

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 32 - FOREIGN ASSISTANCE
SUBCHAPTER III - GENERAL AND ADMINISTRATIVE PROVISIONS
Part I - General Provisions

§ 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(b) Repealed.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 assistance is provided under this chapter or any other Act when the government of such country or any government agency or subdivision within such country on or after January 1, 1962—

(A) has nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(B) has taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(C) has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned, and such country, government agency, or government subdivision fails within a reasonable time (not more than six months after such action, or, in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received) to take appropriate steps, which may include arbitration, to discharge its obligations under international law toward such citizen or entity, including speedy compensation for such property in convertible foreign exchange, equivalent to the full value thereof, as required by international law, or fails to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be; and such suspension shall continue until the President is satisfied that appropriate steps are being taken, and provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interests of the United States. Such certification shall be reported immediately to Congress.

Upon request of the President (within seventy days after such action referred to in subparagraphs (A), (B), or (C) of this paragraph, the Foreign Claims Settlement Commission of the United States (established pursuant to Reorganization Plan No. 1 of 1954, 68 Stat. 1279) is hereby authorized to evaluate expropriated property, determining the full value of any property nationalized, expropriated, or seized, or subjected to discriminatory or other actions as aforesaid, for purposes of this subsection and to render an advisory report to the President within ninety days after such request. Unless authorized by the President, the Commission shall not publish its advisory report except to the citizen or entity owning such property. There is hereby authorized to be appropriated such amount, to remain available until expended, as may be necessary from time to time to enable the Commission to carry out expeditiously its functions under this subsection.

(2) Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which a claim of title or other rights to property is asserted by any party including a foreign state (or a party claiming through such state) based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in this subsection: Provided, That this subparagraph shall not be applicable (1) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right to property acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking, or (2) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court.

(f) Prohibition against assistance to Communist countries; conditions for waiver of restriction by President; enumeration of Communist countries; removal from application of provisions; preconditions

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(1) No assistance shall be furnished under this chapter, (except section 2174 (b) of this title) to any Communist country. This restriction may not be waived pursuant to any authority contained in this chapter unless the President finds and promptly reports to Congress that:

- (A) such assistance is vital to the security of the United States;
- (B) the recipient country is not controlled by the international Communist conspiracy; and
- (C) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase “Communist country” includes specifically, but is not limited to, the following countries:

Democratic People’s Republic of Korea,

People’s Republic of China,

Republic of Cuba,

Socialist Republic of Vietnam,

Tibet,¹

(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President may remove a country, for such period as the President determines, from the application of this subsection, and other provisions which reference this subsection, if the President determines and reports to the Congress that such action is important to the national interest of the United States. It is the sense of the Congress that when consideration is given to authorizing assistance to a country removed from the application of this subsection, one of the factors to be weighed, among others, is whether the country in question is giving evidence of fostering the establishment of a genuinely democratic system, with respect for internationally recognized human rights.

(g) Use of assistance funds to compensate owners for expropriated or nationalized property; waiver for land reform programs

Notwithstanding any other provision of law, no monetary assistance shall be made available under this chapter to any government or political subdivision or agency of such government which will be used to compensate owners for expropriated or nationalized property and, upon finding by the President that such assistance has been used by any government for such purpose, no further assistance under this chapter shall be furnished to such government until appropriate reimbursement is made to the United States for sums so diverted. This prohibition shall not apply to monetary assistance made available for use by a government (or a political subdivision or agency of a government) to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.

(h) Regulations and procedures to insure aid is not used contrary to the best interests of the United States

The President shall adopt regulations and establish procedures to insure that United States foreign aid is not used in a manner which, contrary to the best interests of the United States, promotes or assists the foreign aid projects or activities of any country that is a Communist country for purposes of subsection (f) of this section.

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

(j) Damage or destruction by mob action of United States property; termination of assistance

The President shall consider terminating assistance under this chapter or any other Act to any country which permits, or fails to take adequate measures to prevent, the damage or destruction by mob action of United States property within such country, and fails to take appropriate measures to prevent a recurrence thereof and to provide adequate compensation for such damage or destruction.

(k) Maximum amount of assistance, including military assistance to individual countries without approval of or presentation to Congress

Without the express approval of Congress, no assistance shall be furnished under this chapter to any country for construction of any productive enterprise with respect to which the aggregate value of assistance to be furnished by the United States will exceed \$100,000,000, except that this sentence does not apply with respect to assistance for construction of any productive enterprise in Egypt which is described in the presentation materials to Congress. Except as otherwise provided in section 2318 of this title, no military assistance shall be furnished to any country under this chapter for carrying out any program, with respect to which the aggregate value of assistance to be furnished beginning July 1, 1966, by the United States will exceed \$100,000,000 unless such program has been included in the presentation to the Congress during its consideration of authorizations for appropriations under this chapter or of appropriations pursuant to authorizations contained in this chapter. No provision of this chapter or any other Act shall be construed to authorize the President to waive the provisions of this subsection.

(l) Institution of investment guaranty program

The President shall consider denying assistance under this chapter to the government of any less developed country which, after December 31, 1966, has failed to enter into an agreement with the President to institute the investment guaranty program under section 2194 (a)(1) of this title, providing protection against the specific risks of inconvertibility under subparagraph (A), and expropriation or confiscation under subparagraph (B), of such section 2194 (a)(1).

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

(n) Repealed. Pub. L. 95–88, title I, § 123(b), Aug. 3, 1977, 91 Stat. 541

(o) Exclusion from assistance of countries seizing or imposing penalties or sanctions against United States fishing vessels

In determining whether or not to furnish assistance under this chapter, consideration shall be given to excluding from such assistance any country which hereafter seizes, or imposes any penalty or sanction against, any United States fishing vessel on account of its fishing activities in international waters. The provisions of this subsection shall not be applicable in any case governed by international agreement to which the United States is a party.

(p) Repealed. Pub. L. 93–559, § 44, Dec. 30, 1974, 88 Stat. 1813

(q) Defaults in principal or interest payments on loans; meeting obligations under loans; notice to Congressional committees

No assistance shall be furnished under this chapter to any country which is in default, during a period in excess of six calendar months, in payment to the United States of principal or interest on any loan made to such country under this chapter, unless such country meets its obligations under the loan or unless the President determines that assistance to such country is in the national interest and notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination.

(r) Liability for repayment of principal or interest on loans outstanding after September 19, 1966

No recipient of a loan made under the authority of this chapter, any part of which is outstanding on or after September 19, 1966, shall be relieved of liability for the repayment of any part of the principal or of interest on such loan.

(s) Restraint of arms races and proliferation of sophisticated weapons

(1) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans or supporting assistance to any country under this chapter, and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.]:

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- (A) the percentage of the recipient or purchasing country's budget which is devoted to military purposes; and
- (B) the degree to which the recipient or purchasing country is using its foreign exchange or other resources to acquire military equipment.

(2) Omitted.

(t) Diplomatic relations; severance, resumption, and negotiation of agreements

No assistance shall be furnished under this chapter or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.], in or to any country which has severed or hereafter severs diplomatic relations with the United States or with which the United States has severed or hereafter severs diplomatic relations, unless

- (1) diplomatic relations have been resumed with such country and
- (2) agreements for the furnishing of such assistance or the making of such sales, as the case may be, have been negotiated and entered into after the resumption of diplomatic relations with such country.

(u) Status of country with respect to obligations to the United Nations; report to Congress

In any decision to provide or continue to provide any program of assistance to any country under this chapter, there shall be taken into account the status of the country with respect to its dues, assessments, and other obligations to the United Nations; and where such country is delinquent with respect to any such obligations for the purposes of the first sentence of Article 19 of the United Nations Charter, the President shall furnish the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report setting forth the assurance given by the government of the country concerned of paying all of its arrearages and of placing its payments of such obligations on a current basis, or a full explanation of the unusual or exceptional circumstances which render it economically incapable of giving such assurance.

(v) Repealed. Pub. L. 93-559, § 24, Dec. 30, 1974, 88 Stat. 1802

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

(x) Omitted

(y) Limitation on assistance to countries aiding Cuba nuclear development

- (1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this chapter or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.
- (2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—
 - (A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelco, and Cuba is in compliance with the requirements of either such Treaty;
 - (B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and
 - (C) incorporates and is in compliance with internationally accepted nuclear safety standards.
- (3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any entity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits.

Footnotes

¹ So in original. The comma probably should be a period.

(Pub. L. 87-195, pt. III, § 620, Sept. 4, 1961, 75 Stat. 444; Pub. L. 87-565, pt. III, § 301(d), Aug. 1, 1962, 76 Stat. 260; Pub. L. 88-205, pt. III, § 301(e), Dec. 16, 1963, 77 Stat. 386; Pub. L. 88-633, pt. III, §

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301(d)–(g), Oct. 7, 1964, 78 Stat. 1013; Pub. L. 89–171, pt. III, § 301(d), Sept. 6, 1965, 79 Stat. 659; Pub. L. 89–583, pt. III, § 301(h), Sept. 19, 1966, 80 Stat. 805, 806; Pub. L. 90–137, pt. III, § 301(f), Nov. 14, 1967, 81 Stat. 459; Pub. L. 90–554, pt. III, § 301(c), Oct. 8, 1968, 82 Stat. 963; Pub. L. 91–175, pt. III, § 303, Dec. 30, 1969, 83 Stat. 820; Pub. L. 92–226, pt. III, § 301, Feb. 7, 1972, 86 Stat. 27; Pub. L. 93–189, § 15, Dec. 17, 1973, 87 Stat. 722; Pub. L. 93–559, §§ 22–24, 44, Dec. 30, 1974, 88 Stat. 1801, 1802, 1813; Pub. L. 94–104, § 2(c)(1), (2), Oct. 6, 1975, 89 Stat. 509; Pub. L. 94–329, title IV, § 403, title VI, § 606, June 30, 1976, 90 Stat. 757, 768; Pub. L. 95–88, title I, § 123(a), (b), Aug. 3, 1977, 91 Stat. 541; Pub. L. 95–92, § 22(d), Aug. 4, 1977, 91 Stat. 624; Pub. L. 95–384, § 13(a), Sept. 26, 1978, 92 Stat. 737; Pub. L. 95–424, title I, §§ 102(g)(2)(F), 115 (k), title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 943, 952, 959; Pub. L. 96–533, title II, § 203, Dec. 16, 1980, 94 Stat. 3145; Pub. L. 97–113, title VII, §§ 702, 707, 734 (a)(1), (13), (b), Dec. 29, 1981, 95 Stat. 1544, 1546, 1560; Pub. L. 99–83, title XII, §§ 1202, 1203, Aug. 8, 1985, 99 Stat. 276, 277; Pub. L. 102–511, title IX, § 901, Oct. 24, 1992, 106 Stat. 3355; Pub. L. 103–199, title VII, § 705(3), Dec. 17, 1993, 107 Stat. 2328; Pub. L. 103–306, title V, § 573, Aug. 23, 1994, 108 Stat. 1653; Pub. L. 105–277, div. G, subdiv. B, title XXVIII, § 2810(a), Oct. 21, 1998, 112 Stat. 2681–850.)

Amendment of Section

Pub. L. 104–114, title II, § 204(d)(1), (2), Mar. 12, 1996, 110 Stat. 810, provided that on date on which President submits determination under section 6063 (c)(3) of this title that democratically elected government in Cuba is in power, this section is amended by repealing subsec. (a) and by striking out “Republic of Cuba” in subsec. (f).

References in Text

This chapter, referred to in subsecs. (a), (c), (e), (f)(1), (g), (j) to (l), (o), (q) to (t), (u), and (y), was in the original “this Act”, except in subsec. (u), where it was “the Foreign Assistance Act of 1961”, meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Reorganization Plan No. 1 of 1954, 68 Stat. 1279, referred to in subsec. (e)(1), is set out in the Appendix to Title 5, Government Organization and Employees.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsecs. (s)(1) and (t), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

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.

Codification

Subsec. (s)(2) of this section, which required the President to report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on actions taken to carry out this provision, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 26 of House Document No. 103–7.

Subsec. (x) was omitted pursuant to Pub. L. 95–384, § 13(a), Sept. 26, 1978, 92 Stat. 737, which provided that subsec. (x) be of no further force and effect upon the President’s determination and certification of certain conditions precedent which was made by Presidential Memorandum dated Sept. 26, 1978. See notes set out below.

Amendments

1998—Subsec. (y). Pub. L. 105–277 added subsec. (y).

1994—Subsec. (f)(1). Pub. L. 103–306, which directed the amendment of par. (1) by striking out from the list of countries “Mongolian People’s Republic.”, was executed by striking out “Mongolian People’s Republic.” to reflect the probable intent of Congress.

1993—Subsec. (h). Pub. L. 103–199 substituted “any country that is a Communist country for purposes of subsection (f) of this section” for “the Communist-bloc countries”.

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1992—Subsec. (f)(1). Pub. L. 102–511, which directed the amendment of par. (1) by striking out from the list of countries “Czechoslovak Socialist Republic.”, “Estonia.”, “German Democratic Republic.”, “Hungarian People’s Republic.”, “Latvia.”, “Lithuania.”, “People’s Republic of Albania.”, “People’s Republic of Bulgaria.”, “Polish People’s Republic.”, “Socialist Federal Republic of Yugoslavia.”, “Socialist Republic of Romania.”, and “Union of Soviet Socialist Republics (including its captive constituent republics).”, was executed by striking out those countries and the comma which followed each country in the original and not a period as shown in the directory language.

1985—Subsec. (f). Pub. L. 99–83, § 1202, designated existing provisions as par. (1) and redesignated cls. (1), (2), and (3) as (A), (B), and (C), respectively, and added par. (2).

Subsec. (g). Pub. L. 99–83, § 1203, inserted provisions relating to waiver of prohibitions in cases of land reform programs.

1981—Subsec. (b). Pub. L. 97–113, § 734(a)(1), struck out subsec. (b) which prohibited aid to countries unless the President determined that they were not dominated by the international Communist movement. See subsec. (f) of this section.

Subsec. (f). Pub. L. 97–113, § 707, substituted “includes specifically, but is not limited to” for “shall include specifically, but not be limited to”, repeated in a different sequence the list of countries included within the phrase “Communist country”, and substituted “Democratic People’s Republic of Korea” for “North Korean Peoples Republic”, “German Democratic Republic” for “German Democratic Republic (East Germany)”, “Mongolian People’s Republic” for “Outer Mongolia-Mongolian Peoples Republic”, “Republic of Cuba” for “Cuba”, “Socialist Federal Republic of Yugoslavia” for “Federal Peoples Republic of Yugoslavia”, “Socialist Republic of Romania” for “Rumanian Peoples Republic”, and “Socialist Republic of Vietnam” for “North Vietnam”.

Subsec. (i). Pub. L. 97–113, § 734(a)(1), struck out subsec. (i) which prohibited aid to countries determined by the President to be engaging in or prepared for aggressive military efforts, insurrection, or subversion against the United States or any country receiving United States aid.

Subsec. (k). Pub. L. 97–113, § 702, struck out “for fiscal year 1977, fiscal year 1980, or fiscal year 1981” after “presentation materials to Congress”.

Subsec. (m). Pub. L. 97–113, § 734(a)(1), struck out subsec. (m) which prohibited grant assistance, except for International Military Education and Training, to any economically developed nation capable of sustaining its own defense burden and economic growth.

Subsec. (s)(1). Pub. L. 97–113, § 734(b), substituted in subpar. (B) “foreign exchange or other resources” for “foreign exchange resources” and struck out subpar. (C), which directed the President to take into account the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

1980—Subsec. (k). Pub. L. 96–533 exempted from express Congressional approval productive enterprises in Egypt described in the presentation to Congress for fiscal years 1980 and 1981.

1978—Subsec. (d). Pub. L. 95–424, § 102(g)(2)(F), substituted “on a loan basis under part I of subchapter I of this chapter” for “under section 2161 of this title”.

Subsec. (l). Pub. L. 95–424, § 115(k), substituted “2194(a)(1)” for “2181(b)(1)” in two places.

Subsec. (w). Pub. L. 95–424, § 502(d)(1), struck out subsec. (w) relating to suspension and future resumption of military, economic, etc., assistance to the Government of Pakistan.

1977—Subsec. (a)(1). Pub. L. 95–88, § 123(a)(1), struck out provision that no assistance be furnished to any country which furnished assistance to the government of Cuba unless the President determined that assistance to the supplying country was in the national interest of the United States.

Subsec. (a)(3). Pub. L. 95–88, § 123(a)(2), struck out par. (3) which had directed that no funds be used to furnish assistance to countries which had not taken steps to prevent ships or aircraft of their registry from transporting equipment, materials, or commodities to Cuba.

Subsec. (n). Pub. L. 95–88, § 123(b), struck out subsec. (n) which had prohibited the giving of aid to countries that sold or furnished to North Vietnam, or permitted their ships or aircraft to carry to or from North Vietnam, equipment, materials, or commodities, unless the President determined that the giving of aid was in the national interest.

Subsec. (x)(1). Pub. L. 95–92 substituted “1978” for “1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal year 1977,” and provisions authorizing \$175,000,000 during the fiscal year 1978 for Turkey as the total value of defense articles and services sold to such country, for provisions authorizing \$125,000,000 during the fiscal year 1976, and the period beginning July 1, 1976, and ending Sept. 30, 1976, and \$125,000,000 during the fiscal year 1977 for Turkey as the total value of defense articles and services sold to such country.

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1976—Subsec. (k). Pub. L. 94–329, § 606, inserted provision exempting from the condition of express approval of Congress any productive enterprise in Egypt which is described in the presentation to Congress for fiscal year 1977.

Subsec. (x)(1). Pub. L. 94–329, § 403, further modified existing restrictions on assistance to Turkey by allowing the procurement under specified conditions of \$125 million in defense articles and defense services by Turkey, provided that the President determines that such articles and services are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization.

1975—Subsec. (x). Pub. L. 94–104 redesignated existing provisions as par. (1), substituted provisions authorizing the President to suspend the provisions of this section and of section 2753 (c) of this title with respect to sales, credits, and guaranties under the Foreign Military Sales Act, for the procurement of defense articles and services certified by the President to be necessary to enable Turkey to fulfill her defense responsibilities as a member of NATO and that such suspension shall be effective only while Turkey observes the cease-fire and neither increases its forces on Cyprus nor transfers to Cyprus any United States supplied arms, ammunition, and implements of war for provisions authorizing the President to suspend the provisions of this section and certain other Acts if he determined that such suspension would further negotiations for a peaceful solution of the Cyprus conflict and that such suspension shall be effective only until Feb. 5, 1975, and if, during that time, Turkey observed cease-fire and neither increased its forces on Cyprus nor transferred to Cyprus any United States supplied implements of war, and added par. (2).

1974—Subsec. (n). Pub. L. 93–559, § 23, authorized assistance when determined by the President to be in the national interest of the United States.

Subsec. (p). Pub. L. 93–559, § 44, repealed subsec. (p) relating to assistance to United Arab Republic if essential to national interest of United States, and without any aid to aggressive actions by the United Arab Republic, and reports to Congressional committees.

Subsec. (v). Pub. L. 93–559, § 24, repealed subsec. (v) relating to prohibition against assistance to Greece, waiver of the restriction by the President, report to Congress, and fiscal year limitation of assistance made available to Greece.

Subsec. (x). Pub. L. 93–559, § 22, added subsec. (x).

1973—Subsec. (e)(1). Pub. L. 93–189 substituted “the provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interest of the United States. Such certification shall be reported immediately to Congress”, for “no other provision of this chapter shall be so construed to authorize the President to waive the provisions of this subsection”.

1972—Subsecs. (v), (w). Pub. L. 92–226 added subsecs. (v) and (w).

1969—Subsec. (s). Pub. L. 91–175, § 303(a), struck out provision empowering President to terminate assistance when he finds it is being diverted to military expenditures, continued provision requiring President to take military expenditures into account when furnishing assistance under this chapter and under the Agricultural Trade Development and Assistance Act of 1954, as amended, inserted provision requiring President to take into account amount spent by recipient on sophisticated weapons systems, and inserted provision requiring President to report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this section.

Subsec. (v). Pub. L. 91–175, § 303(b), repealed subsec. (v) covering the withholding of assistance to countries with expenditures for weapons systems. See subsec. (s) of this section.

1968—Subsec. (v). Pub. L. 90–554, added subsec. (v).

1967—Subsec. (j). Pub. L. 90–137, § 301(f)(1), substituted provisions for termination of assistance to countries because of damage or destruction by mob action of United States property (incorporated from former penultimate paragraph of section 2151 of this title) for former provisions for assistance to Indonesia if essential to national interests of United States and reports thereof to Congress.

Subsec. (k). Pub. L. 90–137, § 301(f)(2), substituted “506” for “510”, classified to the Code as section 2318 of this title.

Subsec. (n). Pub. L. 90–137, § 301(f)(3), restated the prohibition against assistance to define the kind of assistance meant, that is, loans, credits, guarantees, or grants or other assistance, to extend the prohibition to assistance under any other Act and to sales under the Agricultural Trade Development and Assistance Act of 1954, and to eliminate specific reference to such items of transportation as items of economic assistance, and war materials, such as arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items of primary strategic significance used in production of arms, ammunition, and implements of war.

Subsecs. (s) to (u). Pub. L. 90–137, § 301(f)(4), added subsecs. (s) to (u).

1966—Subsec. (i). Pub. L. 89–583, § 301(h)(1), provided for denial of assistance to any country which hereafter is officially represented at any international conference when that representation includes planning of activities involving insurrection or subversion, which military efforts, insurrection, or subversion are directed as described in the subsec.,

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for Executive determination that such representation has ceased and for report to Congress that such representation will not be renewed or repeated.

Subsec. (k). Pub. L. 89–583, § 301(h)(2), made permanent the temporary (calendar year 1965) prohibition against the initiation of projects exceeding \$100,000,000 without the express approval of Congress and included military assistance amounting in the aggregate to more than \$100,000,000.

Subsec. (l). Pub. L. 89–583, § 301(h)(3), substituted “The President shall consider denying assistance under this chapter to the government of any less developed country which, after December 31, 1966,” for “No assistance shall be provided under this chapter after December 31, 1966, to the government of any less developed country which”.

Subsec. (n). Pub. L. 89–583, § 301(h)(4), substituted “no assistance shall be furnished” and “September 19, 1966” for “the President shall consider denying assistance” and “September 6, 1965”, respectively.

Subsecs. (p) to (r). Pub. L. 89–583, § 301(h)(5), added subsecs. (p) to (r).

1965—Subsec. (e)(2). Pub. L. 89–171, § 301(d)(2), substituted “other right to property” for “other right” in two places and deleted cl. (3) which made this subparagraph inapplicable in any case in which the proceedings are commenced after Jan. 1, 1966.

Subsec. (l). Pub. L. 89–171, § 301(d)(3), substituted “December 31, 1966” for “December 31, 1965”.

Subsecs. (n), (o). Pub. L. 89–171, § 301(d)(4), added subsecs. (n) and (o).

1964—Subsec. (e). Pub. L. 88–633, § 301(d), designated existing provisions as par. (1), redesignated subpars. (1) to (3) thereof as subpars. (A) to (C), substituted therein “subparagraphs (A), (B), or (C) of this paragraph” for “paragraphs (1), (2), or (3) of this subsection”, and added par. (2).

Subsec. (f). Pub. L. 88–633, § 301(e), inserted “(including its captive constituent republics)” after “Union of Soviet Socialist Republics”.

Subsec. (k). Pub. L. 88–633, § 301(f), substituted “1965” for “1964” in two places.

Subsec. (m). Pub. L. 88–633, § 301(g), substituted “during each fiscal year” for “during fiscal year 1964” and “\$500,000” for “\$1,000,000”.

1963—Subsec. (a). Pub. L. 88–205, § 301(e)(1), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (e). Pub. L. 88–205, § 301(e)(2), empowered the President to suspend assistance provided under any other act as well as under this chapter, inserted references to the repudiation or nullification of existing contracts or agreements with U.S. citizens or corporations, partnerships or associations not less than 50 percent beneficially owned by U.S. citizens, substituted “in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received” for “after August 1, 1962, whichever is later”, required compensation for property to be “equivalent to the full value thereof”, and authorized the Foreign Claims Settlement Commission to determine the full value of property nationalized, expropriated, or seized upon the President’s request, and to render an advisory report to him thereon.

Subsecs. (i) to (m). Pub. L. 88–205, § 301(e)(3), added subsecs. (i) to (m).

1962—Subsec. (a). Pub. L. 87–565, § 301(d)(1), prohibited assistance to any country which furnishes assistance to the present government of Cuba unless the President determines that such assistance is in the national interest of the United States.

Subsec. (c). Pub. L. 87–565, § 301(d)(2), extended the prohibition against providing assistance to cases where the goods or services have been ordered, and where the indebtedness arises under an unconditional guaranty of payment, provided the President does not find such action contrary to the national security, and inserted “which shall include arbitration” after “exhausted available legal remedies”.

Subsecs. (e) to (h). Pub. L. 87–565, § 301(d)(3), added subsecs. (e) to (h).

Effective Date of 1998 Amendment

Pub. L. 105–277, div. G, subdiv. B, title XXVIII, § 2810(b), Oct. 21, 1998, 112 Stat. 2681–851, provided that: “Section 620(y) of the Foreign Assistance Act of 1961 [22 U.S.C. 2370 (y)], as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act [Oct. 21, 1998].”

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.

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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.

Effective Date of 1975 Amendment

Section 2(c)(5) of Pub. L. 94–104 provided that: “This subsection [amending this section] shall become effective only upon enactment of foreign assistance legislation authorizing sales, credits, and guaranties under the Foreign Military Sales Act [section 2751 et seq. of this title] for fiscal year 1976.”

Repeals

Pub. L. 95–92, § 22(d), Aug. 4, 1977, 91 Stat. 624, cited as a credit to this section, was repealed by Pub. L. 97–113, title VII, § 734(a)(13), Dec. 29, 1981, 95 Stat. 1560.

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.

Assistance and Sales to Argentina

Pub. L. 97–113, title VII, § 725(b), (c), Dec. 29, 1981, 95 Stat. 1553, related to the provision of assistance and credits, loan guarantees, defense articles and services, export licenses, etc., by United States to Argentina, prior to repeal by Pub. L. 101–162, title V, Nov. 21, 1989, 103 Stat. 1030.

Limitations on Assistance, Sales, Credits, and Export Licenses to Chile

Section 726(b), (c) of Pub. L. 97–113, as amended by Pub. L. 99–83, title VII, § 715, Aug. 8, 1985, 99 Stat. 247; Pub. L. 101–513, title V, § 544(b), Nov. 5, 1990, 104 Stat. 2019, provided that:

“(b) Notwithstanding any other provision of law—

“(1) no assistance may be furnished under chapter 2, 4, 5, or 6 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2311 et seq., 2346 et seq., 2347 et seq., 2348 et seq.] to Chile;

“(2) no sale of defense articles or services may be made under the Arms Export Control Act [22 U.S.C. 2751 et seq.] to Chile;

“(3) no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act [22 U.S.C. 2751 et seq.] with respect to Chile; and

“(4) no export licenses may be issued under section 38 of the Arms Export Control Act [22 U.S.C. 2778] to or for the Government of Chile;

unless and until the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a detailed report certifying—

“(A) that the Government of Chile has made significant progress in complying with internationally recognized principles of human rights;

“(B) that the provision of such assistance, articles or services is in the national interest of the United States; and

“(C) that the Government of Chile is not aiding or abetting international terrorism and has taken appropriate steps to cooperate to bring to justice by all legal means available in the United States or Chile those indicted by a United States grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt.

“(c) The prohibition contained in subsection (b) does not prohibit the sale, or the licensing for export, of cartridge actuated devices, propellant actuated devices, components, parts, tools, technical manuals, time compliance to technical orders (TCTOs), or TCTO retrofits for aircraft of the F–5E/F, A/T–37, or C–130E/H type owned by the Chilean Air Force, so long as the items are provided only for purposes of enhancing the safety of the aircraft crew.”

Section 406 of Pub. L. 94–329, as amended by Pub. L. 95–384, §§ 10(b)(5), 12 (c)(5), Sept. 26, 1978, 92 Stat. 735, 737, set forth limitations with respect to assistance, sales and credit for Chile, prior to repeal by Pub. L. 97–113, title VII, § 726(a), Dec. 29, 1981, 95 Stat. 1554.

Section 25 of Pub. L. 93–559 provided that notwithstanding any other provision of law, the total amount of assistance that was to be made available for Chile under this chapter, and the Foreign Military Sales Act, section 2751 et seq. of this title, during fiscal year 1975, was not to exceed \$25,000,000, none of which was to be made available for the purpose of providing military assistance (including security supporting assistance, sales, credit sales, or guaranties or

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the furnishing by any means of excess defense articles or items from stockpiles of the Department of Defense), prior to repeal by Pub. L. 97–113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

Assistance for El Salvador

Pub. L. 101–513, title V, § 531, Nov. 5, 1990, 104 Stat. 2009, as amended by Pub. L. 103–236, title I, § 139(22), Apr. 30, 1994, 108 Stat. 399, provided that:

“(a) Statement of Policy.—United States military assistance to the Government of El Salvador shall seek three principal foreign policy objectives, as follows: (1) to promote a permanent settlement and cease-fire to the conflict in El Salvador, with the Secretary General of the United Nations serving as an active mediator between the opposing parties; (2) to foster greater respect for basic human rights, and the rule of law; and (3) to advance political accommodation and national reconciliation.

“(b) Maximum Level of Military Assistance.—Of the funds available for United States military assistance for fiscal year 1991, not more than \$85,000,000 shall be made available for El Salvador.

“(c) Prohibition of Military Assistance.—(1) Prohibition.—Subject to paragraph (2), no United States military assistance may be furnished to the Government of El Salvador if the President determines and reports in writing to the Congress that—

“(A) after he has consulted with the Secretary General of the United Nations, the Government of El Salvador has declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict of El Salvador;

“(B) the Government of El Salvador has rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

“(C) the Government of El Salvador has rejected a plan for the settlement of the conflict which—

“(i) has been put forward by the Secretary General of the United Nations in accordance with the terms and procedures in the April 4, 1990 Geneva Communiqué and the May 21, 1990 Caracas Accord between the Government of El Salvador and the FMLN;

“(ii) includes a proposal for an internationally monitored cease-fire; and

“(iii) has been accepted, within 15 days from its announcement, by the FMLN and is being complied with by the FMLN;

“(D) the Government of El Salvador has failed to conduct a thorough and professional investigation into, and prosecution of those responsible for the eight murders at the University of Central America on November 16, 1989; or

“(E) the military and security forces of El Salvador are assassinating or abducting civilian noncombatants, are engaging in other acts of violence directed at civilian targets, or are failing to control such activities by elements subject to the control of those forces; or

“(F) the Government of El Salvador has failed to actively seek and encourage a law enforcement service from outside El Salvador, such as Scotland Yard or INTERPOL, to accompany and monitor investigators of the Government of El Salvador in their investigation into the eight murders at the University of Central America on November 16, 1989.

“(2) Requirement for resumption of assistance.—Assistance prohibited under paragraph (1) may only be resumed pursuant to a law subsequently enacted by the Congress.

“(d) Withholding of Military Assistance.—(1) In General.—Fifty per centum of the total United States military assistance allocated for El Salvador for fiscal year 1991 shall be withheld from obligation or expenditure (as the case may be) except as provided in paragraphs (2) and (3).

“(2) Release of Assistance.—The United States military assistance withheld pursuant to paragraph (1) may be obligated and expended only if the President determines and reports in writing to the Congress that—

“(A) after he has consulted with the Secretary General of the United Nations, the representatives of the FMLN—

“(i) have declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict in El Salvador, or

“(ii) have rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

“(B) the FMLN has rejected a plan for the settlement of the conflict which—

“(i) has been put forward by the Secretary General of the United Nations in accordance with the terms and procedures in the April 4, 1990 Geneva Communiqué and the May 21, 1990 Caracas Accord between the Government of El Salvador and the FMLN;

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“(ii) includes a proposal for an internationally monitored cease-fire; and

“(iii) has been accepted, within 15 days from its announcement, by the Government of El Salvador and is being complied with by the Government of El Salvador;

“(C) the survival of the constitutional Government of El Salvador is being jeopardized by substantial and sustained offensive military actions or operations by the FMLN;

“(D) proof exists that the FMLN is continuing to acquire or receive significant shipments of lethal military assistance from outside El Salvador, and this proof has been shared with the Congress; or

“(E) the FMLN is assassinating or abducting civilian noncombatants, is engaging in other acts of violence directed at civilian targets, or is failing to control such activities by elements subject to FMLN control.

“(3) Exception.—Notwithstanding any other provision of law, funds withheld pursuant to paragraph (1) of this subsection may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds under this subsection.

“(e) Condition for Termination of All United States Assistance.—(1) Prohibition.—Subject to paragraph (2), no United States assistance may be furnished to El Salvador if the duly-elected head of Government of El Salvador is deposed by military coup or decree.

“(2) Requirement for Resumption of Assistance.—Assistance prohibited under paragraph (1) may only be resumed pursuant to a law subsequently enacted by the Congress.

“(f) Establishment of a Fund for Cease-Fire Monitoring, Demobilization, and Transition to Peace.—(1) Establishment of Fund.—There is hereby established in the Treasury of the United States a fund to assist with the costs of monitoring a permanent settlement of the conflict, including a cease-fire, and the demobilization of combatants in the conflict in El Salvador, and their transition to peaceful pursuits, which shall be known as the ‘Demobilization and Transition Fund’ (hereafter in this section referred to as the ‘Fund’). Amounts in this Fund shall be available for obligation and expenditure only upon notification by the President to the Congress that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a cease-fire.

“(2) Transfer of Certain Military Assistance Funds.—Upon notification of the Congress of a permanent settlement of the conflict, including an agreement on a cease-fire, or on September 30, 1991, if no such notification has occurred prior to that date, the President shall transfer to the Fund any United States military assistance funds withheld pursuant to subsection (d) of this section.

“(3) Use of the Fund.—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and reemployment in civilian pursuits of former combatants in the conflict in El Salvador, and of the monitoring of the permanent settlement and cease-fire.

“(4) Duration of Availability of Funds.—Notwithstanding any other provision of law, amounts transferred to the Fund shall remain available until expended.

“(g) Strengthening Civilian Control Over the Military.—In order to strengthen the control of the democratically-elected civilian Government of El Salvador over the armed forces of that country, United States military assistance for any fiscal year may be delivered to the armed forces of El Salvador only with the prior approval of the duly elected President of El Salvador.

“(h) Support for Democracy.—(1) Establishing a Program.—The Secretary of State, through agreement with the National Endowment for Democracy or other qualified organizations, shall establish and carry out a program of education, training, and dialogue for the purpose of strengthening democratic political and legal institutions in El Salvador.

“(2) Election Monitoring.—Of the amounts made available to carry out this subsection, up to \$2,000,000 may be used for support for monitoring the 1991 municipal and National Assembly elections in El Salvador, and for monitoring the registration and campaign processes leading up to those elections, by appropriate organizations such as the United Nations, the Organization of American States, the Carter Center, the National Democratic Institute for International Affairs, the National Republican Institute for International Affairs, and the Center for Electoral Assistance and Promotion (CAPEL) of San Jose, Costa Rica.

“(3) Assistance.—Up to \$10,000,000 of funds appropriated under the heading ‘Economic Support Fund’ for fiscal year 1991 may be used to carry out this subsection.

“(i) [Repealed. Pub. L. 103–236, title I, § 139(22), Apr. 30, 1994, 108 Stat. 399.]

“(j) Definitions.—For purposes of this section—

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“(1) the term ‘United States assistance’ has the same meaning as is given to such term by section 481(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 (i)(4)) and includes United States military assistance as defined in paragraph (2); and

“(2) the term ‘United States military assistance’ means—

“(A) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2311 et seq., 2347 et seq.]; and

“(B) assistance to carry out section 23 of the Arms Export Control Act [22 U.S.C. 2763].”

[For Presidential determination required by section 531(d) of Pub. L. 101–513, set out above, and for delegation of functions of President under section 531(i) of Pub. L. 101–513, see Determination of President, No. 91–15, Jan. 15, 1991, 56 F.R. 4713.]

Section 728 of Pub. L. 97–113, as amended by Pub. L. 97–233, Aug. 10, 1982, 96 Stat. 260; Pub. L. 98–53, July 15, 1983, 97 Stat. 287, set forth findings of Congress concerning recent civil strife in El Salvador and need for substantial assistance to El Salvador and for fiscal years 1982 and 1983, restricted funds that could be obligated for assistance for El Salvador under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq., 2347 et seq.), letters of offer that could be issued and credits and guarantees that could be extended for El Salvador under the Arms Export Control Act (22 U.S.C. 2751 et seq.), and members of the Armed Forces that could be assigned or detailed to El Salvador to carry out functions under the Foreign Assistance Act of 1961 (this chapter) or the Arms Export Control Act, only if not later than thirty days after Dec. 29, 1981, and every one hundred and eighty days thereafter, the President makes a specific certification.

Caribbean Development Bank; Assumption of Member Loans

Section 315 of Pub. L. 96–533 provided: “Notwithstanding section 620(r) of the Foreign Assistance Act of 1961 [subsec. (r) of this section], the President may, after consultation with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs [now Committee on International Relations] of the House of Representatives, make arrangements at his discretion for the assumption by the recipient members of the Caribbean Development Bank of any loans made to the Bank under the authority of that Act [this chapter].”

Soviet Military Personnel and Activities in Cuba; Reports to Congress

Section 714 of Pub. L. 96–533, required reports respecting Soviet military activity in Cuba, prior to repeal by Pub. L. 97–113, title VII, § 734(a)(2), Dec. 29, 1981, 95 Stat. 1560.

Cuban Presence in Africa

Pub. L. 95–426, title VI, § 613, Oct. 7, 1978, 92 Stat. 990, as amended by Pub. L. 97–241, title V, § 505(a)(2), (b)(1), Aug. 24, 1982, 96 Stat. 299, provided that: “The Congress finds that—

“(1) the President authorized the exchange of notes of May 30, 1977, between the Governments of the United States and Cuba which established an Interests Section for the United States in the Embassy of Switzerland in Havana and an Interests Section for Cuba in the Embassy of Czechoslovakia in Washington;

“(2) the President has the authority under the Export Administration Act of 1969 [section 2401 et seq. of the Appendix to Title 50, War and National Defense] to limit trade with Cuba being conducted by subsidiaries of American firms operating in third countries;

“(3) the President has the power to sever all diplomatic and economic relations with Cuba; and

“(4) there has been a sharp increase in the number of Cuban military personnel serving in Africa in the past year.”

Resumption of Military Assistance to Turkey; Determination and Certification to Congress by President of Military Cooperation as in Best Interests of United States and NATO

Pub. L. 95–384, § 13(a), Sept. 26, 1978, 92 Stat. 737, provided that: “Section 620(x) of the Foreign Assistance Act of 1961 [subsec. (x) of this section] shall be of no further force and effect upon the President’s determination and certification to the Congress that the resumption of full military cooperation with Turkey is in the national interest of the United States and in the interest of the North Atlantic Treaty Organization and that the Government of Turkey is acting in good faith to achieve a just and peaceful settlement of the Cyprus problem, the early peaceable return of refugees to their homes and properties, and continued removal of Turkish military troops from Cyprus in the context of a solution to the Cyprus problem, and the early serious resumption of inter-communal talks aimed at a just, negotiated settlement.”

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Determination and Certification Regarding Resumption of Full Military Cooperation With Turkey

Memorandum of the President of the United States, dated Sept. 26, 1978, provided:

Pursuant to the authority vested in me by Section 13(a) of the International Security Assistance Act of 1978, I hereby determine and certify:

(1) that the resumption of full military cooperation with Turkey is in the national interest of the United States and in the interest of the North Atlantic Treaty Organization; and

(2) that the Government of Turkey is acting in good faith to achieve a just and peaceful settlement of the Cyprus problem, the early peaceable return of refugees to their homes and properties, and continued removal of Turkish military troops from Cyprus in the context of a solution to the Cyprus problem, and the early serious resumption of inter-communal talks aimed at a just, negotiated settlement.

You are requested on my behalf to report this determination and certification to the Congress.

This determination and certification shall be published in the Federal Register.

Jimmy Carter.

Restrictions on Assistance During Fiscal Year 1978 Involving Military or Paramilitary Operations in Zaire

Section 25 of Pub. L. 95-92 required a Presidential determination that furnishing aid to Zaire during fiscal year 1978 was in the national interest and submission to the Congress of a Presidential certification for such aid, prior to repeal by Pub. L. 97-113, title VII, § 734(a)(13), Dec. 29, 1981, 95 Stat. 1560.

Restrictions on Assistance to India

Section 27 of Pub. L. 93-559 provided that the total amount of assistance provided under this chapter and of credit sales made or guaranteed under the Foreign Military Sales Act, section 2751 et seq. of this title, for India was not to exceed \$50,000,000 in fiscal year 1975, prior to repeal by Pub. L. 97-113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

Restrictions on Military Assistance and Excess Defense Articles to Korea

Section 26 of Pub. L. 93-559 provided that the aggregated amount of funds obligated or reserved for military assistance, including supply operations, under part II of subchapter II of this chapter, the acquisition cost of excess defense articles, if any, ordered under subchapter II of this chapter and not charged against appropriations for military assistance, credits including participations in credits, extended pursuant to section 2763 of this title, and the principal amount of loans guaranteed pursuant to section 2764 (a) of this title, with respect to South Korea was not to exceed \$145,000,000 for fiscal year 1975 until the President submitted a report to the Congress after Dec. 30, 1974, stating that the government of South Korea was making substantial progress in the observance of internationally recognized standards of human rights, after which the aggregate amount described above, with respect to South Korea, was not to exceed \$165,000,000 for fiscal year 1975, with provisions of sections 2318 and 2364 of this title, or of any other law, not to be used to exceed these limitations, prior to repeal by Pub. L. 97-113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

Repayment of Loans in Default

Section 56 of Pub. L. 93-559 provided that: "It is the sense of the Congress that any country receiving assistance under the Foreign Assistance Act of 1961 [this chapter] which is in default, at least 90 days prior to the date of enactment of this Act [Dec. 30, 1974], of any payment of principal or interest due on any loan or credit received from the United States shall promptly pay all such principal and interest. It is further the sense of the Congress that the President shall promptly enter into negotiations with each such country to help effectuate the payment of such principal and interest, or to effectuate the transfer by such country to the United States of goods, services, concessions, or actions beneficial to the United States, in lieu of the payment of such principal and interest."

Restrictions on Assistance to Nations Whose Government Is Based Upon Communism

Pub. L. 91-194, title I, § 109, Feb. 9, 1970, 84 Stat. 8, provided that:

"(a) No assistance shall be furnished to any nation, whose government is based upon that theory of government known as communism under the Foreign Assistance Act of 1961, as amended [this chapter], for any arms, ammunition, implements of war, atomic energy materials, or any articles, materials, or supplies, such as petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition,

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and implements of war, contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended [section 1611 et seq. of this title].

“(b) No economic assistance shall be furnished to any nation whose government is based upon that theory of government known as communism under the Foreign Assistance Act of 1961, as amended [this chapter] except section 214 (b) [section 2174 (b) of this title], unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the House of Representatives and the Senate. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the committees and shall contain a statement by the President of the reasons for such determination.”

Similar provisions were contained in the following prior acts:

Pub. L. 90–581, title I, § 109, Oct. 17, 1968, 82 Stat. 1140.

Pub. L. 90–249, title I, § 109, Jan. 2, 1968, 81 Stat. 939.

Pub. L. 89–691, title I, § 109, Oct. 15, 1966, 80 Stat. 1020.

Pub. L. 89–273, title I, § 109, Oct. 20, 1965, 79 Stat. 1004.

Pub. L. 88–634, title I, § 109, Oct. 7, 1964, 78 Stat. 1018.

Pub. L. 88–272, title I, § 109, Jan. 6, 1964, 77 Stat. 859.

Pub. L. 87–872, title I, § 109, Oct. 23, 1962, 76 Stat. 1165.

Restrictions on Assistance to Countries Selling, Furnishing, or Permitting Ships To Carry Certain Items to Cuba or to North Vietnam

Pub. L. 91–194, title I, § 107, Feb. 9, 1970, 84 Stat. 8, provided that:

“(a) No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended [this chapter], to any country which sells, furnishes, or permits any ships under its registry to carry to Cuba, so long as it is governed by the Castro regime, in addition to those items contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended [section 1611 et seq. of this title], any arms, ammunition, implements of war, atomic energy materials, or any other articles, materials, or supplies of primary strategic significance used in the production of arms, ammunition, and implements of war or of strategic significance to the conduct of war, including petroleum products.

“(b) No economic assistance shall be furnished under the Foreign Assistance Act of 1961, as amended [this chapter], to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam.”

Similar provisions were contained in the following prior acts:

Pub. L. 90–581, title I, § 107, Oct. 17, 1968, 82 Stat. 1139.

Pub. L. 90–249, title I, § 107, Jan. 2, 1968, 81 Stat. 938.

Pub. L. 89–691, title I, § 107, Oct. 15, 1966, 80 Stat. 1020.

Pub. L. 89–273, title I, § 107, Oct. 20, 1965, 79 Stat. 1004.

Pub. L. 88–634, title I, § 107, Oct. 7, 1964, 78 Stat. 1018.

Pub. L. 88–258, title I, § 107, Jan. 6, 1964, 77 Stat. 859.

Pub. L. 87–872, title I, § 107, Oct. 23, 1962, 76 Stat. 1165.

Restrictions on Assistance to Countries Selling, Furnishing or Permitting Ships To Carry Certain Items to North Vietnam

Pub. L. 91–194, title I, § 116, Feb. 9, 1970, 84 Stat. 10, forbid assistance under the Foreign Assistance Act of 1961, as amended, to any country that sold, furnished or permitted any ships under its registry to carry to North Vietnam certain enumerated items unless the President determined that the withholding of such assistance was contrary to the national interest of the United States and reported such determination to Congress.

Similar provisions were contained in the following prior acts:

Pub. L. 90–581, title I, § 116, Oct. 17, 1968, 82 Stat. 1141.

Pub. L. 90–249, title I, § 116, Jan. 2, 1968, 81 Stat. 940.

Pub. L. 89–691, title I, § 116, Oct. 15, 1966, 80 Stat. 1022.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 3, 2005 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

Pub. L. 89–273, title I, § 116, Oct. 20, 1965, 79 Stat. 1005.

Interdiction of the Delivery of Offensive Weapons to Cuba

For Presidential proclamation prohibiting the delivery of offensive weapons to Cuba, see Proc. No. 3504, Oct. 23, 1962, 27 F.R. 10401, set out as a note preceding section 1 of the Appendix to Title 50, War and National Defense.

Proc. No. 3447. Embargo on Trade With Cuba

Proc. No. 3447, Feb. 3, 1962, 27 F.R. 1085, provided:

WHEREAS the Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance, in its Final Act resolved that the present Government of Cuba is incompatible with the principles and objectives of the Inter-American system; and, in light of the subversive offensive of Sino-Soviet Communism with which the Government of Cuba is publicly aligned, urged the member states to take those steps that they may consider appropriate for their individual and collective self-defense;

WHEREAS the Congress of the United States, in section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended [subsection (a) of this section], has authorized the President to establish and maintain an embargo upon all trade between the United States and Cuba; and

WHEREAS the United States, in accordance with its international obligations, is prepared to take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alignment with the communist powers:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended [subsection (a) of this section], do

1. Hereby proclaim an embargo upon trade between the United States and Cuba in accordance with paragraphs 2 and 3 of this proclamation.
2. Hereby prohibit, effective 12:01 A.M., Eastern Standard Time, February 7, 1962, the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba; and I hereby authorize and direct the Secretary of the Treasury to carry out such prohibition, to make such exceptions thereto, by license or otherwise, as he determines to be consistent with the effective operation of the embargo hereby proclaimed, and to promulgate such rules and regulations as may be necessary to perform such functions.
3. AND FURTHER, I do hereby direct the Secretary of Commerce, under the provisions of the Export Control Act of 1949, as amended (50 App. U.S.C. 2021–2032), to continue to carry out the prohibition of all exports from the United States to Cuba, and I hereby authorize him, under that Act, to continue, make, modify or revoke exceptions from such prohibition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this third day of February, in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

John F. Kennedy.