

EXEMPTION FOR RHINOCEROS, TIGER, ASIAN ELEPHANT,
AND GREAT APE CONSERVATION PROGRAMS

Pub. L. 107-63, title I, Nov. 5, 2001, 115 Stat. 421, provided in part: “That funds made available under this Act [see Tables for classification], Public Law 106-291 [see Tables for classification], and Public Law 106-554 [see Tables for classification] and hereafter in annual appropriations Acts for rhinoceros, tiger, Asian elephant, and great ape conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa-1).”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106-291, title I, Oct. 11, 2000, 114 Stat. 927.

Pub. L. 106-113, div. B, §1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A-141.

WAIVER OF CERTAIN SANCTIONS AGAINST INDIA AND
PAKISTAN

Pub. L. 106-79, title IX, §9001, Oct. 25, 1999, 113 Stat. 1283, as amended by Pub. L. 107-228, div. B, title XIV, §1405(b), Sept. 30, 2002, 116 Stat. 1458, provided that:

“(a) WAIVER AUTHORITY.—Except as provided in subsections (b) and (c) of this section, the President may waive, with respect to India and Pakistan, the application of any sanction contained in section 101 or 102 of the Arms Export Control Act (22 U.S.C. 2799aa or 22 U.S.C. 2799aa-1), section 2(b)(4) of the Export Import Bank Act of 1945 (12 U.S.C. 635(b)(4)), or section 620E(e) of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2375(e)).

“(b) EXCEPTION.—The authority to waive the application of a sanction or prohibition (or portion thereof) under subsection (a) shall not apply with respect to a sanction or prohibition contained in subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act [22 U.S.C. 2799aa-1(b)(2)(B), (C), (G)], unless the President determines, and so certifies to the Congress, that the application of the restriction would not be in the national security interests of the United States.

“(c) TERMINATION OF WAIVER.—The President may not exercise the authority of subsection (a), and any waiver previously issued under subsection (a) shall cease to apply, with respect to India or Pakistan, if that country detonates a nuclear explosive device after the date of the enactment of this Act [Oct. 25, 1999] or otherwise takes such action which would cause the President to report pursuant to section 102(b)(1) of the Arms Export Control Act [22 U.S.C. 2799aa-1(b)(1)].

“(d) TARGETED SANCTIONS.—

“(1) SENSE OF THE CONGRESS.—

“(A) it is the sense of the Congress that the broad application of export controls to nearly 300 Indian and Pakistani entities is inconsistent with the specific national security interests of the United States and that this control list requires refinement; and

“(B) export controls should be applied only to those Indian and Pakistani entities that make direct and material contributions to weapons of mass destruction and missile programs and only to those items that can contribute to such programs.

“(2) REPORTING REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act [Oct. 25, 1999], the President shall submit both a classified and unclassified report to the appropriate congressional committees listing those Indian and Pakistani entities whose activities contribute to missile programs or weapons of mass destruction programs.

“(e) CONGRESSIONAL NOTIFICATION.—The issuance of a license for export of a defense article, defense service, or technology under the authority of this section shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(e)), including the transmittal of information and the application of congressional review procedures. The application of these requirements shall be subject to the dollar amount thresholds specified in that section.

“(f) REPEAL.—[Repealed section 101(a) [title IX] of div. A of Pub. L. 105-277, formerly set out below.]”

INDIA-PAKISTAN RELIEF

Pub. L. 105-277, div. A, §101(a) [title IX], Oct. 21, 1998, 112 Stat. 2681, 2681-40, known as the India-Pakistan Relief Act, provided for a one-year waiver of certain sanctions against India and Pakistan under the Arms Export Control Act, prior to repeal by Pub. L. 106-79, title IX, §9001(f), Oct. 25, 1999, 113 Stat. 1284, effective Oct. 21, 1999.

EFFECT ON EXISTING SANCTIONS

Pub. L. 105-194, §2(e), July 14, 1998, 112 Stat. 627, provided that: “Any sanction imposed under section 102(b)(1) of the Arms Export Control Act [subsec. (b)(1) of this section] before the date of the enactment of this Act [July 14, 1998] shall cease to apply upon that date with respect to the items described in the amendments made by subsections (b) and (c) [amending this section]. In the case of the amendment made by subsection (a)(3) [amending this section], any sanction imposed under section 102(b)(1) of the Arms Export Control Act before the date of the enactment of this Act shall not be in effect during the period beginning on that date and ending on September 30, 1999, with respect to the activities and items described in the amendment.”

SANCTIONS AGAINST INDIA FOR DETONATION OF A
NUCLEAR EXPLOSIVE DEVICE

Determination of President of the United States, No. 98-22, May 13, 1998, 63 F.R. 27665, provided a determination that India, a non-nuclear-weapon state, detonated a nuclear explosive device on May 11, 1998, and imposed sanctions described in subsec. (b)(2) of this section.

SANCTIONS AGAINST PAKISTAN FOR DETONATION OF A
NUCLEAR EXPLOSIVE DEVICE

Determination of President of the United States, No. 98-25, May 30, 1998, 63 F.R. 31881, provided a determination that Pakistan, a non-nuclear-weapon state, detonated a nuclear explosive device on May 28, 1998, and imposed sanctions described in subsec. (b)(2) of this section.

WAIVER OF CERTAIN SANCTIONS AGAINST INDIA AND
PAKISTAN

Provisions relating to waiver of sanctions against India and Pakistan consistent with section 9001 of Pub. L. 106-79, set out as a note above, or section 101(a) [title IX, §902] of Pub. L. 105-277, formerly set out in a note above, were contained in the following:

Determination of President of the United States, No. 2001-28, Sept. 22, 2001, 66 F.R. 50095.

Determination of President of the United States, No. 2001-23, Aug. 9, 2001, 66 F.R. 44521.

Determination of President of the United States, No. 2001-11, Jan. 19, 2001, 66 F.R. 8503.

Determination of President of the United States, No. 2000-18, Mar. 16, 2000, 65 F.R. 16297.

Determination of President of the United States, No. 2000-4, Oct. 27, 1999, 64 F.R. 60649.

Determination of President of the United States, No. 99-7, Dec. 1, 1998, 34 Weekly Compilation of Presidential Documents 2402, Dec. 7, 1998.

§ 2799aa-2. “Nuclear explosive device” defined

As used in this subchapter, the term “nuclear explosive device” has the meaning given that term in section 6305(4) of this title.

(Pub. L. 90-629, ch. 10, §103, as added Pub. L. 103-236, title VIII, §826(a), Apr. 30, 1994, 108 Stat. 519.)

CHAPTER 40—INTERNATIONAL EXPOSITIONS

Sec.
2801. Congressional findings.