

(Pub. L. 104-132, title III, §328, Apr. 24, 1996, 110 Stat. 1257.)

Editorial Notes

REFERENCES IN TEXT

Section 2349aa-4 of this title, referred to in subsec. (b)(1), was in the original “section 575”, which was translated as meaning section 575 of the Foreign Assistance Act of 1961. Section 575 of the Act was renumbered section 574 by section 121(d) of Pub. L. 104-164 without corresponding amendment to this section.

Section 2350a of title 10, referred to in subsec. (b)(2), was subsequently amended, and section 2350a(i)(3) no longer defines the term “major non-NATO ally”. However, such term is defined elsewhere in that section.

CODIFICATION

Section is comprised of section 328 of Pub. L. 104-132. Subsec. (a) of section 328 of Pub. L. 104-132 amended section 2349aa-2 of this title.

Section was enacted as part of the Antiterrorism and Effective Death Penalty Act of 1996, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Statutory Notes and Related Subsidiaries

“ASSISTANCE” DEFINED

Pub. L. 104-132, title III, §329, Apr. 24, 1996, 110 Stat. 1258, provided that: “For purposes of this title [enacting this section and sections 262p-4q, 2377, 2378, and 2781 of this title, section 1189 of Title 8, Aliens and Nationality, and sections 2332d and 2339B of Title 18, Crimes and Criminal Procedure, amending section 2349aa-2 of this title, section 2339A of Title 18, and section 44906 of Title 49, Transportation, and enacting provisions set out as notes under section 2377 of this title and sections 2332d and 2339B of Title 18]—

“(1) the term ‘assistance’ means assistance to or for the benefit of a government of any country that is provided by grant, concessional sale, guaranty, insurance, or by any other means on terms more favorable than generally available in the applicable market, whether in the form of a loan, lease, credit, debt relief, or otherwise, including subsidies for exports to such country and favorable tariff treatment of articles that are the growth, product, or manufacture of such country; and

“(2) the term ‘assistance’ does not include assistance of the type authorized under chapter 9 of part 1 of the Foreign Assistance Act of 1961 [22 U.S.C. 2292 et seq.] (relating to international disaster assistance).”

PART IX—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

§ 2349bb. Purposes

The purposes of assistance under this part are to halt the proliferation of nuclear, chemical, and biological weapons, and conventional weaponry, through support of activities designed—

(1) to enhance the nonproliferation and export control capabilities of friendly countries by providing training and equipment to detect, deter, monitor, interdict, and counter proliferation;

(2) to strengthen the bilateral ties of the United States with friendly governments by offering concrete assistance in this area of vital national security interest;

(3) to accomplish the activities and objectives set forth in sections 5853 and 5854 of this title, without regard to the limitation of those sections to the independent states of the former Soviet Union; and

(4) to promote multilateral activities, including cooperation with international organizations, relating to nonproliferation.

(Pub. L. 87-195, pt. II, §581, as added Pub. L. 106-280, title III, §301, Oct. 6, 2000, 114 Stat. 851.)

Statutory Notes and Related Subsidiaries

NONPROLIFERATION TECHNOLOGY ACQUISITION PROGRAMS FOR FRIENDLY FOREIGN COUNTRIES

Pub. L. 107-228, div. B, title XIII, §1302, Sept. 30, 2002, 116 Stat. 1435, provided that:

“(a) IN GENERAL.—For the purpose of enhancing the nonproliferation and export control capabilities of friendly countries, of the amount authorized to be appropriated for fiscal year 2003 by section 585 [586] of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) [22 U.S.C. 2349bb-4], the Secretary is authorized to make available—

“(1) \$5,000,000 for the procurement and provision of nuclear, chemical, and biological detection systems, including spectroscopic and pulse echo technologies; and

“(2) \$10,000,000 for the procurement and provision of x-ray systems capable of imaging sea-cargo containers.

“(b) REPORTS ON TRAINING PROGRAM.—

“(1) INITIAL REPORT.—Not later than March 31, 2003, the Secretary shall submit a report to the appropriate congressional committees setting forth his plans and budget for a multiyear training program to train foreign personnel in the utilization of the systems described in subsection (a).

“(2) SUBSEQUENT REPORTS.—Not later than March 31, 2004, and annually thereafter for the next three years, the Secretary shall submit a report to the appropriate congressional committees describing the progress, current status, and budget of that training program and of the provision of those systems.”

[For definitions of “Secretary” and “appropriate congressional committees” as used in section 1302 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.]

§ 2349bb-1. Authorization of assistance

Notwithstanding any other provision of law (other than section 2304 or section 2371 of this title), the President is authorized to furnish, on such terms and conditions as the President may determine, assistance in order to carry out the purposes of this part. Such assistance may include training services and the provision of funds, equipment, and other commodities related to the detection, deterrence, monitoring, interdiction, and prevention or countering of proliferation, the establishment of effective nonproliferation laws and regulations, and the apprehension of those individuals involved in acts of proliferation of such weapons.

(Pub. L. 87-195, pt. II, §582, as added Pub. L. 106-280, title III, §301, Oct. 6, 2000, 114 Stat. 852.)

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.

§ 2349bb-2. Transit interdiction

(a) Allocation of funds

In providing assistance under this part, the President shall ensure that, beginning in fiscal

year 2007, not less than one-quarter of the total of such assistance is obligated for the purpose of enhancing the capabilities of friendly countries to detect and interdict proliferation-related shipments of cargo to non-State actors and States of proliferation concern.

(b) Priority to certain countries

Priority shall be given in the apportionment of the assistance described under subsection (a) to any friendly country that has been determined by the Secretary of State to be a country frequently transited by proliferation-related shipments of cargo.

(c) Cooperative agreements

In order to promote cooperation regarding the interdiction of weapons of mass destruction and related materials and delivery systems, the President is authorized to conclude agreements, including reciprocal maritime agreements, with other countries to facilitate effective measures to prevent the transportation of such items to non-state actors and states of proliferation concern.

(d) Determination and notice to Congress

The Secretary of State shall notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate in writing not more than 30 days after making a determination that any friendly country has been determined to be a country eligible for priority consideration of any assistance under subsection (a). Such determination shall set forth the reasons for such determination, and may be submitted in classified and unclassified form, as necessary.

(Pub. L. 87-195, pt. II, §583, as added Pub. L. 106-280, title III, §301, Oct. 6, 2000, 114 Stat. 852; amended Pub. L. 109-472, §10(c), Jan. 11, 2007, 120 Stat. 3557.)

Editorial Notes

AMENDMENTS

2007—Subsec. (a). Pub. L. 109-472, §10(c)(1), substituted “shall ensure that, beginning in fiscal year 2007,” for “should ensure that”, “obligated” for “expended”, and “to non-State actors and States of proliferation concern” for “that originate from, and are destined for, other countries”.

Subsecs. (c), (d). Pub. L. 109-472, §10(c)(2), added subsecs. (c) and (d).

Statutory Notes and Related Subsidiaries

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.

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.

§ 2349bb-2a. International nonproliferation export control training

(a) General authority

The President is authorized to furnish, on such terms and conditions consistent with this part (but whenever feasible on a reimbursable basis), education and training to appropriate military and civilian personnel of foreign countries for the purpose of enhancing the nonproliferation and export control capabilities of such personnel through their attendance in special courses of instruction conducted by the United States.

(b) Administration of courses

The Secretary of State shall have overall responsibility for the development and conduct of international nonproliferation education and training programs under this section, and may utilize other departments and agencies of the United States, as appropriate, to recommend personnel for the education and training and to administer specific courses of instruction.

(c) Purposes

Education and training activities conducted under this section shall be—

(1) of a technical nature, emphasizing techniques for detecting, deterring, monitoring, interdicting, and countering proliferation;

(2) designed to encourage effective and mutually beneficial relations and increased understanding between the United States and friendly countries; and

(3) designed to improve the ability of friendly countries to utilize their resources with maximum effectiveness, thereby contributing to greater self-reliance by such countries.

(d) Priority to certain countries

In selecting personnel for education and training pursuant to this section, priority should be given to personnel from countries determined by the Secretary of State to be countries frequently transited by proliferation-related shipments of cargo.

(Pub. L. 87-195, pt. II, §584, as added Pub. L. 107-228, div. B, title XIII, §1303(2), Sept. 30, 2002, 116 Stat. 1436.)

Editorial Notes

PRIOR PROVISIONS

A prior section 584 of Pub. L. 87-195 was renumbered section 585 and is classified to section 2349bb-3 of this title.

§ 2349bb-3. Limitations

The limitations contained in section 2349aa-2(a) and (d) of this title shall apply to this part.

(Pub. L. 87-195, pt. II, §585, formerly §584, as added Pub. L. 106-280, title III, §301, Oct. 6, 2000, 114 Stat. 852; renumbered §585, Pub. L. 107-228, div. B, title XIII, §1303(1), Sept. 30, 2002, 116 Stat. 1436.)

Editorial Notes

PRIOR PROVISIONS

A prior section 585 of Pub. L. 87-195 was renumbered section 586 and is classified to section 2349bb-4 of this title.