

Pub. L. 90-581, title I, §107, Oct. 17, 1968, 82 Stat. 1139.
 Pub. L. 90-249, title I, §107, Jan. 2, 1968, 81 Stat. 938.
 Pub. L. 89-691, title I, §107, Oct. 15, 1966, 80 Stat. 1020.
 Pub. L. 89-273, title I, §107, Oct. 20, 1965, 79 Stat. 1004.
 Pub. L. 88-634, title I, §107, Oct. 7, 1964, 78 Stat. 1018.
 Pub. L. 88-258, title I, §107, Jan. 6, 1964, 77 Stat. 859.
 Pub. L. 87-872, title I, §107, Oct. 23, 1962, 76 Stat. 1165.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES SELLING,
 FURNISHING OR PERMITTING SHIPS TO CARRY CER-
 TAIN ITEMS TO NORTH VIETNAM

Pub. L. 91-194, title I, §116, Feb. 9, 1970, 84 Stat. 10,
 forbid assistance under the Foreign Assistance Act of
 1961, as amended, to any country that sold, furnished or
 permitted any ships under its registry to carry to
 North Vietnam certain enumerated items unless the
 President determined that the withholding of such as-
 sistance was contrary to the national interest of the
 United States and reported such determination to Con-
 gress.

Similar provisions were contained in the following
 prior acts:

Pub. L. 90-581, title I, §116, Oct. 17, 1968, 82 Stat. 1141.
 Pub. L. 90-249, title I, §116, Jan. 2, 1968, 81 Stat. 940.
 Pub. L. 89-691, title I, §116, Oct. 15, 1966, 80 Stat. 1022.
 Pub. L. 89-273, title I, §116, Oct. 20, 1965, 79 Stat. 1005.

INTERDICTION OF THE DELIVERY OF OFFENSIVE
 WEAPONS TO CUBA

For Presidential proclamation prohibiting the deliv-
 ery of offensive weapons to Cuba, see Proc. No. 3504,
 Oct. 23, 1962, 27 F.R. 10401, set out as a note preceding
 section 1 of the Appendix to Title 50, War and National
 Defense.

PROC. NO. 3447. EMBARGO ON TRADE WITH CUBA

Proc. No. 3447, Feb. 3, 1962, 27 F.R. 1085, provided:

WHEREAS the Eighth Meeting of Consultation of
 Ministers of Foreign Affairs, Serving as Organ of Con-
 sultation in Application of the Inter-American Treaty
 of Reciprocal Assistance, in its Final Act resolved that
 the present Government of Cuba is incompatible with
 the principles and objectives of the Inter-American sys-
 tem; and, in light of the subversive offensive of Sino-
 Soviet Communism with which the Government of
 Cuba is publicly aligned, urged the member states to
 take those steps that they may consider appropriate
 for their individual and collective self-defense;

WHEREAS the Congress of the United States, in sec-
 tion 620(a) of the Foreign Assistance Act of 1961 (75
 Stat. 445), as amended [subsection (a) of this section],
 has authorized the President to establish and maintain
 an embargo upon all trade between the United States
 and Cuba; and

WHEREAS the United States, in accordance with its
 international obligations, is prepared to take all nec-
 essary actions to promote national and hemispheric
 security by isolating the present Government of Cuba
 and thereby reducing the threat posed by its alignment
 with the communist powers:

NOW, THEREFORE, I, JOHN F. KENNEDY, Presi-
 dent of the United States of America, acting under the
 authority of section 620(a) of the Foreign Assistance
 Act of 1961 (75 Stat. 445), as amended [subsection (a) of
 this section], do

1. Hereby proclaim an embargo upon trade between
 the United States and Cuba in accordance with para-
 graphs 2 and 3 of this proclamation.

2. Hereby prohibit, effective 12:01 A.M., Eastern
 Standard Time, February 7, 1962, the importation into
 the United States of all goods of Cuban origin and all
 goods imported from or through Cuba; and I hereby au-
 thorize and direct the Secretary of the Treasury to
 carry out such prohibition, to make such exceptions
 thereto, by license or otherwise, as he determines to be
 consistent with the effective operation of the embargo
 hereby proclaimed, and to promulgate such rules and
 regulations as may be necessary to perform such func-
 tions.

3. AND FURTHER, I do hereby direct the Secretary
 of Commerce, under the provisions of the Export Con-
 trol Act of 1949, as amended (50 U.S.C. App. 2021-2032),
 to continue to carry out the prohibition of all exports
 from the United States to Cuba, and I hereby authorize
 him, under that Act, to continue, make, modify or re-
 voke exceptions from such prohibition.

IN WITNESS WHEREOF, I have hereunto set my
 hand and caused the seal of the United States of Amer-
 ica to be affixed.

DONE at the City of Washington this third day of Feb-
 ruary, in the year of our Lord nineteen hundred
 and sixty-two, and of the Independence of the
 United States of America the one hundred and
 eighty-sixth.

[SEAL]

JOHN F. KENNEDY.

§ 2370a. Expropriation of United States property

(a) Prohibition

None of the funds made available to carry out
 this Act, the Foreign Assistance Act of 1961 [22
 U.S.C. 2151 et seq.], or the Arms Export Control
 Act [22 U.S.C. 2751 et seq.] may be provided to a
 government or any agency or instrumentality
 thereof, if the government of such country
 (other than a country described in¹ subsection
 (d) of this section)—

(1) has on or after January 1, 1956—

(A) nationalized or expropriated the prop-
 erty of any United States person,

(B) repudiated or nullified any contract
 with any United States person, or

(C) taken any other action (such as the im-
 position of discriminatory taxes or other ex-
 actions) which has the effect of seizing own-
 ership or control of the property of any
 United States person, and

(2) has not, within the period specified in
 subsection (c) of this section, either—

(A) returned the property,

(B) provided adequate and effective com-
 pensation for such property in convertible
 foreign exchange or other mutually accept-
 able compensation equivalent to the full
 value thereof, as required by international
 law,

(C) offered a domestic procedure providing
 prompt, adequate and effective compensa-
 tion in accordance with international law,
 or

(D) submitted the dispute to arbitration
 under the rules of the Convention for the
 Settlement of Investment Disputes or other
 mutually agreeable binding international ar-
 bitration procedure.

(b) Other actions

The President shall instruct the United States
 Executive Directors of each multilateral devel-
 opment bank and international financial insti-
 tution to vote against any loan or other utiliza-
 tion of the funds of such bank or institution for
 the benefit of any country to which assistance is
 prohibited under subsection (a) of this section,
 unless such assistance is directed specifically to
 programs which serve the basic human needs of
 the citizens of that country.

¹ So in original. Probably should be "in".

(c) Period for settlement of claims

The period of time described in subsection (a)(2) of this section is the latest of the following—

- (1) 3 years after the date on which a claim was filed,
- (2) in the case of a country that has a totalitarian or authoritarian government at the time of the action described in subsection (a)(1) of this section, 3 years after the date of installation of a democratically elected government, or
- (3) 90 days after April 30, 1994.

(d) Excepted countries and territories

This section shall not apply to any country established by international mandate through the United Nations or to any territory recognized by the United States Government to be in dispute.

(e) Resumption of assistance

A prohibition or termination of assistance under subsection (a) of this section and an instruction to vote against loans under subsection (b) of this section shall cease to be effective when the President certifies in writing to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate that such government has taken one of the steps described in subsection (a)(2) of this section.

(f) Reporting requirement

Not later than 90 days after April 30, 1994, and at the beginning of each fiscal year thereafter, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, a report containing the following:

- (1) A list of every country in which the United States Government is aware that a United States person has an outstanding expropriation claim.
- (2) The total number of such outstanding expropriation claims made by United States persons against each such country.
- (3) The period of time in which each such claim has been outstanding.
- (4) The status of each case and efforts made by the United States Government and the government of the country in which such claim has been made, to take one or more of the steps described in subsection (a)(2) of this section.
- (5) Each project a United States Executive Director voted against as a result of the action described in subsection (b) of this section.

(g) Waiver

The President may waive the prohibitions in subsections (a) and (b) of this section for a country, on an annual basis, if the President determines and so notifies Congress that it is in the national interest to do so.

(h) “United States person” defined

For the purpose of this section, the term “United States person” means a United States citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

(i) Certain claims for expropriation by the Government of Nicaragua

(1) Any action of the types set forth in subparagraphs (A), (B), and (C) of subsection (a)(1) of this section that was taken by the Government of Nicaragua during the period beginning on January 1, 1956, and ending on January 9, 2002, shall not be considered in implementing the prohibition under subsection (a) of this section unless the action has been presented in accordance with the procedure set forth in paragraph (2).

(2) An action shall be deemed presented for purposes of paragraph (1) if it is—

- (A) in writing; and
- (B) received by the United States Department of State on or before 120 days after the date specified in paragraph (3) at—
 - (i) the headquarters of the United States Department of State in Washington, D.C.; or
 - (ii) the Embassy of the United States of America to Nicaragua.

(3) The date to which paragraph (2) refers is a date after December 8, 2004, that is specified by the Secretary of State, in the Secretary’s discretion, in a notice published in the Federal Register.

(Pub. L. 103–236, title V, § 527, Apr. 30, 1994, 108 Stat. 475; Pub. L. 108–447, div. D, title V, § 584(c), Dec. 8, 2004, 118 Stat. 3032.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 103–236, Apr. 30, 1994, 108 Stat. 382, known as the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 2651 of this title and Tables.

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

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

2004—Subsec. (i). Pub. L. 108–447 added subsec. (i).

DELEGATION OF RESPONSIBILITIES UNDER FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

Memorandum of President of the United States, July 26, 1994, 59 F.R. 40205, provided:

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 vested in the President by the following provisions of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) (the “Act”): sections 102(g) [22 U.S.C. 287e note], 161(c) [22 U.S.C. 2651a note], 401(b) [108 Stat. 446], 407(a) [22 U.S.C. 287b note], 409 [22 U.S.C. 287e

note], 431(b) [108 Stat. 459], 514(b) [22 U.S.C. 1928 note], 523 [108 Stat. 473], 527(e) and (g) [22 U.S.C. 2370a(e), (g)], 528 [108 Stat. 477], 532(a) [108 Stat. 480], 574 [22 U.S.C. 2656 note], 583(b)(1) and (b)(6) [108 Stat. 489, 490], 733 [22 U.S.C. 2779a] and 735(d) [22 U.S.C. 2797b-1].

The functions under section 407(a) of the Act [22 U.S.C. 287b note] shall be exercised in coordination with the Secretary of Defense.

The functions under section 527(e) and (g) of the Act [22 U.S.C. 2370a(e), (g)] shall be exercised in consultation with the Secretary of the Treasury and the heads of other departments and agencies, as appropriate.

Any reference in this memorandum to any act, order, determination, or delegation of authority shall be deemed to be a reference to such act, order, determination, or delegation of authority as amended from time to time.

The functions delegated by this memorandum may be redelegated within the Department of State.

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

WILLIAM J. CLINTON.

Memorandum of President of the United States, Jan. 4, 1995, 60 F.R. 3335, provided:

Memorandum for the Secretary of the Treasury

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of the Treasury the functions under section 527(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) [22 U.S.C. 2370a(b)].

Any reference in this memorandum to any Act, order, determination, or delegation of authority shall be deemed to be a reference to such Act, order, determination, or delegation of authority as amended.

The functions delegated by this memorandum may be redelegated within the Department of the Treasury.

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

WILLIAM J. CLINTON.

§ 2370b. Humanitarian assistance code of conduct

(a) In general

None of the funds made available for foreign operations, export financing, and related programs under the headings “Migration and Refugee Assistance”, “United States Emergency Refugee and Migration Assistance Fund”, “International Disaster and Famine Assistance”, or “Transition Initiatives” may be obligated to an organization that fails to adopt a code of conduct that provides for the protection of beneficiaries of assistance under any such heading from sexual exploitation and abuse in humanitarian relief operations.

(b) Consistency with United Nations principles

The code of conduct referred to in subsection (a) of this section shall, to the maximum extent practicable, be consistent with the six core principles of the United Nations Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises.

(c) Reports

Not later than 180 days after May 11, 2005, and not later than one year after May 11, 2005, the President shall transmit to the appropriate congressional committees a report on the implementation of this section.

(d) Effective Date

This section shall take effect 60 days after May 11, 2005, and shall apply to funds obligated

after such date for fiscal year 2005 and any subsequent fiscal year.

(Pub. L. 109-13, div. A, title II, §2110, May 11, 2005, 119 Stat. 268.)

CODIFICATION

Section was enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

ASSIGNMENT OF FUNCTIONS RELATING TO THE REPORT TO THE CONGRESS ON IMPLEMENTATION OF HUMANITARIAN ASSISTANCE CODE OF CONDUCT

Memorandum of President of the United States, May 12, 2006, 71 F.R. 30549, provided:

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Constitution and laws of the United States, including section 301 of title 3, United States Code, the functions of the President under section 2110(c) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (title II of Public Law 109-13) (22 U.S.C. 2370b), are assigned to the Secretary of State.

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

GEORGE W. BUSH.

§ 2370c. Definitions

In sections 2370c to 2370c-2 of this title:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

- (A) the Committee on Foreign Relations of the Senate;
- (B) the Committee on Appropriations of the Senate;
- (C) the Committee on Foreign Affairs of the House of Representatives; and
- (D) the Committee on Appropriations of the House of Representatives.

(2) Child soldier

Consistent with the provisions of the Optional Protocol to the Convention of the Rights of the Child, the term “child soldier”—

(A) means—

- (i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;
- (ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;
- (iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or
- (iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(B) includes any person described in clauses¹ (ii), (iii), or (iv) of subparagraph (A) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

(Pub. L. 110-457, title IV, §402, Dec. 23, 2008, 122 Stat. 5088.)

¹ So in original. Probably should be “clause”.