

(A) notification by the deadline specified in such paragraph would pose a substantial risk to human health or welfare; and

(B) the appropriate congressional committees—

(i) are notified as early as practicable but in no event later than three days after an obligation of amounts from the Fund; and

(ii) are provided with an explanation of the emergency circumstances that necessitated such waiver.

(Pub. L. 116–94, div. J, title V, § 509, Dec. 20, 2019, 133 Stat. 3066.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b)(3)(A), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§2151 et seq.) 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.

§ 9809. Improving and leveraging assistance for the global fragility strategy

(a) Sense of Congress

It is the sense of Congress that the President, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, and the heads of other relevant Federal departments and agencies should—

(1) develop more adaptive and responsive policy and program planning, implementation, and scaling under the Global Fragility Strategy established pursuant to section 9803 of this title, and work with the appropriate congressional committees to identify any legislative changes that may be necessary to support such efforts;

(2) better integrate the strategy and other conflict and violence reduction objectives and activities into other policy and program areas, where appropriate; and

(3) support transparent and accountable multilateral funds, initiatives, and strategies to enhance and better coordinate private and public efforts to stabilize conflict-affected areas and prevent violence and fragility globally.

(b) Other funding and cost matching

The Global Fragility Strategy established pursuant to section 9803 of this title—

(1) may, after consultation with the appropriate congressional committees, be supported with funds other than funds authorized to be appropriated pursuant to section 9808 of this title; and

(2) shall seek to leverage funds from sources other than the United States Government in order to promote coordination and cost-matching to the maximum extent practicable.

(c) Multi-donor Global Fragility Fund

(1) Authority

Pursuant to sections 2357 and 2392 of this title, and consistent with subsection (b), and after consultation with the appropriate con-

gressional committees, the Secretary of State is authorized to establish funding mechanisms, to include the establishment of a Global Fragility Fund, to leverage, receive, coordinate, and program funds provided by other donors and private sector partners to carry out the purposes of this chapter.

(2) Purposes

A funding mechanism established pursuant to paragraph (1) should—

(A) include input from and participation by key bilateral and multilateral donors, representatives of civil society, relevant nongovernmental organizations and private sector entities, and developing countries where fragility threatens to exacerbate violent extremism and undermine development;

(B) enhance donor coordination and cooperation;

(C) advance clearly defined goals, objectives, and metrics for monitoring, evaluating, and measuring progress; and

(D) focus on strengthening national and local good governance and conflict resolution capacity in fragile and conflict-affected areas over the long-term through comprehensive, compact-based agreements that support country-led strategies.

(3) Congressional notification

Funds may not be obligated under this section except in consultation with the appropriate congressional committees and subject to the notification of such committees of the amount and proposed uses of such funds at least 15 days in advance of such proposed obligation.

(Pub. L. 116–94, div. J, title V, § 510, Dec. 20, 2019, 133 Stat. 3067.)

§ 9810. Rule of construction

Nothing in this chapter shall be construed as a declaration of war or an authorization for the use of military force.

(Pub. L. 116–94, div. J, title V, § 511, Dec. 20, 2019, 133 Stat. 3069.)

CHAPTER 106—CHAMPIONING AMERICAN BUSINESS THROUGH DIPLOMACY

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§ 9901. Findings

Congress makes the following findings:

(1) According to the 2017 National Security Strategy of the United States of America, “Retaining our position as the world’s pre-eminent economic actor strengthens our abil-

ity to use the tools of economic diplomacy for the good of Americans and others.”.

(2) A November 7, 2018, cable from Secretary of State Michael R. Pompeo to all diplomatic and consular posts—“Boosting Commercial Diplomacy Around the World”—stated that “helping American companies is a foreign policy priority. . . Promoting broad-based, responsible, and sustainable economic growth helps to stabilize regions and creates new and growing markets for U.S. companies. A transparent and level playing field for U.S. investment in these countries counters real and growing challenges such as China’s Belt and Road initiative.”.

(3) In the January–February 2019 issue of *The Foreign Service Journal*, Ambassador Barbara Stephenson, the President of the American Foreign Service Association, wrote, “Foreign Service support for American business. . . is a major reason why the U.S. Foreign Service was created.”.

(Pub. L. 116–94, div. J, title VII, §702, Dec. 20, 2019, 133 Stat. 3069.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 116–94, div. J, title VII, §701, Dec. 20, 2019, 133 Stat. 3069, provided that: “This title [enacting this chapter and amending sections 2651a, 3927, and 4028 of this title] may be cited as the ‘Championing American Business Through Diplomacy Act of 2019’.”

§ 9902. Report from each mission on matters of commercial relations

(a) In general

Not later than 1 year after December 20, 2019, and annually thereafter, the chief of mission at each bilateral diplomatic mission of the United States and the Director of the American Institute in Taiwan shall submit to the Secretary of State mission plans that include the following:

- (1) Data and other information regarding actions taken by each such mission or Institute during the previous year to foster commercial relations and safeguard United States economic and business interests in the country or region in which each such chief of mission and the Director serves.
- (2) Each such mission’s and Institute’s anticipated economic and commercial priorities for the coming year.

(b) Report to Congress

The Secretary of State, after receiving the information required under subsection (a), shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report, disaggregated by country or region, on activities and initiatives, including with appropriate examples, to create an enabling environment and otherwise promote United States economic and business interests in each such country or region, as well as information about significant foreign competition to United States businesses in the relevant country or region, including state-directed investments by foreign governments and United States strategic competitors in such country or region.

(Pub. L. 116–94, div. J, title VII, §706, Dec. 20, 2019, 133 Stat. 3071.)

§ 9903. Consolidated report on unified investment climate statement and country commercial guide

(a) In general

The Secretary of State and the Secretary of Commerce shall jointly produce and make publicly available on a United States Government internet website an annual country- and region-specific report regarding commercial relations with foreign countries and regions and safeguarding United States economic and business interests abroad, including with regard to United States exports and investments, including by small- and medium-size enterprises.

(b) Matters to be included

Each report required under subsection (a) shall include the following with respect to each country or region covered by each such report:

- (1) Information about doing business in each country or region.
- (2) Background information about each country’s or region’s political environment.
- (3) Information about selling United States products and services in each country or region.
- (4) Leading sectors for United States exports and investment in each country or region.
- (5) Information about trade regulations, customs, and standards in each country or region, such as—

- (A) information on import tariffs; and
- (B) documentation about which United States businesses should be aware when exporting, including any prohibited items or temporary entry procedures.

- (6) Investment climate statements describing each country’s or region’s openness to foreign investments, such as information relating to each country’s or region’s—

- (A) investment policies;
- (B) market barriers;
- (C) business risks;
- (D) legal and regulatory system, including dispute resolution;
- (E) level of public and private sector corruption;
- (F) level of political violence and instability;
- (G) adherence to internationally recognized core labor standards; and
- (H) protection of property rights.

- (7) Information about trade and project financing in each country or region, such as each country’s or region’s—

- (A) banking and financial system, and how United States businesses typically get paid;
- (B) foreign exchange controls; and
- (C) important sources of funding for project financing.

- (8) Relevant business travel information and business customs in each country or region.

- (9) Information about services and personnel of the diplomatic mission of the United States available to United States businesses to support their activities in each country or region.