

(Pub. L. 102-549, title III, §302, Oct. 28, 1992, 106 Stat. 3658.)

CODIFICATION

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-549, title III, §301, Oct. 28, 1992, 106 Stat. 3658, provided that: “This title [enacting this section and sections 2421b to 2421e of this title and provisions set out as notes below] may be cited as the ‘Aid, Trade, and Competitiveness Act of 1992.’”

REPORTS TO CONGRESS ON CAPITAL PROJECTS

Pub. L. 102-549, title III, §305, Oct. 28, 1992, 106 Stat. 3660, directed President, not later than May 1, 1993, to submit to Congress a report describing the extent to which United States Government resources have been expended specifically to support specified projects in developing countries and countries making the transition from nonmarket to market economies, the extent to which the activities of the United States Government have been coordinated, and the extent to which United States Government capital projects and tied-aid credit programs have affected United States exports.

REPORT ON FEASIBILITY OF AID CREDIT GUARANTEES TO FINANCE CAPITAL PROJECTS

Pub. L. 102-549, title III, §307, Oct. 28, 1992, 106 Stat. 3660, directed President, not later than May 1, 1993, to submit to Committee on Foreign Affairs and Committee on Appropriations of House of Representatives and Committee on Foreign Relations and Committee on Appropriations of Senate a report on feasibility of allowing AID to offer credit guarantees for financing of capital projects.

§ 2421b. Capital projects for poverty alleviation and environmental safety and sustainability

(a) Purposes

The Administrator of AID shall develop a program, in accordance with subsection (b) of this section, that focuses on developmentally sound capital projects for basic infrastructure that will measurably alleviate the worst manifestations of poverty or directly promote environmental safety and sustainability at the community level, taking into consideration development needs of the host country and export opportunities for services and goods from the United States.

(b) Activities of AID

In order to carry out subsection (a) of this section, the Administrator of AID shall, working with AID technical support staff, regional bureau staff, and country missions, identify and provide funding for capital projects to alleviate the worst manifestations of poverty or to promote environmental safety and sustainability at the community level in countries receiving assistance under part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.]. Such projects may include basic sanitation systems, basic water supply and treatment, pollution control, and rural infrastructure benefiting poor communities or establishing environmentally sustainable patterns of rural development. Such projects should have measurable positive effects on indicators of human and environmental health.

(Pub. L. 102-549, title III, §303, Oct. 28, 1992, 106 Stat. 3659.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424. Part I of the Act is classified generally to subchapter I (§2151 et seq.) of chapter 32 of this title. For provisions deeming references to subchapter I to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of chapter 32, 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. 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 Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2421c. Coordination

The President shall use the Trade Promotion Coordination Committee to coordinate activities under sections 2421a to 2421e of this title with other relevant activities of the United States Government.

(Pub. L. 102-549, title III, §304, Oct. 28, 1992, 106 Stat. 3659.)

REFERENCES IN TEXT

Sections 2421a to 2421e of this title, referred to in text, was in the original “this title” meaning title III of Pub. L. 102-549, Oct. 28, 1992, 106 Stat. 3658, known as the Aid, Trade, and Competitiveness Act of 1992, which enacted sections 2421a to 2421e of this title and provisions set out as notes under section 2421a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2421a of this title and Tables.

CODIFICATION

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2421d. Funding for capital projects

(a) Funding level

The Congress strongly urges the President to use at least \$650,000,000 for fiscal year 1993 and at least \$700,000,000 for fiscal year 1994 of the total amounts made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.] (relating to the economic support fund), assistance under the Support for East European Democracy (SEED) Act of 1989 [22 U.S.C. 5401 et seq.], assistance under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, and assistance under the Multilateral Assistance Initiative for the Philippines, for grants for developmentally sound capital projects. Such grants may be combined with financing offered by private financial entities or other entities.

(b) Development assistance capital projects

Funds appropriated to carry out chapter 1 or chapter 10 of part I of the Foreign Assistance

Act of 1961 [22 U.S.C. 2151 et seq., 2293 et seq.] (relating to development assistance and the Development Fund for Africa) may not be used for capital projects that do not meet the criteria contained in section 2421b of this title. This subsection does not apply with respect to capital projects for which funds have been obligated or expended before October 28, 1992.

(Pub. L. 102-549, title III, §306, Oct. 28, 1992, 106 Stat. 3660.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsecs. (a) and (b), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 10 of part I of the Act is classified generally to part X (§2293 et seq.) of subchapter I of chapter 32 of this title. Chapter 4 of part II of the Act is classified generally to part IV (§2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Support for East European Democracy (SEED) Act of 1989, referred to in subsec. (a), is Pub. L. 101-179, Nov. 28, 1989, 103 Stat. 1298, which is classified principally to chapter 63 (§5401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5401 of this title and Tables.

The Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, referred to in subsec. (a), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

CODIFICATION

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2421e. Definitions

For purposes of sections 2421a to 2421e of this title—

(1) the term “AID” means the Agency for International Development; and

(2) the term “capital project” means a project involving the construction, expansion, alteration of, or the acquisition of equipment for, a physical facility or physical infrastructure, including related engineering design (concept and detail) and other services, the procurement of equipment (including any related services), and feasibility studies or similar engineering and economic services.

(Pub. L. 102-549, title III, §308, Oct. 28, 1992, 106 Stat. 3660.)

REFERENCES IN TEXT

Sections 2421a to 2421e of this title, referred to in text, was in the original “this title” meaning title III of Pub. L. 102-549, Oct. 28, 1992, 106 Stat. 3658, known as the Aid, Trade, and Competitiveness Act of 1992, which enacted sections 2421a to 2421e of this title and provisions set out as notes under section 2421a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2421a of this title and Tables.

CODIFICATION

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the For-

ign Assistance Act of 1961 which comprises this chapter.

§ 2421f. Sustainability requirements for certain capital projects in connection with overseas contingency operations

(a) Limitation

(1) In general

Commencing 60 days after January 2, 2013—

(A) amounts authorized to be appropriated for the Department of Defense may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of Defense, in consultation with the United States commander of military operations in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project;

(B) amounts authorized to be appropriated for the Department of State may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of State, in consultation with the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project; and

(C) amounts authorized to be appropriated for the United States Agency for International Development may not be obligated or expended for a capital project described in subsection (b) unless the Administrator of the United States Agency for International Development, in consultation with the Mission Director and the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project.

(2) Elements

Each assessment on a capital project under this subsection shall include, but not be limited to, the following:

(A) An estimate of the total cost of the completed project to the United States.

(B) An estimate of the financial and other requirements necessary for the host government to sustain the project on an annual basis after completion of the project.

(C) An assessment whether the host government has the capacity (in both financial and human resources) to maintain and use the project after completion.

(D) A description of any arrangements for the sustainment of the project following its completion if the host government lacks the capacity (in financial or human resources) to maintain the project.

(E) An assessment whether the host government has requested or expressed its need for the project, and an explanation of the decision to proceed with the project absent such request or need.

(F) An assessment by the Secretary of Defense, where applicable, of the effect of the project on the military mission of the United States in the country concerned.

(b) Covered capital projects

(1) In general

Except as provided in paragraph (2), a capital project described in this subsection is any