

Public Law 96-257
96th Congress

An Act

May 31, 1980
[H.R. 6081]

To amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America.

Special Central
American
Assistance Act of
1979.
22 USC 2151
note.
22 USC 2346e.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Central American Assistance Act of 1979".

SEC. 2. Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 536. CENTRAL AMERICAN ECONOMIC SUPPORT.—(a) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in Nicaragua has caused great human suffering and disruption to the economy of that country, and that substantial external assistance to Nicaragua is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process. The Congress further finds that peaceful and democratic development in certain other Central American countries will be significantly assisted by additional economic support at this time.

Appropriation
authorization.
22 USC 2346.

"(b) There are authorized to be appropriated to the President for use in carrying out section 531 for the purposes set forth in subsection (a) of this section, in addition to funds otherwise available for such purposes, \$80,000,000 for the fiscal year 1980, which are authorized to remain available until expended.

Human rights
violations.

"(c) In furnishing assistance under this chapter to the Government of Nicaragua, the President shall take into account the extent to which that Government has engaged in violations of the right to organize and operate labor unions free from political oppression, has engaged in or permitted violations of human rights, has engaged in violations of the right to freedom of the press, or has engaged in violations of the right to freedom of religion.

Presidential
encouragement
of human rights.

"(d) The President shall encourage the Government of Nicaragua to respect the right to freedom of the press, the right to organize and operate free labor unions, the right to freedom of religion, as well as all other fundamental human rights.

22 USC 2304.

"(e) The Congress reaffirms the requirement of section 502B(a)(1) of this Act that a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries. In furtherance of that goal, assistance to Nicaragua under this section shall be terminated, in accordance with sections 116 and 502B of this Act, if the Government of Nicaragua engages in a consistent pattern of gross violations of internationally recognized human rights.

22 USC 2151n.

Report to
congressional
committees.

"(f) The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each six-month period in which funds are expended for Nicaragua under the authorization contained in subsection (b) of this section. Each such report shall discuss fully and

completely the status of respect in Nicaragua for human rights, political pluralism, freedom of the press and assembly, freedom of religion, and freedom of labor to organize and bargain collectively.

“(g) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, certification prior to releasing any assistance to the Government of Nicaragua under this chapter, that the Government of Nicaragua has not cooperated with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries. In the event that the President transmits such a certification, but at a later date he determines that the Government of Nicaragua cooperates with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries, the President shall terminate assistance to the Government of Nicaragua under this chapter and the outstanding balance of any loan to the Government of Nicaragua, or any of its agencies or instrumentalities, with funds authorized to be appropriated by this chapter shall become immediately due and payable.

Certification of nonterrorism; transmittal to the Speaker of the House and the Senate Committee on Foreign Relations.

“(h) It is the sense of the Congress that the United States should support those traditionally faithful allies of the United States, including Guatemala, El Salvador, Costa Rica, Panama, Nicaragua, and Honduras, which are responsible members of the Organization of American States against terrorism and external subversion.

U.S. support of OAS members against terrorism.

“(i) Funds made available under this chapter for the National School of Agriculture in Nicaragua shall be used under an understanding with the Autonomous National University of Nicaragua that the National School of Agriculture will cooperate in programs with United States institutions of higher education.

“(j) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that at least 60 per centum of such loan funds, and any local currency generated in conjunction therewith, shall be used for assistance to the private sector. “Insofar as practicable, local currency used for assistance to the private sector in Nicaragua shall, consistent with the accomplishment of the purposes set forth in subsection (a) of this section, be used in ways which will strengthen private financial institutions which will help keep the private sector in Nicaragua financially independent.”

Loan funds, private sector use.

“Local currency loan programs in Nicaragua shall be monitored and audited in accordance with section 624(g) of the Foreign Assistance Act. The President shall report on the implementation of this provision in the report required under subsection (e) of this section.”

Local currency loan programs. 22 USC 2384.

“(k) The President shall terminate assistance to the Government of Nicaragua under this chapter if he determines and reports to the Congress that Soviet, Cuban, or other foreign combat military forces are stationed or situated within the borders of Nicaragua and that the presence of such forces constitutes a threat to the national security of the United States or to any Latin American ally of the United States.

Assistance termination, conditions.

“(k) The President shall terminate assistance to Nicaragua under this section if he determines that the Government of Nicaragua has engaged in a consistent pattern of violations of the right to organize and operate labor unions free from political oppression.”

Free, open elections.

“(k) The President shall encourage the holding of free, open elections in Nicaragua within a reasonable period of time and shall,

in providing any additional assistance to Nicaragua, take into consideration the progress which is being made toward holding such elections."

"(k) None of the funds authorized under this chapter may be used for assistance for any school or other educational instrumentality or facility which would house, employ or be made available to Cuban personnel."

"(k) The President shall terminate assistance under this chapter if he determines that the Government of Nicaragua engages in systematic violations of free speech and press."

Loan funds, U.S. goods or services purchase.

"(k) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, made available in the form of loans, shall specifically require that such loan funds shall be used for the purchase of goods or services of U.S. origin."

Report to Congress.

"(k) Up to one per centum of the funds made available to Nicaragua from amounts authorized in subsection (b) shall be used to make publicly known to the people of Nicaragua the extent of U.S. aid programs to them. The President shall periodically report to the Congress on the effectiveness of his efforts to carry out this subsection."

Approved May 31, 1980.

"(l) Funds made available under this chapter for the National School of Agriculture in Nicaragua shall be used under an understanding with the Autonomous National University of Nicaragua that the National School of Agriculture will cooperate in programs with United States institutions of higher education.

Loan funds

"(m) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that at least 60 per centum of such loan funds, and any local currency generated in conjunction therewith, shall be used for assistance to the private sector. Insofar as practicable, local currency used for assistance to the private sector in Nicaragua shall, consistent with the accomplishment of the purposes set forth in subsection (a) of this section, be used in ways which will strengthen private financial institutions which will help keep the private sector in Nicaragua financially independent."

Local currency loan programs

"(n) Local currency loan programs in Nicaragua shall be managed and carried in accordance with section 522(d) of the Foreign Assistance Act. The President shall report on the implementation of this provision in the report required under subsection (e) of this section."

Assistance

"(o) The President shall terminate assistance to the Government of Nicaragua under this chapter if he determines and reports to the Congress that Soviet, Cuban, or other foreign combat military forces are stationed or situated within the borders of Nicaragua, or the presence of such forces constitutes a threat to the security of the United States."

LEGISLATIVE HISTORY:

- HOUSE REPORT No. 96-713 (Comm. on Foreign Affairs).
- SENATE REPORT No. 96-522 accompanying S. 2012 (Comm. on Foreign Relations).
- CONGRESSIONAL RECORD, Vol. 126 (1980):
 - Jan. 29, S. 2012 considered and passed Senate.
 - Feb. 22, 25-27, considered and passed House.
 - May 19, considered and passed Senate.
- WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 23:
 - May 31, Presidential statement.