

Executive Documents

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.

§§ 2151l, 2151m. Repealed. Pub. L. 95-424, title I, §§ 102(f), 104(b), Oct. 6, 1978, 92 Stat. 942, 947

Section 2151l, Pub. L. 87-195, pt. I, § 114, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 716; amended Pub. L. 95-88, title I, § 109, Aug. 3, 1977, 91 Stat. 536, prohibited use of funds for performance of abortions or involuntary sterilizations.

Section 2151m, Pub. L. 87-195, pt. I, § 115, as added Pub. L. 93-559, § 20, Dec. 30, 1974, 88 Stat. 1800; amended Pub. L. 95-88, title I, § 110, Aug. 3, 1977, 91 Stat. 536, prohibited use of funds available under this part for any countries to which assistance is furnished under part IV of subchapter II of this chapter or under subchapter V of this chapter without specific authorization from Congress.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2151n. Human rights and development assistance**(a) Violations barring assistance; assistance for needy people**

No assistance may be provided under subchapter I of this chapter, and no support may be provided under subchapter II of chapter 103 of this title, to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction and clandestine detention of those persons, or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.

(b)¹ Information to Congressional committees for realization of assistance for needy people; concurrent resolution terminating assistance

In determining whether this standard is being met with regard to funds allocated under subchapter I of this chapter or subchapter II of chapter 103 of this title, the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives may require the Administrator primarily responsible for administering subchapter I of this chapter or the Chief Executive Officer of the United States International Development Finance Corporation, as applicable, to submit in writing information demonstrating that such assistance or support will directly benefit the needy people in such country, together with a detailed explanation of the assistance or support to be provided (including the dollar amounts of

such assistance or support) and an explanation of how such assistance or support will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 2367 of this title.

(b)¹ Protection of children from exploitation

No assistance may be provided under subchapter I of this chapter, and no support may be provided under subchapter II of chapter 103 of this title, to any government failing to take appropriate and adequate measures, within their means, to protect children from exploitation, abuse or forced conscription into military or paramilitary services.

(c) Factors considered

In determining whether or not a government falls within the provisions of subsection (a) and in formulating development assistance programs under subchapter I of this chapter, or support provided under subchapter II of chapter 103 of this title, the Administrator, or the Chief Executive Officer of the United States International Development Finance Corporation, as applicable, shall consider, in consultation with the Assistant Secretary of State for Democracy, Human Rights, and Labor and in consultation with the Ambassador at Large for International Religious Freedom—

(1) the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States;

(2) specific actions which have been taken by the President or the Congress relating to multilateral or security assistance to a less developed country because of the human rights practices or policies of such country; and

(3) whether the government—

(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 6402 of this title; or

(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom (as defined in section 6402 of this title), when such efforts could have been reasonably undertaken.

(d) Report to Speaker of House and Committee on Foreign Relations of the Senate

The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by February 25 of each year, a full and complete report regarding—

(1) the status of internationally recognized human rights, within the meaning of subsection (a)—

(A) in countries that receive assistance under subchapter I of this chapter, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this chapter;

¹ So in original. Two subsecs. (b) have been enacted.

(2) wherever applicable, practices regarding coercion in population control, including coerced abortion and involuntary sterilization;

(3) the status of child labor practices in each country, including—

(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

(B) the extent to which each country enforces such policies, including the adequacy of the resources and oversight dedicated to such policies;

(4) the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year;

(5) the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement;

(6) the steps the Administrator has taken to alter United States programs under subchapter I of this chapter in any country because of human rights considerations;

(7) wherever applicable, violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 6402 of this title);

(8) wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur during the preceding year, including descriptions of—

(A) acts of physical violence against, or harassment of² Jewish people, and acts of violence against, or vandalism of² Jewish community institutions, including schools, synagogues, and cemeteries;

(B) instances of propaganda in government and nongovernment media that attempt to justify or promote racial hatred or incite acts of violence against Jewish people;

(C) the actions, if any, taken by the government of the country to respond to such violence and attacks or to eliminate such propaganda or incitement;

(D) the actions taken by such government to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people; and

(E) the efforts of such government to promote anti-bias and tolerance education;

(9) wherever applicable, consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987);

(10) for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country,

the extent to which the United States has taken or will take action to encourage an end to such practices in the country;

(11)(A) wherever applicable, a description of the nature and extent—

(i) of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, and the participation of such individuals in such groups; and

(ii) that such individuals take a direct part in hostilities;

(B) what steps, if any, taken by the government of the country to eliminate such practices;

(C) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary; and

(12) wherever applicable—

(A) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

(B) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

(C) in countries where there are particularly severe violations of freedom of the press—

(i) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

(ii) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.

(e) Promotion of civil and political rights

The President is authorized and encouraged to use not less than \$3,000,000 of the funds made available under this part, part X of this subchapter, and part IV of subchapter II of this chapter for each fiscal year for studies to identify, and for openly carrying out programs and activities which will encourage or promote increased adherence to civil and political rights, including the right to free religious belief and practice, as set forth in the Universal Declaration of Human Rights, in countries eligible for assistance under this part or under part X of this subchapter, except that funds made available under part X of this subchapter may only be used under this subsection with respect to countries in sub-Saharan Africa. None of these funds may be used, directly or indirectly, to influence the outcome of any election in any country.

²So in original. Probably should be followed by a comma.

(f) Annual country reports on human rights practices

(1) The report required by subsection (d) shall include the following:

(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 7102 of this title, in each foreign country.

(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

(ii) Which government authorities in that country are involved in activities to combat such trafficking.

(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.

(g) Child marriage status**(1) In general**

The report required under subsection (d) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country.

(2) Defined term

In this subsection, the term “child marriage” means the marriage of a girl or boy who is—

(A) younger than the minimum age for marriage under the laws of the country in which such girl or boy is a resident; or

(B) younger than 18 years of age, if no such law exists.

(Pub. L. 87-195, pt. I, §116, as added Pub. L. 94-161, title III, §310, Dec. 20, 1975, 89 Stat. 860; amended Pub. L. 95-88, title I, §111, Aug. 3, 1977, 91 Stat. 537; Pub. L. 95-105, title I, §109(a)(2), Aug. 17, 1977, 91 Stat. 846; Pub. L. 95-424, title I, §109, Oct. 6, 1978, 92 Stat. 947; Pub. L. 96-53, title I, §106, title V, §504(a), Aug. 14, 1979, 93 Stat. 362, 378; Pub. L. 96-533, title III, §305, title VII, §701(a), Dec. 16, 1980, 94 Stat. 3147, 3156; Pub. L. 97-113, title III, §306, Dec. 29, 1981, 95 Stat. 1533; Pub. L. 98-164, title X, §1002(a), Nov. 22, 1983, 97 Stat. 1052; Pub. L. 99-440, title II, §202, Oct. 2, 1986, 100 Stat. 1095; Pub. L. 99-631, §1(b)(2), Nov. 7, 1986, 100 Stat. 3519; Pub. L. 100-204, title I, §127(1), Dec. 22, 1987, 101 Stat. 1342; Pub. L. 101-513, title V, §§562(d)(3), 599D, Nov. 5, 1990, 104 Stat. 2031, 2066; Pub. L. 103-149, §4(a)(3)(B), Nov. 23, 1993, 107 Stat. 1505; Pub. L. 103-236, title I, §162(e)(1), Apr. 30, 1994, 108 Stat. 405; Pub. L. 103-437, §9(a)(6), Nov. 2, 1994, 108 Stat. 4588; Pub. L. 104-319, title II, §201(a), Oct. 19, 1996, 110 Stat. 3866; Pub. L. 105-277, div. G, subdiv. B, title XXII, §2216, Oct. 21, 1998, 112 Stat. 2681-815; Pub. L. 105-292, title I, §102(d)(1), title IV, §421(a), title V, §501(b), Oct. 27, 1998, 112 Stat. 2794, 2809, 2811; Pub. L. 106-113, div. B, §§1000(a)(2) [title V, §597], 1000(a)(7) [div. A, title VIII, §806(a)], Nov. 29, 1999, 113 Stat. 1535, 1536, 1501A-126, 1501A-471; Pub. L. 106-386, div. A, §104(a), Oct. 28, 2000, 114 Stat. 1471; Pub. L. 107-228, div. A, title VI, §§665(a), 683(a), Sept. 30, 2002, 116 Stat. 1406, 1410; Pub. L. 108-332, §6(a)(1), Oct. 16, 2004, 118 Stat. 1285; Pub. L. 111-166, §2(1), May 17, 2010, 124 Stat. 1186; Pub. L. 113-4, title XII, §1207(b)(1), Mar. 7, 2013, 127 Stat. 141; Pub. L. 115-254, div. F, title VI, §1470(j)(1), Oct. 5, 2018, 132 Stat. 3516.)

Editorial Notes

REFERENCES IN TEXT

Subchapter II of chapter 103 of this title, referred to in subsec. (a), subsec. (b) relating to information to Congressional committees for realization of assistance for needy people; concurrent resolution terminating assistance, subsec. (b) relating to protection of children

from exploitation, and subsec. (c), was in the original title II of the Better Utilization of Investments Leading to Development Act of 2018, meaning title II of div. F of Pub. L. 115-254, Oct. 5, 2018, 132 Stat. 3492, which enacted subchapter II of chapter 103 of this title. For complete classification of title II to the Code, see Tables.

Section 2(a) of the Genocide Convention Implementation Act of 1987, referred to in subsec. (d)(8), probably means section 2(a) of the Genocide Convention Implementation Act of 1987 (the Proxmire Act), Pub. L. 100-606, Nov. 4, 1988, 102 Stat. 3045, which enacted chapter 50A (§ 1091 et seq.) of Title 18, Crimes and Criminal Procedure.

CODIFICATION

The amendment by section 102(d)(1) of Pub. L. 105-292 was executed before the amendment by Pub. L. 105-277 to reflect the probable intent of Congress.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, § 1470(j)(1)(A), inserted “, and no support may be provided under subchapter II of chapter 103 of this title,” after “subchapter I of this chapter”.

Subsec. (b). Pub. L. 115-254, § 1470(j)(1)(C), in second subsec. (b) relating to protection of children from exploitation, inserted “under subchapter I of this chapter, and no support may be provided under subchapter II of chapter 103 of this title,” after “provided”.

Pub. L. 115-254, § 1470(j)(1)(B), in first subsec. (b) relating to information to Congressional committees for realization of assistance for needy people; concurrent resolution terminating assistance, inserted “or subchapter II of chapter 103 of this title” after “allocated under subchapter I of this chapter”, “or the Chief Executive Officer of the United States International Development Finance Corporation, as applicable,” after “administering subchapter I of this chapter”, “or support” after “the assistance”, and “or support” after “such assistance” wherever appearing.

Subsec. (c). Pub. L. 115-254, § 1470(j)(1)(C), substituted “under subchapter I of this chapter, or support provided under subchapter II of chapter 103 of this title, the Administrator, or the Chief Executive Officer of the United States International Development Finance Corporation, as applicable,” for “under subchapter I of this chapter, the Administrator”.

2013—Subsec. (g). Pub. L. 113-4 added subsec. (g).

2010—Subsec. (d)(12). Pub. L. 111-166 added par. (12).

2004—Subsec. (d)(8) to (11). Pub. L. 108-332 added par. (8) and redesignated former pars. (8) to (10) as (9) to (11), respectively.

2002—Subsec. (d)(9). Pub. L. 107-228, § 665(a), added par. (9).

Subsec. (d)(10). Pub. L. 107-228, § 683(a), added par. (10).

2000—Subsec. (f). Pub. L. 106-386 amended subsec. (f) generally, substituting present provisions for provisions listing information required for report under subsec. (d) of this section, providing for consultation with human rights and other appropriate nongovernmental organizations in compiling data for required information, and defining “trafficking” and “victims of trafficking” for purposes of subsection.

1999—Subsec. (d)(8). Pub. L. 106-113, § 1000(a)(7) [div. A, title VIII, § 806(a)], added par. (8).

Subsec. (f). Pub. L. 106-113, § 1000(a)(2) [title V, § 597], added subsec. (f).

1998—Subsec. (c). Pub. L. 105-292, § 421(a)(1), inserted “and in consultation with the Ambassador at Large for International Religious Freedom” after “Labor” in introductory provisions.

Subsec. (c)(3). Pub. L. 105-292, § 421(a)(2)–(4), added par. (3).

Subsec. (d). Pub. L. 105-277, § 2216(1), substituted “February 25” for “January 31” in introductory provisions.

Subsec. (d)(3) to (5). Pub. L. 105-277, § 2216(2), (3), added par. (3) and redesignated former pars. (3) and (4)

as (4) and (5), respectively. Former par. (5) redesignated (6).

Subsec. (d)(6). Pub. L. 105-277, § 2216(2), redesignated par. (5) as (6). Former par. (6) redesignated (7). See Codification note above.

Pub. L. 105-292, § 102(d)(1), added par. (6). See Codification note above.

Subsec. (d)(7). Pub. L. 105-277, § 2216(2), redesignated par. (6) as (7). See Codification note above.

Subsec. (e). Pub. L. 105-292, § 501(b), inserted “, including the right to free religious belief and practice” after “adherence to civil and political rights”.

1996—Subsec. (d)(3) to (5). Pub. L. 104-319 added pars. (3) and (4) and redesignated former par. (3) as (5).

1994—Subsec. (b). Pub. L. 103-437 substituted “Foreign Affairs” for “International Relations” in subsec. (b) relating to submittal of information to Congress.

Subsec. (c). Pub. L. 103-236 substituted “Assistant Secretary of State for Democracy, Human Rights, and Labor” for “Assistant Secretary for Human Rights and Humanitarian Affairs” in introductory provisions.

1993—Subsec. (e). Pub. L. 103-149 struck out “(1)” before “The President is authorized” and struck out par. (2) which authorized grants to nongovernmental organizations in South Africa promoting political, economic, social, juridical, and humanitarian efforts to foster a just society and to help victims of apartheid.

Subsecs. (f), (g). Pub. L. 103-149 struck out subsec. (f) which authorized assistance to political detainees and prisoners and support for black-led community organizations in South Africa and subsec. (g) which authorized assistance to families of victims of violence in South Africa.

1990—Subsec. (b). Pub. L. 101-513, § 599D, added subsec. (b) prohibiting assistance to governments failing to protect children from exploitation, abuse or conscription.

Subsec. (e)(1). Pub. L. 101-513, § 562(d)(3), inserted “, part X of this subchapter,” after “available under this part” and “or under part X of this subchapter, except that funds made available under part X of this subchapter may only be used under this subsection with respect to countries in sub-Saharan Africa” before period at end of first sentence.

1987—Subsec. (d). Pub. L. 100-204 added par. (2) and redesignated former par. (2) as (3).

1986—Subsec. (e)(2)(A). Pub. L. 99-440, § 202(a), inserted authorization of appropriations of \$1,500,000 for fiscal year 1986 and for each fiscal year thereafter.

Subsec. (f). Pub. L. 99-440, § 202(b), added subsec. (f).

Subsec. (f)(2)(B). Pub. L. 99-631 substituted “subsection” for “paragraph”.

Subsec. (g). Pub. L. 99-440, § 202(b), added subsec. (g).

1983—Subsec. (e). Pub. L. 98-164, § 1002(a), designated existing provisions as par. (1), substituted “\$3,000,000 of the funds made available under this part and part IV of subchapter II of this chapter for each fiscal year” for “\$1,500,000 of the funds made available under this part for each of the fiscal years 1982 and 1983”, and added par. (2).

1981—Subsec. (e). Pub. L. 97-113 substituted “each of the fiscal years 1982 and 1983” for “the fiscal year 1981”.

1980—Subsec. (a). Pub. L. 96-533, § 701(a), prohibited assistance for government of any country causing the disappearance of persons by the abduction and clandestine detention of those persons.

Subsec. (e). Pub. L. 96-533, § 305, substituted “1981” for “1980”.

1979—Subsec. (d)(1). Pub. L. 96-53, § 504(a), designated existing provisions as cl. (A) and added cl. (B).

Subsec. (e). Pub. L. 96-53, § 106, substituted “1980” for “1979”.

1978—Subsec. (e). Pub. L. 95-424 substituted “The President is authorized and encouraged to use not less than \$1,500,000 of” for “Of”, and “1979” for “1978, not less than \$750,000 may be used only”.

1977—Subsec. (c). Pub. L. 95-105 substituted “Assistant Secretary” for “Coordinator”.

Pub. L. 95-88, § 111(a), inserted references to the formulation of development assistance programs under

this subchapter and the consultation of the Administrator with the Coordinator for Human Rights and Humanitarian Affairs in the introductory provisions, designated the remainder of the existing provisions as par. (1), and added par. (2).

Subsec. (d). Pub. L. 95-88, §111(a), substituted provisions directing the Secretary of State to transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding the status of internationally recognized human rights in countries that receive development assistance and the steps which the Administrator has taken to alter United States development assistance programs in any country because of human rights considerations for provisions directing the President to transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, in the annual presentation materials on proposed economic development assistance programs, a full and complete report regarding the steps he has taken to carry out the provisions of this section.

Subsec. (e). Pub. L. 95-88, §111(b), added subsec. (e).

Statutory Notes and Related Subsidiaries

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II

References to subchapter I of this chapter are deemed to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa 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 sections 2348c and 2349aa-5 of this title.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-254 effective at the end of the transition period, as defined in section 9681 of this title, see section 1470(w) of Pub. L. 115-254, set out as a note under section 905 of Title 2, The Congress.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-332, §6(c), Oct. 16, 2004, 118 Stat. 1286, provided that: "The amendments made by subsections (a) and (b) [amending this section and sections 2304 and 6412 of this title] shall apply beginning with the first report under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) and section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6312(b) [6412(b)]) submitted more than 180 days after the date of the enactment of this Act [Oct. 16, 2004]."

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 1986 AMENDMENT

Amendment by Pub. L. 99-631 effective Oct. 2, 1986, see section 1(c) of Pub. L. 99-631, set out as a note under section 2151c of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as a note under section 2151 of this title.

ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY

Pub. L. 107-228, div. A, title VI, §665(c), Sept. 30, 2002, 116 Stat. 1407, as amended by Pub. L. 110-53, title XXI, §2121(b), (d), Aug. 3, 2007, 121 Stat. 532, provided that: "The information to be included in the report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 [22 U.S.C. 2151n(d), 2304(b)] pursuant to the amendments made by subsections (a) and (b) [amending this section and section 2304 of this title] may be submitted by the Secretary as a separate report entitled the Annual Report on Advancing Freedom and Democracy. If the Secretary elects to submit such information as a separate report, such report shall be submitted not later than 90 days after the date of submission of the report required by section [sic] 116(d) and 502B(b) of the Foreign Assistance Act of 1961."

[For definition of "Secretary" as used in section 665(c) of Pub. L. 107-228, set out above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.]

ANNUAL REPORTS ON UNITED STATES-VIETNAM HUMAN RIGHTS DIALOGUE MEETINGS

Pub. L. 107-228, div. A, title VI, §702, Sept. 30, 2002, 116 Stat. 1420, provided that: "Not later than December 31 of each year or 60 days after the second United States-Vietnam human rights dialogue meeting held in a calendar year, whichever is earlier, the Secretary shall submit to the appropriate congressional committees a report covering the issues discussed at the previous two meetings and describing to what extent the Government of Vietnam has made progress during the calendar year toward achieving the following objectives:

"(1) Improving the Government of Vietnam's commercial and criminal codes to bring them into conformity with international standards, including the repeal of the Government of Vietnam's administrative detention decree (Directive 31/CP).

"(2) Releasing political and religious activists who have been imprisoned or otherwise detained by the Government of Vietnam, and ceasing surveillance and harassment of those who have been released.

"(3) Ending official restrictions on religious activity, including implementing the recommendations of the United Nations Special Rapporteur on Religious Intolerance.

"(4) Promoting freedom for the press, including freedom of movement of members of the Vietnamese and foreign press.

"(5) Improving prison conditions and providing transparency in the penal system of Vietnam, including implementing the recommendations of the United Nations Working Group on Arbitrary Detention.

"(6) Respecting the basic rights of indigenous minority groups, especially in the central and northern highlands of Vietnam.

"(7) Respecting the basic rights of workers, including working with the International Labor Organization to improve mechanisms for promoting such rights.

"(8) Cooperating with requests by the United States to obtain full and free access to persons who may be eligible for admission to the United States as refugees or immigrants, and allowing such persons to leave Vietnam without being subjected to extortion or other corrupt practices."

[For definitions of "Secretary" and "appropriate congressional committees" as used in section 702 of Pub. L. 107-228, set out above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.]

ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM

Pub. L. 105-292, title V, §501(a), Oct. 27, 1998, 112 Stat. 2811, provided that: "Congress makes the following findings:

"(1) In many nations where severe violations of religious freedom occur, there is not sufficient statutory legal protection for religious minorities or there

is not sufficient cultural and social understanding of international norms of religious freedom.

“(2) Accordingly, in the provision of foreign assistance, the United States should make a priority of promoting and developing legal protections and cultural respect for religious freedom.”

REPORT ON HUMAN RIGHTS TO COMMITTEES ON
APPROPRIATIONS

Pub. L. 102-391, title V, §511(b), Oct. 6, 1992, 106 Stat. 1658, as amended by Pub. L. 106-429, §101(a) [title V, §590], Nov. 6, 2000, 114 Stat. 1900, 1900A-59, provided that: “The Secretary of State shall also transmit the report required by section 116(d) of the Foreign Assistance Act of 1961 [22 U.S.C. 2151n(d)] to the Committees on Appropriations each year by the date specified in that section: *Provided*, That each such report submitted pursuant to such section shall (1) include a review of each country’s commitment to children’s rights and welfare as called for by the Declaration of the World Summit for Children; [(2) Repealed. Pub. L. 106-429, §101(a) [title V, §590], Nov. 6, 2000, 114 Stat. 1900, 1900A-59;] (3) describe the extent to which indigenous people are able to participate in decisions affecting their lands, cultures, traditions and the allocation of natural resources, and assess the extent of protection of their civil and political rights.”

REPORT ON IMPACT ON FOREIGN RELATIONS OF UNITED
STATES OF REPORTS ON HUMAN RIGHTS PRACTICES OF
FOREIGN GOVERNMENTS

Pub. L. 96-53, title V, §504(b), Aug. 14, 1979, 93 Stat. 378, which required Secretary of State to report by Nov. 15, 1979, foreign relations impact made by reports of human rights violations of foreign governments, was repealed by Pub. L. 97-113, title VII, §734(a)(3), Dec. 29, 1981, 95 Stat. 1560.

Executive Documents

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.

**§ 2151n-1. Repealed. Pub. L. 103-236, title I,
§ 139(4), Apr. 30, 1994, 108 Stat. 397**

Section, Pub. L. 95-105, title I, §108, Aug. 17, 1977, 91 Stat. 846, directed Secretary of State to report annually to Congress about American citizens in foreign jails.

§ 2151n-2. Human Rights and Democracy Fund

(a) Establishment of Fund

There is established a Human Rights and Democracy Fund (in this section referred to as the “Fund”) to be administered by the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(b) Purposes of Fund

The purposes of the Fund shall be—

- (1) to support defenders of human rights;
- (2) to assist the victims of human rights violations;
- (3) to respond to human rights emergencies;
- (4) to promote and encourage the growth of democracy, including the support for non-governmental organizations in foreign countries; and
- (5) to carry out such other related activities as are consistent with paragraphs (1) through (4).

(c) Funding

(1) In general

Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.] for fiscal year 2003, \$21,500,000 is authorized to be available to the Fund for carrying out the purposes described in subsection (b). Amounts made available to the Fund under this paragraph shall also be deemed to have been made available under section 116(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(e)).

(2) Allocation of funds for the Documentation Center of Cambodia

Of the amount authorized to be available to the Fund under paragraph (1) for fiscal year 2003, \$1,000,000 is authorized to be available for the Documentation Center of Cambodia for the purpose of collecting, cataloguing, and disseminating information about the atrocities committed by the Khmer Rouge against the Cambodian people.

(3) Father John Kaiser Memorial Fund

Of the amount authorized to be available to the Fund under paragraph (1) for fiscal year 2003, \$500,000 is authorized to be available to advance the extraordinary work and values of Father John Kaiser with respect to solving ethnic conflict and promoting government accountability and respect for human rights. The amount made available under this paragraph may be referred to as the “Father John Kaiser Memorial Fund”.

(Pub. L. 107-228, div. A, title VI, §664, Sept. 30, 2002, 116 Stat. 1406.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (c)(1), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 4 of part II of the Act is classified generally to part IV (§2346 et seq.) of subchapter II of this chapter. 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 Freedom Investment Act of 2002, and also as part of the Department of State Authorization Act, Fiscal Year 2003 and the Foreign Relations Authorization Act, Fiscal Year 2003, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Statutory Notes and Related Subsidiaries

PURPOSES

Pub. L. 107-228, div. A, title VI, §662, Sept. 30, 2002, 116 Stat. 1405, provided that: “The purposes of this subtitle [subtitle E (§§661-665) of title VI of div. A of Pub. L. 107-228, see Short Title of 2002 Amendments note set out under section 2151 of this title] are the following:

“(1) To underscore that promoting and protecting human rights is in the national interests of the United States and is consistent with American values and beliefs.

“(2) To establish a goal of devoting one percent of the funds available to the Department under ‘Diplomatic and Consular Programs’, other than such funds that will be made available for worldwide security