

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

Section 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.

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.

§ 2151t-1. Establishment of program**(a) In general**

In carrying out part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] and other relevant foreign assistance laws, the President, acting through the Administrator of the United States Agency for International Development, shall establish a program of training and other technical assistance to assist foreign countries in—

- (1) developing and strengthening laws and regulations to protect intellectual property; and
- (2) developing the infrastructure necessary to implement and enforce such laws and regulations.

(b) Participation of other agencies

The Administrator of the United States Agency for International Development—

- (1) shall utilize the expertise of the Patent and Trademark Office and other agencies of the United States Government in designing and implementing the program of assistance provided for in this section;
- (2) shall coordinate assistance under this section with efforts of other agencies of the United States Government to increase international protection of intellectual property, including implementation of international agreements containing high levels of protection of intellectual property; and
- (3) shall consult with the heads of such other agencies in determining which foreign countries will receive assistance under this section.

(Pub. L. 103-392, title V, § 501, Oct. 22, 1994, 108 Stat. 4103.)

Editorial Notes**REFERENCES IN TEXT**

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424. Part I of the Act is classified generally to subchapter I (§ 2151 et seq.) of this chapter. For provisions deeming references to subchapter I to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and VIII (§ 2349aa et seq.) of subchapter II of this chapter, 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. 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 Jobs Through Trade Expansion Act of 1994, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2151u. Private and voluntary organizations and cooperatives in overseas development**(a) Congressional finding of importance of participation by private and voluntary organizations**

The Congress finds that the participation of rural and urban poor people in their countries' development can be assisted and accelerated in an effective manner through an increase in activities planned and carried out by private and voluntary organizations and cooperatives. Such organizations and cooperatives, embodying the American spirit of self-help and assistance to others to improve their lives and incomes, constitute an important means of mobilizing private American financial and human resources to benefit poor people in developing countries. The Congress declares that it is in the interest of the United States that such organizations and cooperatives expand their overseas development efforts without compromising their private and independent nature. The Congress further declares that the financial resources of such organizations and cooperatives should be supplemented by the contribution of public funds for the purpose of undertaking development activities in accordance with the principles set forth in section 2151-1 of this title and, if necessary and determined on a case-by-case basis, for the purpose of sharing the cost of developing programs related to such activities. The Congress urges the Administrator of the agency primarily responsible for administering subchapter I of this chapter, in implementing programs authorized under subchapter I of this chapter, to draw on the resource of private and voluntary organizations and cooperatives to plan and carry out development activities and to establish simplified procedures for the development and approval of programs to be carried out by such private and voluntary organizations and cooperatives as have demonstrated a capacity to undertake effective development activities.

(b) Payment of transportation charges on shipments by American National Red Cross and United States voluntary agencies

In order to further the efficient use of United States voluntary contributions for development, relief, and rehabilitation of friendly peoples, the President is authorized to use funds made available for the purposes of this part and part X of this subchapter to pay transportation charges on shipments by the American National Red Cross and by United States voluntary agencies registered with the Agency for International Development.

(c) Reimbursement for transportation charges

Reimbursement under this section may be provided for transportation charges on shipments

from United States ports, or in the case of excess or surplus property supplied by the United States from foreign ports, to ports of entry abroad or to points of entry abroad in cases (1) of landlocked countries, (2) where ports cannot be used effectively because of natural or other disturbances, (3) where carriers to a specified country are unavailable, or (4) where a substantial savings in costs or time can be effected by the utilization of points of entry other than ports.

(d) Arrangements with receiving country for free entry of shipments and for availability of local currency to defray transportation costs

Where practicable, the President shall make arrangements with the receiving country for free entry of such shipments and for the making available by the country of local currencies for the purpose of defraying the transportation costs of such shipments from the port or point of entry of the receiving country to the designated shipping point of the consignee.

(e) Continuation of support for programs in countries antedating prohibitions on assistance; national interest considerations; report to Congress

Prohibitions on assistance to countries contained in this chapter or any other Act shall not be construed to prohibit assistance by the agency primarily responsible for administering subchapter I of this chapter in support of programs of private and voluntary organizations and cooperatives already being supported prior to the date such prohibition becomes applicable. The President shall take into consideration, in any case in which statutory prohibitions on assistance would be applicable but for this subsection, whether continuation of support for such programs is in the national interest of the United States. If the President continues such support after such date, he shall prepare and transmit, not later than one year after such date, to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report setting forth the reasons for such continuation.

(f) Funds for private and voluntary organizations

For each of the fiscal years 1986 through 1989, funds in an amount not less than thirteen and one half percent of the aggregate amount appropriated for that fiscal year to carry out sections 2151a(a), 2151b(b), 2151b(c), 2151c, 2151d, 2151s,¹ and 2292 of this title shall be made available for the activities of private and voluntary organizations, and the President shall seek to channel funds in an amount not less than 16 percent of such aggregate amount for the activities of private and voluntary organizations. Funds made available under part IV of subchapter II of this chapter for the activities of private and voluntary organizations may be considered in determining compliance with the requirements of this subsection.

¹ See References in Text note below.

(g) Repealed. Pub. L. 105-277, div. A, § 101(d) [title II], Oct. 21, 1998, 112 Stat. 2681-150, 2681-156

(h) Promotion of democratic cooperatives

The Congress recognizes that, in addition to their role in social and economic development, cooperatives provide an opportunity for people to participate directly in democratic decision-making. Therefore, assistance under this part shall be provided to rural and urban cooperatives which offer large numbers of low- and middle-income people in developing countries an opportunity to participate directly in democratic decisionmaking. Such assistance shall be designed to encourage the adoption of self-help, private sector cooperative techniques and practices which have been successful in the United States.

(Pub. L. 87-195, pt. I, §123, as added Pub. L. 95-424, title I, §102(e), Oct. 6, 1978, 92 Stat. 941; amended Pub. L. 96-53, title I, §121, Aug. 14, 1979, 93 Stat. 366; Pub. L. 96-533, title III, §307, Dec. 16, 1980, 94 Stat. 3147; Pub. L. 97-113, title III, §309, Dec. 29, 1981, 95 Stat. 1535; Pub. L. 99-83, title III, §§309, 310, Aug. 8, 1985, 99 Stat. 215; Pub. L. 101-513, title V, §562(d)(6), Nov. 5, 1990, 104 Stat. 2031; Pub. L. 105-277, div. A, §101(d) [title II], Oct. 21, 1998, 112 Stat. 2681-150, 2681-156.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (e), 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.

Section 2151s of this title, referred to in subsec. (f), was repealed by Pub. L. 101-513, title V, §562(d)(5), Nov. 5, 1990, 104 Stat. 2031.

AMENDMENTS

1998—Subsec. (g). Pub. L. 105-277 struck out subsec. (g) which read as follows: “After December 31, 1984, funds made available to carry out section 2151a(a), 2151b(b), 2151b(c), 2151c, 2151d, 2292, or 2293 of this title may not be made available for programs of any United States private and voluntary organization which does not obtain at least 20 percent of its total annual financial support for its international activities from sources other than the United States Government, except that this restriction does not apply with respect to programs which, as of that date, are receiving financial support from the agency primarily responsible for administering subchapter I of this chapter. The Administrator of the agency primarily responsible for administering subchapter I of this chapter may, on a case-by-case basis, waive the restriction established by this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency primarily responsible for administering subchapter I of this chapter.”

1990—Subsec. (b). Pub. L. 101-513, §562(d)(6)(A), inserted “and part X of this subchapter” after “this part”.

Subsec. (g). Pub. L. 101-513, §562(d)(6)(B), substituted “2292, or 2293” for “2191s, or 2292”.

1985—Subsec. (e). Pub. L. 99-83, §309(a), substituted “one year” for “thirty days”.

Subsec. (f). Pub. L. 99-83, §309(b)(1), substituted “1986 through 1989” for “1982, 1983, and 1984”.

Pub. L. 99-83, §309(b)(2), which directed the substitution of “thirteen and one half” for “twelve” was executed by making the substitution for “12” as the probable intent of Congress because “twelve” did not appear in text.

Pub. L. 99-83, §309(b)(3), inserted provisions relating to funds for determining compliance with subsec. (f).

Subsec. (h). Pub. L. 99-83, §310, added subsec. (h).

1981—Subsecs. (f), (g). Pub. L. 97-113, §309, added subsecs. (f) and (g).

1980—Subsec. (a). Pub. L. 96-533, §307(1), (2), provided for contribution of public funds to private and voluntary organizations and cooperatives for purpose of sharing cost of developing programs related to development activities and encouraged establishment of simplified procedures for development of programs to be carried out by such entities having a capacity for undertaking effective development programs.

Subsec. (e). Pub. L. 96-533, §307(3), added subsec. (e).

1979—Subsec. (b). Pub. L. 96-53 substituted “Agency for International Development” for “Advisory Committee on Voluntary Foreign Aid”.

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 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.

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

Section 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.

PRIVATE AND VOLUNTEER ORGANIZATIONS

Pub. L. 108-199, div. D, title V, §502, Jan. 23, 2004, 118 Stat. 166, which prohibited any funds appropriated or otherwise made available by div. D of Pub. L. 108-199 from being made available to any United States private and voluntary organization, except any cooperative development organization, which obtained less than 20 percent of its total annual funding for international activities from sources other than the United States Government, with certain exceptions, was from the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-7, div. E, title V, §502(a), Feb. 20, 2003, 117 Stat. 180.

Pub. L. 107-115, title V, §502(a), Jan. 10, 2002, 115 Stat. 2139.

Pub. L. 106-429, §101(a) [title II], Nov. 6, 2000, 114 Stat. 1900, 1900A-8.

Pub. L. 106-113, div. B, §1000(a)(2) [title II], Nov. 29, 1999, 113 Stat. 1535, 1501A-68.

Pub. L. 105-277, div. A, §101(d) [title II], Oct. 21, 1998, 112 Stat. 2681-150, 2681-156.

Pub. L. 105-118, title II, Nov. 26, 1997, 111 Stat. 2390.

Pub. L. 104-208, div. A, title I, §101(c) [title II], Sept. 30, 1996, 110 Stat. 3009-121, 3009-126.

Pub. L. 104-107, title II, Feb. 12, 1996, 110 Stat. 708.

Pub. L. 103-306, title II, Aug. 23, 1994, 108 Stat. 1612.

Pub. L. 103-87, title II, Sept. 30, 1993, 107 Stat. 935.

Pub. L. 102-391, title II, Oct. 6, 1992, 106 Stat. 1642.

Pub. L. 101-513, title II, Nov. 5, 1990, 104 Stat. 1987.

Pub. L. 101-167, title II, Nov. 21, 1989, 103 Stat. 1204.

Pub. L. 100-461, title II, Oct. 1, 1988, 102 Stat. 2268-9.

Pub. L. 100-202, §101(e) [title II], Dec. 22, 1987, 101 Stat. 1329-131, 1329-139.

Pub. L. 99-500, §101(f) [title II], Oct. 18, 1986, 100 Stat. 1783-213, 1783-218, and Pub. L. 99-591, §101(f) [title II], Oct. 30, 1986, 100 Stat. 3341-214, 3341-218.

Pub. L. 99-190, §101(i) [title II], Dec. 19, 1985, 99 Stat. 1291, 1296.

Pub. L. 98-473, title I, §101(1) [title II], Oct. 12, 1984, 98 Stat. 1884, 1889; repealed by Pub. L. 105-277, div. A, §101(d) [title II], Oct. 21, 1998, 112 Stat. 2681-150, 2681-156.

SHIPMENT OF HUMANITARIAN ASSISTANCE

Pub. L. 108-199, div. D, title V, §534(f), Jan. 23, 2004, 118 Stat. 182, provided that: “During fiscal year 2004 and each fiscal year thereafter, of the amounts made available by the United States Agency for International Development to carry out the provisions of section 123(b) of the Foreign Assistance Act of 1961 [this section], funds may be made available to nongovernmental organizations for administrative costs necessary to implement a program to obtain available donated space on commercial ships for the shipment of humanitarian assistance overseas.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-7, div. E, title V, §534(g), Feb. 20, 2003, 117 Stat. 194.

Pub. L. 107-206, title I, §602, Aug. 2, 2002, 116 Stat. 859.

STUDY AND REPORT CONCERNING USE OF PRIVATE AND VOLUNTARY ORGANIZATIONS, COOPERATIVES, AND PRIVATE SECTOR

Pub. L. 99-83, title III, §311, Aug. 8, 1985, 99 Stat. 216, provided that:

“(a) STUDY.—The Administrator of the Agency for International Development shall undertake a comprehensive study of additional ways to provide development assistance through nongovernmental organizations, including United States and indigenous private and voluntary organizations, cooperatives, the business community, and other private entities. Such study shall include—

“(1) an analysis of the percentage of development assistance allocated to governmental and nongovernmental programs;

“(2) an analysis of structural impediments, within both the United States and foreign governments, to additional use of nongovernmental programs; and

“(3) an analysis of the comparative economic benefits of governmental and nongovernmental programs.

“(b) REPORT.—The Administrator shall report the results of this study to the Congress no later than September 30, 1986.”

AFRICAN DEVELOPMENT FOUNDATION

Pub. L. 95-424, title I, §122, Oct. 6, 1978, 92 Stat. 954, as amended by Pub. L. 97-113, title VII, §734(a)(5), Dec. 29, 1981, 95 Stat. 1560, provided that:

“(a) The Congress declares that the United States should place higher priority on the formulation and implementation of policies and programs to enable the people of African nations to develop their potential, fulfill their aspirations, and enjoy better, more productive lives. In furtherance of these objectives, the Congress finds that additional support is needed for community-based self-help activities in Africa and that an African Development Foundation, organized to further the purposes set forth in section 123 of the Foreign Assistance Act of 1961 [this section], can complement current United States development programs in Africa.

“(b) [Repealed. Pub. L. 97-113, title VII, §734(a)(5), Dec. 29, 1981, 95 Stat. 1560.]”

[African Development Foundation changed to United States African Development Foundation by Pub. L.

113-76, div. K, title III, Jan. 17, 2014, 128 Stat. 482. See section 290h-1 of this title.]

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.

§ 2151v. Aid to relatively least developed countries

(a) Characterization of least developed countries

Relatively least developed countries (as determined on the basis of criteria comparable to those used for the United Nations General Assembly list of “least developed countries”) are characterized by extreme poverty, very limited infrastructure, and limited administrative capacity to implement basic human needs growth strategies. In such countries special measures may be necessary to insure the full effectiveness of assistance furnished under subchapter I of this chapter.

(b) Assistance on grant basis

For the purpose of promoting economic growth in these countries, the President is authorized and encouraged to make assistance under this part available on a grant basis to the maximum extent that is consistent with the attainment of United States development objectives.

(c) Waiver of principal and interest on prior liability

(1) The Congress recognizes that the relatively least developed countries have virtually no access to private international capital markets. Insofar as possible, prior assistance terms should be consistent with present grant assistance terms for relatively least developed countries. Therefore, notwithstanding section 2370(r) of this title and section 321 of the International Development and Food Assistance Act of 1975 but subject to paragraph (2) of this subsection, the President on a case-by-case basis, taking into account the needs of the country for financial resources and the commitment of the country to the development objectives set forth in sections 2151 and 2151-1 of this title—

(A) may permit a relatively least developed country to place amounts, which would otherwise be paid to the United States as payments on principal or interest on liability incurred by that country under subchapter I of this chapter (or any predecessor legislation) into local currency accounts (in equivalent amounts of local currencies as determined by the official exchange rate for United States dollars) for use by the relatively least developed country, with the concurrence of the Administrator of the agency primarily responsible for administering subchapter I of this chapter, for activities which are consistent with section 2151-1 of this title; and

(B) may waive interest payments on liability incurred by a relatively least developed country under subchapter I of this chapter (or any predecessor legislation) if the President determines that that country would be unable to

use for development purposes the equivalent amounts of local currencies which could be made available under subparagraph (A).

(2) The aggregate amount of interest waived and interest and principal paid into local currency accounts under this subsection in any fiscal year may not exceed the amount approved for such purpose in an Act appropriating funds to carry out this part for that fiscal year, which amount may not exceed the amount authorized to be so approved by the annual authorizing legislation for development assistance programs. Amounts due and payable during fiscal year 1981 to the United States from relatively least developed countries on loans made under this subchapter (or any predecessor legislation) are authorized to be approved for use, in accordance with the provisions of paragraph (1) of this subsection, in an amount not to exceed \$10,845,000.

(3) In exercising the authority granted by this subsection, the President should act in concert with other creditor countries.

(d) Waiver of requirement of contribution

The President may on a case-by-case basis waive the requirement of section 2151h(a) of this title for financial or “in kind” contributions in the case of programs, projects, or activities in relatively least developed countries.

(e) Waiver of time limitations on aid

Section 2151h(b) of this title shall not apply with respect to grants to relatively least developed countries.

(Pub. L. 87-195, pt. I, §124, as added Pub. L. 95-424, title I, §112(a)(1), Oct. 6, 1978, 92 Stat. 948; amended Pub. L. 96-53, title I, §109, Aug. 14, 1979, 93 Stat. 363; Pub. L. 96-533, title III, §308, Oct. 16, 1980, 94 Stat. 3147.)

Editorial Notes

REFERENCES IN TEXT

Section 321 of the International Development and Food Assistance Act of 1975, referred to in subsec. (c)(1), is section 321 of Pub. L. 94-161, Dec. 20, 1975, 89 Stat. 868, which is set out as a note under section 2220a of this title.

AMENDMENTS

1980—Subsec. (c)(2). Pub. L. 96-533 substituted “fiscal year 1981” and “\$10,845,000” for “fiscal year 1980” and “\$18,800,000”, respectively.

1979—Subsec. (c)(2). Pub. L. 96-53 inserted provisions respecting use of funds due and payable during fiscal year 1980 to the United States.

Statutory Notes and Related Subsidiaries

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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.