

(h) Report**(1) In general**

Not later than 3 months after October 21, 1998, and every 6 months thereafter, the Secretary shall prepare and submit to the appropriate congressional committees a report on the conduct of the program established under this section during the preceding 6-month period.

(2) Definition

In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(i) Definitions

In this section:

(1) Developing or transitional country

The term “developing or transitional country” means a country eligible to receive development assistance under this part.

(2) International financial institution

The term “international financial institution” means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Asian Development Bank, the African Development Bank, the African Development Fund, the Inter-American Development Bank, the Inter-American Investment Corporation, the European Bank for Reconstruction and Development, and the Bank for Economic Cooperation and Development in the Middle East and North Africa.

(3) Secretary

The term “Secretary” means the Secretary of the Treasury.

(4) Technical assistance

The term “technical assistance” includes—

(A) the use of short-term and long-term expert advisers to assist foreign governments and foreign central banks for the purposes described in subsection (b)(1);

(B) training in the recipient country, the United States, or elsewhere for the purposes described in subsection (b)(1);

(C) grants of goods, services, or funds to foreign governments and foreign central banks;

(D) grants to United States nonprofit organizations to provide services or products which contribute to the provision of advice to foreign governments and foreign central banks; and

(E) study tours for foreign officials in the United States or elsewhere for the purpose of providing technical information to such officials.

(5) Foreign participant

The term “foreign participant” means the national of a developing or transitional coun-

try that is receiving assistance under the program established under subsection (a) who has been designated to participate in activities under such program.

(j) Authorization of appropriations**(1) In general**

There are authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 1999.

(2) Availability of amounts

Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(Pub. L. 87-195, pt. I, §129, as added Pub. L. 105-277, div. A, §101(d) [title V, §589(a)], Oct. 21, 1998, 112 Stat. 2681-150, 2681-205; amended Pub. L. 106-309, title II, §204, Oct. 17, 2000, 114 Stat. 1092.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in subsec. (d)(1), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, as amended. Chapter 9 of title I of the Foreign Service Act of 1980 is classified generally to subchapter IX (§4081 et seq.) of chapter 52 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

This chapter, referred to in subsec. (d)(4), 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.

CODIFICATION

Another section 129 of Pub. L. 87-195 was renumbered section 130 and is classified to section 2152 of this title.

AMENDMENTS

2000—Subsec. (b)(3). Pub. L. 106-309 added par. (3).

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 2152. Assistance for victims of torture**(a) In general**

The President is authorized to provide assistance for the rehabilitation of victims of torture.

(b) Eligibility for grants

Such assistance shall be provided in the form of grants to treatment centers and programs in foreign countries that are carrying out projects or activities specifically designed to treat victims of torture for the physical and psychological effects of the torture.

(c) Use of funds

Such assistance shall be available—

(1) for direct services to victims of torture; and

(2) to provide research and training to health care providers outside of treatment centers or programs described in subsection (b), for the purpose of enabling such providers to provide the services described in paragraph (1).

(Pub. L. 87-195, pt. I, §130, formerly §129, as added Pub. L. 105-320, §4(a), Oct. 30, 1998, 112 Stat. 3017; renumbered §130, Pub. L. 106-87, §6(a), Nov. 3, 1999, 113 Stat. 1302.)

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.

STATEMENT OF POLICY

Pub. L. 109-165, § 2, Jan. 10, 2006, 119 Stat. 3574, provided that: "It is the policy of the United States—

"(1) to ensure that, in its support abroad for programs and centers for the treatment of victims of torture, particular incentives and support should be given to establishing and supporting such programs and centers in emerging democracies, in post-conflict environments, and, with a view to providing services to refugees and internally displaced persons, in areas as close to ongoing conflict as safely as possible; and

"(2) to ensure that, in its support for domestic programs and centers for the treatment of victims of torture, particular attention should be given to regions with significant immigrant or refugee populations."

TORTURE VICTIMS RELIEF; EFFECTIVE DATE

Pub. L. 105-320, Oct. 30, 1998, 112 Stat. 3016, as amended by Pub. L. 106-87, § 6(b), Nov. 3, 1999, 113 Stat. 1302; Pub. L. 108-179, §§ 2(a), 3(a), Dec. 15, 2003, 117 Stat. 2643; Pub. L. 109-165, §§ 3, 4, Jan. 10, 2006, 119 Stat. 3574, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Torture Victims Relief Act of 1998'.

"SEC. 2. FINDINGS.

"Congress makes the following findings:

"(1) The American people abhor torture by any government or person. The existence of torture creates a climate of fear and international insecurity that affects all people.

"(2) Torture is the deliberate mental and physical damage caused by governments to individuals to destroy individual personality and terrorize society. The effects of torture are long term. Those effects can last a lifetime for the survivors and affect future generations.

"(3) By eliminating the leadership of their opposition and frightening the general public, repressive governments often use torture as a weapon against democracy.

"(4) Torture survivors remain under physical and psychological threats, especially in communities where the perpetrators are not brought to justice. In many nations, even those who treat torture survivors are threatened with reprisals, including torture, for carrying out their ethical duty to provide care. Both the survivors of torture and their treatment providers should be accorded protection from further repression.

"(5) A significant number of refugees and asylees entering the United States have been victims of torture. Those claiming asylum deserve prompt consideration of their applications for political asylum to minimize their insecurity and sense of danger. Many torture survivors now live in the United States. They should be provided with the rehabilitation services which would enable them to become productive members of our communities.

"(6) The development of a treatment movement for torture survivors has created new opportunities for action by the United States and other nations to oppose state-sponsored and other acts of torture.

"(7) There is a need for a comprehensive strategy to protect and support torture victims and their treatment providers, together with overall efforts to eliminate torture.

"(8) By acting to heal the survivors of torture and protect their families, the United States can help to heal the effects of torture and prevent its use around the world.

"SEC. 3. DEFINITION.

"As used in this Act, the term 'torture' has the meaning given the term in section 2340(1) of title 18, United States Code, and includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

"SEC. 4. FOREIGN TREATMENT CENTERS.

"(a) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—[Enacted this section.]

"(b) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 2006 and 2007 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], there are authorized to be appropriated to the President to carry out section 130 of such Act [this section] \$12,000,000 for fiscal year 2006 and \$13,000,000 for fiscal year 2007.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

"(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1998.

"SEC. 5. DOMESTIC TREATMENT CENTERS.

"(a) ASSISTANCE FOR TREATMENT OF TORTURE VICTIMS.—The Secretary of Health and Human Services may provide grants to programs in the United States to cover the cost of the following services:

"(1) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

"(2) Social and legal services for victims of torture.

"(3) Research and training for health care providers outside of treatment centers, or programs for the purpose of enabling such providers to provide the services described in paragraph (1).

"(b) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2006 and 2007, there are authorized to be appropriated to carry out subsection (a) \$25,000,000 for each of the fiscal years 2006 and 2007.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

"SEC. 6. MULTILATERAL ASSISTANCE.

"(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 1999 and 2000 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2221 et seq.], there are authorized to be appropriated to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the 'Fund') the following amounts for the following fiscal years:

"(1) FISCAL YEAR 1999.—For fiscal year 1999, \$3,000,000.

"(2) FISCAL YEAR 2000.—For fiscal year 2000, \$3,000,000.

"(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

"(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

"(1) request the Fund—

"(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

"(B) to encourage the development of new such centers and programs;

"(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other

Cruel, Inhuman or Degrading Treatment or Punishment; and

“(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

“SEC. 7. SPECIALIZED TRAINING FOR FOREIGN SERVICE OFFICERS.

“(a) IN GENERAL.—The Secretary of State shall provide training for foreign service officers with respect to—

“(1) the identification of torture;

“(2) the identification of the surrounding circumstances in which torture is most often practiced;

“(3) the long-term effects of torture upon a victim;

“(4) the identification of the physical, cognitive, and emotional effects of torture, and the manner in which these effects can affect the interview or hearing process; and

“(5) the manner of interviewing victims of torture so as not to retraumatize them, eliciting the necessary information to document the torture experience, and understanding the difficulties victims often have in recounting their torture experience.

“(b) GENDER-RELATED CONSIDERATIONS.—In conducting training under subsection (a)(4) or (5), gender-specific training shall be provided on the subject of interacting with women and men who are victims of torture by rape or any other form of sexual violence.”

[Pub. L. 108–179, §2(b), Dec. 15, 2003, 117 Stat. 2643, provided that: “The amendment made by subsection (a) [amending section 5(b)(1) of Pub. L. 105–320, set out above] shall take effect October 1, 2003.”]

[Pub. L. 108–179, §3(b), Dec. 15, 2003, 117 Stat. 2643, provided that: “The amendment made by subsection (a) [amending section 4(b)(1) of Pub. L. 105–320, set out above] shall take effect October 1, 2003.”]

§ 2152a. Repealed. Pub. L. 108–484, § 8(a), Dec. 23, 2004, 118 Stat. 3931

Section, Pub. L. 87–195, pt. I, §131, as added Pub. L. 106–309, title I, §105, Oct. 17, 2000, 114 Stat. 1082; amended Pub. L. 108–31, §3, June 17, 2003, 117 Stat. 776, related to microenterprise development grant assistance.

§ 2152b. Transferred

CODIFICATION

Section, Pub. L. 87–195, pt. I, §132, as added Pub. L. 106–309, title I, §107(a), Oct. 17, 2000, 114 Stat. 1086, which related to United States Microfinance Loan Facility, was renumbered section 257 of Pub. L. 87–195 by Pub. L. 108–484, §5(a), (b), Dec. 23, 2004, 118 Stat. 3927, and transferred to section 2213 of this title.

§ 2152c. Programs to encourage good governance

(a) Establishment of programs

(1) In general

The President is authorized to establish programs that combat corruption, improve transparency and accountability, and promote other forms of good governance in countries described in paragraph (2).

(2) Countries described

A country described in this paragraph is a country that is eligible to receive assistance under subchapter I of this chapter (including part IV of subchapter II of this chapter) or the Support for East European Democracy (SEED) Act of 1989 [22 U.S.C. 5401 et seq.].

(3) Priority

In carrying out paragraph (1), the President shall give priority to establishing programs in

countries that received a significant amount of United States foreign assistance for the prior fiscal year, or in which the United States has a significant economic interest, and that continue to have the most persistent problems with public and private corruption. In determining which countries have the most persistent problems with public and private corruption under the preceding sentence, the President shall take into account criteria such as the Transparency International Annual Corruption Perceptions Index, standards and codes set forth by the International Bank for Reconstruction and Development and the International Monetary Fund, and other relevant criteria.

(4) Relation to other laws

(A) In general

Assistance provided for countries under programs established pursuant to paragraph (1) may be made available notwithstanding any other provision of law that restricts assistance to foreign countries. Assistance provided under a program established pursuant to paragraph (1) for a country that would otherwise be restricted from receiving such assistance but for the preceding sentence may not be provided directly to the government of the country.

(B) Exception

Subparagraph (A) does not apply with respect to—

(i) section 2371 of this title or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(ii) section 907 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.

(b) Specific projects and activities

The programs established pursuant to subsection (a) shall include, to the extent appropriate, projects and activities that—

(1) support responsible independent media to promote oversight of public and private institutions;

(2) implement financial disclosure among public officials, political parties, and candidates for public office, open budgeting processes, and transparent financial management systems;

(3) support the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;

(4) promote responsive, transparent, and accountable legislatures and local governments that ensure legislative and local oversight and whistle-blower protection;

(5) promote legal and judicial reforms that criminalize corruption and law enforcement reforms and development that encourage prosecutions of criminal corruption;

(6) assist in the development of a legal framework for commercial transactions that fosters business practices that promote transparent, ethical, and competitive behavior in the economic sector, such as commercial codes that incorporate international standards and protection of intellectual property rights;