

§590], Nov. 6, 2000, 114 Stat. 1900, 1900A-59, provided that: “The Secretary of State shall also transmit the report required by section 116(d) of the Foreign Assistance Act of 1961 [22 U.S.C. 2151n(d)] to the Committees on Appropriations each year by the date specified in that section: *Provided*, That each such report submitted pursuant to such section shall (1) include a review of each country’s commitment to children’s rights and welfare as called for by the Declaration of the World Summit for Children; [(2) Repealed. Pub. L. 106-429, §101(a) [title V, §590], Nov. 6, 2000, 114 Stat. 1900, 1900A-59;] (3) describe the extent to which indigenous people are able to participate in decisions affecting their lands, cultures, traditions and the allocation of natural resources, and assess the extent of protection of their civil and political rights.”

REPORT ON IMPACT ON FOREIGN RELATIONS OF UNITED STATES OF REPORTS ON HUMAN RIGHTS PRACTICES OF FOREIGN GOVERNMENTS

Pub. L. 96-53, title V, §504(b), Aug. 14, 1979, 93 Stat. 378, which required Secretary of State to report by Nov. 15, 1979, foreign relations impact made by reports of human rights violations of foreign governments, was repealed by Pub. L. 97-113, title VII, §734(a)(3), Dec. 29, 1981, 95 Stat. 1560.

§ 2151n-1. Repealed. Pub. L. 103-236, title I, §139(4), Apr. 30, 1994, 108 Stat. 397

Section, Pub. L. 95-105, title I, §108, Aug. 17, 1977, 91 Stat. 846, directed Secretary of State to report annually to Congress about American citizens in foreign jails.

§ 2151n-2. Human Rights and Democracy Fund

(a) Establishment of Fund

There is established a Human Rights and Democracy Fund (in this section referred to as the “Fund”) to be administered by the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(b) Purposes of Fund

The purposes of the Fund shall be—

- (1) to support defenders of human rights;
- (2) to assist the victims of human rights violations;
- (3) to respond to human rights emergencies;
- (4) to promote and encourage the growth of democracy, including the support for non-governmental organizations in foreign countries; and
- (5) to carry out such other related activities as are consistent with paragraphs (1) through (4).

(c) Funding

(1) In general

Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.] for fiscal year 2003, \$21,500,000 is authorized to be available to the Fund for carrying out the purposes described in subsection (b) of this section. Amounts made available to the Fund under this paragraph shall also be deemed to have been made available under section 116(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(e)).

(2) Allocation of funds for the Documentation Center of Cambodia

Of the amount authorized to be available to the Fund under paragraph (1) for fiscal year

2003, \$1,000,000 is authorized to be available for the Documentation Center of Cambodia for the purpose of collecting, cataloguing, and disseminating information about the atrocities committed by the Khmer Rouge against the Cambodian people.

(3) Father John Kaiser Memorial Fund

Of the amount authorized to be available to the Fund under paragraph (1) for fiscal year 2003, \$500,000 is authorized to be available to advance the extraordinary work and values of Father John Kaiser with respect to solving ethnic conflict and promoting government accountability and respect for human rights. The amount made available under this paragraph may be referred to as the “Father John Kaiser Memorial Fund”.

(Pub. L. 107-228, div. A, title VI, §664, Sept. 30, 2002, 116 Stat. 1406.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (c)(1), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 4 of part II of the Act is classified generally to part IV (§2346 et seq.) of subchapter II of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the Freedom Investment Act of 2002, and also as part of the Department of State Authorization Act, Fiscal Year 2003 and the Foreign Relations Authorization Act, Fiscal Year 2003, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

PURPOSES

Pub. L. 107-228, div. A, title VI, §662, Sept. 30, 2002, 116 Stat. 1405, provided that: “The purposes of this subtitle [subtitle E (§§661-665) of title VI of div. A of Pub. L. 107-228, see Short Title of 2002 Amendments note set out under section 2151 of this title] are the following:

“(1) To underscore that promoting and protecting human rights is in the national interests of the United States and is consistent with American values and beliefs.

“(2) To establish a goal of devoting one percent of the funds available to the Department under ‘Diplomatic and Consular Programs’, other than such funds that will be made available for worldwide security upgrades and information resource management, to enhance the ability of the United States to promote respect for human rights and the protection of human rights defenders.”

[For definition of “Department” as used in section 662 of Pub. L. 107-228, set out above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.]

§ 2151o. Repealed. Pub. L. 103-149, §4(a)(3)(B), Nov. 23, 1993, 107 Stat. 1505

Section, Pub. L. 87-195, pt. I, §117, as added Pub. L. 99-440, title II, §201(b), Oct. 2, 1986, 100 Stat. 1094, related to assistance for disadvantaged South Africans.

A prior section 2151o, Pub. L. 87-195, pt. I, §117, as added Pub. L. 95-88, title I, §112, Aug. 3, 1977, 91 Stat. 537, related to a strategy for programs of nutrition and health improvement for mothers and children, prior to repeal by Pub. L. 95-424, title I, §103(c), Oct. 6, 1978, 92 Stat. 945, eff. Oct. 1, 1978.

§ 2151p. Environmental and natural resources

(a) Congressional statement of findings

The Congress finds that if current trends in the degradation of natural resources in develop-

ing countries continue, they will severely undermine the best efforts to meet basic human needs, to achieve sustained economic growth, and to prevent international tension and conflict. The Congress also finds that the world faces enormous, urgent, and complex problems, with respect to natural resources, which require new forms of cooperation between the United States and developing countries to prevent such problems from becoming unmanageable. It is, therefore, in the economic and security interest of the United States to provide leadership both in thoroughly reassessing policies relating to natural resources and the environment, and in cooperating extensively with developing countries in order to achieve environmentally sound development.

(b) Assistance authority and emphasis

In order to address the serious problems described in subsection (a) of this section, the President is authorized to furnish assistance under subchapter I of this chapter for developing and strengthening the capacity of developing countries to protect and manage their environment and natural resources. Special efforts shall be made to maintain and where possible to restore the land, vegetation, water, wildlife, and other resources upon which depend economic growth and human well-being, especially of the poor.

(c) Implementation considerations applicable to programs and projects

(1) The President, in implementing programs and projects under this part and part X of this subchapter, shall take fully into account the impact of such programs and projects upon the environment and natural resources of developing countries. Subject to such procedures as the President considers appropriate, the President shall require all agencies and officials responsible for programs or projects under this part and part X of this subchapter—

(A) to prepare and take fully into account an environmental impact statement for any program or project under this part and part X of this subchapter significantly affecting the environment of the global commons outside the jurisdiction of any country, the environment of the United States, or other aspects of the environment which the President may specify; and

(B) to prepare and take fully into account an environmental assessment of any proposed program or project under this part and part X of this subchapter significantly affecting the environment of any foreign country.

Such agencies and officials should, where appropriate, use local technical resources in preparing environmental impact statements and environmental assessments pursuant to this subsection.

(2) The President may establish exceptions from the requirements of this subsection for emergency conditions and for cases in which compliance with those requirements would be seriously detrimental to the foreign policy interests of the United States.

(Pub. L. 87-195, pt. I, §117, formerly §118, as added Pub. L. 95-88, title I, §113(a), Aug. 3, 1977, 91 Stat. 537; amended Pub. L. 95-424, title I, §110,

Oct. 6, 1978, 92 Stat. 948; Pub. L. 96-53, title I, §122, Aug. 14, 1979, 93 Stat. 366; Pub. L. 97-113, title III, §307, Dec. 29, 1981, 95 Stat. 1533; renumbered §117 and amended Pub. L. 99-529, title III, §301(1), (2), Oct. 24, 1986, 100 Stat. 3014; Pub. L. 101-513, title V, §562(d)(4), Nov. 5, 1990, 104 Stat. 2031.)

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II

References to subchapter I of this chapter are deemed to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 202(b) of Pub. L. 92-226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title.

CODIFICATION

Other sections 117 of Pub. L. 87-195, pt. I, were classified to section 2151o of this title prior to repeal by Pub. L. 95-424 and Pub. L. 103-149.

AMENDMENTS

1990—Subsec. (c)(1). Pub. L. 101-513 inserted “and part X of this subchapter” after “this part” wherever appearing.

1986—Subsec. (d). Pub. L. 99-529, §301(2), struck out subsec. (d) relating to loss of tropical forests in developing countries. See section 2151p-1 of this title.

1981—Pub. L. 97-113 amended section generally, substituting subssecs. (a) to (d) for former subssecs. (a) and (b) which authorized President to furnish assistance under this subchapter for developing and strengthening capacity of less developed countries to protect and manage their environment and natural resources and directed President to take into consideration environmental consequences of development actions in carrying out this part.

1979—Subsec. (c). Pub. L. 96-53 repealed subsec. (c) which related to studies and report to Congress by the President on the identification of major environmental and natural resource problems.

1978—Pub. L. 95-424 designated existing provisions as subsec. (a) and added subssecs. (b) and (c).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as a note under section 2151 of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

CLEAN WATER FOR THE AMERICAS PARTNERSHIP

Pub. L. 107-228, div. A, title VI, subtitle D, Sept. 30, 2002, 116 Stat. 1402, provided that:

“SEC. 641. SHORT TITLE.

“This subtitle may be cited as the ‘Clean Water for the Americas Partnership Act of 2002’.

“SEC. 642. DEFINITIONS.

“In this subtitle:

“(1) JOINT PROJECT.—The term ‘joint project’ means a project between a United States association or nonprofit entity and a Latin American or Caribbean association or nongovernmental organization.

“(2) LATIN AMERICAN OR CARIBBEAN NONGOVERNMENTAL ORGANIZATION.—The term ‘Latin American or

Caribbean nongovernmental organization' includes any institution of higher education, any private nonprofit entity involved in international education activities, or any research institute or other research organization, based in the region.

“(3) REGION.—The term ‘region’ refers to the region comprised of the member countries of the Organization of American States (other than the United States and Canada).

“(4) UNITED STATES ASSOCIATION.—The term ‘United States association’ means a business league described in section 501(c)(6) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(6)), and exempt from taxation under section 501(a) of such Code (26 U.S.C. 501(a)).

“(5) UNITED STATES NONPROFIT ENTITY.—The term ‘United States nonprofit entity’ includes any institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), any private nonprofit entity involved in international education activities, or any research institute or other research organization, based in the United States.

“SEC. 643. ESTABLISHMENT OF PROGRAM.

“The President is authorized to establish a program which shall be known as the ‘Clean Water for the Americas Partnership’.

“SEC. 644. ENVIRONMENTAL ASSESSMENT.

“The President is authorized to conduct a comprehensive assessment of the environmental problems in the region to determine—

“(1) which environmental problems threaten human health the most, particularly the health of the urban poor;

“(2) which environmental problems are most threatening, in the long-term, to the region’s natural resources;

“(3) which countries have the most pressing environmental problems; and

“(4) whether and to what extent there is a market for United States environmental technology, practices, knowledge, and innovations in the region.

“SEC. 645. ESTABLISHMENT OF TECHNOLOGY AMERICA CENTERS.

“(a) AUTHORITY TO ESTABLISH.—The President, acting through the Director General of the United States and Foreign Commercial Service of the Department of Commerce, is authorized to establish Technology America Centers (TEAMs) in the region to serve the entire region and, where appropriate, to establish TEAMs in urban areas of the region to focus on urban environmental problems.

“(b) FUNCTIONS.—The TEAMs would link United States private sector environmental technology firms with local partners, both public and private, by providing logistic and information support to United States firms seeking to find local partners and opportunities for environmental projects. TEAMs should emphasize assisting United States small businesses.

“(c) LOCATION.—In determining whether to locate a TEAM in a country, the President, acting through the Director General of the United States and Foreign Commercial Service of the Department of Commerce, shall take into account the country’s need for logistic and informational support and the opportunities presented for United States firms in the country. A TEAM may be located in a country without regard to whether a mission of the United States Agency for International Development is established in that country.

“SEC. 646. PROMOTION OF WATER QUALITY, WATER TREATMENT SYSTEMS, AND ENERGY EFFICIENCY.

“Subject to the availability of appropriations, the President is authorized to provide matching grants to United States associations and United States nonprofit entities for the purpose of promoting water quality, water treatment systems, and energy efficiency in the region. The grants shall be used to support joint

projects, including professional exchanges, academic fellowships, training programs in the United States or in the region, cooperation in regulatory review, development of training materials, the establishment and development in the region of local chapters of the associations or nonprofit entities, and the development of online exchanges.

“SEC. 647. GRANTS FOR PREFEASIBILITY STUDIES WITHIN A DESIGNATED SUBREGION.

“(a) GRANT AUTHORITY.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Director of the Trade and Development Agency is authorized to make grants for prefeasibility studies for water projects in any country within a single subregion or in a single country designated under paragraph (2).

“(2) DESIGNATION OF SUBREGION.—The Director of the Trade and Development Agency shall designate in advance a single subregion or a single country for purposes of paragraph (1).

“(b) MATCHING REQUIREMENT.—The Director of the Trade and Development Agency may not make any grant under this section unless there are made available non-Federal contributions in an amount equal to not less than 25 percent of the amount of Federal funds provided under the grant.

“(c) LIMITATION PER SINGLE PROJECT.—With respect to any single project, grant funds under this section shall be available only for the prefeasibility portion of that project.

“(d) DEFINITIONS.—In this section:

“(1) PREFEASIBILITY.—The term ‘prefeasibility’ means, with respect to a project, not more than 25 percent of the design phase of the project.

“(2) SUBREGION.—The term ‘subregion’ means an area within the region and includes areas such as Central America, the Andean region, and the Southern cone.

“SEC. 648. CLEAN WATER TECHNICAL SUPPORT COMMITTEE.

“(a) IN GENERAL.—The President is authorized to establish a Clean Water Technical Support Committee (in this section referred to as the ‘Committee’) to provide technical support and training services for individual water projects.

“(b) COMPOSITION.—The Committee shall consist of international investors, lenders, water service providers, suppliers, advisers, and others with a direct interest in accelerating development of water projects in the region.

“(c) FUNCTIONS.—Members of the Committee shall act as field advisers and may form specialized working groups to provide in-country training and technical assistance, and shall serve as a source of technical support to resolve barriers to project development.

“SEC. 649. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to the President \$10,000,000 for each of the fiscal years 2003, 2004, and 2005 to carry out this subtitle.

“(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to remain available until expended.

“SEC. 650. REPORT.

“Eighteen months after the establishment of the program pursuant to section 643, the President shall submit a report to the appropriate congressional committees containing—

“(1) an assessment of the progress made in carrying out the program established under this subtitle; and

“(2) any recommendations for the enactment of legislation to make changes in the program established under this subtitle.

“SEC. 651. TERMINATION DATE.

“(a) IN GENERAL.—Except as provided in subsection (b), the authorities of this subtitle shall terminate 3 years after the date of establishment of the program described in section 643.

“(b) EXCEPTION.—In lieu of the termination date specified in subsection (a), the termination required by that subsection shall take effect five years after the date of establishment of the program described in section 643 if, prior to the termination date specified in subsection (a), the President determines and certifies to the appropriate congressional committees that it would be in the national interest of the United States to continue the program described in such section 643 for an additional 2-year period.

“SEC. 652. EFFECTIVE DATE.

“This subtitle shall take effect 90 days after the date of enactment of this Act [Sept. 30, 2002].”

[For definition of “appropriate congressional committees” as used in subtitle D of title VI of div. A of Pub. L. 107-228, set out above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.]

§ 2151p-1. Tropical forests

(a) Importance of forests and tree cover

In enacting section 2151a(b)(3) of this title the Congress recognized the importance of forests and tree cover to the developing countries. The Congress is particularly concerned about the continuing and accelerating alteration, destruction, and loss of tropical forests in developing countries, which pose a serious threat to development and the environment. Tropical forest destruction and loss—

(1) result in shortages of wood, especially wood for fuel; loss of biologically productive wetlands; siltation of lakes, reservoirs, and irrigation systems; floods; destruction of indigenous peoples; extinction of plant and animal species; reduced capacity for food production; and loss of genetic resources; and

(2) can result in desertification and destabilization of the earth’s climate.

Properly managed tropical forests provide a sustained flow of resources essential to the economic growth of developing countries, as well as genetic resources of value to developed and developing countries alike.

(b) Priorities

The concerns expressed in subsection (a) of this section and the recommendations of the United States Interagency Task Force on Tropical Forests shall be given high priority by the President—

(1) in formulating and carrying out programs and policies with respect to developing countries, including those relating to bilateral and multilateral assistance and those relating to private sector activities; and

(2) in seeking opportunities to coordinate public and private development and investment activities which affect forests in developing countries.

(c) Assistance to developing countries

In providing assistance to developing countries, the President shall do the following:

(1) Place a high priority on conservation and sustainable management of tropical forests.

(2) To the fullest extent feasible, engage in dialogues and exchanges of information with recipient countries—

(A) which stress the importance of conserving and sustainably managing forest resources for the long-term economic benefit

of those countries, as well as the irreversible losses associated with forest destruction, and

(B) which identify and focus on policies of those countries which directly or indirectly contribute to deforestation.

(3) To the fullest extent feasible, support projects and activities—

(A) which offer employment and income alternatives to those who otherwise would cause destruction and loss of forests, and

(B) which help developing countries identify and implement alternatives to colonizing forested areas.

(4) To the fullest extent feasible, support training programs, educational efforts, and the establishment or strengthening of institutions which increase the capacity of developing countries to formulate forest policies, engage in relevant land-use planning, and otherwise improve the management of their forests.

(5) To the fullest extent feasible, help end destructive slash-and-burn agriculture by supporting stable and productive farming practices in areas already cleared or degraded and on lands which inevitably will be settled, with special emphasis on demonstrating the feasibility of agroforestry and other techniques which use technologies and methods suited to the local environment and traditional agricultural techniques and feature close consultation with and involvement of local people.

(6) To the fullest extent feasible, help conserve forests which have not yet been degraded, by helping to increase production on lands already cleared or degraded through support of reforestation, fuelwood, and other sustainable forestry projects and practices, making sure that local people are involved at all stages of project design and implementation.

(7) To the fullest extent feasible, support projects and other activities to conserve forested watersheds and rehabilitate those which have been deforested, making sure that local people are involved at all stages of project design and implementation.

(8) To the fullest extent feasible, support training, research, and other actions which lead to sustainable and more environmentally sound practices for timber harvesting, removal, and processing, including reforestation, soil conservation, and other activities to rehabilitate degraded forest lands.

(9) To the fullest extent feasible, support research to expand knowledge of tropical forests and identify alternatives which will prevent forest destruction, loss, or degradation, including research in agroforestry, sustainable management of natural forests, small-scale farms and gardens, small-scale animal husbandry, wider application of adopted traditional practices, and suitable crops and crop combinations.

(10) To the fullest extent feasible, conserve biological diversity in forest areas by—

(A) supporting and cooperating with United States Government agencies, other donors (both bilateral and multilateral), and other appropriate governmental, intergovernmental, and nongovernmental organiza-