

of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

#### 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.

#### § 2349b. Waiver authorities

##### (a) Efficient and timely completion of authorized construction

It is the sense of the Congress that the President should take all necessary measures consistent with law to insure the efficient and timely completion of the construction authorized by this part, including the exercise of authority vested in him by section 2393(a) of this title.

##### (b) Use of funds to pay for personal services abroad

The provisions of paragraph (3) of section 2396(a) of this title shall be applicable to the use of funds available to carry out this part, except that no more than sixty persons may be engaged at any one time under that paragraph for purposes of this part.

(Pub. L. 87-195, pt. II, §563, as added Pub. L. 96-35, §3, July 20, 1979, 93 Stat. 90.)

#### 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.

#### PART VIII—ANTITERRORISM ASSISTANCE

#### § 2349aa. General authority

Notwithstanding any other provision of law that restricts assistance to foreign countries (other than sections 2304 and 2371 of this title), the President is authorized to furnish, on such terms and conditions as the President may determine, assistance to foreign countries in order to enhance the ability of their law enforcement personnel to deter terrorists and terrorist groups from engaging in international terrorist acts such as bombing, kidnapping, assassination, hostage taking, and hijacking. Such assistance may include training services and the provision of equipment and other commodities related to bomb detection and disposal, management of hostage situations, physical security, and other matters relating to the detection, deterrence, and prevention of acts of terrorism, the resolution of terrorist incidents, and the apprehension of those involved in such acts.

(Pub. L. 87-195, pt. II, §571, as added Pub. L. 98-151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972; amended Pub. L. 104-164, title I, §121(a), July 21, 1996, 110 Stat. 1428.)

#### CODIFICATION

Section 571 of Pub. L. 87-195 is based on section 201 of title II of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98-151.

#### AMENDMENTS

1996—Pub. L. 104-164 substituted “Notwithstanding any other provision of law that restricts assistance to

foreign countries (other than sections 2304 and 2371 of this title)” for “Subject to the provisions of this part”.

#### EFFECTIVE DATE

Section 203 of title II of H.R. 2992, as enacted into permanent law by Pub. L. 98-151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972, provided that: “This title [enacting this part and amending sections 2304 and 2403 of this title] shall take effect on the date of enactment of this Act [Nov. 14, 1983].”

#### 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.

#### § 2349aa-1. Purposes

Activities conducted under this part shall be designed—

(1) to enhance the antiterrorism skills of friendly countries by providing training and equipment to deter and counter terrorism;

(2) to strengthen the bilateral ties of the United States with friendly governments by offering concrete assistance in this area of great mutual concern; and

(3) to increase respect for human rights by sharing with foreign civil authorities modern, humane, and effective antiterrorism techniques.

(Pub. L. 87-195, pt. II, §572, as added Pub. L. 98-151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972.)

#### CODIFICATION

Section 572 of Pub. L. 87-195 is based on section 201 of title II of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98-151.

#### 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.

#### § 2349aa-2. Limitations

##### (a) Services and commodities furnished by agency of United States Government; advance payment

Whenever the President determines it to be consistent with and in furtherance of the purposes of this part, and on such terms and conditions consistent with this chapter as he may determine, any agency of the United States Government is authorized to furnish services and commodities, without charge to funds available to carry out this part, to an eligible foreign country, subject to payment in advance of the value thereof (within the meaning of section 2403(m) of this title) in United States dollars by the foreign country. Credits and the proceeds of guaranteed loans made available to such countries pursuant to the Arms Export Control Act [22 U.S.C. 2751 et seq.] shall not be used for such payments. Collections under this part shall be credited to the currently applicable appropriation, account, or fund of the agency providing such services and commodities and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used.

**(b) Consultation in development and implementation of assistance**

The Assistant Secretary of State for Democracy, Human Rights, and Labor shall be consulted in the determinations of the foreign countries that will be furnished assistance under this part and determinations of the nature of assistance to be furnished to each such country.

**(c) Arms and ammunition; value of equipment and commodities**

(1) Arms and ammunition may be provided under this part only if they are directly related to antiterrorism assistance.

(2) The value (in terms of original acquisition cost) of all equipment and commodities provided under this part in any fiscal year shall not exceed 30 percent of the funds made available to carry out this part for that fiscal year.

**(d) Information exchange activities**

This part does not apply to information exchange activities conducted by agencies of the United States Government under other authority for such purposes.

(Pub. L. 87-195, pt. II, §573, as added Pub. L. 98-151, §101(b)(2), Nov. 14, 1983, 97 Stat. 972; amended Pub. L. 99-83, title V, §501(b), (c), Aug. 8, 1985, 99 Stat. 220; Pub. L. 99-399, title V, §507, Aug. 27, 1986, 100 Stat. 873; Pub. L. 101-604, title II, §213(b), Nov. 16, 1990, 104 Stat. 3086; Pub. L. 103-236, title I, §162(e)(3), Apr. 30, 1994, 108 Stat. 405; Pub. L. 104-132, title III, §328(a), Apr. 24, 1996, 110 Stat. 1257; Pub. L. 104-164, title I, §121(b), July 21, 1996, 110 Stat. 1428.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. 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 573 of Pub. L. 87-195 is based on section 201 of title II of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98-151.

AMENDMENTS

1996—Pub. L. 104-164, §121(b)(1), substituted “Limitations” for “Specific authorities and limitations” as section catchline.

Subsecs. (a), (b), Pub. L. 104-164, §121(b)(2), (3), redesignated subsecs. (b) and (c) as (a) and (b), respectively, and struck out former subsec. (a) which read as follows: “Notwithstanding section 2420 of this title, services and commodities may be granted for the purposes of this part to eligible foreign countries, subject to reimbursement of the value thereof (within the meaning of section 2403(m) of this title) pursuant to section 2392 of this title from funds available to carry out this part.”

Subsec. (c), Pub. L. 104-164, §121(b)(4), which directed the amendment of subsec. (c) by striking out pars. (1) and (2), redesignating pars. (3) to (5) as (1) to (3), respectively, and amending par. (2) generally, could not be executed because subsec. (c) [formerly (d)] did not contain pars. (3) to (5) subsequent to amendment by Pub. L. 104-132, §328(a)(2), see below.

Pub. L. 104-164, §121(b)(3), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Pub. L. 104-132, §328(a)(1), struck out “development and implementation of the antiterrorism assistance program under this part, including” after “shall be consulted in the”.

Subsec. (d), Pub. L. 104-164, §121(b)(3), redesignated subsecs. (e) as (d). Former subsec. (d) redesignated (c).

Pub. L. 104-132, §328(a)(2), amended subsec. (d) generally, substituting pars. (1) and (2) for former pars. (1) to (5) which related to location for training and advice, law enforcement personnel training, availability of items on United States Munitions List, and services, equipment, personnel, and facilities involved in collection of intelligence.

Subsec. (e), Pub. L. 104-164, §121(b)(3), which directed redesignation of subsec. (f) as (e), could not be executed because of prior amendment by Pub. L. 104-132, §328(a)(3), see below. Former subsec. (e) redesignated (d).

Subsec. (f), Pub. L. 104-132, §328(a)(3), struck out subsec. (f) which read as follows: “Funds made available to carry out this part may not be used for personnel compensation or benefits.”

1994—Subsec. (c), Pub. L. 103-236 substituted “Democracy, Human Rights, and Labor” for “Human Rights and Humanitarian Affairs”.

1990—Subsec. (d)(1) to (3), Pub. L. 101-604 added pars. (1) to (3) and struck out former pars. (1) to (3) which read as follows:

“(1) Training services provided pursuant to this part shall not be conducted outside the United States.

“(2) Personnel of the United States Government authorized to advise eligible foreign countries on antiterrorism matters shall carry out their responsibilities, to the maximum extent possible, within the United States. Such personnel may provide advice outside the United States on antiterrorism matters to eligible foreign countries for periods not to exceed thirty consecutive calendar days.

“(3) Employees of the Department of State shall not engage in the training of law enforcement personnel or provision of services under this part, except that employees of the Office of Security of the Department of State may provide training and services to law enforcement personnel for the physical protection of internationally protected persons and related facilities.”

1986—Subsec. (d)(4), Pub. L. 99-399, in amending par. (4) generally, included articles in category X and articles in par. (b), (c), or (d) of category XIII as articles on the United States Munitions List which could be made available, struck out availability of articles only for fiscal years 1986 and 1987, substituted provision that the value in any fiscal year not exceed 25 percent of the funds available to carry out this part for that fiscal year for provision that the value not exceed \$325,000 in fiscal year 1986 or 1987, and provided that no shock batons or similar devices be provided under this part.

1985—Subsec. (d)(4), Pub. L. 99-83, §501(b), in amending par. (4) generally, designated existing provisions as subpar. (A), inserted provisions excepting subpar. (B), and added subpars. (B) and (C).

Subsec. (f), Pub. L. 99-83, §501(c), added subsec. (f).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103-236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103-236, as amended, set out as a note under section 2651a of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of this title.

AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any

official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103-236, set out as a note under section 2651a 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.

#### § 2349aa-3. Repealed. Pub. L. 104-164, title I, § 121(c), July 21, 1996, 110 Stat. 1428

Section, Pub. L. 87-195, pt. II, § 574, as added Pub. L. 98-151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972, directed President to transmit to Congress, not less than 30 days before providing assistance to foreign country under this part, a report which specified terms and objectives of such assistance, and required annual presentation to Congress of information on all countries that received assistance under this part for each fiscal year.

#### § 2349aa-4. Authorization of appropriations

(a) There are authorized to be appropriated to the President to carry out this part \$72,000,000 for fiscal year 2001, \$73,000,000 for fiscal year 2002, and \$64,200,000 for fiscal year 2003.

(b) Amounts appropriated under this section are authorized to remain available until expended.

(Pub. L. 87-195, pt. II, § 574, formerly § 575, as added Pub. L. 98-151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972; amended Pub. L. 99-83, title V, § 501(a), Aug. 8, 1985, 99 Stat. 219; Pub. L. 99-399, title IV, § 401(a)(2), Aug. 27, 1986, 100 Stat. 862; renumbered § 574, Pub. L. 104-164, title I, § 121(d), July 21, 1996, 110 Stat. 1428; Pub. L. 106-280, title IV, § 401, Oct. 6, 2000, 114 Stat. 854; Pub. L. 107-228, div. B, title XII, § 1251, Sept. 30, 2002, 116 Stat. 1433.)

#### PRIOR PROVISIONS

A prior section 574 of Pub. L. 87-195 was classified to section 2349aa-3 of this title prior to repeal by Pub. L. 104-164.

#### AMENDMENTS

2002—Subsec. (a). Pub. L. 107-228 substituted “, \$73,000,000 for fiscal year 2002, and \$64,200,000 for fiscal year 2003” for “and \$73,000,000 for fiscal year 2002”.

2000—Subsec. (a). Pub. L. 106-280 substituted “\$72,000,000 for fiscal year 2001 and \$73,000,000 for fiscal year 2002” for “\$9,840,000 for fiscal year 1986 and \$14,680,000 for fiscal year 1987”.

1986—Subsec. (a). Pub. L. 99-399 substituted “\$14,680,000 for the fiscal year 1987” for “\$9,840,000 for the fiscal year 1987”.

1985—Pub. L. 99-83, in amending section generally, designated existing provisions as subsecs. (a) and (b), and in subsec. (a) as so designated, substituted provisions appropriating \$9,840,000 for fiscal years 1986 and 1987 for provisions appropriating \$5,000,000 for fiscal year 1984.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 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.

#### § 2349aa-5. Administrative authorities

Except where expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include reference to this part and any reference in any law to subchapter II of this chapter shall be deemed to exclude reference to this part.

(Pub. L. 87-195, pt. II, § 575, formerly § 576, as added Pub. L. 98-151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972; renumbered § 575, Pub. L. 104-164, title I, § 121(d), July 21, 1996, 110 Stat. 1428.)

#### REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II, AND REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE SUCH PARTS

References to subchapter I of this chapter are deemed to include parts IV (§ 2346 et seq.) and VI (§ 2348 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 section 2348c of this title.

#### CODIFICATION

Section 575, formerly 576, of Pub. L. 87-195 is based on section 201 of title II of H.R. 2992, Ninety-eighth Congress, as reported May 17, 1983, and enacted into law by Pub. L. 98-151.

#### PRIOR PROVISIONS

A prior section 575 of Pub. L. 87-195 was renumbered section 574 and is classified to section 2349aa-4 of this title.

#### § 2349aa-6. Repealed. Pub. L. 99-83, title V, § 501(d), Aug. 8, 1985, 99 Stat. 220

Section, Pub. L. 87-195, pt. II, § 577, as added Pub. L. 98-151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972, provided for expiration of authorities of this part on Sept. 30, 1985.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as an Effective Date of 1985 Amendment note under section 2151-1 of this title.

#### § 2349aa-7. Coordination of all United States terrorism-related assistance to foreign countries

##### (a) Responsibility

The Secretary of State shall be responsible for coordinating all assistance related to international terrorism which is provided by the United States Government to foreign countries.

##### (b) Reports

Not later than February 1 each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the assistance related to international terrorism which was provided by the United States Government during the preceding fiscal year. Such reports may be provided on a classified basis to the extent necessary, and shall specify the amount and nature of the assistance provided.

##### (c) Rule of construction

Nothing contained in this section shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.