

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

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§ 2801. Congressional findings

The Congress finds that—

(a) international expositions, when properly organized, financed, and executed, have a significant impact on the economic growth of the region surrounding the exposition and, under appropriate international sanction, are important instruments of national policy, particularly in the exchange of ideas and the demonstration of cultural achievements between peoples;

(b) in view of the widely varying circumstances under which international expositions have developed in the United States, the different degrees to which the Federal Government has assisted and participated in such expositions, and the increasing number of proposals for future expositions, the national interest requires that Federal action concerning such expositions be given orderly consideration; and

(c) such orderly consideration is best achieved by the development of uniform standards, criteria, and procedures to establish the conditions under which the Government hereafter will (A) recognize international expositions proposed to be held in the United States, and (B) take part in such expositions.

(Pub. L. 91-269, § 1, May 27, 1970, 84 Stat. 271.)

§ 2802. Federal recognition

(a) Eligibility requirements

Any international exposition proposed to be held in the United States shall be eligible on application from its sponsors to receive the recognition of the Federal Government upon a finding of the President that recognition will be in the national interest. In making such a finding the President shall consider—

(1) a report by the Secretary of Commerce which shall include (A) an evaluation of purposes and reasons for the exposition, and (B) a determination that guaranteed financial and other support has been secured by the exposition from affected State and local governments and from business and civic leadership of the region and others in amounts sufficient in his judgment to assure the successful development and progress of the exposition;

(2) a report by the Secretary of State that the proposed exposition qualifies for consideration of registration by the Bureau of International Expositions (hereafter referred to as BIE); and

(3) such other evidence as the President may consider to be appropriate.

(b) Recognition and registration procedure; compliance with international convention; participation by States and foreign governments

Upon a finding by the President that an international exposition is eligible for Federal recognition,

the President may take such measures recognizing the exposition as he deems proper, including, but not limited to—

(1) presenting of an official request by the United States for registration of the exposition by the BIE;

(2) providing for fulfillment of the requirements of the Convention of November 22, 1928, as amended, relating to international expositions; and

(3) extending invitations, by proclamation or by such other manner he deems proper, to the several States of the Union and to foreign governments to take part in the exposition, provided that he shall not extend such an invitation until he has been notified officially of BIE registration for the exposition.

(c) Report to Congress

The President shall report his actions under this section promptly to the Congress.

(Pub. L. 91-269, § 2, May 27, 1970, 84 Stat. 271.)

§ 2803. Federal participation

(a) Congressional authorization; proposals

The Federal Government may participate in an international exposition proposed to be held in the United States only upon the authorization of the Congress. If the President finds that Federal participation is in the national interest, he shall transmit to the Congress his proposal for such participation, which proposal shall include—

(1) evidence that the international exposition has met the criteria for Federal recognition and, pursuant to section 2802 of this title, it has been so recognized;

(2) a statement that the international exposition has been registered by the BIE; and

(3) a plan prepared by the Secretary of Commerce in cooperation with other interested departments and agencies of the Federal Government for Federal participation in the exposition. The Secretary of Commerce shall include in such plan any documentation described in subsection (b)(1)(A) of this section, a rendering of any design described in subsection (b)(1)(B) of this section, and any recommendation based on the determination under subsection (b)(1)(C) of this section.

(b) Construction of Federal pavilion

(1) In developing a plan under subsection (a)(3) of this section the Secretary of Commerce shall consider whether the plan should include the construction of a Federal pavilion. If the Secretary of Commerce determines that a Federal pavilion should be constructed, he shall request the Administrator of General Services (hereinafter in this section referred to as the “Administrator”) to determine, in consultation with such Secretary, whether there is a federally endorsed need for a permanent structure in the area of the exposition. If the Administrator determines that any such need exists—

(A) the Administrator shall fully document such determination, including the identification of the need, and shall transmit such documentation to the Secretary of Commerce;

(B) the Secretary of Commerce, in consultation with the Administrator, shall design a pa-