted as @ 102 of Act Sept. 4, 1961, was redesignated as @ 101 of such Act by Act Oct. 6, 1978, P.L. 95-424, Title I, @ 101, 92 Stat. 937, effective Oct. 1, 1978, as provided by @ 605 of such Act, which appears as an Other provisions note to this section.

Short titles:

Act Sept. 4, 1961, P.L. 87-195, @ 1, as added Sept. 30, 1961, P.L. 87-329, Title I, @ 111, 75 Stat. 719, provided: "This Act may be cited as the 'Foreign Assistance Act of 1961'.". For full classification of such Act, consult USCS Tables volumes.

Act Aug. 1, 1962, P.L. 87-565, @ 1, 76 Stat. 255, provided: "This Act may be cited as the 'Foreign Assistance Act of 1962'.". For full classification of such Act, consult USCS Tables volumes.

Act Dec. 16, 1963, P.L. 88-205, @ 1, 77 Stat. 379, provided: "This Act may be cited as the 'Foreign Assistance Act of 1963'.". For full classification of such Act, consult USCS Tables volumes.

Act Oct. 7, 1964, P.L. 88-633, @ 1, 78 Stat. 1009, provided: "This Act may be cited as the 'Foreign Assistance Act of 1964'.". For full classification of such Act, consult USCS Tables volumes.

Act Sept. 6, 1965, P.L. 89-171, @ 1, 79 Stat. 653, provided: "This Act may be cited as the 'Foreign Assistance Act of 1965'.". For full classification of such Act, consult USCS Tables volumes.

Act Sept. 19, 1966, P.L. 89-583, @ 1, 80 Stat. 795, provided: "This Act may be cited as the 'Foreign Assistance Act of 1966'.". For full classification of such Act, consult USCS Tables volumes.

Act Nov. 14, 1967, P.L. 90-137, @ 1, 81 Stat. 445, provided: "This Act may be cited as the 'Foreign Assistance Act of 1967'.". For full classification of such Act, consult USCS Tables volumes.

Act Oct. 8, 1968, P.L. 90-554, @ 1, 82 Stat. 960, provided: "This Act may be cited as the 'Foreign Assistance Act of 1968'.". For full classification of such Act, consult USCS Tables volumes.

Act Dec. 30, 1969, P.L. 91-175, @ 1, 83 Stat. 805, provided: "This Act may be cited as the 'Foreign Assistance Act of 1969'.". For full classification of such Act, consult USCS Tables volumes.

Act Jan. 5, 1971, P.L. 91-652, @ 1, 84 Stat. 1943, provided: "This Act may be cited as the 'Special Foreign Assistance Act of 1971'.". For full classification of such Act, consult USCS Tables volumes.

Act Feb. 7, 1972, P.L. 92-226, @ 1, 86 Stat. 20, provided: "This Act may be cited as the 'Foreign Assistance Act of 1971'.". For full classification of such Act, consult USCS Tables volumes.

Act Dec. 17, 1973, P.L. 93-189, @ 1, 87 Stat. 714, provided: "This Act may be cited as the 'Foreign Assistance Act of 1973'.". For full classification of such Act, consult USCS Tables volumes.

Act July 8, 1974, P.L. 93-333, @ 1, 88 Stat. 290, provided: "This Act may be cited as the 'Foreign Disaster Assistance Act of 1974'.". For full classification of such Act, consult USCS Tables volumes.

Act Aug. 27, 1974, P.L. 93-390, @ 1, 88 Stat. 763, provided: "This Act may be cited as the 'Overseas Private Investment Corporation Amendments Act of 1974'.". For full classification of such Act, consult USCS Tables volumes.

Act Dec. 30, 1974, P.L. 93-559, @ 1, 88 Stat. 1795, provided: "This Act may be cited as the 'Foreign Assistance Act of 1974'.". For full classification of such Act, consult USCS Tables volumes.

Act Dec. 20, 1975, P.L. 94-161, @ 1, 89 Stat. 849, provided: "This Act may be cited as the 'International Development and Food Assistance Act of 1975'.". For full classification of such Act, consult USCS Tables volumes.

Act June 30, 1976, P.L. 94-329, @ 1, 90 Stat. 729, provided: "This Act may be cited as the 'International Security Assistance and Arms Export Control Act of 1976'.". For full classification of such Act, consult USCS Tables volumes.

Act Aug. 3, 1977, P.L. 95-88, @ 1, 91 Stat. 533, provided: "This Act may be cited as the 'International Development and Food Assistance Act of 1977'.". For full classification of such Act, consult USCS Tables volumes.

For full classification of such Act, consult USCS Tables volumes.

Act Aug. 4, 1977, P.L. 95-92, @ 1, 91 Stat. 614 provided: "This Act may be cited as the 'International Security Assistance Act of 1977'.". For full classification of such Act, consult USCS Tables volumes.

Act April 24, 1978, P.L. 95-268, @ 1, 92 Stat. 213, provided: "This Act may be cited as the 'Overseas Private Investment Corporation Amendments Act of 1978'.". For full classification of such Act, consult USCS Tables volumes.

Act Sept. 26, 1978, P.L. 95-384, 1, 92 Stat. 730, provided: "This Act may be cited as the 'International Security Assistance Act of 1978'.". For full classification of such Act, consult USCS Tables volumes.

Act Oct. 6, 1978, P.L. 95-424, @ 1, 92 Stat. 937, provided: "This Act may be cited as the 'International Development and Food Assistance Act of 1978'.". For full classification of such Act, consult USCS Tables volumes.

Act Aug. 14, 1979, P.L. 96-53, @ 1, 93 Stat. 359, provided: "This Act may be cited as the 'International Development Cooperation Act of 1979'.". For full classification of such Act, consult USCS Tables volumes.

Act Oct. 29, 1979, P.L. 96-92, @ 1, 93 Stat. 701, provided: "This Act may be cited as the 'International Security Assistance Act of 1979'.". For full classification of such Act, consult USCS Tables volumes.

Act May 31, 1980, P.L. 96-257, @ 1, 94 Stat. 422, provided: "This Act may be cited as the 'Special Central American Assistance Act of 1979'.". For full classification of such Act, consult USCS Tables volumes.

Act Dec. 16, 1980, P.L. 96-533, @ 1, 94 Stat. 3131, provided: "This Act may be cited as the 'International Security and Development Cooperation Act of 1980'.". For full classification of such Act, consult USCS Tables volumes.

Act Oct. 16, 1981, P.L. 97-65, @ 1, 95 Stat. 1021, provided: "This Act may be cited as the 'Overseas Private Investment Corporation Amendments Act of 1981'.". For full classification of such Act, consult USCS Tables volumes.

Act Dec. 29, 1981, P.L. 97-113, @ 1, 95 Stat. 1519, provided: "This Act may be cited as the 'International Security and Development Cooperation Act of 1981'.". For full classification of such Act, consult USCS Tables volumes.

Act Nov. 14, 1983, P.L. 98-151, @ 101(b)(2) in part, 97 Stat. 968, provides: "Section 101(b)(2) of this joint resolution may be cited as the 'International Security and Development Assistance Authorizations Act of 1983'.". For full classification of such section, consult USCS Tables volumes.

Act Nov. 22, 1983, P.L. 98-164, Title VII, @ 701, 97 Stat. 1045, provides: "This title may be cited as the 'International Environment Protection Act of 1983'.". For full classification of such Title, consult USCS Tables volumes.

Act Aug. 8, 1985, P.L. 99-83, @ 1(a), 99 Stat. 190, effective Oct. 1, 1985, as provided by @ 1301 of such Act, which appears as 22 USCS @ 2151-1 note, provides: "This Act may be cited as the 'International Security and Development Cooperation Act of 1985'.". For full classification of such Act, consult USCS Tables volumes.

Act Aug. 8, 1985, P.L. 99-83, Title VI, @ 601, 99 Stat. 228, effective Oct. 1, 1985, as provided by @ 1301 of such Act, which appears as 22 USCS @ 2151-1 note, provides: "This title may be cited as the 'International Narcotics Control Act of 1985'.". For full classification of such Act, consult USCS Tables volumes.

Act Aug. 8, 1985, P.L. 99-83, Title VI, @ 601, 99 Stat. 228, effective Oct. 1, 1985, as provided by @ 1301 of such Act, which appears as 22 USCS @ 2151-1 note, provides: "This title may be cited as the 'International Narcotics Control Act of 1985'.". For full classification of such Act, consult USCS Tables volumes.

Act April 2, 1985, P.L. 99-8, @ 1, 99 Stat. 21-23, which appears as 22 USCS @ 2292q note, provides: "This Act may be cited as the 'African Famine Relief and

Recovery Act of 1985'. For full classification of such Act, consult USCS Tables volumes.

Act Oct. 24, 1986, P.L. 99-529, @ 1, 100 Stat. 3010, provides: "This Act may be cited as the 'Special Foreign Assistance Act of 1986'. For full classification of such Act, consult USCS Tables volumes.

Act Oct. 27, 1986, P.L. 99-570, Title II, @ 2001, 100 Stat. 3207-60, which provided for citation of such Title II as the "International Narcotics Control Act of 1986", was repealed by Act Nov. 2, 1994, P.L. 103-447, Title I, @ 103(c), 108 Stat. 4694.

Act Oct. 1, 1988, P.L. 100-461, Title V, @ 555, 102 Stat. 2268-36, which enacted H.R. 5263 and S. 2757, Title I, @ 101, enacted into law, provides: "This title may be cited as the 'Overseas Private Investment Corporation Amendments Act of 1988'. For full classification of such Title, consult USCS Tables volumes.

Act Nov. 18, 1988, P.L. 100-690, Title IV, Subtitle A, @ 4001, 102 Stat. 4261, which provided for citation of such Title IV as the "International Narcotics Control Act of 1988", was repealed by Act Nov. 2, 1994, P.L. 103-447, Title I, @ 103(b), 108 Stat. 4693.

Act Dec. 12, 1989, P.L. 101-222, @ 1(a), 103 Stat. 1892, provides: "This Act may be cited as the 'Anti-Terrorism and Arms Export Amendments Act of 1989'. For full classification of such Act, consult USCS Tables volumes.

Act Dec. 13, 1989, P.L. 101-231, @ 1(a), 103 Stat. 1954, provides: "This Act may be cited as the 'International Narcotics Control Act of 1989'. For full classification of such Act, consult USCS Tables volumes.

Act Dec. 19, 1989, P.L. 101-240, @ 1(a), 103 Stat. 2492, provides: "This Act may be cited as the 'International Development and Finance Act of 1989'. For full classification of such Act, consult USCS Tables volumes.

Act Dec. 19, 1989, P.L. 101-240, Title VII, @ 701, 103 Stat. 2521, effective on enactment as provided by @ 801 of such Act, which appears as 22 USCS @ 262d note, provides: "This title may be cited as the 'Global Environmental Protection Assistance Act of 1989'. For full classification of such Title, consult USCS Tables volumes.

Act Nov. 21, 1990, P.L. 101-623, @ 1(a), 104 Stat. 3350, provides: "This Act may be cited as the 'International Narcotics Control Act of 1990'. For full classification of such Act, consult USCS Tables volumes.

Act Nov. 2, 1992, P.L. 102-583, @ 1, 106 Stat. 4914, which provided for citation of such Act as the International Narcotics Control Act of 1992, was repealed by Act Nov. 2, 1994, P.L. 103-447, Title I, @ 103(a), 108 Stat. 4693.

Act Oct. 28, 1992, P.L. 102-549, @ 1, 106 Stat. 3651, provides: "This Act may be cited as the 'Jobs Through Exports Act of 1992'. For full classification of such Act, consult USCS Tables volumes.

Act Oct. 28, 1992, P.L. 102-549, Title VI, @ 601, 106 Stat. 3664, provides: "This title may be cited as the 'Enterprise for the Americas Act of 1992'. For full classification of such Title, consult USCS Tables volumes.

Act Oct. 22, 1994, P.L. 103-392, @ 1, 108 Stat. 4098, provides: "This Act may be cited as the 'Jobs Through Trade Expansion Act of 1994'. For full classification of such Act, consult USCS Tables volumes.

Act Nov. 2, 1994, P.L. 103-447, @ 1, 108 Stat. 4691, provides: "This Act may be cited as the 'International Narcotics Control Corrections Act of 1994'. For full classification of such Act, consult USCS Tables volumes.

Act Oct. 19, 1996, P.L. 104-319, @ 1, 110 Stat. 3864, provides: "This Act may be cited as the 'Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996'. For full classification of such Act, consult USCS Tables volumes.

Transfer of functions:

All functions and authorities vested in the Secretary of State pursuant to subsec. (b) of this section insofar as they relate to policy guidance other than foreign policy guidance were transferred to the Director of the United States International Development Cooperation Agency by @ 6(c)(1) of Reorg. Plan No. 2 of 1979, 44 Fed. Reg. 41166, which appears as 22 USCS @ 2381 note.

Other provisions:

Administration of Part. For agency responsible for administration of Part (see References in text note to this section), see Reorg. Plan No. 2 of 1979, @ 6(a)(1), 44 Fed. Reg. 4166, 93 Stat. 1379, effective Oct. 1, 1979, as provided by @ 1-101 of Ex. Or. No. 12163 of Sept. 29, 1979, 44 Fed. Reg. 56673, which appear as 22 USCS @ 2381 notes.

Repeals by Foreign Assistance Act of 1961; references to repealed provisions; effect of repeal upon amendments. Act Sept. 4, 1961, P.L. 87-195, Part III, Ch 3, @ 642, 75 Stat. 460; Sept. 6, 1965, P.L. 89-171, Part III, Ch 3, @ 303(a), 79 Stat. 661, provided:

"(a) There are hereby repealed--

"(1) Reorganization Plan Numbered 7 of 1953 [former 22 USC @ 1785 note].

"(2) the Mutual Security Act of 1954, as amended [former 22 USC @@ 1754 et seq.] (except sections 402, 405(a), 405(c), 405(d), 408, 414, 417, 451(c), 502(a), 502(b), 514, 523(d), and 536 [22 USC @@ 1922, 1928, 1937, 1754(a), (b), 1783(d) and 1796; former 22 USC @@ 1925(a), (c), (d), 1934, 1951(c), 1766]);

"(3) section 12 of the Mutual Security Act of 1955 [former 22 USC 1811 note];

"(4) sections 12, 13, and 14 of the Mutual Security Act of 1956 [former 22 USC @@ 1870, 1753 and 1939 notes];

"(5) section 503 of the Mutual Security Act of 1958 [former 22 USC @ 1750a];

"(6) section 108 of the Mutual Security Appropriation Act, 1959 [former 22 USC @ 1922 note];

"(7) section 501(a), chapter VI, and sections 702 and 703 of the Mutual Security Act of 1959, as amended [former 22 USC @@ 1941, and 2051-2053, 1928b and 1951 notes]; and

"(8) section 604 and chapter VII of the Mutual Security Act of 1960 [former 22 USC @@ 2071 and 2072, 1783 note].

"(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 or appropriate provisions of this Act [this note among other things; for classification, consult USCS Tables volumes].

"(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."

Repeal of short title provision. Act Sept. 4, 1961, P.L. 87-195, Part I, Ch 1, @ 101, 75 Stat. 424, which formerly appeared as a note to this section, was repealed by Act Dec. 16, 1963, P.L. 88-205, Part I, Ch 1, @ 101(b), 77 Stat 379. It provided that Act Sept. 4, 1961, should be cited as the "Act for International Development of 1961".

Infringement of religious freedom. Act Oct. 7, 1964, P.L. 88-633, Part V, @ 501, 78 Stat. 1015, provided: "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."

Reappraisal of foreign assistance programs. Act Oct. 8, 1968, P.L. 90-554, Part V, @@ 501, 502, 82 Stat. 966, provided:

"Sec. 501. Declaration of policy. The Congress declares that, in view of changing world conditions and the continued need to make United States foreign assistance programs an effective implement of United States foreign policy, there should be a comprehensive review and reorganization of all United States foreign assistance programs, including economic development and technical assistance programs, military assistance and sales programs, and programs involving contributions and payments by the United States to international lending institutions and other international organizations concerned with the development of friendly foreign countries and areas.

"502. Reappraisal by the President. (a) In furtherance of the policy of this part [this note], the President is requested to make a thorough and comprehensive reappraisal of United States foreign assistance programs, as described in section 501 [this note], and to submit to the Congress, on or before March 31, 1970, his recommendations for achieving such reforms in and reorganization of future foreign assistance programs as he determines to be necessary and appropriate in the national interest in the light of such reappraisal. The President is requested to submit to the Congress, on or before July 1, 1969, an interim report presenting any preliminary recommendations formulated by him pursuant to this section.

"(b) It is the sense of the Congress that the reappraisal provided for in subsection (a) should include, but not be limited to, an analysis and consideration of proposals concerning the establishment of a Government corporation or a federally chartered private corporation designed to mobilize and facilitate the use of United States private capital and skills in less developed friendly countries and areas, including whether such corporation should be authorized to--

"(1) utilize Government guarantees and funds as well as private funds;

"(2) seek, develop, promote, and underwrite new investment projects;

"(3) assist in transferring skills and technology to less developed friendly countries and areas; and

"(4) invest in the securities of development financing institutions and assist in the formation and expansion of local capital markets."

Representation of China in the United Nations. Act Feb. 9, 1970, P.L. 91-194, Title I, @ 105, 84 Stat. 7, provided: "The Congress hereby reiterates its opposition to the seating in the United Nations of the Communist China regime as the representative of China, and it is hereby declared to be the continuing sense of the Congress that the Communist regime in China has not demonstrated its willingness to fulfill the obligations contained in the Charter of the United Nations and should not be recognized to represent China in the United Nations. In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations, the President is requested to inform the Congress insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter."

Similar provisions were contained in Act July 8, 1955, ch 301, @ 12, 69 Stat. 290; July 31, 1956, ch 803, @ 108, 70 Stat. 735; Sept. 3, 1957, P.L. 85-279, @ 109, 71 Stat. 604; Aug. 28, 1958, P.L. 85-853, @ 105, 72 Stat. 1101; Sept. 28, 1959, P.L. 86-383, Title I, @ 112, 73 Stat. 720; Sept. 2, 1960, P.L. 86-704, Title I, @ 107, 74 Stat. 779; Sept. 30, 1961, P.L. 87-329, Title I, @ 107, 75 Stat. 718; Oct. 23, 1962, P.L. 87-872, Title I, @ 105, 76 Stat. 1164; Jan. 6, 1964, P.L. 88-258, Title I, @ 105, 77 Stat. 858; Oct. 7, 1964, P.L. 88-634,

Title I, @ 105, 78 Stat. 1017; Oct. 20, 1965, P.L. 89-273, Title I, @ 105, 79 Stat. 1003; Oct. 15, 1966, P.L. 89-691, Title I, @ 105, 80 Stat. 1020; Jan. 2, 1968, P.L. 90-249, Title I, @ 105, 81 Stat. 938; Act Oct. 17, 1968, P.L. 90-581, Title I, @ 105, 82 Stat. 1139.

Funding of food-for-peace program. Section 2 of Act Feb. 7, 1972, P.L. 92-226, 86 Stat. 20, provided: "It is the sense of the Congress that funds to administer the food-for-peace program should not be reduced as the result of any reduction in the authorizations provided to carry out the Foreign Assistance Act of 1961 [Act Sept 4, 1961, P.L. 87-195, 75 Stat. 424; for full classification, consult USCS Tables volumes].".

Conduct of Indochina War. Act Dec. 31, 1973, P.L. 93-189, @ 31, 87 Stat. 732, provided: "No funds authorized or appropriated under any provision of law shall be made available for the purpose of financing directly or indirectly any military or paramilitary combat operations by foreign forces in Laos, Cambodia, North Vietnam, South Vietnam, or Thailand unless (1) such operations are conducted by the forces of that government receiving such funds within the borders of that country, or (2) specifically authorized by law enacted after the date of enactment of this Act [enacted Dec. 31, 1973].".

Assistance to countries imprisoning citizens for political purposes. Act Dec. 17, 1973, P.L. 93-189, @ 32, 87 Stat. 733, provided: "It is the sense of Congress that the President should deny any economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes.".

Prisoners of war and individuals missing in action. Act of Dec. 17, 1973, P.L. 93-189, @ 34, 87 Stat. 733, provided:

"(a) The Congress declares that--

"(1) the families of those one thousand three hundred individuals missing in action during the Indochina conflict have suffered extraordinary torment in ascertaining the full and complete information about their loved ones who are formally classified as missing in action;

"(2) United States involvement in the Indochina conflict has come to a negotiated end with the signing of the Vietnam Agreement in Paris on January 27, 1973, and section 307 of the Second Supplemental Appropriations Act, 1973 [unclassified], requires that 'None of the funds herein appropriated under this Act [unclassified] may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam, and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose.';

"(3) the question of the return of prisoners of war and accounting for individuals missing in action and dead in Laos is covered by article 18 of the Protocol signed by representatives of the Lao Patriotic Front (Pathet Lao) and the Royal Laotian Government in Vietiane on September 14, 1973 (which implements article 5 of the Agreement signed by the Pathet Lao and that government in Vietiane on February 21, 1973, requiring the release of all prisoners 'regardless of nationality' captured and held in Laos), and paragraph C of such article 18 provides that, within '15 to 30 days' from the date of the signing of the Protocol, each side is to report the number of those prisoners and individuals still held, with an indication of their nationality and status, together with a list of names and any who died in captivity; and

"(4) few of the United States men lost in Laos during the military engagements in Indochina have been returned, and with knowledge about many of these men not yet being fully disclosed, and the North Vietnam cease-fire provisions calling for inspection of crash and grave sites and for other forms of cooperation have not been fully complied with.

"(b) It is, therefore, the sense of the Congress that--

"(1) the provisions for the release of prisoners and an accounting of individuals missing and dead, as provided for in article 18 of the Protocol signed on September 14, 1973, by the Pathet Lao and the Royal Laotian Government, be adhered to in spirit and in deed; and

"(2) the faithful compliance with the spirit of the Laotian Agreement and Protocol on the question of individuals missing in action will encourage all parties in Indochina to cooperate in providing complete information on all nationals of any nation who may be captured or missing at any place in Indochina."

Human rights in Chile. Act of Dec. 17, 1973, P.L. 93-189, @ 35, 87 Stat. 734, provided: "It is the sense of the Congress that (1) the President should request the Government of Chile to protect the human rights of all individuals, Chilean and foreign, as provided in the Universal Declaration of Human Rights, the Convention and Protocol Relating the Status of Refugees, and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct, and the humane treatment or release of prisoners; (2) the President should support international humanitarian initiatives by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross to insure the protection and safe conduct and resettlement of political refugees, the human treatment of political prisoners, and the full inspection of detention facilities under international auspices; (3) the President should support and facilitate efforts by voluntary agencies to meet emergency relief needs; and (4) the President should request of the Inter-American Commission on Human Rights to undertake an immediate inquiry into recent events occurring in Chile."

Use of local currencies. Act of Dec. 17, 1973, P.L. 93-189, @ 40, 87 Stat. 736, provided: "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, 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."

Control of military forces in the Indian Ocean. Act June 30, 1976, P.L. 94-329, Title IV, @ 407, 90 Stat. 759; Sept. 26, 1978, P.L. 95-384, @ 29(c)(1)(D), 92 Stat. 747, provided:

"It is the sense of Congress that the President should undertake to enter into negotiations with the Soviet Union intended to achieve an agreement limiting the deployment of naval, air, and land forces of the Soviet Union and the United States in the Indian Ocean and littoral countries. Such negotiations should be convened as soon as possible and should consider, among other things, limitations with respect to--

"(1) the establishment or use of facilities for naval, air, or land forces in the Indian Ocean and littoral countries;

"(2) the number of naval vessels which may be deployed in the Indian Ocean, or the number of 'shipdays' allowed therein; and

"(3) the type and number of military forces and facilities allowed therein."

United States development assistance. Act Aug. 3, 1977, P.L. 95-88, Title I, @ 131, 91 Stat. 544, provided: "It is the sense of the Congress that the United States should increase substantially its assistance for self-help development among the world's poorest people. Such assistance should be provided in accordance with the general policies and principles of chapter 1 of part I of

the Foreign Assistance Act of 1961 [22 USCS @@ 2151 et seq.], with particular emphasis on encouraging and supporting more equitable patterns of economic growth, especially in the poorest countries, and should be coordinated with similar expanded efforts by international organizations, donor nations, and the recipient countries themselves."

Minority business participation in foreign assistance activities. Act Aug. 3, 1977, P.L. 95-88, Title I, @ 133, 91 Stat. 544; Aug. 14, 1979, P.L. 96-53, Title I, @ 123, 93 Stat. 366, 367; Dec. 29, 1981, 97-113, Title VII, @ 734(a)(6) in part, 95 Stat. 1560, provided:

"(a) The Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [see the reference in text note to this section] shall prepare and transmit to the Congress, not later than 30 days after the date of enactment of this Act [enacted 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 [enacted 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 [see the Reference in text note to this section] (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]

"(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 [15 USCS @ 644(k)]. 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."

Negotiations with Cuba. Act Aug. 17, 1977, P.L. 95-105, Title V, @ 511, 91 Stat. 861 provided:

"(a) It is the sense of the Congress that any negotiations toward the normalization of relations with Cuba be conducted in a deliberate manner and

on a reciprocal basis, and that the vital concerns of the United States with respect to the basic rights and interests of United States citizens whose persons or property are the subject of such negotiations be protected.

"(b) Furthermore, it is the sense of Congress that the Cuban policies and actions regarding the use of its military and paramilitary personnel beyond its borders and its disrespect for the human rights of individuals are among the elements which must be taken into account in any such negotiations."

Repeal of provision regarding United States relations with Soviet Union. Act Sept. 26, 1978, P.L. 95-384, @ 24(a), 92 Stat. 745, which was classified as a note to this section, was repealed by Act Dec. 17, 1993, P.L. 103-199, Title VII, @ 706, 107 Stat. 2329. The section provided findings and declaration regarding a sound and stable relationship with the Soviet Union to strengthen the security of the United States and improve prospects for world peace.

United States-Republic of China Mutual Defense Treaty. Act Sept. 26, 1978, P.L. 95-384, @ 26, 92 Stat. 746, provided:

"(a) The Congress finds that--

"(1) the continued security and stability of East Asia is a matter of major strategic interest to the United States;

"(2) the United States and the Republic of China have for a period of twenty-four years been linked together by the Mutual Defense Treaty of 1954;

"(3) the Republic of China has during that twenty-four-year period faithfully and continually carried out its duties and obligations under that treaty; and

"(4) it is the responsibility of the Senate to give its advice and consent to treaties entered into by the United States.

"(b) It is the sense of the Congress that there should be prior consultation between the Congress and the executive branch on any proposed policy changes affecting the continuation in force of the Mutual Defense Treaty of 1954."

Effective date of Oct. 6, 1978 amendments. Act Oct. 6, 1978, P.L. 95-424, Title VI, @ 605, 92 Stat. 961, provided: "The amendments made by this Act shall take effect on October 1, 1978." For full classification of such Act, consult USCS Tables volumes.

Accounting of Americans missing in action in Vietnam. Act Oct. 7, 1978, P.L. 95-426, Title VII, @ 705, 92 Stat. 992; Aug. 24, 1982, P.L. 97-241, Title V, @ 505(a)(2) in part, (b)(2) in part, 96 Stat. 299, provides: "The President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam." For full classification of such Act, consult USCS Tables volumes.

Similar provisions were contained in Act Aug. 17, 1977, P.L. 95-105, Title V, @ 505, 91 Stat. 858; Aug. 24, 1982, P.L. 97-241, Title V, @ 505(a)(2) in part, (b)(2) in part, 96 Stat. 299.

Presidential implementation of import restrictions against Uganda. Ex. Or. No. 12117 of Feb. 6, 1979, 44 Fed. Reg. 7937, provided:

"By the authority vested in me as President by the Constitution of the United States of America, and in order to provide for the consistent implementation of import restrictions imposed against Uganda by Section 5(c) of the Act of October 10, 1978 (92 Stat. 1051) [former note to this section], it is hereby ordered as follows:

"1-101. The Secretary of the Treasury shall administer those provisions of Section 5(c) of the Act of October 10, 1978 (Public Law 95-435; 92 Stat. 1051; 22 U.S.C. 2151 note) which prohibit a corporation, institution, group or individual from importing, directly or indirectly, into the United States or its territories or possessions any article grown, produced, or manufactured in Uganda. The Secretary of the Treasury shall issue such regulations that the Secretary deems necessary to implement those import restrictions. Prior to

issuing those regulations the Secretary of the Treasury shall consult with the Secretary of State.

"1-102. The Secretary of State shall advise the President whenever the Secretary believes that 'the Government of Uganda is no longer committing a consistent pattern of gross violations of human rights' within the meaning of Section 5(c) of the Act of October 10, 1978 [note to this section].

"1-103. If the President determines that the Government of Uganda is no longer committing a consistent pattern of gross violations of human rights, he shall so certify to the Congress. Thereafter, the Secretary of the Treasury shall revoke the regulations issued pursuant to this Order."

Southeast Asian refugees. Act Aug. 14, 1979, P.L. 96-53, Title V, @ 509, 93 Stat. 379, effective Aug. 14, 1979, as provided by @ 512(b) of such Act, which appears as an Other provisions note to this section; Dec. 29, 1981, P.L. 97-113, Title VII, @ 734(a)(3) in part, 95 Stat. 1560, provided:

"(a)

(1) The refugee crisis in Indochina is unfolding as one of the great human tragedies of our time.

"(2) At least seven hundred and fifty thousand human beings have fled Vietnam, Kampuchea, and Laos since the spring of 1975.

"(3) Approximately three hundred thousand human beings currently remain in refugee camps throughout Southeast Asia.

"(4) As many as two hundred and fifty thousand human beings may have perished in their attempts to reach freedom and many thousands more face death should the present situation continue.

"(5) The international borders are closing to the refugees fleeing from Indochina.

"(6) The international community has failed to respond adequately to the crisis, despite the existence of adequate mechanisms to respond.

"(b) It is the sense of the Congress that the President should continue to support the efforts of the Secretary General of the United Nations to use appropriate fora to deal with the refugee crisis in Southeast Asia."

Assistance to Latin American and Caribbean countries. Act Aug. 14, 1979, P.L. 96-53, Title I, @ 125, 93 Stat. 367, effective Oct. 1, 1979, as provided by @ 512(a) of such Act, which appears as a note to this section, provided: "It is the sense of the Congress that the United States should place greater emphasis on public and private resources for development programs in Latin America and the Caribbean which address problems common to the Western Hemisphere. It is further the sense of the Congress that provision of such assistance to Latin America and Caribbean countries, including transitional developing countries, is consistent with the purposes of part I of the Foreign Assistance Act of 1961 [see the Reference in text note to this section]."

Increase of foreign contributions for development assistance. Act Aug. 14, 1979, P.L. 96-53, Title I, @ 126, 93 Stat. 368, effective Oct. 1, 1979, as provided by @ 512(a) of such Act, which appears as a note to this section, provided: "In recognition of the rapidly growing economic strength and ability to contribute to international development and security efforts of other nations, it is the sense of the Congress that the President should take all appropriate steps to negotiate with those nations with adequate financial resources to provide assistance to increase their contributions for development assistance through multilateral programs as well as through bilateral efforts."

Effective dates of Aug. 14, 1979 amendments. Act Aug. 14, 1979, P.L. 96-53, Title V, @ 512, 93 Stat. 380, provided:

"(a) Except as provided in subsection (b) of this section and in section 503(b) [22 USCS @ 2385a note], this Act [22 USCS @@ 2151 et seq.] shall take effect on October 1, 1979.

"(b) Sections 114(b) [unclassified], 123 [amending a note to this section], 501 [unclassified], and 509 [amending a note to this section] of this Act shall take effect on the date of enactment of this Act [enacted Aug. 14, 1979].".

Delegation of Presidential functions. For delegation of Presidential functions under the Foreign Assistance Act of 1961 (22 USCS @@ 2151 et seq.), see @ 1-102 of Ex. Or. No. 12163 of Sept. 29, 1979, 44 Fed. Reg. 56673, which appears as 22 USCS @ 2381 note.

Cuban refugees. Act Dec. 16, 1980, P.L. 96-533, Title VII, @ 715, 94 Stat. 3161, provided:

"(a) The Congress finds that--

"(1) the flow of refugees for political, economic, or other compelling reasons is a growing and world-wide phenomenon;

"(2) the United States represents freedom of thought and action and economic opportunity and has historically played a major role in providing a home to the refugees of the world;

"(3) an orderly and lawful refugee process is necessary for the furtherance of United States domestic well-being;

"(4) continuation of the traditional compassionate and humanitarian policy of the United States regarding entry to its shores of refugees and other victims of oppression is threatened by the precipitate influx of large numbers of Cubans fleeing their country;

"(5) the United States has sought to negotiate with the Government of Cuba to establish a lawful, safe, and orderly process by which Cubans may be allowed to leave their country; and

"(6) the Cuban refugee crisis is a problem of international concern and other nations should contribute to its resolution.

"(b)

(1) The Congress urges the President to take the necessary steps to encourage and secure greater international cooperation with respect to the large number of Cuban natives who have recently fled or are attempting to flee Cuba. Such steps should include seeking the agreement of other countries to admit some of those persons into their respective countries and to contribute funds and other assistance for the resettlement of those persons.

"(2) In order to encourage countries throughout the world which are recipients of United States bilateral and multilateral assistance to permit and to help finance the resettlement of Cuban and other refugees within their borders, the President shall, to the maximum extent feasible, attempt to channel such assistance to countries which have demonstrated a willingness to provide assistance to Cuban and other refugees.

"(c) It is the sense of the Congress that, in carrying out subsection (b)(1), the President should seek the discussion, in an appropriate international forum such as the United Nations or the Organization of American States, of the situation involving the flight of large numbers of Cuban natives from Cuba, of the resettlement of Cuban refugees, and of means by which a more orderly process may be established to handle future crises of a similar nature.".

Termination of certain amendments to Foreign Assistance Act and Arms Export Control Act. Act Dec. 29, 1981, P.L. 97-113, Title VII, @ 734(c), 95 Stat. 1561, provides: "Except as otherwise explicitly provided by their terms, amendments to the Foreign Assistance Act of 1961 [22 USCS @@ 2151 et seq.] and the Arms Export Control Act [22 USCS @@ 2751 et seq.] 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.".

Negotiations with Palestine Liberation Organization. Act Aug. 8, 1985, P.L.

99-83, Title XIII, @ 1302, 99 Stat. 280, effective Oct. 1, 1985, as provided by @ 1301 of such Act, which appears as 22 USCS @ 2151-1 note; Feb. 16, 1990, P.L. 101-246, Title I, Part A, @ 108, 104 Stat. 21, provides:

"(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."

Assistance for Panama. Act Nov. 21, 1989, P.L. 101-167, Title V, @ 561, 103 Stat. 1239, provides:

"(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 [Act Sept 4,

1961, P.L. 87-195, 75 Stat. 424; for full classification, consult USCS Tables volumes] (including programs under title IV of chapter 2 of part I of such Act [22 USCS @@ 2191 et seq.]);

"(2) sales, credits, and guarantees under the Arms Export Control Act [22 USCS @@ 2341 et seq.; for full classification, consult USCS Tables volumes];

"(3) sales under title I or III [7 USCS @@ 1701 et seq. 1727 et seq.] and donations under title II [7 USCS @@ 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 USCS @@ 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 USCS @@ 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 USCS @@ 2292 et seq.]), (D) assistance for refugees, (E) assistance under the Inter-American Foundation Act [USCS @ 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."

[Functions of President under this section were delegated to the Secretary of State by @ 1-201(a)(28) of Ex. Or. No. 12163 of Sept. 29, 1979, 44 Fed. Reg. 56673, which appears as 22 USCS @ 2381 note.]

Similar provisions were contained in the following prior appropriations acts: Oct. 29, 1979, P.L. 96-92, @ 28, 93 Stat. 711, which was repealed by Act Dec. 29, 1981, P.L. 97-113, Title VII, @ 734(a)(11), 95 Stat. 1560; Dec. 22, 1987, P.L. 100-202, @ 101(e) [Title V, @ 5701], 101 Stat. 1329-131, 1329-174; Oct. 1, 1988, P.L. 100-461, Title V, @ 564, 102 Stat. 2268-40.

Suspension of certain programs and activities relating to the People's Republic of China. Act Feb. 16, 1990, P.L. 101-246, Title IX, @ 902, 104 Stat. 83; Oct. 28, 1992, P.L. 102-549, Title II, @ 202(e), 106 Stat. 3658, provides:

"(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 Program. The President shall suspend the obligation of funds under the Foreign Assistance Act of 1961 [Act Sept 4,

1961, P.L. 87-195, 75 Stat. 424; for full classification, consult USCS Tables volumes] for any new activities of the Trade and Development Program [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 USCS @ 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 USCS Appx. @ 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 USCS Appx. @@ 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 [USCS @ 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 USCS @ 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 [unclassified]; 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 USCS Appx. @ 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 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, 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) [unclassified] 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."

[Pres. Det. of Jan. 12, 1998, 63 Fed. Reg. 3447, in a memorandum for the Secretary of State, certifies 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 nonnuclear explosive devices or the material and components for such devices.]

Peace process in Liberia. Act April 16, 1992, P.L. 102-270, 106 Stat. 106, provides:

"That the Congress--

"(a)

(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. Notwithstanding section 620(q) of the Foreign Assistance Act of 1961 [22 USCS @ 2370(q)] or any similar provision, 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 to implement the Yamoussoukro peace accord:

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 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."

Horn of Africa recovery and food security. Act April 21, 1992, P.L. 102-274, 106 Stat. 115, popularly 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, and required the President to submit a report to Congress on the efforts and progress in carrying out this Act not later than 180 days after April 21, 1992, and each 180 days thereafter.

Presidential determination and certification under Public Law 102-274: Ethiopia. Pres. Det. 92-27 of May 26, 1992, 57 Fed. Reg. 24925, provides:

"Pursuant to the authority vested in me by section 8 of the Horn of Africa Recovery and Food Security Act (Public Law 102-274; 106 Stat. 115)

[unclassified], I hereby determine and certify that the Government of Ethiopia:

"(1) has begun to implement peace agreements and national reconciliation agreements;

"(2) has demonstrated a commitment to human rights within the meaning of sections 116 and 502B of the Foreign Assistance Act of 1961 [22 USCS @@ 2151n and 2304];

"(3) has manifested a commitment to democracy, has established a timetable for free and fair elections, and has agreed to implement the results of those elections; and

"(4) has agreed to distribute developmental assistance on the basis of need without regard to political affiliation, geographic location, or the ethnic, tribal, or religious identity of the recipient.

"You are authorized and directed to report this determination and certification to the Congress and to publish it in the Federal Register."

Construction of references to Trade and Development Program. Act Oct. 28, 1992, P.L. 102-549, Title II, @ 202(e), 106 Stat. 3658, provides: "Any reference in any law to the Trade and Development Program shall be deemed to be a reference to the Trade and Development Agency."

Use of funds for financial incentives to relocate business operations outside of the United States. Act Oct. 28, 1992, P.L. 102-549, Title VIII, @ 801, 106 Stat. 3671, provides: "No funds made available to carry out any provision of this Act or the amendments made by this Act [for full classification, consult USCS Tables volumes] 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."

Use of funds for projects or activities contributing to violations of internationally recognized worker rights. Act Oct. 28, 1992, P.L. 102-549, Title VIII, @ 802, 106 Stat. 3671, provides: "No funds made available to carry out any provision of this Act or the amendments made by this Act [for full classification, consult USCS Tables volumes] 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 USCS @ 2462(a)(4)], of workers in the recipient country, including any designated zone in that country."

Repeal of provision for waiver of restrictions for narcotics-related economic assistance. Act Nov. 2, 1992, P.L. 102-583, @ 8, 106 Stat. 4933, which formerly appeared as a note to this section, was repealed by Act Nov. 2, 1994, P.L. 103-447, Title I, @ 103(a), 108 Stat. 4693. It authorized the provision of narcotics-related assistance under 22 USCS @@ 2151 et seq. for fiscal years 1992 through 1994, notwithstanding other provisions of law restricting assistance to foreign countries, subject to notification of appropriate congressional committees.

Repeal of provision relating to construction of term "appropriate congressional committees". Act Nov. 2, 1992, P.L. 102-583, @ 11(b), 106 Stat. 4935, which formerly appeared as a note to this section, was repealed by Act Nov. 2, 1994, P.L. 103-447, Title I, @ 103(a), 108 Stat. 4693. It related to construction of the term "appropriate congressional committees" for purposes of Act Nov. 2, 1992, P.L. 102-583.

African conflict resolution. Act Oct. 19, 1994, P.L. 103-381, 108 Stat. 3513, provides:

"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 for 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 USCS @@ 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, 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, 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 and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate."

Authority for anticrime assistance. Act Nov. 2, 1994, P.L. 103-447, Title

I, @ 106, 108 Stat. 4694, provides:

"(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)."

Delegation of authority under section 106 of the International Narcotics Control Corrections Act of 1994 (Public Law 103-447). Pres. Mem. of April 4, 1995, 60 Fed. Reg. 19153, provides:

"Memorandum for the Secretary of State

"By the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of State the functions conferred upon the President by section 106 of the International Narcotics Control Corrections Act of 1994 (the 'Act') (Public Law 103-447) [note to this section] with respect to funds made available from any source.

"The functions delegated by this memorandum may be redelegated to the extent permitted by law.

"This delegation of authority shall also apply to any amendments or successor legislation concerning the subject matter of this section.

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

Waiver of restrictions for narcotics-related economic assistance. Act July 21, 1996, P.L. 104-164, Title I, Ch 4, @ 133, 110 Stat. 1430, provides: "For 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) of that Act (22 U.S.C. 2291j(e)) 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 were contained in Act Nov. 2, 1994, P.L. 103-447, Title I, @ 105, 108 Stat. 4694.

Assistance for Mauritania. Act Oct. 19, 1996, P.L. 104-319, Title II, @ 202, 110 Stat. 3866, provides:

"(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)."

Certification pursuant to section (b)(1) of Public Law 99-183 and section 902(a)(6)(B) of Public Law 101-246. Pres. Det. No. 98-10 of Jan. 12, 1998, 63 Fed. Reg. 3447, provides:

"Memorandum for the Secretary of State

"Pursuant to section (b)(1) of Public Law 99-183 of December 16, 1985 [unclassified], relating to the approval and implementation of the Agreement for Cooperation Between the United States and the People's Republic of China, I hereby certify that:

"(A) the reciprocal arrangements made pursuant to Article 8 of the Agreement have been designed to be effective in ensuring that any nuclear material, facilities, or components provided under the Agreement shall be utilized solely for intended peaceful purposes as set forth in the Agreement;

"(B) the Government of the People's Republic of China has provided additional information concerning its nuclear nonproliferation policies and that, based on this and all other information available to the United States Government, the People's Republic of China is not in violation of paragraph (2) of section 129 of the Atomic Energy Act of 1954 [42 USCS @ 2157(2)]; and

"(C) the obligation to consider favorably a request to carry out activities described in Article 5(2) of the Agreement shall not prejudice the decision of the United States to approve or disapprove such a request.

"Pursuant to section 902(a)(6)(B)(i) of Public Law 101-246 [note to this section], I hereby certify 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 material and components for such devices.

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

NOTES:

CODE OF FEDERAL REGULATIONS

Overseas shipments of supplies by voluntary nonprofit relief agencies, 22 CFR Part 202.

CROSS REFERENCES

This section is referred to in 22 USCS @@ 2151-1, 2151v, 2162, 2346, 2399c, 3502.

RESEARCH GUIDE

Federal Procedure L Ed:

- 13 Fed Proc L Ed, Foreign Relations @ 36:239.
- 15A Fed Proc L Ed, Government Contracts @ 39:450.
- 15A Fed Proc L Ed, Government Contracts @ 39:546.
- 29 Fed Proc L Ed, Public Lands and Property @ 66:640.

Am Jur:

- 1 Am Jur 2d, Abortion (1994) @ 32.

INTERPRETIVE NOTES AND DECISIONS

1. Generally
2. Foreign family planning programs
3. Foreign schools

1. Generally

Requirement that assistance extended under International Development Act (22 USCS @@ 2151 et seq.) Act be based on "sound plans and programs" was enacted for benefit of taxpayers of United States and confers no right of action on borrower contending that United States violated requirements of Act by approving unsound loan. *Somali Development Bank v United States* (1974) 205 Ct Cl 741, 508 F2d 817.

2. Foreign family planning programs

Under Foreign Assistance Act, 22 USCS @ 2151b, President and his delegates had authority to implement policy statement through standard clause in funding grants which conditioned receipt of funds by family planning grantees by requiring certification that foreign nongovernmental organization does not perform or actively promote abortion as method of family planning in foreign aid recipient countries, since only limitation imposed by Congress on President's discretionary authority in @ 2151b is prohibition against use of federal funds from certain abortion-related activities; implementation of policy statement and standard clause do not contradict provisions of 22 USCS @ 2151, since @ 2151 does not require foreign assistance agency to assist all family planning projects that apply for federal funds and agency has broad discretionary power to decide which among numerous competing projects shall be given such funds. *Planned Parenthood Federation, Inc. v Agency for International Dev.* (1988, CA2 NY) 838 F2d 649, on remand (1990, SD NY) 1990 US Dist LEXIS 2430, affd (1990, CA2 NY) 915 F2d 59, application den (1990, US) 112 L Ed 2d 300, 111 S Ct 335 and cert den (1991, US) 114 L Ed 2d 709, 111 S Ct 2257.

Implementation of executive branch policy by Agency for International Development restricting federal assistance to foreign nongovernmental family planning organizations that perform or actively promote abortions did not violate plaintiffs' free speech and association rights since implementation went no further than necessary to implement otherwise nonjusticiable decision limiting class of beneficiaries of foreign aid and any burden on plaintiffs' First Amendment rights was incidental to that policy decision, nor did implementation abridge plaintiffs' privacy rights since it did not penalize patient or physician seeking or performing abortions at unrelated clinic from receiving care or working at AID-funded clinic. *Planned Parenthood Federation, Inc. v Agency for Int'l Dev.* (1990, CA2 NY) 915 F2d 59, application den (1990, US) 112 L Ed 2d 300, 111 S Ct 335 and cert den (1991, US) 114 L Ed 2d 709, 111 S Ct 2257.

3. Foreign schools

Domestic establishment clause standards are applicable to American Schools and Hospitals Abroad Program (ASHA) established under Foreign Assistance Act of 1961 (22 USCS @ 2151), and thus federal taxpayers have standing to challenge appropriation and expenditure of public funds by U.S. for construction, maintenance, and operation of religious schools abroad. *Lamont v Schultz* (1990, SD NY) 748 F Supp 1043, affd, remanded (1991, CA2 NY) 948 F2d 825.

22 USCS @ 2151B (1998) printed in FULL format.

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*** THIS SECTION IS CURRENT THROUGH 105-205, APPROVED 7/22/98 ***

TITLE 22. FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 32. FOREIGN ASSISTANCE
INTERNATIONAL DEVELOPMENT
DECLARATION OF POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

22 USCS @ 2151b (1998)

@ 2151b. Population planning and health programs

(a) Congressional declaration of policy. The Congress recognizes that poor health conditions and uncontrolled population growth can vitiate otherwise successful development efforts.

Large families in developing countries are the result of complex social and economic factors which change relatively slowly among the poor majority least affected by economic progress, as well as the result of a lack of effective birth control. Therefore, effective family planning depends upon economic and social change as well as the delivery of services and is often a matter of political and religious sensitivity. While every country has the right to determine its own policies with respect to population growth, voluntary population planning programs can make a substantial contribution to economic development, higher living standards, and improved health and nutrition.

Good health conditions are a principal element in improved quality of life and contribute to the individual's capacity to participate in the development process, while poor health and debilitating disease can limit productivity.

(b) Assistance for voluntary population planning. In order to increase the opportunities and motivation for family planning and to reduce the rate of population growth, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for voluntary population planning. In addition to the provision of family planning information and services, including also information and services which relate to and support natural family planning methods, and the conduct of directly relevant demographic research, population planning programs shall emphasize motivation for small families.

(c) Assistance for health programs; special health needs of children and mothers; Child Survival Fund; promotion of immunization and oral rehydration.

(1) In order to contribute to improvements in the health of the greatest number of poor people in developing countries, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for health programs. Assistance under this subsection shall be used primarily for basic integrated health services, safe water and sanitation, disease prevention and control, and related health planning and research. This assistance shall emphasize self-sustaining community-based health programs by means such as training of health auxiliary and other appropriate personnel, support for the establishment and evaluation of projects that can be replicated on a broader scale, measures to improve management of health programs, and other services

and supplies to support health and disease prevention programs.

(2) (A) In carrying out the purposes of this subsection, the President shall promote, encourage, and undertake activities designed to deal directly with the special health needs of children and mothers. Such activities should utilize simple, available technologies which can significantly reduce childhood mortality, such as improved and expanded immunization programs, oral rehydration to combat diarrhoeal diseases, and education programs aimed at improving nutrition and sanitation and at promoting child spacing. In carrying out this paragraph, guidance shall be sought from knowledgeable health professionals from outside the agency primarily responsible for administering this part. In addition to government-to-government programs, activities pursuant to this paragraph should include support for appropriate activities of the types described in this paragraph which are carried out by international organizations (which may include international organizations receiving funds under chapter 3 of this part [22 USCS @@ 2221 et seq.]) and by private and voluntary organizations, and should include encouragement to other donors to support such types of activities.

(B) In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President \$ 25,000,000 for fiscal year 1986 and \$ 75,000,000 for fiscal year 1987 for use in carrying out this paragraph. Amounts appropriated under this subparagraph are authorized to remain available until expended.

(C) Appropriations pursuant to subparagraph (B) may be referred to as the "Child Survival Fund".

(3) The Congress recognizes that the promotion of primary health care is a major objective of the foreign assistance program. The Congress further recognizes that simple, relatively low cost means already exist to reduce incidence of communicable diseases among children, mothers, and infants. The promotion of vaccines for immunization, and salts for oral rehydration, therefore, is an essential feature of the health assistance program. To this end, the Congress expects the agency primarily responsible for administering this part to set as a goal the protection of not less than 80 percent of all children, in those countries in which such agency has established development programs, from immunizable diseases by January 1, 1991. Of the aggregate amounts made available for fiscal year 1987 to carry out paragraph (2) of this subsection (relating to the Child Survival Fund) and to carry out subsection (c) (relating to development assistance for health), \$ 50,000,000 shall be used to carry out this paragraph.

(d) Administration of assistance.

(1) Assistance under this chapter shall be administered so as to give particular attention to the interrelationship between (A) population growth, and (B) development and overall improvement in living standards in developing countries, and to the impact of all programs, projects, and activities on population growth. All appropriate activities proposed for financing under this chapter shall be designed to build motivation for smaller families through modification of economic and social conditions supportive of the desire for large families, in programs such as education in and out of school, nutrition, disease control, maternal and child health services, improvements in the status and employment of women, agricultural production, rural development, and

assistance to the urban poor. Population planning programs shall be coordinated with other programs aimed at reducing the infant mortality rate, providing better nutrition for pregnant women and infants, and raising the standard of living of the poor.

(2) Since the problems of malnutrition, disease, and rapid population growth are closely related, planning for assistance to be provided under subsections (b) and (c) of this section and under section 103 [22 USCS @ 2151a] shall be coordinated to the maximum extent practicable.

(3) Assistance provided under this section shall emphasize low-cost integrated delivery systems for health, nutrition, and family planning for the poorest people, with particular attention to the needs of mothers and young children, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach.

(e) Research and analysis.

(1) Health and population research and analysis carried out under this Act shall--

(A) be undertaken to the maximum extent practicable in developing countries by developing country personnel, linked as appropriate with private and governmental biomedical research facilities within the United States;

(B) take account of the special needs of the poor people of developing countries in the determination of research priorities; and

(C) make extensive use of field testing to adapt basic research to local conditions.

(2) The President is authorized to study the complex factors affecting population growth in developing countries and to identify factors which might motivate people to plan family size or to space their children.

(f) Prohibition on use of funds for performance or research respecting abortions or involuntary sterilization.

(1) None of the funds made available to carry out this part may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.

(2) None of the funds made available to carry out this part may be used to pay for the performance of involuntary sterilizations as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations.

(3) None of the funds made available to carry out this part may be used to pay for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning.

(g) Authorization of appropriations.

(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes--

(A) \$ 290,000,000 for fiscal year 1986 and \$ 290,000,000 for fiscal year 1987 to carry out subsection (b) of this section; and

(B) \$ 205,000,000 for fiscal year 1986 and \$ 180,000,000 for fiscal year 1987 to carry out subsection (c) of this section.

(2) Funds appropriated under this subsection are authorized to remain available until expended.

HISTORY: (Sept. 4, 1961, P.L. 87-195, Part I, Ch 1, @ 104, as added Dec. 17, 1973, P.L. 93-189, @ 2(3), 87 Stat. 715; Dec. 30, 1974, P.L. 93-559, @ 4(1), 88 Stat. 1795; Dec. 20, 1975, P.L. 94-161, Title III, @ 304, 89 Stat. 857; Aug. 3, 1977, P.L. 95-88, Title I, @ 103(a)--(c), 91 Stat. 534; Oct. 6, 1978, P.L. 95-424, Title I, @ 104(a), 92 Stat. 945; Aug. 14, 1979, P.L. 96-53, Title I, @ 102, 93 Stat. 360; Dec. 16, 1980, P.L. 96-533, Title III, @ 303, 94 Stat. 3145; Dec. 29, 1981, P.L. 97-113, Title III, @ 302, 95 Stat. 1532; Oct. 12, 1984, P.L. 98-473, Title I, @ 101(1) in part, 98 Stat. 1903; Aug. 8, 1985, P.L. 99-83, Title III, @ 302-305(a), 99 Stat. 214; Oct. 24, 1986, P.L. 99-529, Title I, @ 103, Title IV, @ 404(1), 100 Stat. 3011, 3019.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

REFERENCES IN TEXT:

"This Act", referred to in this section, is Act Sept. 4, 1961, P.L. 87-195, 75 Stat. 424, popularly known as the Foreign Assistance Act of 1961, which appears generally as 22 USCS @ 2151 et seq. For full classification of this Act, consult USCS Tables volumes.

"This part", referred to in this section, is Part I of Act Sept. 4, 1961, P.L. 87-195, 75 Stat. 424, popularly known as the Foreign Assistance Act of 1961, which appears generally as 22 USCS @ 2151 et seq. For full classification of this Part, consult USCS Tables volumes. For construction or references to the Part, see Other provisions note.

"This chapter", referred to in subsec. (b), is Chapter 1 of Part I of Act Sept. 4, 1961, P.L. 87-195, 75 Stat. 424, which appears generally as 22 USCS @ 2151 et seq. For full classification of this chapter, consult USCS Tables volumes.

EXPLANATORY NOTES:

The 1984 amendment of this section is based upon @ 303 of H. R. 5119 of the Ninety-eighth Congress as passed by the House of Representatives on May 10, 1984, which was enacted into permanent law by Act Oct. 12, 1984, P.L. 98-473.

AMENDMENTS:

1974. Act Dec. 30, 1974, substituted "\$ 145,000,000 for the fiscal year 1974, and \$ 165,000,000 for the fiscal year 1975" for "\$ 145,000,000 for each of the fiscal years 1974 and 1975".

1975. Act Dec. 20, 1975, designated existing provisions as subsec. (a), and in subsec. (a) as so designated, inserted "\$ 243,100,00 for the fiscal year 1976 and \$ 275,600,000 for the fiscal year 1977," and the sentence beginning "Not less than 67 percent of the funds . . ."; and added subsec. (b).

1977. Act Aug. 3, 1977 (effective 10/1/77, as provided by @ 103(d) of such Act), substituted subsecs. (a) and (b) for subsec. (a) which read:

"(a) In order to increase the opportunities and motivation for family planning, to reduce the rate of population growth, to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance on such terms and conditions as he may determine, for population planning and health. There are authorized to be appropriated to the President for the purposes of this section, in addition to the funds otherwise available for such purposes, \$ 145,000,000 for the fiscal year 1974, and \$ 165,000,000 for the fiscal year 1975, \$ 243,100,000 for the fiscal year 1976 and \$ 275,600,000 for the fiscal year 1977, which amounts are authorized to remain available until expended. Not less than 67 percent of the funds made available under this section for any fiscal year shall be used for population planning, either in separate programs or as an element of health programs."

Such Act further (effective as above) redesignated former subsec. (b) as subsec. (c); and added subsec. (d).

1978. Act Oct. 6, 1978 (effective 10/1/78, as provided by @ 605 of such Act, which appears as 22 USCS @ 2151 note), substituted this section for one, which read:

"(a) In order to increase the opportunities and motivation for family planning and to reduce the rate of population growth, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for population planning. There are authorized to be appropriated to the President for the purposes of this subsection, in addition to funds otherwise available for such purposes, \$ 167,000,000 for the fiscal year 1978, which amount is authorized to remain available until expended.

"(b) In order to prevent and combat disease and to help provide health services for the great majority, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for health, disease prevention, and environmental sanitation. There are authorized to be appropriated to the President for the purposes of this subsection, in addition to funds otherwise available for such purposes, \$ 107,700,000 for the fiscal year 1978, which amount is authorized to remain available until expended.

"(c) Assistance provided under this section shall be used primarily for extension to low-cost, integrated delivery systems to provide health and family planning services, especially to rural areas and to the poorest economic sectors, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach; health programs which emphasize disease prevention, environmental sanitation, and health education; and population planning programs which include education in responsible parenthood and motivational programs, as well as delivery of family planning services and which are coordinated with programs aimed at reducing the infant mortality rate, providing better nutrition to pregnant women and infants, and raising the standard of living of the poor.

"(d) (1) Assistance under this chapter shall be administered so as to give particular attention to the interrelationship between (A) population growth, and (B) development and overall improvement in living standards in developing countries, and to the impact of all programs, projects, and activities on population growth. All appropriate activities proposed for financing under this chapter shall be designed to build motivation for smaller families in programs such as education in and out of school, nutrition, disease control, maternal and child health services, agricultural production, rural development, and assistance to the urban poor.

"(2) The President is authorized to study the complex factors affecting population growth in developing countries and to identify factors which might motivate people to plan family size or space their children."

1979. Act Aug. 14, 1979 (effective 10/1/79, as provided by @ 512(a) of such Act, which appears as 22 USCS @ 2151 note), in subsec. (d)(1), inserted ", and through community-based development programs which give recognition to people motivated to limit the size of their families"; in subsec. (g), substituted sentence beginning "There are otherwise" for one which read:

"There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes--

"(1) \$ 224,745,000 for the fiscal year 1979 to carry out subsection (b) of this section; and

"(2) \$ 148,494,000 for the fiscal year 1979 to carry out subsection (c) of this section."

1980. Act Dec. 16, 1980, in subsec. (b), inserted ", including also information and services which relate to and support natural family planning methods,"; and in subsec. (g), substituted paras. (1) and (2) for ones which read:

"(1) \$ 201,000,000 for the fiscal year 1980 to carry out subsection (b) of this section; and

"(2) \$ 141,000,000 for the fiscal year 1980 to carry out subsection (c) of this section, of which amount not less than \$ 4,000,000 shall be made available to assist in the development of the John Sparkman Center for International Public Health Education to be located at the University of Alabama at Birmingham."

1981. Act Dec. 29, 1981, in subsec. (f), added para. (3); and in subsec. (g), substituted the introduction and paras. (1) and (2) for ones which read: "There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes--

"(1) \$ 238,000,000 for the fiscal year 1981 to carry out subsection (b) of this section, of which not less than \$ 3,000,000 shall be available only to support the World Health Organization's Special Program of Research, Development and Research Training in Human Reproduction; and

"(2) \$ 145,300,000 for the fiscal year 1981 to carry out subsection (c) of this section."

Such Act further, in subsec. (g), in the concluding matter, inserted the sentence beginning "Of the funds appropriated".

1984. Act Oct. 12, 1984, in subsec. (c), designated the existing provisions as para. (1) and added para. (2).

1985. Act Aug. 8, 1985 (effective 10/1/85, as provided by @ 1301 of such Act, which appears as 22 USCS @ 2151-1 note), in subsec. (c), in para. (2)(B), inserted "for fiscal year 1986 and \$ 25,000,000 for fiscal year 1987" and added para. (3); and substituted subsec. (g) for one which read:

"(g) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes--

"(1) \$ 211,000,000 for the fiscal year 1982 and \$ 211,000,000 for the fiscal year 1983 to carry out subsection (b) of this section; and

"(2) \$ 133,405,000 for the fiscal year 1982 and \$ 133,405,000 for the fiscal year 1983 to carry out subsection (c) of this section.

Of the funds appropriated for each of the fiscal years 1982 and 1983 to carry out subsection (b) of this section, not less than 16 percent or \$ 38,000,000, whichever amount is less, shall be available only for the United Nations Fund for Population Activities. Funds appropriated under this subsection are authorized to remain available until expended."

1986. Act Oct. 24, 1986, in subsec. (c), in para. (2), in subpara. (B), substituted "\$ 75,000,000 for fiscal year 1987" for "\$ 25,000,000 for fiscal year 1987", and in para. (3), added sentence beginning with "Of the aggregate" following "January 1, 1991."; and in subsec. (g), in para. (1), in subpara.

(B), substituted "\$ 180,000,000 for fiscal year 1987" for "\$ 205,000,000 for fiscal year 1987".

TRANSFER OF FUNCTIONS:

For delegation of the President's functions and allocation of funds to the United States International Development Cooperation Agency, with certain exceptions, see @@ 1-102(a)(1), (g), and 1-801(a) of Ex. Or. No. 12163 of Sept. 29, 1979, 44 Fed. Reg. 56673, effective Oct. 1, 1979, which appears as 22 USCS @ 2381 note.

OTHER PROVISIONS:

Administration of Part. For agency responsible for administration of Part (see References in text note to this section), see Reorg. Plan No. 2 of 1979, @ 6(a)(1), 44 Fed. Reg. 4166, 93 Stat. 1379, effective Oct. 1, 1979, as provided by @ 1-101 of Ex. Or. No. 12163 of Sept. 29, 1979, 44 Fed. Reg. 56673, which appear as 22 USCS @ 2381 notes.

Construction of references to Parts I and II of Foreign Assistance Act of 1961. For construction of references to Parts I and II of Act Sept. 4, 1961, P.L. 87-195, popularly known as the Foreign Assistance Act of 1961 [consult USCS Tables volumes for classification], see Act Feb. 7, 1972, P.L. 92-226, Part II, @ 202(b), 86 Stat. 27, which appears as 22 USCS @ 2346 note, and 22 USCS @@ 2348c and 2349aa-5.

Construction of references to Chapter 1 of Part I of Foreign Assistance Act of 1961. For construction of references to Chapter I of Part I of Act Sept. 4, 1961, P.L. 87-195, popularly known as the Foreign Assistance Act of 1961 [consult USCS Tables volumes for classification], see 22 USCS @ 2393(d)(1).

Annual reports. Act Aug. 8, 1985, P.L. 99-83, Title III, @ 305(b), 99 Stat. 215, effective Oct. 1, 1985, as provided by @ 1301 of such Act, which appears as 22 USCS @ 2151-1 note, provides: "Each annual report required by section 634 of the Foreign Assistance Act of 1961 [22 USCS @ 2394] shall describe the progress achieved during the preceding fiscal year in carrying out section 104(c)(3) of such Act [subsec. (c)(3) of this section].".

NOTES:

CROSS REFERENCES

This section is referred to in 22 USCS @@ 262l, 1727c, 1727e, 2151a, 2151d, 2151f, 2151q, 2151u, 2291, 2293, 2346, 5453.

INTERPRETIVE NOTES AND DECISIONS

Abortion-related policy limitations on use of family planning foreign aid funds did not contravene statutory goals; policy did not evince any interference with congressionally desired right of every country to determine its own policies with respect to population growth, and in fact specifically permitted recipient foreign governments to continue to receive foreign assistance funds in segregated accounts while conducting abortion-related activity with their own money. DKT Memorial Fund, Ltd. v Agency for Int'l Dev. (1989) 281 US App DC 47, 887 F2d 275.

Under Foreign Assistance Act, 22 USCS @ 2151b, President and his delegates had authority to implement policy statement through standard clause in funding grants which conditioned receipt of funds by family planning grantees by requiring that foreign nongovernmental organization certify that it does not perform or actively promote abortion as method of family planning in foreign aid recipient countries, and does not provide financial support to any other foreign nongovernmental organization that conducts such activities including

promotional activities supported by non-federal funds; since only limitation imposed by Congress on President's discretionary authority in @ 2151b is prohibition against use of federal funds from certain abortion-related activities. Planned Parenthood Federation, Inc. v Agency for International Dev. (1988, CA2 NY) 838 F2d 649, on remand (1990, SD NY) 1990 US Dist LEXIS 2430, affd (1990, CA2 NY) 915 F2d 59, application den (1990, US) 112 L Ed 2d 300, 111 S Ct 335 and cert den (1991, US) 114 L Ed 2d 709, 111 S Ct 2257.

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