

classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

AMENDMENTS

2000—Pub. L. 106-264 amended section generally. Prior to amendment, section read as follows: “Assistance under any provision of this chapter may, unless sooner terminated by the President, be terminated by concurrent resolution. Funds made available under this chapter shall remain available for a period not to exceed eight months from the date of termination of assistance under this chapter for the necessary expenses of winding up programs related thereto. In order to ensure the effectiveness of assistance under this chapter, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated. Such expenses for orderly termination of programs under the Arms Export Control Act may include the obligation and expenditure of funds to complete the training or studies outside the countries of origin of students whose course of study or training program began before assistance was terminated, as long as the origin country’s termination was not a result of activities beyond default of financial responsibilities.”

1999—Pub. L. 106-113 inserted at end “Such expenses for orderly termination of programs under the Arms Export Control Act may include the obligation and expenditure of funds to complete the training or studies outside the countries of origin of students whose course of study or training program began before assistance was terminated, as long as the origin country’s termination was not a result of activities beyond default of financial responsibilities.”

1980—Pub. L. 96-533 authorized expenses for termination of programs to include completion of training or studies for students commenced outside their countries of origin prior to such termination.

1973—Pub. L. 93-189 substituted “eight months” for “twelve months”.

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.

§ 2368. Assistance for a reconstruction and stabilization crisis

(a) Assistance

(1) In general

If the President determines that it is in the national security interests of the United States for United States civilian agencies or non-Federal employees to assist in reconstructing and stabilizing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 2364(a)(3) of this title, but notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to such country or region for reconstruction or stabilization using funds described in paragraph (2).

(2) Funds described

The funds referred to in paragraph (1) are funds made available under any other provision of this chapter, and transferred or reprogrammed for purposes of this section, and such transfer or reprogramming shall be subject to the procedures applicable to a notification under section 2394-1 of this title.

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(3) Rule of construction

Nothing in this section shall be construed to provide authority to transfer funds between accounts or between Federal departments or agencies.

(b) Limitation

The authority contained in this section may be exercised only during fiscal years 2009, 2010, and 2011.

(Pub. L. 87-195, pt. III, §618, as added Pub. L. 110-417, [div. A], title XVI, §1604, Oct. 14, 2008, 122 Stat. 4654.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(2), was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, 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.

PRIOR PROVISIONS

A prior section 2368, Pub. L. 87-195, pt. III, §618, as added Pub. L. 87-565, pt. III, §301(c), Aug. 1, 1962, 76 Stat. 260, related to payment to the United States regarding the Settlement of Postwar Economic Assistance to Japan, prior to repeal by Pub. L. 95-424, title VI, §§604, 605, Oct. 6, 1978, 92 Stat. 961, effective Oct. 1, 1978.

Another prior section 2368, Pub. L. 87-195, pt. III, §618, Sept. 4, 1961, 75 Stat. 444, related to economic assistance to Latin America, prior to repeal by Pub. L. 87-565, pt. III, §301(c), Aug. 1, 1962, 76 Stat. 260.

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 110-417, [div. A], title XVI, §1602, Oct. 14, 2008, 122 Stat. 4653, as amended by Pub. L. 111-383, div. A, title X, §1075(e)(18), Jan. 7, 2011, 124 Stat. 4375, provided that: “Congress finds the following:

“(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the ‘Coordinator’) was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

“(2) In December 2005, the Coordinator’s mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary’s direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

“(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator’s assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of

other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

“(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

“(5) The President’s Fiscal Year 2009 Budget Request to Congress includes \$248.6 million for a Civilian Stabilization Initiative that would vastly improve civilian partnership with United States Armed Forces in post-conflict stabilization situations, including by establishing an Active Response Corps of 250 persons, a Standby Response Corps of 2,000 persons, and a Civilian Response Corps of 2,000 persons.”

RECONSTRUCTION AND STABILIZATION STRATEGY

Pub. L. 110-417, [div. A], title XVI, §1607, Oct. 14, 2008, 122 Stat. 4657, provided that:

“(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

“(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

“(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

“(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

“(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

“(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

“(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.”

[For definition of “personnel” as used in section 1607 of Pub. L. 110-417, set out above, see section 1603 of Pub. L. 110-417, set out as a note under section 2734a of this title.]

§ 2369. Repealed. Pub. L. 95-424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87-195, pt. III, §619, Sept. 4, 1961, 75 Stat. 444, related to assistance to newly independent countries.

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.

§ 2370. Prohibitions against furnishing assistance

(a) Cuba; embargo on all trade

(1) No assistance shall be furnished under this chapter to the present government of Cuba. As an additional means of implementing and carrying into effect the policy of the preceding sentence, the President is authorized to establish

and maintain a total embargo upon all trade between the United States and Cuba.

(2) Except as may be deemed necessary by the President in the interest of the United States, no assistance shall be furnished under this chapter to any government of Cuba, nor shall Cuba be entitled to receive any quota authorizing the importation of Cuban sugar into the United States or to receive any other benefit under any law of the United States, until the President determines that such government has taken appropriate steps according to international law standards to return to United States citizens, and to entities not less than 50 per centum beneficially owned by United States citizens, or to provide equitable compensation to such citizens and entities for property taken from such citizens and entities on or after January 1, 1959, by the Government of Cuba.

(b) Repealed. Pub. L. 97-113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(c) Indebtedness of foreign country to United States citizen or person

No assistance shall be provided under this chapter to the government of any country which is indebted to any United States citizen or person for goods or services furnished or ordered where (i) such citizen or person has exhausted available legal remedies, which shall include arbitration, or (ii) the debt is not denied or contested by such government, or (iii) such indebtedness arises under an unconditional guaranty of payment given by such government, or any predecessor government, directly or indirectly, through any controlled entity: *Provided*, That the President does not find such action contrary to the national security.

(d) Productive enterprises competing with United States enterprise; conditions on assistance; import controls; waiver of restriction by President

No assistance shall be furnished on a loan basis under part I of subchapter I of this chapter for construction or operation of any productive enterprise in any country where such enterprise will compete with United States enterprise unless such country has agreed that it will establish appropriate procedures to prevent the exportation for use or consumption in the United States of more than twenty per centum of the annual production of such facility during the life of the loan. In case of failure to implement such agreement by the other contracting party, the President is authorized to establish necessary import controls to effectuate the agreement. The restrictions imposed by or pursuant to this subsection may be waived by the President where he determines that such waiver is in the national security interest.

(e) Nationalization, expropriation or seizure of property of United States citizens, or taxation or other exaction having same effect; failure to compensate or to provide relief from taxes, exactions, or conditions; report on full value of property by Foreign Claims Settlement Commission; act of state doctrine

(1) The President shall suspend assistance to the government of any country to which assist-