

or other financial institution or to any officer, agent, or employee of any agency of the United States Government a claim for payment from funds made available under this chapter for the purposes of furnishing assistance and who knows the claim to be false, fraudulent, or fictitious or to cover a commodity or commodity-related service determined by the President to be ineligible for payment from funds made available under this chapter, or who uses to support his claim any certification, statement, or entry on any contract, abstract, bill of lading, Government or commercial invoice, or Government form, which he knows, or in the exercise of prudent business management should know, to contain false, fraudulent, or fictitious information, or who uses or engages in any other fraudulent trick, scheme, or device for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any benefit or payment from funds so made available under this chapter in connection with the negotiation, procurement, award, or performance of a contract financed with funds so made available under this chapter, and any person who enters into an agreement, combination, or conspiracy so to do, (1) shall pay to the United States an amount equal to 25 per centum of any amount thereby sought to be wrongfully secured or obtained but not actually received, and (2) shall forfeit and refund any payment, compensation, loan, commission, or advance received as a result thereof, and (3) shall, in addition, pay to the United States for each such act (A) the sum of \$2,000 and double the amount of any damage which the United States may have sustained by reason thereof, or (B) an amount equal to 50 per centum of any such payment, compensation, loan, commission, or advance so received, whichever is the greater, together with the costs of suit.

(b) Recovery of penalties; procedure; finality of withholding of funds; recovery of withheld funds; limitation period

In order to secure recovery under this section, the President may, as he deems appropriate, (1) institute suit in the United States district court for any judicial district in which the person alleged to have performed or participated in an act described by this section may reside or may be found, and (2) upon posting by registered mail to such person a notice of claim describing the basis therefor and identifying the funds to be withheld, withhold from funds owed by any agency of the United States Government to such person an amount equal to the refund, damages, liquidated damages, and exemplary damages claimed by the United States under this section. Any such withholding of funds from any person shall constitute a final determination of the rights and liabilities of such person under this section with respect to the amount so withheld, unless within one year of receiving the notice of claim such person brings suit for recovery, which is hereby authorized, against the United States in any United States district court.

(c) "Person" defined

For purposes of this section, the term "person" includes any individual, corporation, partnership, association, or other legal entity.

(Pub. L. 87-195, pt. III, §640A, as added Pub. L. 90-554, pt. III, §302(f), Oct. 8, 1968, 82 Stat. 965.)

Editorial Notes

REFERENCES IN TEXT

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

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.

§ 2399c. Coordination of policies and programs

(a) Development Coordination Committee established

The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the head of the agency primarily responsible for administering subchapter I of this chapter, Chairman, and representatives of the Departments of State, Treasury, Commerce, Agriculture, Energy, and Labor, the Executive Office of the President, and other executive departments and agencies, as the President shall designate. The Committee shall advise the President concerning the degree to which bilateral and multilateral development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.

(b) Procedures to assure coordination

The President shall prescribe appropriate procedures to assure coordination among—

(1) the various departments and agencies of the United States Government having representatives in diplomatic missions abroad; and

(2) representatives of the United States Government in each country, under the direction of the Chief of the United States Diplomatic Mission.

The President shall keep the Congress advised of his actions under this subsection.

(c) Guidance of Secretary of State

Programs authorized by this chapter shall be undertaken with the foreign policy guidance of the Secretary of State.

(d) Repealed. Pub. L. 95-424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959

(e) Temporary assignment of employees

The head of any of the departments or agencies referred to in subsection (a) may temporarily assign, upon the request of the Chairman, any employee from such department or agency to the staff of the Committee.

(f) Studies

To carry out the purposes of subsection (a), the Committee shall—

- (1) prepare studies on various development problems;
- (2) devise implementation strategies on developmental problems appropriate to each such department or agency;
- (3) monitor and evaluate the results of the development activities of each such department or agency; and
- (4) arrange for the exchange of information and studies between such agencies and departments.

(Pub. L. 87-195, pt. III, § 640B, as added Pub. L. 93-189, § 21, Dec. 17, 1973, 87 Stat. 725; amended Pub. L. 95-88, title I, § 127, Aug. 3, 1977, 91 Stat. 542; Pub. L. 95-424, title V, § 502(d), Oct. 6, 1978, 92 Stat. 959; Pub. L. 96-53, title I, § 118, Aug. 14, 1979, 93 Stat. 365; Pub. L. 97-113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560.)

Editorial Notes

AMENDMENTS

1981—Subsec. (g). Pub. L. 97-113 struck our subsec. (g) which required annual reports to Congress by the Chairman of the Development Coordination Committee on the activities of the Committee respecting aid to low-income countries. See section 2394(a) of this title.

1979—Subsec. (a). Pub. L. 96-53 inserted reference to Department of Energy.

1978—Subsec. (d). Pub. L. 95-424, § 502(d)(1), struck out subsec. (d) relating to annual reports to Congress by the President on United States actions affecting the development of less developed countries.

Subsec. (g). Pub. L. 95-424, § 502(d)(2), substituted “section 2394 of this title, the Chairman of the Committee” for “subsection (d) of this section, the President”.

1977—Subsec. (a). Pub. L. 95-88, § 127(a), provided that the Committee advise the President concerning the degree to which bilateral and multilateral development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.

Subsec. (d). Pub. L. 95-88, § 127(b), substituted “less developed countries” for “low-income countries” in the description of the subject matter of the Presidential reports to Congress, designated existing provisions setting out the subject matter of the reports as cl. (2)(A), and added cls. (1) and (2)(B).

Subsecs. (e) to (g). Pub. L. 95-88, § 127(c), added subsecs. (e) to (g).

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 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.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

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.

§ 2399d. Shipping differential

For the purpose of facilitating implementation of section 55305 of title 46, funds made available for the purposes of part I of subchapter I of this chapter or for purposes of part IV of subchapter II of this chapter may be used to make grants to recipients to pay all or any portion of such differential as is determined by the Secretary of Commerce to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible.

(Pub. L. 87-195, pt. III, § 640C, as added Pub. L. 93-189, § 21, Dec. 17, 1973, 87 Stat. 726; amended Pub. L. 96-533, title VII, § 708, Dec. 16, 1980, 94 Stat. 3159.)

Editorial Notes

CODIFICATION

In text, “section 55305 of title 46” substituted for “section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b))” on authority of Pub. L. 109-304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 55305 of Title 46, Shipping.

AMENDMENTS

1980—Pub. L. 96-533 substituted “part IV of subchapter II of this chapter” for “subchapter IV of this chapter”.

Statutory Notes and Related Subsidiaries

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.