

Secretary of State and shall change any such designation in the same manner. The authority to make such a designation may not be delegated.

(d) The Secretary of State may, after consultation with the officers of the United States listed in subsection 4(b) and the Attorney General, as appropriate, establish such procedures as may be necessary to provide for the governance and administration of the Board.

SEC. 5. *Guidance for the Performance of Functions.* In performing functions under this order, officers of the United States:

(a) shall ensure that all actions taken by them are consistent with the President's constitutional authority to (i) conduct the foreign affairs of the United States, including the commencement, conduct, and termination of negotiations with foreign countries and international organizations, (ii) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties, (iii) recommend for congressional consideration such measures as the President may judge necessary or expedient, and (iv) supervise the unitary executive branch;

(b) may further assign functions assigned by this order to officers of any department or agency within the executive branch to the extent permitted by law except as provided in subsection 4(c) of this order and such further assignment shall be published in the Federal Register; and

(c) shall consult the Attorney General as appropriate in implementing this section.

SEC. 6. *Revocation of Executive Orders.* The following Executive Orders are hereby revoked:

- (a) Executive Order 12757 of March 19, 1991;
- (b) Executive Order 12823 of December 3, 1992;
- (c) Executive Order 13028 of December 3, 1996; and
- (d) Executive Order 13131 of July 22, 1999.

SEC. 7. *Judicial Review.* This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.

GEORGE W. BUSH.

### § 1738a. Purpose

The purpose of this subchapter is to encourage and support improvement in the lives of the people of Latin America and the Caribbean through market-oriented reforms and economic growth with inter-related actions to promote debt reduction, investment reforms, and community-based conservation and sustainable use of the environment. The Facility will support such objectives through the administration of debt reduction operations relating to those countries that meet investment reform and other policy conditions provided for in this subchapter.

(July 10, 1954, ch. 469, title VI, § 602, as added Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3658.)

### § 1738b. Eligibility for benefits under Facility

#### (a) Requirements

To be eligible for benefits from the Facility under this subchapter, a country shall—

- (1) be a Latin American or Caribbean country;
- (2) have in effect or have received approval for, or, as appropriate in exceptional circumstances, be making significant progress towards the establishment of—

(A) an International Monetary Fund (hereafter referred to in this subchapter as the “IMF”) standby arrangement, extended IMF arrangement, or an arrangement under the structural adjustment facility or enhanced structural adjustment facility, or in exceptional circumstances, an IMF-monitored program or its equivalent; and

(B) as appropriate, structural or sectoral adjustment loans from the International Bank for Reconstruction and Development (hereafter referred to in this subchapter as the “World Bank”) or the International Development Association (hereafter referred to in this subchapter as the “IDA”);

(3) have placed into effect major investment reforms in conjunction with an Inter-American Development Bank (hereafter referred to as the “IDB”) loan or otherwise be implementing, or making significant progress towards an open investment regime; and

(4) if appropriate, have agreed with its commercial bank lenders on a satisfactory financing program, including, as appropriate, debt or debt service reduction.

#### (b) Eligibility determination

The President shall determine whether a country is an eligible country for purposes of subsection (a).

(July 10, 1954, ch. 469, title VI, § 603, as added Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3658; amended Pub. L. 102-237, title III, § 302, Dec. 13, 1991, 105 Stat. 1855.)

#### AMENDMENTS

1991—Subsec. (a)(3). Pub. L. 102-237 inserted hyphen between “Inter” and “American”.

#### DELEGATION OF FUNCTIONS

For delegation of functions of Facility under subsec. (b) of this section, see section 1 of Ex. Ord. No. 13345, July 8, 2004, 69 F.R. 41901, set out as a note under section 1738 of this title.

### § 1738c. Reduction of certain debt

#### (a) Authority to reduce debt

##### (1) In general

Notwithstanding any other provision of law, the President may reduce the amount owed to the United States or any agency of the United States, and outstanding as of January 1, 1990, as a result of any credits extended under subchapter II to a country eligible for benefits from the Facility.

##### (2) Availability of appropriations

The authorities under this section may be exercised only to the extent provided for in advance in appropriation Acts.

#### (b) Limitation

A debt reduction authorized under subsection (a) shall be accomplished, at the direction of the Facility, through the exchange of a new obligation under this subchapter for obligations of the type referred to in subsection (a) outstanding as of January 1, 1990.

#### (c) Exchange of obligations

The Facility shall notify the Commodity Credit Corporation of an agreement entered into