

(c) Scope of initial report

The first report required under subsection (a) shall include the information required under this section for the previous 3 fiscal years.

(d) Public availability of information

Not later than 14 days after submitting a report required under subsection (a), the Director of the Office of Management and Budget shall post a public version of such report on a text-based, searchable, and publicly available Internet Web site.

(Pub. L. 114-323, title III, §312, Dec. 16, 2016, 130 Stat. 1925.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of State Authorities Act, Fiscal Year 2017, and not as part of act Dec. 20, 1945, ch. 583, 59 Stat. 619, known as the United Nations Participation Act of 1945, which comprises this subchapter.

§ 287c. Economic and communication sanctions pursuant to United Nations Security Council Resolution**(a) Enforcement measures; importation of Rhodesian chromium**

Notwithstanding the provisions of any other law, whenever the United States is called upon by the Security Council to apply measures which said Council has decided, pursuant to article 41 of said Charter, are to be employed to give effect to its decisions under said Charter, the President may, to the extent necessary to apply such measures, through any agency which he may designate, and under such orders, rules, and regulations as may be prescribed by him, investigate, regulate, or prohibit, in whole or in part, economic relations or rail, sea, air, postal, telegraphic, radio, and other means of communication between any foreign country or any national thereof or any person therein and the United States or any person subject to the jurisdiction thereof, or involving any property subject to the jurisdiction of the United States. Any Executive order which is issued under this subsection and which applies measures against Southern Rhodesia pursuant to any United Nations Security Council Resolution may be enforced, notwithstanding the provisions of any other law. The President may exempt from such Executive order any shipment of chromium in any form which is in transit to the United States on March 18, 1977.

(b) Penalties

Any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to subsection (a) of this section shall, upon conviction, be fined not more than \$1,000,000 or, if a natural person, be imprisoned for not more than 20 years, or both.

(c) Steel mill products containing chromium; certificate of origin; regulations; subpoenas; certificate exemption; release from customs custody; definitions

(1) During the period in which measures are applied against Southern Rhodesia under sub-

section (a) pursuant to any United Nations Security Council Resolution, a shipment of any steel mill product (as such product may be defined by the Secretary) containing chromium in any form may not be released from customs custody for entry into the United States if—

(A) a certificate of origin with respect to such shipment has not been filed with the Secretary; or

(B) in the case of a shipment with respect to which a certificate of origin has been filed with the Secretary, the Secretary determines that the information contained in such certificate does not adequately establish that the steel mill product in such shipment does not contain chromium in any form which is of Southern Rhodesian origin;

unless such release is authorized by the Secretary under paragraph (3)(B) or (C).

(2) The Secretary shall prescribe regulations for carrying out this subsection.

(3)(A) In carrying out this subsection, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence. Any such subpoena may, upon application by the Secretary, be enforced in a civil action in an appropriate United States district court.

(B) The Secretary may exempt from the certification requirements of this subsection any shipment of a steel mill product containing chromium in any form which is in transit to the United States on March 18, 1977.

(C) Under such circumstances as he deems appropriate, the Secretary may release from customs custody for entry into the United States, under such bond as he may require, any shipment of a steel mill product containing chromium in any form.

(4) As used in this subsection—

(A) the term “certificate of origin” means such certificate as the Secretary may require, with respect to a shipment of any steel mill product containing chromium in any form, issued by the government (or by a designee of such government if the Secretary is satisfied that such designee is the highest available certifying authority) of the country in which such steel mill product was produced certifying that the steel mill product in such shipment contains no chromium in any form which is of Southern Rhodesian origin; and

(B) the term “Secretary” means the Secretary of the Treasury.

(Dec. 20, 1945, ch. 583, §5, 59 Stat. 620; Oct. 10, 1949, ch. 660, §3, 63 Stat. 735; Pub. L. 95-12, §1, Mar. 18, 1977, 91 Stat. 22; Pub. L. 111-195, title I, §107(a)(1), July 1, 2010, 124 Stat. 1337.)

Editorial Notes

REFERENCES IN TEXT

Article 41 of said Charter, referred to in subsec. (a), is an article of the United Nations Charter.

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-195 substituted “fined not more than \$1,000,000” for “find not more than \$10,000” and “20 years, or both.” for “ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation or eva-

sion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle, or aircraft, concerned in such violation shall be forfeited to the United States."

1977—Subsec. (a). Pub. L. 95-12, §1(1), inserted provision permitting enforcement of any Executive order, issued under this subsection, applying measures against Southern Rhodesia and permitting Presidential exemption from that Executive order of any shipment of chromium in transit to the United States on Mar. 18, 1977.

Subsec. (c). Pub. L. 95-12, §1(2), added subsec. (c).

1949—Subsec. (b). Act Oct. 10, 1949, made aircraft subject to forfeiture.

Statutory Notes and Related Subsidiaries

IMPORTATION OF STRATEGIC AND CRITICAL MATERIALS FROM ZIMBABWE-RHODESIA

Pub. L. 96-107, title VIII, §818, Nov. 9, 1979, 93 Stat. 818, provided that: "It is the sense of the Congress that the United States should have unlimited access to strategic and critical materials which are vital to the defense and security of the United States and that every effort should be made to remove artificial impediments against the importation of such materials into the United States from Zimbabwe-Rhodesia."

SANCTIONS AGAINST ZIMBABWE-RHODESIA; REPORT TO CONGRESS

Pub. L. 96-60, title IV, §408, Aug. 15, 1979, 93 Stat. 405, provided for termination of sanctions against Zimbabwe-Rhodesia by Nov. 15, 1979, unless the President determined and reported to Congress that termination of sanctions would not be in the national interest, with provision authorizing Congress to reject such Presidential determination, prior to repeal by Pub. L. 97-241, title V, §505(a)(1), Aug. 24, 1982, 96 Stat. 298.

DETERMINATIONS RESPECTING FUTURE ENFORCEMENT OF SANCTIONS AGAINST RHODESIA

Pub. L. 95-384, §27, Sept. 26, 1978, 92 Stat. 746, which related to enforcement of sanctions against Rhodesia, was repealed by Pub. L. 97-113, title VII, §734(a)(12), Dec. 29, 1981, 95 Stat. 1560.

SUSPENSION OF AMENDMENT OPERATION BY PRESIDENT; REPORT TO CONGRESS

Pub. L. 95-12, §2, Mar. 18, 1977, 91 Stat. 23, provided that:

"(a) Upon the enactment of this Act [Mar. 18, 1977], the President may suspend the operation of the amendments contained in this Act [amending this section] if he determines that such suspension would encourage meaningful negotiations and further the peaceful transfer of governing power from minority rule to majority rule in Southern Rhodesia. Such suspension shall remain in effect for such duration as deemed necessary by the President.

"(b) If the President suspends the operation of the amendments contained in this Act [amending this section], he shall so report to the Congress. In addition, the President shall report to the Congress when he terminates such suspension.

"(c) If the President suspends the operation of the amendments contained in this Act [amending this section], any reference in those amendments to date of enactment [Mar. 18, 1977] shall be deemed to be a reference to the date on which such suspension is terminated by the President."

Executive Documents

EXECUTIVE ORDER NO. 11322

Ex. Ord. No. 11322, Jan. 5, 1967, 32 F.R. 119, which related to transactions involving Southern Rhodesia, was

revoked by Ex. Ord. No. 12183, Dec. 16, 1979, 44 F.R. 74787, set out below.

EXECUTIVE ORDER NO. 11419

Ex. Ord. No. 11419, July 29, 1968, 33 F.R. 10837, which related to trade and other transactions involving Southern Rhodesia, was revoked by Ex. Ord. No. 12183, Dec. 16, 1979, 44 F.R. 74787, set out below.

EX. ORD. NO. 12183. REVOKING RHODESIAN SANCTIONS

Ex. Ord. No. 12183, Dec. 16, 1979, 44 F.R. 74787, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and in order to terminate current limitations relating to trade and other transactions involving Zimbabwe-Rhodesia, it is hereby ordered as follows:

1-101. (a) Subject to the provisions of this order, the following are hereby revoked with respect to transactions occurring after the effective date of this order:

(1) Executive Order 11322 of January 5, 1967 (32 F.R. 119);

(2) Executive Order 11419 of July 29, 1968 (33 F.R. 10837); and

(3) Executive Order 11978 of March 18, 1977 (42 F.R. 15403).

(b) To the extent consistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, licenses, contracts, agreements, and other actions made, issued, taken, or entered into under the provisions of such Executive orders and not previously revoked, superseded, or otherwise made inapplicable, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1-102. (a) The Secretaries of State, the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall retain the authority and responsibility for the enforcement of Executive Orders 11322, 11419, and 11978 with respect to transactions occurring prior to the effective date of this order.

(b) The revocation, in Section 1-101 of this order, of such prior Executive orders shall not affect:

(1) any act done or omitted to be done or any suit or proceeding finished or started in civil or criminal cases prior to the revocation, but all such liabilities, penalties, and forfeitures under the Executive orders shall continue and may be enforced in the same manner as if the revocation had not been made; or

(2) any violation of any rules, regulations, orders, licenses, or other forms of administrative action under those revoked orders during the periods those orders were in effect.

1-103. (a) The Secretaries of State, the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall take the appropriate measures to implement this order.

(b) In carrying out their respective functions and responsibilities under this order, the Secretaries of the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall, as appropriate, consult with the Secretary of State. Each such Secretary and agency head and the Secretary of State shall also consult with other government agencies and private persons, as appropriate.

JIMMY CARTER.

EX. ORD. NO. 12918. PROHIBITING CERTAIN TRANSACTIONS WITH RESPECT TO RWANDA AND DELEGATING AUTHORITY WITH RESPECT TO OTHER UNITED NATIONS ARMS EMBARGOES

Ex. Ord. No. 12918, May 26, 1994, 59 F.R. 28205, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), the

Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) [now 50 U.S.C. 4601 *et seq.*], the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution 918 of May 17, 1994, it is hereby ordered as follows:

SECTION 1. Arms Embargo. The following activities are prohibited, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any license or permit granted before the effective date of this order, except to the extent provided in regulations, orders, directives, or licenses that may hereafter be issued pursuant to this order: (a) The sale or supply to Rwanda from the territory of the United States by any person, or by any United States person in any foreign country or other location, or using any U.S.-registered vessel or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment, and spare parts for the aforementioned, irrespective of origin. This prohibition does not apply to activities related to the United Nations Assistance Mission for Rwanda or the United Nations Observer Mission Uganda-Rwanda or other entities permitted to have such items by the United Nations Security Council; and

(b) Any willful evasion or attempt to violate or evade any of the prohibitions set forth in this order, by any person.

SEC. 2. Definitions. For purposes of this order, the term: (a) "Person" means a natural person as well as a corporation, business association, partnership, society, trust, or any other entity, organization or group, including governmental entities; and

(b) "United States person" means any citizen or national of the United States, any lawful permanent resident of the United States, or any corporation, business association, partnership, society, trust, or any other entity, organization or group, including governmental entities, organized under the laws of the United States (including foreign branches).

SEC. 3. Responsibilities. The functions and responsibilities for the enforcement of the foregoing prohibitions are delegated as follows: (a) The Secretary of State is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by section 5 of the United Nations Participation Act [of 1945] [22 U.S.C. 287c] and other authorities available to the Secretary of State, as may be necessary to carry out the purpose of this order, relating to arms and related materiel of a type enumerated on the United States Munitions List (22 C.F.R. Part 121). The Secretary of State may redelegate any of these functions to other officers and agencies of the United States Government; and

(b) The Secretary of Commerce, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by section 5 of the United Nations Participation Act [of 1945] and other authorities available to the Secretary of Commerce, as may be necessary to carry out the purpose of this order, relating to arms and related materiel identified in the Export Administration Regulations (15 C.F.R. Parts 730-799). The Secretary of Commerce may redelegate any of these functions to other officers and agencies of the United States Government.

SEC. 4. Authorization. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order, including suspension or termination of licenses or other authorizations in effect as of the date of this order.

SEC. 5. Delegation of Authority. The Secretary of State and the Secretary of Commerce in consultation with the Secretary of State are hereby authorized to promulgate rules and regulations, and to employ all powers granted to the President by section 5 of the United Nations Participation Act [of 1945] [22 U.S.C. 287c] and

not otherwise delegated by Executive order, as may be necessary to carry out the purpose of implementing any other arms embargo mandated by resolution of the United Nations Security Council, consistent with the allocation of functions delegated under section 3 of this order. The Secretary of State or the Secretary of Commerce may redelegate any of these functions to other officers and agencies of the United States Government.

SEC. 6. Judicial Review. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

SEC. 7. Effective Date. This order shall take effect at 11:59 p.m. eastern daylight time on May 26, 1994.

WILLIAM J. CLINTON.

§ 287d. Use of armed forces; limitations

The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general location, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements the armed forces, facilities, or assistance provided for therein: *Provided*, That, except as authorized in section 287d-1 of this title, nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements.

(Dec. 20, 1945, ch. 583, § 6, 59 Stat. 621; Oct. 10, 1949, ch. 660, § 4, 63 Stat. 735.)

Editorial Notes

REFERENCES IN TEXT

Article 43 of said Charter and article 42 of said Charter, referred to in text, are articles of the United Nations Charter.

Herein, referred to in text, means act Dec. 20, 1945, ch. 583, 59 Stat. 619, known as the United Nations Participation Act of 1945, which is classified generally to this subchapter (§287 *et seq.*). For complete classification of this Act to the Code, see Short Title note set out under section 287 of this title and Tables.

AMENDMENTS

1949—Act Oct. 10, 1949, inserted “, except as authorized in section 287d-1 of this title,” in proviso.

§ 287d-1. Noncombatant assistance to United Nations

(a) Armed forces details; supplies and equipment; obligation of funds; procurement and replacement of requested items

Notwithstanding the provisions of any other law, the President, upon the request by the United Nations for cooperative action, and to