

tion of a law of the United States, or any provision thereof, to Hong Kong, the President should consider the terms, obligations, and expectations expressed in the Joint Declaration with respect to Hong Kong.

(c) Publication in Federal Register

Any Executive order issued under subsection (a) of this section shall be published in the Federal Register and shall specify the law or provision of law affected by the order.

(d) Termination of suspension

An Executive order issued under subsection (a) of this section may be terminated by the President with respect to a particular law or provision of law whenever the President determines that Hong Kong has regained sufficient autonomy to justify different treatment under the law or provision of law in question. Notice of any such termination shall be published in the Federal Register.

(Pub. L. 102-383, title II, §202, Oct. 5, 1992, 106 Stat. 1453.)

§ 5723. Rules and regulations

The President is authorized to prescribe such rules and regulations as the President may deem appropriate to carry out this chapter.

(Pub. L. 102-383, title II, §203, Oct. 5, 1992, 106 Stat. 1453.)

§ 5724. Consultation with Congress

In carrying out this subchapter, the President shall consult appropriately with the Congress.

(Pub. L. 102-383, title II, §204, Oct. 5, 1992, 106 Stat. 1453.)

SUBCHAPTER III—REPORTING PROVISIONS

§ 5731. Reporting requirement

Not later than March 31, 1993, March 31, 1995, March 31, 1996, March 31, 1997, March 31, 1998, March 31, 1999, March 31, 2000, March 31, 2001, March 31, 2002, March 31, 2003, March 31, 2004, March 31, 2005, and March 31, 2006¹ the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on conditions in Hong Kong of interest to the United States. This report shall cover (in the case of the initial report) the period since October 5, 1992, or (in the case of subsequent reports) the period since the most recent report pursuant to this section and shall describe—

(1) significant developments in United States relations with Hong Kong, including a description of agreements that have entered into force between the United States and Hong Kong;

(2) other matters, including developments related to the change in the exercise of sovereignty over Hong Kong, affecting United States interests in Hong Kong or United States relations with Hong Kong;

(3) the nature and extent of United States-Hong Kong cultural, education, scientific, and

academic exchanges, both official and unofficial;

(4) the laws of the United States with respect to which the application of section 5721(a) of this title has been suspended pursuant to section 5722(a) of this title or with respect to which such a suspension has been terminated pursuant to section 5722(d) of this title, and the reasons for the suspension or termination, as the case may be;

(5) treaties and other international agreements with respect to which the President has made a determination described in the last sentence of section 5721(b) of this title, and the reasons for each such determination;

(6) significant problems in cooperation between Hong Kong and the United States in the area of export controls;

(7) the development of democratic institutions in Hong Kong; and

(8) the nature and extent of Hong Kong's participation in multilateral forums.

(Pub. L. 102-383, title III, §301, Oct. 5, 1992, 106 Stat. 1453; Pub. L. 104-107, title V, §576(a), Feb. 12, 1996, 110 Stat. 750; Pub. L. 107-115, title V, §586(a), Jan. 10, 2002, 115 Stat. 2173.)

AMENDMENTS

2002—Pub. L. 107-115 substituted “March 31, 2000, March 31, 2001, March 31, 2002, March 31, 2003, March 31, 2004, March 31, 2005, and March 31, 2006” for “and March 31, 2000,” in introductory provisions.

1996—Subsec. (a). Pub. L. 104-107 inserted “March 31, 1996,” after “March 31, 1995,” in introductory provisions.

EXTENSION OF REPORTING TIME

Pub. L. 107-115, title V, §586(b), Jan. 10, 2002, 115 Stat. 2173, provided that: “The requirement in section 301 of the United States-Hong Kong Policy Act [22 U.S.C. 5731], as amended by subsection (a), that a report under that section shall be transmitted not later than March 31, 2001, shall be considered satisfied by the transmittal of such report by August 7, 2001.”

REPORT ON SINO-BRITISH JOINT DECLARATION ON QUESTION OF HONG KONG

Pub. L. 104-208, div. A, title I, §101(c) [title V, §571], Sept. 30, 1996, 110 Stat. 3009-121, 3009-167, which directed that the additional report required to be submitted during 1997 under this section include detailed information on the status of, and other developments affecting, implementation of the Sino-British Joint Declaration on the Question of Hong Kong, was from the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, and was not repeated in subsequent appropriations acts. Similar provisions were contained in the following prior appropriation act:

Pub. L. 104-107, title V, §576(b), Feb. 12, 1996, 110 Stat. 750.

§ 5732. Separate part of country reports

Whenever a report is transmitted to the Congress on a country-by-country basis there shall be included in such report, where applicable, a separate subreport on Hong Kong under the heading of the state that exercises sovereignty over Hong Kong. The reports to which this section applies include the reports transmitted under—

(1) sections 2151n(d) and 2304(b) of this title (relating to human rights);

(2) section 2241 of title 19 (relating to trade barriers); and

¹ So in original. Probably should be followed by a comma.

(3) section 4711¹ of title 15 (relating to economic policy and trade practices).
(Pub. L. 102-383, title III, § 302, Oct. 5, 1992, 106 Stat. 1454.)

REFERENCES IN TEXT

Section 4711 of title 15, referred to in par. (3), was repealed by Pub. L. 107-228, div. A, title VI, § 671(1), Sept. 30, 2002, 116 Stat. 1407.

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§ 5801. Definition of independent states

For purposes of this Act, the terms “independent states of the former Soviet Union” and “independent states” mean the following: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

(Pub. L. 102-511, § 3, Oct. 24, 1992, 106 Stat. 3321.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended, known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 and also as the FREEDOM Support Act. For complete classification of

¹ See References in Text note below.

this Act to the Code, see Short Title note below and Tables.

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-199, § 1, Dec. 17, 1993, 107 Stat. 2317, provided that: "This Act [amending sections 295, 2301, 2364, 2370, 2460, 2461, 2578, 2591, 2592, 2595, 2799c, 2799d, 4501 to 4504, 4702, and 4901 of this title, section 4101 of Title 15, Commerce and Trade, sections 1151 and 1152 of Title 16, Conservation, section 951 of Title 18, Crimes and Criminal Procedure, section 783 of Title 50, War and National Defense, and sections 2401 and 2402 of Title 50, Appendix, repealing sections 254c-2, 2592a, and 2592b of this title, sections 781, 782, 784, 785, 788 to 795, and 798 of Title 50, and section 2403-1 of Title 50, Appendix, enacting provisions set out as notes under this section, sections 113 and 2431 of Title 10, Armed Forces, and section 2402 of Title 50, Appendix, amending provisions set out as notes under section 4501 of this title, section 113 of Title 10, section 2901 of Title 15, and section 1003 of former Title 40, Public Buildings, Property, and Works, and repealing provisions set out as notes under sections 287, 2151, 2293, 2458, and 4301 of this title, section 1307 of Title 19, Customs Duties, and section 781 of Title 50] may be cited as the 'Act For Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine, and Other New Independent States' or as the 'FRIENDSHIP Act'."

SHORT TITLE

Section 1 of Pub. L. 102-511 provided that: "This Act [enacting this chapter and sections 282m, 282n, 286e-11, 286e-5b, 286e-13, 28611, 286mm, 288], 2295 to 2295c, and 5402 of this title, amending sections 262d, 2370, 2507, and 4903 of this title and sections 1736c, 3293, 5602, 5621, 5622, and 5651 of Title 7, Agriculture, enacting provisions set out as notes under sections 2295a, 2452, 2753, 4903, and 5812 of this title, section 5621 of Title 7, and section 955 of Title 18, Crimes and Criminal Procedure, amending provisions set out as notes under section 2452 of this title, section 5622 of Title 7, and sections 1157 and 1255 of Title 8, Aliens and Nationality, and repealing provisions set out as a note under section 2452 of this title] may be cited as the 'Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992' or the 'FREEDOM Support Act'."

POLICY OF FRIENDSHIP AND COOPERATION

Pub. L. 103-199, title I, §§ 101-103, Dec. 17, 1993, 107 Stat. 2318, 2319, provided that:

"SEC. 101. STATEMENT OF PURPOSE.

"The purpose of this Act [see Short Title of 1993 Amendment note above] is to amend or repeal numerous statutory provisions that restrict or otherwise impede normal relations between the United States and the Russian Federation, Ukraine, and the other independent states of the former Soviet Union. All of the statutory provisions amended or repealed by this Act were relevant and appropriate at the time of enactment, but with the end of the Cold War, they have become obsolete. It is not the purpose of this Act to rewrite or erase history, or to forget those who suffered in the past from the injustices or repression of communist regimes in the Soviet Union, but rather to update United States law to reflect changed international circumstances and to demonstrate for reformers and democrats in the independent states of the former Soviet Union the resolve of the people of the United States to support the process of democratic and economic reform and to conduct business with those states in a new spirit of friendship and cooperation.

"SEC. 102. FINDINGS.

"The Congress finds and declares as follows:

"(1) The Vancouver Declaration issued by President Clinton and President Yeltsin in April 1993 marked a new milestone in the development of the spirit of cooperation and partnership between the United States and Russia. The Congress affirms its support for the principles contained in the Vancouver Declaration.

"(2) The Vancouver Declaration underscored that—

"(A) a dynamic and effective partnership between the United States and Russia is vital to the success of Russia's historic transformation;

"(B) the rapid integration of Russia into the community of democratic nations and the world economy is important to the national interest of the United States; and

"(C) cooperation between the United States and Russia is essential to the peaceful resolution of international conflicts and the promotion of democratic values, the protection of human rights, and the solution of global problems such as environmental pollution, terrorism, and narcotics trafficking.

"(3) The Congress enacted the FREEDOM Support Act (Public Law 102-511) [see Short Title note above], as well as other legislation such as the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228) [22 U.S.C. 2551 note] and the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484) [22 U.S.C. 5901 et seq.], to help meet the historic opportunities and challenges presented by the transformation that has taken place, and is continuing to take place, in what once was the Soviet Union.

"(4) The process of reform in Russia, Ukraine, and the other independent states of the former Soviet Union is ongoing. The holding of a referendum in Russia on April 25, 1993, that was free and fair, and that reflected the support of the Russian people for the process of continued and strengthened democratic and economic reform, represents an important and encouraging hallmark in this ongoing process.

"(5) There remain in force many United States laws that are relics of the Cold War, and repeals or revisions of these provisions can play an important role in efforts to foster and strengthen the bonds of trust and friendship, as well as mutually beneficial trade and economic relations, between the United States and Russia, the United States and Ukraine, and the United States and the other independent states of the former Soviet Union.

"SEC. 103. STATUTORY PROVISIONS THAT HAVE BEEN APPLICABLE TO THE SOVIET UNION.

"(a) IN GENERAL.—There are numerous statutory provisions that were enacted in the context of United States relations with a country, the Soviet Union, that are fundamentally different from the relations that now exist between the United States and Russia, between the United States and Ukraine, and between the United States and the other independent states of the former Soviet Union.

"(b) EXTENT OF SUCH PROVISIONS.—Many of the provisions referred to in subsection (a) imposed limitations specifically with respect to the Soviet Union, and its constituent republics, or utilized language that reflected the tension that existed between the United States and the Soviet Union at the time of their enactment. Other such provisions did not refer specifically to the Soviet Union, but nonetheless were directed (or may be construed as having been directed) against the Soviet Union on the basis of the relations that formerly existed between the United States and the Soviet Union, particularly in its role as the leading communist country.

"(c) FINDINGS AND AFFIRMATION.—The Congress finds and affirms that provisions such as those described in this section, including—

"(1) section 216 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4316),

"(2) sections 136 [22 U.S.C. 3943 note] and 804 [99 Stat. 449] of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93),

"(3) section 1222 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1411 [1414]),

"(4) the Multilateral Export Control Enhancement Amendments Act [see Short Title of 1988 Amendment

note set out under section 2410 of Title 50, App., War and National Defense] (50 [App.] U.S.C. 2410 note, et seq.).

“(5) the joint resolution providing for the designation of ‘Captive Nations Week’ (Public Law 86-90) [73 Stat. 212].

“(6) the Communist Control Act of 1954 (Public Law 83-637) [see Short Title note set out under section 781 of Title 50].

“(7) provisions in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including sections 101(a)(40), 101(e)(3), and 313(a)(3) [8 U.S.C. 1101(a)(40), (e)(3), 1424(a)(3)].

“(8) section 2 of the joint resolution entitled ‘A joint resolution to promote peace and stability in the Middle East’, approved March 9, 1957 (Public Law 85-7) [22 U.S.C. 1961 et seq.], and

“(9) section 43 of the Bretton Woods Agreements Act (22 U.S.C. 286aa),

should not be construed as being directed against Russia, Ukraine, or the other independent states of the former Soviet Union, connoting an adversarial relationship between the United States and the independent states, or signifying or implying in any manner unfriendliness toward the independent states.”

DEFINITIONS FOR PUB. L. 103-199

Pub. L. 103-199, § 3, Dec. 17, 1993, 107 Stat. 2318, provided that: “As used in this Act [see Short Title of 1993 Amendment note above] (including the amendments made by this Act), the terms ‘independent states of the former Soviet Union’ and ‘independent states’ have the meaning given those terms by section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5801).”

SUBCHAPTER I—GENERAL PROVISIONS

§ 5811. Findings

The Congress finds that—

(1) recent developments in Russia and the other independent states of the former Soviet Union present an historic opportunity for a transition to a peaceful and stable international order and the integration of the independent states of the former Soviet Union into the community of democratic nations;

(2) the entire international community has a vital interest in the success of this transition, and the dimension of the problems now faced in the independent states of the former Soviet Union makes it imperative for donor countries and institutions to provide the expertise and support necessary to ensure continued progress on economic and political reforms;

(3) the United States is especially well-positioned because of its heritage and traditions to make a substantial contribution to this transition by building on current technical cooperation, medical, and food assistance programs, by assisting in the development of democratic institutions, and by fostering conditions that will encourage the United States business community to engage in trade and investment;

(4) failure to meet the opportunities presented by these developments could threaten United States national security interests and jeopardize substantial savings in United States defense that these developments have made possible;

(5) the independent states of the former Soviet Union face unprecedented environmental problems that jeopardize the quality of life and the very existence of not only their own

peoples but also the peoples of other countries, and it is incumbent on the international community to assist the independent states in addressing these problems and in promoting sustainable use of resources and development;

(6) the success of United States assistance for the independent states of the former Soviet Union depends on—

(A) effective coordination of United States efforts with similar activities of friendly and allied donor countries and of international financial institutions, and

(B) reciprocal commitments by the governments of the independent states to work toward the creation of democratic institutions and an environment hospitable to foreign investment based upon the rule of law, including negotiation of bilateral and multilateral agreements on open trade and investment, adoption of commercial codes, establishment of transparency in regulatory and other governmental decision making, and timely payment of obligations carried over from previous governmental entities; and

(7) trade and investment opportunities in the independent states of the former Soviet Union will generate employment and other economic benefits for the United States as the economies of the independent states of the former Soviet Union begin to realize their enormous potential as both customers and suppliers.

(Pub. L. 102-511, title I, §101, Oct. 24, 1992, 106 Stat. 3321.)

BELARUS DEMOCRACY

Pub. L. 108-347, Oct. 20, 2004, 118 Stat. 1383, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Belarus Democracy Act of 2004’.

“SEC. 2. FINDINGS.

“Congress makes the following findings:

“(1) The United States supports the promotion of democracy, respect for human rights, and the rule of law in the Republic of Belarus consistent with its commitments as a participating state of the Organization for Security and Cooperation in Europe (OSCE).

“(2) The United States has a vital interest in the independence and sovereignty of the Republic of Belarus and its integration into the European community of democracies.

“(3) In November 1996, Lukashenka orchestrated an illegal and unconstitutional referendum that enabled him to impose a new constitution, abolish the duly-elected parliament, the 13th Supreme Soviet, install a largely powerless National Assembly, and extend his term of office to 2001.

“(4) Democratic forces in Belarus have organized peaceful demonstrations against the Lukashenka regime in cities and towns throughout Belarus which led to beatings, mass arrests, and extended incarcerations.

“(5) Victor Gonchar, Anatoly Krasovsky, and Yuri Zakharenka, who have been leaders and supporters of the democratic forces in Belarus, and Dmitry Zavadsky, a journalist known for his critical reporting in Belarus, have disappeared and are presumed dead.

“(6) Former Belarus Government officials have come forward with credible allegations and evidence that top officials of the Lukashenka regime were involved in the disappearances.

“(7) The Belarusian authorities have mounted a major systematic crackdown on civil society through the closure, harassment, and repression of nongovernmental organizations, and independent trade unions.

“(8) The Belarusian authorities actively suppress freedom of speech and expression, including engaging in systematic reprisals against independent media.

“(9) The Lukashenka regime has reversed the revival of Belarusian language and culture, including through the closure of the National Humanities Lyceum, the last remaining high school where classes were taught in the Belarusian language.

“(10) The Lukashenka regime harasses the autocephalic Belarusian Orthodox Church, the Roman Catholic Church, the Jewish community, the Hindu Lights of Kalyasa community, evangelical Protestant churches (such as Baptist and Pentecostal groups), and other minority religious groups.

“(11) The Law on Religious Freedom and Religious Organizations, passed by the National Assembly and signed by Lukashenka on October 31, 2002, establishes one of the most repressive legal regimes in the OSCE region, severely limiting religious freedom and placing excessively burdensome government controls on religious practice.

“(12) The parliamentary elections of October 15, 2000, and the presidential election of September 9, 2001, were determined to be fundamentally unfair and nondemocratic.

“(13) The Government of Belarus has made no substantive progress in addressing criteria established by the OSCE in 2000, ending repression and the climate of fear, permitting a functioning independent media, ensuring transparency of the elections process, and strengthening of the functions of parliament.

“SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN BELARUS.

“(a) PURPOSES OF ASSISTANCE.—The assistance under this section shall be available for the following purposes:

“(1) To assist the people of the Republic of Belarus in regaining their freedom and to enable them to join the European community of democracies.

“(2) To encourage free and fair presidential, parliamentary, and local elections in Belarus, conducted in a manner consistent with internationally accepted standards and under the supervision of internationally recognized observers.

“(3) To assist in restoring and strengthening institutions of democratic governance in Belarus.

“(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purposes of subsection (a), the President is authorized to furnish assistance and other support for the activities described in subsection (c), to be provided primarily for indigenous Belarusian groups that are committed to the support of democratic processes.

“(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

“(1) the observation of elections and the promotion of free and fair electoral processes;

“(2) development of democratic political parties;

“(3) radio and television broadcasting to and within Belarus;

“(4) the development of nongovernmental organizations promoting democracy and supporting human rights;

“(5) the development of independent media working within Belarus and from locations outside the country and supported by nonstate-controlled printing facilities;

“(6) international exchanges and advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

“(7) other activities consistent with the purposes of this Act.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out this section

such sums as may be necessary for each of the fiscal years 2005 and 2006.

“(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

“SEC. 4. RADIO BROADCASTING TO BELARUS.

“(a) PURPOSE.—It is the purpose of this section to authorize increased support for United States Government and surrogate radio broadcasting to the Republic of Belarus that will facilitate the unhindered dissemination of information.

“(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year for radio broadcasting to the people of Belarus in languages spoken in Belarus.

“SEC. 5. SENSE OF CONGRESS RELATING TO SANCTIONS AGAINST BELARUS.

“(a) SENSE OF CONGRESS.—It is the sense of Congress that the sanctions described in subsection (c) should apply with respect to the Republic of Belarus until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b).

“(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

“(1) The release of individuals in Belarus who have been jailed based on political or religious beliefs.

“(2) The withdrawal of politically motivated legal charges against all opposition figures and independent journalists in Belarus.

“(3) A full accounting of the disappearances of opposition leaders and journalists in Belarus, including Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, and the prosecution of those individuals who are responsible for their disappearances.

“(4) The cessation of all forms of harassment and repression against the independent media, independent trade unions, nongovernmental organizations, religious organizations (including their leadership and members), and the political opposition in Belarus.

“(5) The implementation of free and fair presidential and parliamentary elections in Belarus consistent with OSCE commitments.

“(c) PROHIBITION ON LOANS AND INVESTMENT.—

“(1) UNITED STATES GOVERNMENT FINANCING.—No loan, credit guarantee, insurance, financing, or other similar financial assistance should be extended by any agency of the United States Government (including the Export-Import Bank and the Overseas Private Investment Corporation) to the Government of Belarus, except with respect to the provision of humanitarian goods and agricultural or medical products.

“(2) TRADE AND DEVELOPMENT AGENCY.—No funds available to the Trade and Development Agency should be available for activities of the Agency in or for Belarus.

“(d) MULTILATERAL FINANCIAL ASSISTANCE.—It is further the sense of Congress that, in addition to the application of the sanctions described in subsection (c) to the Republic of Belarus (until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b)), the Secretary of the Treasury should instruct the United States Executive Director of each international financial institution to which the United States is a member to use the voice and vote of the United States to oppose any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Belarus, except for loans and assistance that serve humanitarian needs.

“SEC. 6. MULTILATERAL COOPERATION.

“It is the sense of Congress that the President should continue to seek to coordinate with other countries, particularly European countries, a comprehensive, multilateral strategy to further the purposes of this Act, including, as appropriate, encouraging other countries to take measures with respect to the Republic of Belarus that are similar to measures described in this Act.

“SEC. 7. REPORT.

“(a) REPORT.—Not later than 90 days after the date of the enactment of this Act [Oct. 20, 2004], and not later than 1 year thereafter, the President shall transmit to the appropriate congressional committees a report that describes, with respect to the preceding 12-month period, and to the extent practicable the following:

“(1) The sale or delivery of weapons or weapons-related technologies from the Republic of Belarus to any country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism.

“(2) An identification of each country described in paragraph (1) and a detailed description of the weapons or weapons-related technologies involved in the sale.

“(3) An identification of the goods, services, credits, or other consideration received by Belarus in exchange for the weapons or weapons-related technologies.

“(4) The personal assets and wealth of Aleksandr Lukashenka and other senior leadership of the Government of Belarus.

“(b) FORM.—A report transmitted pursuant to subsection (a) shall be in unclassified form but may contain a classified annex.

“SEC. 8. DECLARATION OF POLICY.

“Congress hereby—

“(1) calls upon the Lukashenka regime to cease its persecution of political opponents or independent journalists and to release those individuals who have been imprisoned for opposing his regime or for exercising their right to freedom of speech;

“(2) expresses its grave concern about the disappearance of Victor Gonchar, Anatoly Krasovskiy, Yuri Zakharenko, and Dmitry Zavadsky and calls upon the Lukashenka regime to cooperate fully with the Belrussian [Belarusian] civil initiative ‘We Remember’ and to extend to this organization all necessary information to find out the truth about the disappearances;

“(3) calls upon the Lukashenka regime to cooperate fully with the Parliamentary Assembly of the Council of Europe (PACE) and its specially appointed representatives in matters regarding the resolution of the cases of the disappeared; and

“(4) commends the democratic opposition in Belarus for their commitment to participate in October 2004 Parliamentary elections as a unified coalition and for their courage in the face of the repression of the Lukashenka regime in Belarus.

“SEC. 9. DEFINITIONS.

“In this Act:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(2) OSCE.—The term ‘OSCE’ means the Organization for Security and Cooperation in Europe.

“(3) SENIOR LEADERSHIP OF THE GOVERNMENT OF BELARUS.—The term ‘senior leadership of the Government of Belarus’ includes—

“(A) the President, Prime Minister, Deputy Prime Ministers, government ministers, Chairmen of State Committees, and members of the Presidential Administration of Belarus;

“(B) any official of the Government of Belarus who is personally and substantially involved in the suppression of freedom in Belarus, including judges and prosecutors; and

“(C) any other individual determined by the Secretary of State (or the Secretary’s designee) to be personally and substantially involved in the formulation or execution of the policies of the Lukashenka regime that are in contradiction of internationally recognized human rights standards.”

§ 5812. Program coordination, implementation, and oversight

(a) Coordination

The President shall designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall assistance and economic cooperation strategy for the independent states of the former Soviet Union;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this Act (including the amendments made by this Act and chapter 12 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2296 et seq.]);

(3) pursuing coordination with other countries and international organizations with respect to assistance to independent states;

(4) ensuring that United States assistance programs for the independent states are consistent with this Act (including the amendments made by this Act and chapter 12 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2296 et seq.]);

(5) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for the independent states; and

(6) resolving policy and program disputes among United States Government agencies with respect to United States assistance for the independent states.

(b) Export promotion activities

Consistent with subsection (a) of this section, coordination of activities related to the promotion of exports of United States goods and services to the independent states of the former Soviet Union shall continue to be primarily the responsibility of the Secretary of Commerce, in the Secretary’s role as Chair of the Trade Promotion Coordination Committee.

(c) International economic activities

Consistent with subsection (a) of this section, coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury, in the Secretary’s role as Chair of the National Advisory Council on International Monetary and Financial Policies and as the United States Governor of the international financial institutions.

(d) Accountability for funds

Any agency managing and implementing an assistance program for the independent states of

the former Soviet Union shall be accountable for any funds made available to it for such program. (Pub. L. 102-511, title I, §102, Oct. 24, 1992, 106 Stat. 3322; Pub. L. 106-113, div. B, §1000(a)(2) [title V, §596(c)], Nov. 29, 1999, 113 Stat. 1535, 1501A-126.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(2), (4), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended, known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 and also as the FREEDOM Support Act. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (a)(2), (4), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 12 of part I of the Act is classified generally to part XII [§2296 et seq.] of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

AMENDMENTS

1999—Subsec. (a)(2), (4). Pub. L. 106-113 substituted “this Act and chapter 12 of part I of the Foreign Assistance Act of 1961” for “this Act”.

RUSSIAN AND UKRAINIAN BUSINESS MANAGEMENT EDUCATION

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title IV, subtitle B], Nov. 29, 1999, 113 Stat. 1536, 1501A-448, provided that:

“SEC. 421. PURPOSE.

“The purpose of this subtitle is to establish a training program in Russia and Ukraine for nationals of those countries to obtain skills in business administration, accounting, and marketing, with special emphasis on instruction in business ethics and in the basic terminology, techniques, and practices of those disciplines, to achieve international standards of quality, transparency, and competitiveness.

“SEC. 422. DEFINITIONS.

“In this subtitle:

“(1) DISTANCE LEARNING.—The term ‘distance learning’ means training through computers, interactive videos, teleconferencing, and videoconferencing between and among students and teachers.

“(2) ELIGIBLE ENTERPRISE.—The term ‘eligible enterprise’ means—

“(A) in the case of Russia—

“(i) a business concern operating in Russia that employs Russian nationals in Russia; or

“(ii) a private enterprise that is being formed or operated by former officers of the Russian armed forces in Russia; and

“(B) in the case of Ukraine—

“(i) a business concern operating in Ukraine that employs Ukrainian nationals in Ukraine; or

“(ii) a private enterprise that is being formed or operated by former officers of the Ukrainian armed forces in Ukraine.

“(3) ELIGIBLE NATIONAL.—The term ‘eligible national’ means the employee of an eligible enterprise who is employed in the program country.

“(4) PROGRAM.—The term ‘program’ means the program of technical assistance established under section 423.

“(5) PROGRAM COUNTRY.—The term ‘program country’ means—

“(A) Russia in the case of any eligible enterprise operating in Russia that receives technical assistance under the program; or

“(B) Ukraine in the case of any eligible enterprise operating in Ukraine that receives technical assistance under the program.

“SEC. 423. AUTHORIZATION FOR TRAINING PROGRAM AND INTERNSHIPS.

“(a) TRAINING PROGRAM.—

“(1) IN GENERAL.—The President is authorized to establish a program of technical assistance to provide the training described in section 421 to eligible enterprises.

“(2) IMPLEMENTATION.—Training shall be carried out by United States nationals having expertise in business administration, accounting, and marketing or by eligible nationals who have been trained under the program. Such training may be carried out—

“(A) in the offices of eligible enterprises, at business schools or institutes, or at other locations in the program country, including facilities of the armed forces of the program country, educational institutions, or in the offices of trade or industry associations, with special consideration given to locations where similar training opportunities are limited or nonexistent; or

“(B) by ‘distance learning’ programs originating in the United States or in European branches of United States institutions.

“(b) INTERNSHIPS WITH UNITED STATES DOMESTIC BUSINESS CONCERNS.—Authorized program costs may include the travel expenses and appropriate in-country business English language training, if needed, of eligible nationals who have completed training under the program to undertake short-term internships with business concerns in the United States.

“SEC. 424. APPLICATIONS FOR TECHNICAL ASSISTANCE.

“(a) PROCEDURES.—

“(1) IN GENERAL.—Each eligible enterprise that desires to receive training for its employees and managers under this subtitle shall submit an application to the clearinghouse under subsection (c), at such time, in such manner, and accompanied by such additional information as may reasonably be required.

“(2) JOINT APPLICATIONS.—A consortium of eligible enterprises may file a joint application under the provisions of paragraph (1).

“(b) CONTENTS.—An application under subsection (a) may be approved only if the application—

“(1) is for an individual or individuals employed in an eligible enterprise or enterprises applying under the program;

“(2) describes the level of training for which assistance under this subtitle is sought;

“(3) provides evidence that the eligible enterprise meets the general policies adopted for the administration of this subtitle;

“(4) provides assurances that the eligible enterprise will pay a share of the costs of the training, which share may include in-kind contributions; and

“(5) provides such additional assurances as are determined to be essential to ensure compliance with the requirements of this subtitle.

“(c) CLEARINGHOUSE.—A clearinghouse shall be established or designated in each program country to manage and execute the program in that country. The clearinghouse shall screen applications, provide information regarding training and teachers, monitor performance of the program, and coordinate appropriate post-program follow-on activities.

“SEC. 425. RESTRICTIONS NOT APPLICABLE.

“Prohibitions on the use of foreign assistance funds for assistance for the Russian Federation or for Ukraine shall not apply with respect to the funds made available to carry out this subtitle.

“SEC. 426. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated \$10,000,000 for the fiscal year 2000 and \$10,000,000 for the fiscal year 2001 to carry out this subtitle.

“(b) AVAILABILITY OF FUNDS.—Amounts appropriated under subsection (a) are authorized to remain available until expended.”

RESTRICTION ON ASSISTANCE TO AZERBAIJAN

Pub. L. 107-115, title II [(g)(2)-(6)], Jan. 10, 2002, 115 Stat. 2129, provided that:

“(2) The President may waive section 907 of the FREEDOM Support Act [Pub. L. 102-511, set out below] if he determines and certifies to the Committees on Appropriations that to do so—

“(A) is necessary to support United States efforts to counter international terrorism; or

“(B) is necessary to support the operational readiness of United States Armed Forces or coalition partners to counter international terrorism; or

“(C) is important to Azerbaijan’s border security; and

“(D) will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia.

“(3) The authority of paragraph (2) may only be exercised through December 31, 2002.

“(4) The President may extend the waiver authority provided in paragraph (2) on an annual basis on or after December 31, 2002 if he determines and certifies to the Committees on Appropriations in accordance with the provisions of paragraph (2).

“(5) The Committees on Appropriations shall be consulted prior to the provision of any assistance made available pursuant to paragraph (2).

“(6) Within 60 days of any exercise of the authority under paragraph (2) the President shall send a report to the appropriate congressional committees specifying in detail the following—

“(A) the nature and quantity of all training and assistance provided to the Government of Azerbaijan pursuant to paragraph (2);

“(B) the status of the military balance between Azerbaijan and Armenia and the impact of United States assistance on that balance; and

“(C) the status of negotiations for a peaceful settlement between Armenia and Azerbaijan and the impact of United States assistance on those negotiations.”

[Functions of President under subsecs. (g)(4) and (6) of title II of Pub. L. 107-115, set out above, delegated to Secretary of State by section 1-100(a)(13) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.]

Section 907 of Pub. L. 102-511 provided that: “United States assistance under this or any other Act (other than assistance under title V of this Act [22 U.S.C. 5851 et seq.]) may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.”

SUPPORT FOR MACROECONOMIC STABILIZATION IN INDEPENDENT STATES OF FORMER SOVIET UNION

Section 1004 of Pub. L. 102-511 provided that:

“(a) IN GENERAL.—In order to promote macroeconomic stabilization and the integration of the independent states of the former Soviet Union into the international financial system, enhance the opportunities for trade, improve the climate for foreign investment, and strengthen the process of transformation of the former socialist economies into free enterprise systems and thereby progressively enhance the well-being of the citizens of these states, the United States should in appropriate circumstances take a leading role in organizing and supporting multilateral efforts at macroeconomic stabilization and debt rescheduling, conditioned on the appropriate development and implementation of comprehensive economic reform programs.

“(b) CURRENCY STABILIZATION.—In furtherance of the purposes and consistent with the conditions described in subsection (a), the Congress expresses its support for United States participation, in sums of up to \$3,000,000,000, in a currency stabilization fund or funds for the independent states of the former Soviet Union.

“(c) STUDY OF THE NEED FOR AND FEASIBILITY OF A CURRENCY STABILIZATION FUND FOR UKRAINE.—The Secretary of the Treasury shall instruct the United States

Executive Director of the International Monetary Fund to use the voice and vote of the United States to urge the Fund to conduct a study of the need for and feasibility of a currency stabilization fund for Ukraine, and, if it is found that such a fund is needed and is feasible, which considers and makes recommendations with respect to the economic and policy conditions required for the success of such a fund.”

REPORT ON DEBT OF FORMER SOVIET UNION HELD BY COMMERCIAL FINANCIAL INSTITUTIONS

Section 1007 of Pub. L. 102-511 directed Secretary of the Treasury, using information available from the International Monetary Fund, the International Bank for Reconstruction and Development, and other appropriate international financial institutions, to report to Congress, not later than one year after Oct. 24, 1992, on the debt incurred by the former Soviet Union that is held by commercial financial institutions outside the independent states of the former Soviet Union that are obligated on such debt.

EX. ORD. NO. 12884. DELEGATION OF FUNCTIONS UNDER FREEDOM SUPPORT ACT AND RELATED PROVISIONS OF FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT

Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, as amended by Ex. Ord. No. 13030, §3, Dec. 12, 1996, 61 F.R. 66187; Pub. L. 105-277, div. G, subdiv. A, title XIV, §1422(a)(4), Oct. 21, 1998, 112 Stat. 2681-792; Ex. Ord. No. 13118, §10(1), Mar. 31, 1999, 64 F.R. 16598, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the FREEDOM Support Act (Public Law 102-511) (the “Act”) [22 U.S.C. 5801 et seq.], the Foreign Assistance Act of 1961, as amended (the “Foreign Assistance Act”) [22 U.S.C. 2151 et seq.], the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993 (Public Law 102-391) [see Tables for classification], and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. *Secretary of State.* (a) There are delegated to the Secretary of State the functions conferred upon the President by:

(1) section 907 of the Act [set out above];

(2) paragraphs (1), (2), (3), and (5) of section 498A(b) of the Foreign Assistance Act [22 U.S.C. 2295a(b)(1), (2), (3), (5)];

(3) paragraph (1) of section 498A(C) of the Foreign Assistance Act [22 U.S.C. 2295a(c)(1)] and the requirement to make reports under that section regarding determinations under that paragraph; and

(4) section 599B of Public Law 102-391 [106 Stat. 1697].

(b) The Secretary of State may at any time exercise any function delegated to the Coordinator under this order or otherwise assigned to the Coordinator.

SEC. 2. *Coordinator.* There are delegated to the Coordinator designated in accordance with section 102 of the Act [22 U.S.C. 5812] the functions conferred upon the President by:

(a) section 104 of the Act [22 U.S.C. 5814], and the Coordinator is authorized to assign responsibility for particular aspects of the reports described in that section to the heads of appropriate agencies;

(b) section 301 of the Act [22 U.S.C. 5821], insofar as it relates to determinations and directives;

(c) section 498A(a), section 498B(c), and section 498B(g) of the Foreign Assistance Act [22 U.S.C. 2295a(a), 2295b(c), (g)]; and

(d) paragraph (2) of section 498A(c) of the Foreign Assistance Act [22 U.S.C. 2295a(c)(2)] and the requirement to make reports under that section regarding determinations under that paragraph.

SEC. 3. *Secretary of State-Additional Functions.* There are delegated to the Secretary of State the functions conferred upon the President by:

(a) sections 301(a) and 307 of the Act [22 U.S.C. 5821(a), 5827], except insofar as provided otherwise in section 2(b) of this order;

(b) section 498 and section 498C(b)(2) of the Foreign Assistance Act [22 U.S.C. 2295, 2295c(b)(2)];

(c) paragraph (3) of section 498A(c) of the Foreign Assistance Act [22 U.S.C. 2295a(c)(3)] and the requirement to make reports under that section regarding determinations under that paragraph;

(d) subsection (d) under the heading “Assistance for the New Independent States of the Former Soviet Union” contained in Title II of Public Law 102-391 [106 Stat. 1650]; and

(e) section 592 of Public Law 102-391 [106 Stat. 1691], except to the extent otherwise provided in section 5(b) of this order.

SEC. 4. *Secretary of Agriculture.* There are delegated to the Secretary of Agriculture the functions conferred upon the President by section 807(d) of the Act [22 U.S.C. 2452 note].

SEC. 5. *Other Agencies.* The functions conferred upon the President by:

(a) sections 498B(h) and 498B(i) of the Foreign Assistance Act [22 U.S.C. 2295b(h), (i)] are delegated to the head of the agency that is responsible for administering the particular program or activity with respect to which the authority is to be exercised; and

(b) the third proviso in section 592 of Public Law 102-391 [106 Stat. 1691] are delegated to the head of each agency that is responsible for administering relevant programs or activities.

SEC. 6. *General.* (a) the [sic] functions described in sections 4 and 5 of this order shall be exercised subject to the authority of the Coordinator under section 102(a) of the Act [22 U.S.C. 5812(a)] or otherwise.

(b) As used in this order, the word “function” includes any duty, obligations, power, authority, responsibility, right, privilege, discretion, or activity.

(c) Functions delegated under this order shall be construed as excluded from the functions delegated under section 1-102(a) of Executive Order No. 12163, as amended [22 U.S.C. 2381 note].

(d) Any officer to whom functions are delegated or otherwise assigned under this order may, to the extent consistent with law, redelegate such functions and authorize their successive redelegation.

WILLIAM J. CLINTON.

[Section 3 of Ex. Ord. No. 12884, set out above, was to cease to be effective pursuant to Pub. L. 105-277, div. G, subdiv. A, title XIV, § 1422(a)(4), Oct. 21, 1998, 112 Stat. 2681-792.]

WAIVER OF RESTRICTION ON ASSISTANCE TO AZERBAIJAN

Determination of President of the United States, No. 2005-18, Jan. 13, 2005, 70 F.R. 3853, provided:

Memorandum for the Secretary of State

Pursuant to the authority contained in title II of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107-115) [see title II [(g)(2)-(6)] of Pub. L. 107-115, set out as a note above], I hereby determine and certify that extending the waiver of section 907 of the FREEDOM Support Act of 1992 (Public Law 102-511) [set out as a note above]:

- is necessary to support United States efforts to counter international terrorism;
- is necessary to support the operational readiness of United States Armed Forces or coalition partners to counter international terrorism;
- is important to Azerbaijan’s border security; and
- will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia.

Accordingly, I hereby extend the waiver of section 907 of the FREEDOM Support Act.

You are authorized and directed to notify the Congress of this determination and to arrange for its publication in the Federal Register.

GEORGE W. BUSH.

Prior waivers of section 907 of Pub. L. 102-511 were contained in the following:

Determination of President of the United States, No. 2004-18, Dec. 30, 2003, 69 F.R. 2057.

Determination of President of the United States, No. 2003-12, Jan. 17, 2003, 68 F.R. 3803.

Determination of President of the United States, No. 2002-06, Jan. 25, 2002, 67 F.R. 5921.

§ 5813. Report on overall assistance and economic cooperation strategy

(a) Requirement for submission

As soon as practicable after October 24, 1992, the coordinator designated pursuant to section 5812(a) of this title shall submit to the Congress a report on the overall assistance and economic cooperation strategy for the independent states of the former Soviet Union that is required to be developed pursuant to paragraph (1) of that section.

(b) Assistance plan

The report submitted pursuant to subsection (a) of this section shall include a plan specifying—

(1) the amount of the funds authorized to be appropriated for fiscal year 1993 by chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.] proposed to be allocated for each of the categories of activities authorized by section 498 of that Act [22 U.S.C. 2295] and to carry out section 5821 of this title (relating to American Business Centers), section 5823 of this title (relating to export promotion activities and capital projects), and subchapter III of this chapter (relating to the Democracy Corps);

(2) the amount of other funds made available for fiscal year 1993 to carry out the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] proposed to be allocated for assistance under that Act for the independent states of the former Soviet Union; and

(3) the amount of funds available for fiscal year 1993 under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] that are proposed to be made to each agency to carry out activities for the independent states under that Act or this Act.

(Pub. L. 102-511, title I, § 103, Oct. 24, 1992, 106 Stat. 3323.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. Chapter 11 of part I of the Act is classified generally to part XI (§ 2295 et seq.) of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

This Act, referred to in subsec. (b)(3), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended, known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 and also as the FREEDOM Support Act. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

§ 5814. Annual report

Not later than January 31 of each year, the President shall submit to the Congress a report on United States assistance for the independent states of the former Soviet Union under this Act

or other provisions of law. Each such report shall include—

(1) an assessment of the progress each independent state has made in meeting the standards set forth in section 2295a of this title, including a description of the steps each independent state has taken or is taking toward meeting those standards and a discussion of additional steps that each independent state could take to meet those standards;

(2) a description of the United States assistance for each independent state that was provided during the preceding fiscal year, is planned for the current fiscal year, and is proposed for the coming fiscal year, specifying the extent to which such assistance for the preceding fiscal year and for current fiscal year has actually been delivered;

(3) an assessment of the effectiveness of United States assistance in achieving its purposes;

(4) an evaluation of the manner in which the “notwithstanding” authority provided in section 2295b(j)(1) of this title, and the “notwithstanding” authority provided in any other provision of law with respect to assistance for the independent states, has been used and why the use of that authority was necessary; and

(5) with respect to the countries of the South Caucasus and Central Asia—

(A) an identification of the progress made by the United States in accomplishing the policy described in section 3 of the Silk Road Strategy Act of 1999;

(B) an evaluation of the degree to which the assistance authorized by chapter 12 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2296 et seq.] has accomplished the purposes identified in that chapter;

(C) a description of the progress being made by the United States to resolve trade disputes registered with and raised by the United States embassies in each country, and to negotiate a bilateral agreement relating to the protection of United States direct investment in, and other business interests with, each country; and

(D) recommendations of any additional initiatives that should be undertaken by the United States to implement the policy and purposes contained in the Silk Road Strategy Act of 1999 [22 U.S.C. 2296 et seq.].

(Pub. L. 102-511, title I, §104, Oct. 24, 1992, 106 Stat. 3324; Pub. L. 106-113, div. B, §1000(a)(2) [title V, §596(d)], Nov. 29, 1999, 113 Stat. 1535, 1501A-126.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended, known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 and also as the FREEDOM Support Act. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

The Silk Road Strategy Act of 1999, referred to in par. (5)(A), (D), is Pub. L. 106-113, div. B, §1000(a)(2) [title V, §596], Nov. 29, 1999, 113 Stat. 1535, 1501A-123, which enacted part XII (§2296 et seq.) of subchapter I of chapter 32 of this title and amended this section and section 5812 of this title. Section 3 of the Act probably refers to a section 3 which related to Policy of the

United States and appeared in H.R. 1152 as introduced in the House of Representatives, but was not contained in the provisions of that bill that were incorporated into Pub. L. 106-113. For complete classification of this Act to the Code, see Short Title of 1999 Amendment note set out under section 2151 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in par. (5)(B), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 12 of part I of the Act is classified generally to part XII [§2296 et seq.] of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

AMENDMENTS

1999—Par. (5). Pub. L. 106-113 added par. (5).

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.

For delegation of certain functions of President under this section, see section 2(a) of Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, set out as a note under section 5812 of this title.

PRESIDENTIAL REPORT ON FUNDING FOR NEW INDEPENDENT STATES OF FORMER SOVIET UNION

Pub. L. 103-306, title II, Aug. 23, 1994, 108 Stat. 1617, provided in part that: “(o) The report required by subsection (d) under the heading ‘Assistance for the New Independent States of the Former Soviet Union’, contained in Public Law 102-391 [set out below], shall be updated at least annually and shall also contain a listing of all grants and contracts issued from funds appropriated annually for the new independent states of the former Soviet Union, to include for each grant and contract (1) a description of its purpose, (2) its amount, and (3) the country where the grant or contract funds are to be expended.”

Pub. L. 102-391, title III, Oct. 6, 1992, 106 Stat. 1650, provided in part that: “(d) REPORTS.—The President shall submit a report to the Committees on Appropriations containing the amount of funds obligated and expended for each project and subproject funded from amounts appropriated under this heading for the new independent states of the former Soviet Union. The report required by this subsection shall be submitted to the Committees on Appropriations no later than January 1, 1993, and an update of this report shall be submitted by the President to those Committees no later than July 1, 1993.”

RESTRICTIONS ON ASSISTANCE FOR NEW INDEPENDENT STATES OF FORMER SOVIET UNION; REPORT TO CONGRESS

Pub. L. 103-87, title V, §560(g), Sept. 30, 1993, 107 Stat. 967, provided that: “None of the funds appropriated by this Act [see Tables for classification] shall be made available to any government of the New Independent States of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other New Independent State, such as those violations included in Principle Six of the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national interest of the United States: *Provided further*, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief: *Provided further*, That thirty days after the date of enactment of this Act [Sept. 30, 1993], and then annually thereafter, the Secretary of State shall report to the Committees on Appropriations on steps taken by the governments of the New Independent States concerning violations referred to in this subsection: *Provided further*, That in

preparing this report the Secretary shall consult with the United States Representative to the Conference on Security and Cooperation in Europe [now the Organization for Security and Cooperation in Europe].”

Similar provisions relating to nonavailability of funds to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, were contained in the following appropriation acts:

Pub. L. 109–102, title V, §517(a), Nov. 14, 2005, 119 Stat. 2201.

Pub. L. 108–447, div. D, title V, §517(a), Dec. 8, 2004, 118 Stat. 2996.

Pub. L. 108–199, div. D, title V, §517(b), Jan. 23, 2004, 118 Stat. 173.

Pub. L. 108–7, div. E, title V, §517(b), Feb. 20, 2003, 117 Stat. 185.

Pub. L. 107–115, title V, §517(b), Jan. 10, 2002, 115 Stat. 2144.

Pub. L. 106–429, §101(a) [title V, §517(b)], Nov. 6, 2000, 114 Stat. 1900, 1900A–27.

Pub. L. 106–113, div. B, §1000(a)(2) [title V, §517(b)], Nov. 29, 1999, 113 Stat. 1535, 1501A–86.

Pub. L. 105–277, div. A, §101(d) [title V, §517(b)], Oct. 21, 1998, 112 Stat. 2681–150, 2681–174.

Pub. L. 105–118, title II, [(c)], Nov. 26, 1997, 111 Stat. 2395.

Pub. L. 104–208, div. A, title I, §101(c) [title II, [(d)], Sept. 30, 1996, 110 Stat. 3009–121, 3009–130.

Pub. L. 104–107, title II, [(d)], Feb. 12, 1996, 110 Stat. 712.

Pub. L. 103–306, title II, Aug. 23, 1994, 108 Stat. 1616.

REPORT TO CONGRESS UNDER FREEDOM SUPPORT ACT

Memorandum of President of the United States, Jan. 29, 1993, 58 F.R. 8201, provided:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the FREEDOM Support Act (Public Law 102–511) (the “Act”) [see Short Title note set out under section 5801 of this title] and section 301 of Title 3 of the United States Code, I hereby delegate the functions and authorities relating to the report required to be submitted not later than January 31, 1993, under section 104 of the Act [22 U.S.C. 5814] to the Secretary of State, who is authorized to redelegate these functions and authorities consistent with applicable law.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

SUBCHAPTER II—BUSINESS AND COMMERCIAL DEVELOPMENT

§ 5821. American Business Centers

(a) Establishment

The President is authorized and encouraged to establish American Business Centers in the independent states of the former Soviet Union receiving assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.] where the President determines that such centers can be cost-effective in promoting the objectives described in section 498 of that Act [22 U.S.C. 2295] and United States economic interests and in establishing commercial partnerships between the people of the United States and the peoples of the independent states.

(b) Environmental business centers and agribusiness centers

For purposes of this section, the term “American Business Centers” includes the following:

(1) Environmental business centers in those independent states that offer promising market possibilities for the export of United States environmental goods and services. To the maximum extent practicable, these environmental business centers should be established as a component of other centers.

(2) Agribusiness centers that include the participation of private United States agribusinesses or agricultural cooperatives, private nonprofit organizations, State universities and land grant colleges, and financial institutions, that make appropriate contributions of equipment, materials, and personnel for the operation of such centers. The purposes of these agribusiness centers shall be—

(A) to enhance the ability of farmers and other agribusiness practitioners in the independent states to better meet the needs of the people of the independent states;

(B) to assist the transition from a command and control system in agriculture to a free market system; and

(C) to facilitate the demonstration and use of United States agricultural equipment and technology.

(c) Additional policy guidance

To the maximum extent possible, and consistent with the particular purposes of the specific types of centers, the President should direct that—

(1) the American Business Centers established pursuant to this section place special emphasis on assistance to United States small- and medium-sized businesses to facilitate their entry into the commercial markets of the independent states;

(2) such centers offer office space, business facilities, and market analysis services to United States firms, trade associations, and State economic development offices on a user-fee basis that minimizes the cost of operating such centers;

(3) such centers serve as a repository for commercial, legal, and technical information, including environmental and export control information;

(4) such centers identify existing or potential counterpart businesses or organizations that may require specific technical coordination or assistance;

(5) such centers be established in several sites in the independent states; and

(6) host countries be asked to make appropriate contributions of real estate and personnel for the establishment and operation of such centers.

(d) Funding

(1) Reimbursement agreement

Not later than 90 days after October 24, 1992, the Administrator of the Agency for International Development shall conclude a reimbursement agreement with the Secretary of Commerce for the Department of Commerce’s services in establishing and operating American Business Centers pursuant to this section.

(2) Authorization of appropriations

Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign

Assistance Act of 1961 [22 U.S.C. 2295 et seq.], up to \$12,000,000 for fiscal year 1993 are authorized to be appropriated to carry out this section, in addition to amounts otherwise available for such purpose.

(Pub. L. 102-511, title III, §301, Oct. 24, 1992, 106 Stat. 3332.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsecs. (a) and (d)(2), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 11 of part I of the Act is classified generally to part XI (§2295 et seq.) of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) delegated to Secretary of State except that functions of President under this section, insofar as relating to determinations and directives, delegated to Coordinator, see sections 2(b) and 3(a) of Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, as amended, set out as a note under section 5812 of this title.

§ 5822. Business and Agriculture Advisory Council

(a) Establishment

The President is authorized to establish an advisory council to be known as the Independent States Business and Agriculture Advisory Council (hereinafter in this section referred to as the "Council")—

(1) to consult with and advise the President periodically regarding programs of assistance for the independent states of the former Soviet Union; and

(2) to evaluate, and consult periodically with the President regarding, the adequacy of bilateral and multilateral assistance programs that would facilitate exports by United States companies to, and investments by United States companies in, the independent states.

(b) Membership

The Council should consist of 15 members, appointed by the President, who are drawn from United States companies reflecting diverse businesses and perspectives that have experience and expertise in dealing with the independent states of the former Soviet Union. The President should designate one such member to serve as Chair of the Council. Five such members should be appointed upon the recommendation of the Speaker and the Minority Leader of the House of Representatives and 5 should be appointed upon the recommendation of the Majority Leader and Minority Leader of the Senate. Members of the Council shall receive no compensation from the United States Government by reason of their service on the Council.

(c) Staff

Upon request of the Chair of the Council, the head of any United States Government agency may detail, on a nonreimbursable basis, any of the personnel of such agency to the Council to assist the Council.

(Pub. L. 102-511, title III, §302, Oct. 24, 1992, 106 Stat. 3333.)

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 5823. Funding for export promotion activities and capital projects

(a) Allocation of A.I.D. funds

The President is encouraged to use a portion of the funds made available for the independent states of the former Soviet Union under chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.]—

(1) to fund the export promotion, finance, and related activities carried out pursuant to subsection (b)(1) of this section, including activities relating to the export of intermediary goods; and

(2) to fund capital projects, including projects for telecommunications, environmental cleanup, power production, and energy related projects.

(b) Export promotion, finance, and related activities

The Secretary of Commerce, as Chair of the Trade Promotion Coordination Committee, should, in conjunction with other members of that committee, design and implement programs to provide adequate commercial and technical assistance to United States businesses seeking markets in the independent states of the former Soviet Union, including the following:

(1) Increasing the United States and Foreign Commercial Service presence in the independent states, in particular in the Russian Far Eastern cities of Vladivostok and Khabarovsk.

(2) Preparing profiles of export opportunities for United States businesses in the independent states and providing other technical assistance.

(3) Utilizing the Market Development Cooperator Program under section 4723 of title 15.

(4) Developing programs specifically for the purpose of assisting small- and medium-sized businesses in entering commercial markets of the independent states. In carrying out this paragraph, the Secretary of Commerce, to the extent possible, should work directly with private sector organizations with proven experience in trade and economic relations with the independent states.

(5) Supporting projects undertaken by the United States business community on the basis of partnership, joint venture, contractual, or other cooperative agreements with appropriate entities in the independent states.

(6) Supporting export finance programs, feasibility studies, political risk insurance, and other related programs through increased funding and flexibility in the implementation of such programs.

(7) Supporting the Business Information Service (BISNIS) and its related programs. (Pub. L. 102-511, title III, §303, Oct. 24, 1992, 106 Stat. 3333.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 11 of part I of the Act is classified generally to part XI (§2295 et seq.) of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

§ 5824. Interagency working group on energy of the Trade Promotion Coordinating Committee

The Trade Promotion Coordinating Committee should utilize its interagency working group on energy to assist United States energy sector companies to develop a long-term strategy for penetrating the energy market in the independent states of the former Soviet Union. The working group should—

- (1) work with officials from the independent states in creating an environment conducive to United States energy investment;
- (2) help to coordinate assistance to United States companies involved with projects to clean up former Soviet nuclear weapons sites and commercial nuclear waste; and
- (3) work with representatives from United States business and industry involved with the energy sector to help facilitate the identification of business opportunities, including the promotion of oil, gas, and clean coal technology and products, energy efficiency, and the formation of joint ventures between United States companies and companies of the independent nations.

(Pub. L. 102-511, title III, §304, Oct. 24, 1992, 106 Stat. 3334.)

§ 5825. Repealed. Pub. L. 104-66, title I, § 1021(e), Dec. 21, 1995, 109 Stat. 713

Section, Pub. L. 102-511, title III, §305, Oct. 24, 1992, 106 Stat. 3335, directed Secretary of Commerce to submit to Congress annual reports describing implementation of business and commercial development provisions, analyzing programs of other industrialized countries, and examining trade practices of other Organization for Economic Cooperation and Development nations.

§ 5826. Policy on combatting tied aid practices

Should the Secretary of the Treasury determine that foreign countries are engaged in tied aid practices with respect to any of the independent states of the former Soviet Union that violate the 1991 Helsinki agreement of the Organization for Economic Cooperation and Development, the President should give priority attention to combatting such practices.

(Pub. L. 102-511, title III, §306, Oct. 24, 1992, 106 Stat. 3335.)

§ 5827. Technical assistance for Russian Far East
(a) Authorization

The President is authorized to provide technical assistance, through an American univer-

sity in a region which received nonstop air service to and from the Russian Far East as of July 1, 1992, to facilitate the development of United States business opportunities, free markets, and democratic institutions in the Russian Far East.

(b) Authorization of appropriations

There are authorized to be appropriated \$2,000,000 to carry out subsection (a) of this section.

(Pub. L. 102-511, title III, §307, Oct. 24, 1992, 106 Stat. 3335.)

DELEGATION OF FUNCTIONS

For delegation of certain functions of President under this section, see section 3(a) of Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, as amended, set out as a note under section 5812 of this title.

§ 5828. Funding for OPIC programs

(a) Authority to make additional funds available

Funds authorized to be appropriated for fiscal year 1993 to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.] may be made available to cover costs incurred by the Overseas Private Investment Corporation in carrying out programs with respect to the independent states of the former Soviet Union under title IV of chapter 2 of part I of that Act (22 U.S.C. 2191 and following), in addition to amounts otherwise available for that purpose.

(b) Enactment of OPIC Authorization Act

The authority of subsection (a) of this section shall cease to be effective upon the enactment of the Overseas Private Investment Corporation Act Amendments Act of 1992.

(Pub. L. 102-511, title III, §308, Oct. 24, 1992, 106 Stat. 3335.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 11 of part I of the Act is classified generally to part II (§2295 et seq.) of subchapter I of chapter 32 of this title. Title IV of chapter 2 of part I of the Act is classified generally to subpart IV (§2191 et seq.) of part II of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Overseas Private Investment Corporation Act Amendments Act of 1992, referred to in subsec. (b), probably means the Overseas Private Investment Corporation Amendments Act of 1992, which was title I of H.R. 4996, 102d Congress, as passed by the House of Representatives. H.R. 4996 was enacted into law as Pub. L. 102-549 and title I was significantly revised and no longer contained provisions designating it as the Overseas Private Investment Corporation Amendments Act of 1992.

SUBCHAPTER III—THE DEMOCRACY CORPS

§ 5841. Authorization for establishment of Democracy Corps

(a) Establishment; purpose

The President is authorized to provide for the establishment of the Democracy Corps as a private nonprofit organization, incorporated in the District of Columbia, whose purpose shall be to

maintain a presence in the independent states of the former Soviet Union as described in subsection (c) of this section.

(b) Board of Directors

The Board of Directors of the Democracy Corps shall have not more than 10 members, appointed by the President. Individuals appointed to the Board—

(1) shall, individually or through the organizations they represent, have experience and expertise appropriate to carrying out the purpose of the Democracy Corps, including involvement either with activities of the type described in subsection (d) of this section or in the independent states;

(2) shall be United States citizens; and

(3) may not be officers or employees of the United States Government or Members of Congress.

(c) Grants to Democracy Corps; purpose

The Administrator is authorized to make an annual grant to the Democracy Corps with the funds made available pursuant to this section. The purpose of such grants shall be to enable the Democracy Corps to maintain a presence in independent states of the former Soviet Union that will assist at the local level in the development of—

(1) institutions of democratic governance (including judicial, electoral, legislative, and administrative processes), and

(2) the nongovernmental organizations of a civil society (including charitable, educational, trade union, business, professional, voluntary, community, and other civic organizations),

by mobilizing the expertise of the American people to provide practical assistance through “on the ground” person-to-person advice, technical assistance, and small grants to indigenous individuals and indigenous entities, in accordance with subsection (d) of this section.

(d) Activities

The Democracy Corps shall be required to carry out its purpose through the placement within the independent states of teams of United States citizens with appropriate expertise and knowledge. Under guidelines developed by the Board, these teams shall assist indigenous individuals and entities in the independent states that are involved in the development of the institutions and organizations referred to in paragraphs (1) and (2) of subsection (c) of this section by—

(1) providing advice and technical assistance;

(2) making small grants (which in most cases should not exceed \$5,000) to such individuals and entities to assist the development of those institutions and organizations;

(3) identifying other sources of assistance; and

(4) operating local centers to serve as information, logistical, and educational centers and otherwise encourage cooperation and effectiveness by those involved in the development of democratic institutions, a market-oriented economy, and a civil society in the independent states.

These local centers may be designated as “Democracy Houses” or given another appropriate appellation.

(e) Grant agreement

Grants under this section shall be made pursuant to a grant agreement requiring the Democracy Corps to comply with the requirements specified in this section and with such other terms and conditions as the Administrator may require, which shall include requirements regarding consultation with the coordinator designated pursuant to section 5812(a) of this title, conflicts of interest, and accountability for funds, including a requirement for annual independent audits.

(f) Coordination

The Democracy Corps shall be required to—

(1) coordinate its activities pursuant to this section with the programs and activities of other entities operating in or providing assistance to the independent states of the former Soviet Union in support of the development of democratic institutions, a market-oriented economy, and a civil society; and

(2) ensure that its activities pursuant to this section are designed to avoid duplication with activities carried out under other United States Government foreign assistance and international information, educational, cultural, and exchange programs.

(g) Prohibition on campaign financing

Funds made available to the Democracy Corps under this section may not be expended by the Democracy Corps, or any recipient of a grant from the Democracy Corps, to finance the campaigns of candidates for public office.

(h) Freedom of information

(1) In general

Notwithstanding the fact that the Democracy Corps is not an agency or establishment of the United States Government, the Democracy Corps shall be required to comply fully with all of the provisions of section 552 of title 5.

(2) Publication in Federal Register

For purposes of complying pursuant to paragraph (1) with section 552(a)(1) of title 5, the Democracy Corps shall make available to the Administrator such records and other information as the Administrator determines may be necessary for such purposes. The Administrator shall cause such records and other information to be published in the Federal Register.

(3) AID review

In the event that the Democracy Corps determines not to comply with a request for records under section 552 of title 5, the Democracy Corps shall submit a report to the Administrator explaining the reasons for not complying with such request. If the Administrator approves such determination, the Agency for International Development shall assume full responsibility, including financial responsibility, for defending the Democracy Corps in any litigation relating to such request. If the Administrator disapproves such determina-

tion, the Democracy Corps shall be required to comply with such request.

(i) Annual reports

The Board shall be required to submit to the Administrator and the Congress, not later than January 31 each year, a comprehensive report on the activities of the Democracy Corps. Each such report shall list each grant made by the Democracy Corps under subsection (d)(2) of this section during the preceding fiscal year, specifying the grantee and the amount of the grant.

(j) Authorization of appropriations

Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.], up to \$15,000,000 for fiscal year 1993 are authorized to be appropriated for grants to the Democracy Corps under this section, in addition to amounts otherwise available for such purpose.

(k) Sunset provision

Grants may not be made to the Democracy Corps under this section after the end of fiscal year 1997.

(l) Definitions

As used in this section—

(1) the term “Administrator” means the Administrator of the Agency for International Development; and

(2) the term “Board” means the Board of Directors of the Democracy Corps.

(Pub. L. 102-511, title IV, § 401, Oct. 24, 1992, 106 Stat. 3335.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (j), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 11 of part I of the Act is classified generally to part XI (§2295 et seq.) of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

SUBCHAPTER IV—NONPROLIFERATION AND DISARMAMENT PROGRAMS AND ACTIVITIES

§ 5851. Findings

The Congress finds that it is in the national security interest of the United States—

(1) to facilitate, on a priority basis—

(A) the transportation, storage, safeguarding, and destruction of nuclear and other weapons of mass destruction of the independent states of the former Soviet Union;

(B) the prevention of proliferation of weapons of mass destruction and destabilizing conventional weapons of the independent states, and the establishment of verifiable safeguards against the proliferation of such weapons;

(C) the prevention of diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries; and

(D) other efforts designed to reduce the military threat from the former Soviet Union;

(2) to support the conversion of the massive defense-related industry and equipment of the

independent states of the former Soviet Union for civilian purposes and uses; and

(3) to expand military-to-military contacts between the United States and the independent states.

(Pub. L. 102-511, title V, § 501, Oct. 24, 1992, 106 Stat. 3338.)

§ 5852. Eligibility

Funds may be obligated for a fiscal year for assistance or other programs or activities for an independent state of the former Soviet Union under sections 5853 and 5854 of this title only if the President has certified to the Congress, during that fiscal year, that such independent state is committed to—

(1) making a substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if that independent state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons;

(2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;

(3) forgoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons; and

(4) facilitating United States verification of any weapons destruction carried out under section 5853(a) or 5854(a) of this title or section 212 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note).

(Pub. L. 102-511, title V, § 502, Oct. 24, 1992, 106 Stat. 3338.)

DELEGATION OF AUTHORITY

Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3193, provided:

Memorandum for the Secretary of State, the Secretary of Defense [and] the Director, Office of Management & Budget

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate:

1. to the Secretary of State the authority and duty vested in the President under section 1412(d) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102-484 [22 U.S.C. 5902(d)] and section 502 of the Freedom Support Act (Public Law 102-511 [22 U.S.C. 5852]).

2. to the Secretary of Defense the authorities and duties vested in the President under sections 1412(a), 1431, and 1432 of Public Law 102-484 [22 U.S.C. 5902(a), 5921, 5922] and sections 503 and 508 of Public Law 102-511 [22 U.S.C. 5853, 5858].

The Secretary of Defense shall not exercise authority delegated by paragraph 2 hereof with respect to any former Soviet republic unless the Secretary of State has exercised his authority and performed the duty delegated by paragraph 1 hereof with respect to that former Soviet Republic. The Secretary of Defense shall not obligate funds in the exercise of authority delegated by paragraph 2 hereof unless the Director of the Office of Management and Budget has determined that expenditures during fiscal year 1993 pursuant to such obligation shall be counted against the defense category of discretionary spending limits for that fiscal year (as defined in section 601(a)(2) of the Congressional Budget Act of 1974 [2 U.S.C. 665(a)(2)]) for purposes of

Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 900 et seq.].

The Secretary of State is directed to publish this memorandum in the Federal Register.

GEORGE BUSH.

§ 5853. Nonproliferation and disarmament activities in independent states

(a) Authorization

The President is authorized to promote bilateral and multilateral nonproliferation and disarmament activities—

(1) by supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons of the independent states of the former Soviet Union;

(2) by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons of the independent states, including activities such as—

(A) the storage, transportation, and safeguarding of such weapons, and

(B) the purchase, barter, or other acquisition of such weapons or materials derived from such weapons;

(3) by establishing programs for safeguarding against the proliferation of nuclear, biological, chemical, and other weapons of the independent states;

(4) by establishing programs for preventing diversion of weapons-related scientific and technical expertise of the independent states to terrorist groups or to third countries;

(5) by establishing science and technology centers in the independent states for the purpose of engaging weapons scientists and engineers of the independent states (in particular those who were previously involved in the design and production of nuclear, biological, and chemical weapons) in productive, nonmilitary undertakings; and

(6) by establishing programs for facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities.

(b) Funding priorities

Priority in carrying out this section shall be given to the activities described in paragraphs (1) through (5) of subsection (a) of this section.

(c) Use of defense funds

(1) Authorization

In recognition of the direct contributions to the national security interests of the United States of the programs and activities authorized by subsection (a) of this section, the President is authorized to make available for use in carrying out those programs and activities, in addition to amounts otherwise available for such purposes, funds made available pursuant to sections 108 and 109 of Public Law 102-229 or under the amendments made by section 506(a) of this Act.

(2) Limitation

Funds described in paragraph (1) may not be obligated for programs and activities under

subsection (a) of this section unless the Director of the Office of Management and Budget has determined that expenditures during fiscal year 1993 pursuant to such obligation shall be counted against the defense category of the discretionary spending limits for that fiscal year (as defined in section 665(a)(2)¹ of title 2) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 900 et seq.].

(Pub. L. 102-511, title V, § 503, Oct. 24, 1992, 106 Stat. 3338.)

REFERENCES IN TEXT

Sections 108 and 109 of Public Law 102-229, referred to in subsec. (c)(1), are sections 108 and 109 of Pub. L. 102-229, title I, Dec. 12, 1991, 105 Stat. 1708, which are not classified to the Code.

Section 506(a) of this Act, referred to in subsec. (c)(1), is section 506(a) of Pub. L. 102-511, which was classified to section 5856(a) of this title and was omitted from the Code. Section 506(a) directed amendment of section 221 of Pub. L. 102-228, set out as a note under section 2551 of this title, but did not become effective pursuant to section 5856(c) of this title.

Section 665 of title 2, referred to in subsec. (c)(2), was repealed by Pub. L. 105-33, title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (c)(2), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038. Part C of the Act is classified generally to subchapter I (§ 900 et seq.) of chapter 20 of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

DELEGATION OF AUTHORITY

Authority of President under this section delegated to Secretary of Defense by section 2 of Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3193, set out as a note under section 5852 of this title.

TRANSFER OF FUNDING FOR SCIENCE AND TECHNOLOGY CENTERS IN THE FORMER SOVIET UNION

Pub. L. 106-113, div. B, § 1000(a)(7) [div. B, title XI, § 1139], Nov. 29, 1999, 113 Stat. 1536, 1501A-496, provided that:

“(a) AUTHORIZATION.—For fiscal year 2001 and subsequent fiscal years, funds made available under ‘Nonproliferation, Antiterrorism, Demining, and Related Programs’ accounts in annual foreign operations appropriations Acts are authorized to be available for science and technology centers in the independent states of the former Soviet Union assisted under section 503(a)(5) of the FREEDOM Support Act (22 U.S.C. 5853(a)(5)) or section 1412(b)(5) [22 U.S.C. 5902(b)(5)] of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484; 22 U.S.C. 5901 et seq.), including the use of those and other funds by any Federal agency having expertise and programs related to the activities carried out by those centers, including the Departments of Agriculture, Commerce, and Health and Human Services and the Environmental Protection Agency.

“(b) AVAILABILITY OF FUNDS.—Amounts made available under any provision of law for the activities described in subsection (a) shall be available until expended and may be used notwithstanding any other provision of law.”

RESEARCH AND EXCHANGE ACTIVITIES BY SCIENCE AND TECHNOLOGY CENTERS

Pub. L. 106-113, div. B, § 1000(a)(7) [div. B, title XI, § 1139], Nov. 29, 1999, 113 Stat. 1536, 1501A-496, provided that:

¹ See References in Text note below.

“(a) IN GENERAL.—Support for science and technology centers in the independent states of the former Soviet Union, as authorized by section 503(a)(5) of the FREEDOM Support Act (22 U.S.C. 5853(a)(5)) and section 1412(b) [22 U.S.C. 5902(b)] of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484, 22 U.S.C. 5901 et seq.), is authorized for activities described in subsection (b) to support the redirection of former Soviet weapons scientists, especially those with expertise in weapons of mass destruction (nuclear, radiological, chemical, biological), missile and other delivery systems, and other advanced technologies with military applications.

“(b) ACTIVITIES SUPPORTED.—Activities supported under subsection (a) include—

“(1) any research activity involving the participation of former Soviet weapons scientists and civilian scientists and engineers, if the participation of the weapons scientists predominates; and

“(2) any program of international exchanges that would provide former Soviet weapons scientists exposure to, and the opportunity to develop relations with, research and industry partners.”

§ 5854. Nonproliferation and disarmament fund

(a) Authorization

The President is authorized to promote bilateral and multilateral nonproliferation and disarmament activities—

(1) by supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons;

(2) by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons, including activities such as—

(A) the storage, transportation, and safeguarding of such weapons, and

(B) the purchase, barter, or other acquisition of such weapons or materials derived from such weapons;

(3) by establishing programs for safeguarding against the proliferation of nuclear, biological, chemical, and other weapons of the independent states of the former Soviet Union;

(4) by establishing programs for preventing diversion of weapons-related scientific and technical expertise of the independent states to terrorist groups or to third countries;

(5) by establishing science and technology centers in the independent states for the purpose of engaging weapons scientists and engineers of the independent states (in particular those who were previously involved in the design and production of nuclear, biological, and chemical weapons) in productive, nonmilitary undertakings; and

(6) by establishing programs for facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities.

(b) Funding priorities

Priority in carrying out this section shall be given to the activities described in paragraphs (1) through (5) of subsection (a) of this section.

(c) Use of security assistance funds

(1) Authorization

In recognition of the direct contributions to the national security interests of the United

States of the programs and activities authorized by subsection (a) of this section, the President is authorized to make available for use in carrying out those programs and activities, in addition to amounts otherwise available for such purposes, up to \$100,000,000 of security assistance funds for fiscal year 1993.

(2) “Security assistance funds” defined

As used in paragraph (1), the term “security assistance funds” means funds made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.] (relating to the Economic Support Fund) or assistance under section 2763 of this title (relating to the “Foreign Military Financing Program”).

(3) Exemption from certain restrictions

Section 531(e) of the Foreign Assistance Act of 1961 [22 U.S.C. 2346(e)], and any provision that corresponds to section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (relating to the prohibition on financing exports of nuclear equipment, fuel, and technology), shall not apply with respect to funds used pursuant to this subsection.

(Pub. L. 102-511, title V, §504, Oct. 24, 1992, 106 Stat. 3339.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (c)(2), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 4 of part II of the Act is classified to part IV (§2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, referred to in subsec. (c)(3), is section 510 of Pub. L. 101-513, title V, Nov. 5, 1991, 104 Stat. 2003, which is not classified to the Code.

DELEGATION OF AUTHORITY WITH RESPECT TO ALLOCATION AND ADMINISTRATION OF NONPROLIFERATION AND DISARMAMENT FUND

Memorandum of President of the United States, Apr. 21, 1994, 59 F.R. 21619, provided:

Memorandum for the Secretary of State [and] the Secretary of Defense

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 504 and 508 [22 U.S.C. 5854, 5858] of the FREEDOM Support Act (Public Law 102-511) (the “Act”), title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103-87) [107 Stat. 941] and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

1. The authorities and duties vested in the President under section 504 of the Act [22 U.S.C. 5854] are hereby delegated to the Secretary of State. These authorities and duties shall be exercised in consultation with the Secretary of Defense and other appropriate agencies. The Secretary of State may, to the extent consistent with law, redelegate such authorities and duties and authorize their successive redelegation.

2. Notwithstanding the Presidential Memorandum of December 30, 1992 [22 U.S.C. 5852 note] (Delegation of Responsibilities under Title XIV of Public Law 102-484 and Title V of Public Law 102-511), the Secretary of State is hereby delegated the duties vested in the President under section 508 of the Act [22 U.S.C. 5858] insofar as those duties relate to notice of and reports

on obligations and activities under section 504 of the Act [22 U.S.C. 5854].

3. Funds appropriated or otherwise made available to the President for a “Nonproliferation and Disarmament Fund” authorized under section 504 of the Act [22 U.S.C. 5854] shall be deemed to be allocated to the Secretary of State without any further action of the President. Such funds may be reallocated or transferred as appropriate by the Secretary of State to any agency or part thereof for obligation or expenditure consistent with applicable law.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

§ 5855. Limitations on defense conversion authorities

Notwithstanding any other provision of law (including any other provision of this Act), funds may not be obligated in any fiscal year for purposes of facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities, as authorized by sections 5853(a)(6) and 5854(a)(6) of this title or any other provision of law, unless the President has previously obligated in the same fiscal year an amount equal to or greater than that amount of funds for defense conversion and defense transition activities in the United States. For purposes of this section, the term “defense conversion and defense transition activities in the United States” means those United States Government funded programs whose primary purpose is to assist United States private sector defense workers, United States companies that manufacture or otherwise provide defense goods or services, or United States communities adversely affected by reductions in United States defense spending, such as programs funded through the Office of Economic Adjustment in the Department of Defense or through the Economic Development Administration.

(Pub. L. 102-511, title V, § 505, Oct. 24, 1992, 106 Stat. 3340; Pub. L. 105-277, div. A, § 101(f) [title IV, § 405(d)(20)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-422.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended, known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 and also as the FREEDOM Support Act. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

AMENDMENTS

1998—Pub. L. 105-277 substituted “or through” for “, through the Defense Conversion Adjustment Program (as authorized by the Job Training Partnership Act), or through” in last sentence.

§ 5856. Soviet weapons destruction

(a), (b) Omitted

(c) Avoidance of duplicative amendments

The amendments made by this section shall not be effective if the National Defense Authorization Act for Fiscal Year 1993 enacts an amendment to section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 that author-

izes the transfer of an amount that is the same or greater than the amount that is authorized by the amendment made by subsection (a)(1) of this section and enacts amendments identical to those in subsections (a)(2) and (b) of this section. If that Act enacts such amendments, sections 5853 and 5858 of this title shall be deemed to apply with respect to the funds made available under such amendments.

(Pub. L. 102-511, title V, § 506, Oct. 24, 1992, 106 Stat. 3341.)

REFERENCES IN TEXT

For the amendments made by this section, referred to in subsec. (c), see Codification note below.

The National Defense Authorization Act for Fiscal Year 1993, referred to in subsec. (c), is Pub. L. 102-484, Oct. 23, 1992, 106 Stat. 2315. For complete classification of this Act to the Code, see Tables. See, also, Codification note below.

Section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991, referred to in subsec. (c), is section 221(a) of Pub. L. 102-228, which is set out as a note under section 2551 of this title. See Codification note below.

CODIFICATION

Section is comprised of section 506 of Pub. L. 102-511. Subsec. (a) of this section directed the amendment of section 221 of Pub. L. 102-228 which is set out as a note under section 2551 of this title and subsec. (b) of this section directed the amendment of sections 108 and 109 of Pub. L. 102-229 which are not classified to the Code. Because of amendments by section 1421(a)(2)(B), (3) and (b) of Pub. L. 102-484, div. A, title XIV, Oct. 23, 1992, 106 Stat. 2565, to section 221 of Pub. L. 102-228 and sections 108 and 109 of Pub. L. 102-229, the amendments directed by subsecs. (a) and (b) of this section did not take effect pursuant to subsec. (c) of this section.

§ 5857. Waiver of certain provisions

(a) In general

Funds made available for fiscal year 1993 under sections 5853 and 5854 of this title to provide assistance or otherwise carry out programs and activities with respect to the independent states of the former Soviet Union under those sections may be used notwithstanding any other provision of law, other than the provisions cited in subsection (b) of this section.

(b) Exceptions

Subsection (a) of this section does not apply with respect to—

(1) this subchapter; and

(2) section 1341 of title 31 (commonly referred to as the “Anti-Deficiency Act”), the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Budget Enforcement Act of 1990.

(Pub. L. 102-511, title V, § 507, Oct. 24, 1992, 106 Stat. 3341.)

REFERENCES IN TEXT

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (b)(2), is Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (b)(2), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, as amended,

which enacted chapter 20 (§900 et seq.) and sections 654 to 656 of Title 2, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

The Budget Enforcement Act of 1990, referred to in subsec. (b)(2), is title XIII of Pub. L. 101-508, Nov. 5, 1990, 104 Stat. 1388-573. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 900 of Title 2 and Tables.

§ 5858. Notice and reports to Congress

(a) Notice of proposed obligations

Not less than 15 days before obligating any funds under section 5853 or 5854 of this title or the amendments made by section 506(a),¹ the President shall transmit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional committees a report on the proposed obligation. Each such report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligations; and

(2) the activities and forms of assistance for which the President plans to obligate such funds.

(b) Semiannual report

Not later than April 30, 1993, and not later than October 30, 1993, the President shall transmit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional committees a report on the activities carried out under sections 5853 and 5854 of this title and the amendments made by section 506(a).¹ Each such report shall set forth, for the preceding 6-month period and cumulatively, the following:

(1) The amounts expended for such activities and the purposes for which they were expended.

(2) The source of the funds obligated for such activities, specified by program.

(3) A description of the participation of all United States Government departments and agencies in such activities.

(4) A description of the activities carried out and the forms of assistance provided.

(5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under sections 5853 and 5854 of this title and the amendments made by section 506(a).¹

(c) Appropriate congressional committees

As used in this section—

(1) the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate, the Committee on Foreign Af-

fairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(B) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(2) the committee to which the specified activities of section 5853(a) or 5854(a) of this title or subtitle B of the Soviet Nuclear Threat Reduction Act of 1991 (as the case may be), if the subject of separate legislation, would be referred, under the rules of the respective House of Congress.

(Pub. L. 102-511, title V, §508, Oct. 24, 1992, 106 Stat. 3342.)

REFERENCES IN TEXT

Section 506(a), referred to in subsecs. (a) and (b), is section 506(a) of Pub. L. 102-511, which was classified to section 5856(a) of this title and was omitted from the Code. Section 506(a) directed amendment of section 221 of Pub. L. 102-228, set out as a note under section 2551 of this title, but did not become effective, pursuant to section 5856(c) of this title.

The Soviet Nuclear Threat Reduction Act of 1991, referred to in subsec. (c)(2), is title II of Pub. L. 102-228, Dec. 12, 1991, 105 Stat. 1693. The reference to subtitle B of the Act probably means part B of title II of Pub. L. 102-228, which is set out as a note under section 2551 of this title. Title II of Pub. L. 102-228 does not contain a subtitle B. For complete classification of this Act to the Code, see Tables.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

DELEGATION OF FUNCTIONS

For delegation of certain functions of the President under this section, see Memorandum of President of the United States, Apr. 21, 1994, 59 F.R. 21619, set out as a note under section 5854 of this title.

Authority of President under this section delegated to Secretary of Defense by section 2 of Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3193, set out as a note under section 5852 of this title.

§ 5859. International nonproliferation initiative

(a) to (e) Omitted

(f) Avoidance of duplicative authorizations

This section shall not apply if the National Defense Authorization Act for Fiscal Year 1993 enacts the same authorities and requirements as are contained in this section and authorizes the appropriation of the same (or a greater) amount to carry out such authorities.

(Pub. L. 102-511, title V, §509, Oct. 24, 1992, 106 Stat. 3343.)

REFERENCES IN TEXT

The National Defense Authorization Act for Fiscal Year 1993, referred to in subsec. (f), is Pub. L. 102-484,

¹ See References in Text note below.

Oct. 23, 1992, 106 Stat. 2315. For complete classification of this Act to the Code, see Tables. See Codification note below.

CODIFICATION

Section is comprised of section 509 of Pub. L. 102-511. Subsecs. (a) to (e) were omitted pursuant to subsec. (f) because section 1505 of the National Defense Authorization Act for Fiscal Year 1993, Pub. L. 102-484, which is classified to section 5859a of this title, enacted the same authorities and requirements as contained in subsecs. (a) to (e) and authorized the appropriation of the same or a greater amount to carry out such authorities.

§ 5859a. International nonproliferation initiative

(a) Assistance for international nonproliferation activities

Subject to the limitations and requirements provided in this section, the Secretary of Defense, under the guidance of the President, may provide assistance to support international nonproliferation activities.

(b) Activities for which assistance may be provided

Activities for which assistance may be provided under this section are activities such as the following:

- (1) Activities carried out by international organizations that are designed to ensure more effective safeguards against proliferation and more effective verification of compliance with international agreements on nonproliferation.
- (2) Activities of the Department of Defense in support of the United Nations Special Commission on Iraq (or any successor organization).
- (3) Collaborative international nuclear security and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, including joint emergency response exercises, technical assistance, and training.
- (4) Efforts to improve international cooperative monitoring of nuclear, biological, chemical, and missile proliferation through technical projects and improved information sharing.

(c) Form of assistance

- (1) Assistance under this section may include funds and in-kind contributions of supplies, equipment, personnel, training, and other forms of assistance.
- (2) Assistance under this section may be provided to international organizations in the form of funds only if the amount in the "Contributions to International Organizations" account of the Department of State is insufficient or otherwise unavailable to meet the United States fair share of assessments for international nuclear nonproliferation activities.
- (3) No amount may be obligated for an expenditure under this section unless the Director of the Office of Management and Budget determines that the expenditure will be counted as discretionary spending in the national defense budget function (function 050).
- (4) No assistance may be furnished under this section unless the Secretary of Defense determines and certifies to the Congress 30 days in advance that the provision of such assistance—

(A) is in the national security interest of the United States; and

(B) will not adversely affect the military preparedness of the United States.

(5) The authority to provide assistance under this section in the form of funds may be exercised only to the extent and in the amounts provided in advance in appropriations Act.

(d) Sources of assistance

(1) Funds provided as assistance under this section for any fiscal year shall be derived from amounts made available to the Department of Defense for that fiscal year. Funds provided as assistance under this section for a fiscal year may also be derived from balances in working capital accounts of the Department of Defense.

(2) Supplies and equipment provided as assistance under this section may be provided, by loan or donation, from existing stocks of the Department of Defense and the Department of Energy.

(3) The total amount of the assistance provided in the form of funds under this section, including funds used for activities of the Department of Defense in support of the United Nations Special Commission on Iraq, may not exceed \$25,000,000 for fiscal year 1994, \$20,000,000 for fiscal year 1995, \$15,000,000 for fiscal year 1996, \$15,000,000 for fiscal year 1997, or \$15,000,000 for fiscal year 1998.

(4)(A) In the event of a significant unforeseen development related to the activities of the United Nations Special Commission on Iraq (or any successor organization) for which the Secretary of Defense determines that financial assistance under this section is required at a level which would result in the total amount of assistance provided under this section during the then-current fiscal year exceeding the amount of any limitation provided by law on the total amount of such assistance for that fiscal year, the Secretary of Defense may provide such assistance with respect to that fiscal year notwithstanding that limitation. Funds for such purpose may be derived from any funds available to the Department of Defense for that fiscal year.

(B) Financial assistance may be provided under subparagraph (A) only after the Secretary of Defense provides notice in writing to the committees of Congress named in subsection (e)(2) of this section of the significant unforeseen development and of the Secretary's intent to provide assistance in excess of the limitation for that fiscal year. However, if the Secretary determines in any case that under the specific circumstances of that case advance notice is not possible, such notice shall be provided as soon as possible and not later than 15 days after the date on which the assistance is provided. Any notice under this subparagraph shall include a description of the development, the amount of assistance provided or to be provided, and the source of the funds for that assistance.

(e) Quarterly report

(1) Not later than 30 days after the end of each quarter of a fiscal year during which the authority of the Secretary of Defense to provide assistance under this section is in effect, the Secretary of Defense shall transmit to the commit-

tees of Congress named in paragraph (2) a report of the activities to reduce the proliferation threat carried out under this section. Each report shall set forth (for the preceding quarter and cumulatively)—

(A) the amounts spent for such activities and the purposes for which they were spent;

(B) a description of the participation of the Department of Defense and the Department of Energy and the participation of other Government agencies in those activities; and

(C) a description of the activities for which the funds were spent.

(2) The committees of Congress to which reports under paragraph (1) are to be transmitted are—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on International Relations, and the Committee on Commerce of the House of Representatives.

(f) Termination of authority

The authority of the Secretary of Defense to provide assistance under this section terminates at the close of fiscal year 2003.

(Pub. L. 102-484, div. A, title XV, §1505, Oct. 23, 1992, 106 Stat. 2569; Pub. L. 103-160, div. A, title XI, §1182(c)(5), title XVI, §1602, Nov. 30, 1993, 107 Stat. 1772, 1843; Pub. L. 103-337, div. A, title X, §1070(c)(1), title XV, §1501, Oct. 5, 1994, 108 Stat. 2857, 2914; Pub. L. 104-106, div. A, title XIV, §1403, title XV, §1502(c)(2)(B), Feb. 10, 1996, 110 Stat. 489, 507; Pub. L. 104-201, div. A, title XIII, §1301, Sept. 23, 1996, 110 Stat. 2700; Pub. L. 105-85, div. A, title XIII, §1308, Nov. 18, 1997, 111 Stat. 1956; Pub. L. 105-261, div. A, title XV, §1531(b), Oct. 17, 1998, 112 Stat. 2180; Pub. L. 106-65, div. A, title X, §1067(8), title XV, §1505(b), (c), Oct. 5, 1999, 113 Stat. 774, 808; Pub. L. 106-398, §1 [[div. A], title XII, §1201(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-324; Pub. L. 107-107, div. A, title XII, §1203(b), Dec. 28, 2001, 115 Stat. 1246; Pub. L. 107-314, div. A, title XII, §1204(b), Dec. 2, 2002, 116 Stat. 2664.)

CODIFICATION

Section was enacted as part of the Weapons of Mass Destruction Control Act of 1992 and also as part of the National Defense Authorization Act for Fiscal Year 1993, and not as part of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 or Freedom Support Act which comprises this chapter.

AMENDMENTS

2002—Subsec. (f). Pub. L. 107-314 substituted “2003” for “2002”.

2001—Subsec. (f). Pub. L. 107-107 substituted “2002” for “2001”.

2000—Subsec. (f). Pub. L. 106-398 substituted “2001” for “2000”.

1999—Subsec. (b)(2). Pub. L. 106-65, §1505(c)(1), inserted “(or any successor organization)” after “United Nations Special Commission on Iraq”.

Subsec. (d)(4)(A). Pub. L. 106-65, §1505(c)(2)(A), in first sentence, inserted “(or any successor organization)” after “United Nations Special Commission on Iraq” and substituted “the amount of any limitation provided by

law on the total amount of such assistance for that fiscal year, the Secretary of Defense may provide such assistance with respect to that fiscal year notwithstanding that limitation.” for “the amount specified with respect to that year under paragraph (3), the Secretary of Defense may provide such assistance notwithstanding the limitation with respect to that fiscal year under paragraph (3).”

Subsec. (d)(4)(B). Pub. L. 106-65, §1505(c)(2)(B), struck out “under paragraph (3)” after “for that fiscal year”.

Subsec. (e)(2)(B). Pub. L. 106-65, §1067(8), substituted “Committee on Armed Services” for “Committee on National Security”.

Subsec. (f). Pub. L. 106-65, §1505(b), substituted “2000” for “1999”.

1998—Subsec. (f). Pub. L. 105-261 substituted “1999” for “1998”.

1997—Subsec. (d)(3). Pub. L. 105-85, §1308(1), struck out “or” after “fiscal year 1996,” and inserted “, or \$15,000,000 for fiscal year 1998” before period at end.

Subsec. (f). Pub. L. 105-85, §1308(2), substituted “1998” for “1997”.

1996—Subsec. (a). Pub. L. 104-106, §1403(a)(1), struck out “during fiscal years 1994 and 1995” before “the Secretary of Defense”.

Subsec. (b)(2). Pub. L. 104-106, §1403(b)(1), substituted “the Department of Defense” for “the On-Site Inspection Agency”.

Subsec. (c)(3). Pub. L. 104-106, §1403(b)(2), substituted “will be counted as discretionary spending in the national defense budget function (function 050).” for “will be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 665(a)(2) of title 2) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.”

Subsec. (d)(1). Pub. L. 104-106, §1403(c)(1)(A), (B), substituted “for any fiscal year shall be derived from amounts made available to the Department of Defense for that fiscal year.” for “for fiscal year 1994 shall be derived from amounts made available to the Department of Defense for fiscal year 1994. Funds provided as assistance under this section for fiscal year 1995 shall be derived from amounts made available to the Department of Defense for fiscal year 1995.” and struck out “referred to in this paragraph” after “for a fiscal year”.

Subsec. (d)(3). Pub. L. 104-201, §1301(a)(1), struck out “or” after “fiscal year 1995,” and inserted “, or \$15,000,000 for fiscal year 1997” before period at end.

Pub. L. 104-106, §1403(b)(1), (c)(2), struck out “may not exceed \$25,000,000 for fiscal year 1994 or \$20,000,000 for fiscal year 1995” after “under this section”, substituted “the Department of Defense” for “the On-Site Inspection Agency”, and inserted before period at end “, may not exceed \$25,000,000 for fiscal year 1994, \$20,000,000 for fiscal year 1995, or \$15,000,000 for fiscal year 1996”.

Subsec. (d)(4). Pub. L. 104-201, §1301(b), added par. (4).

Subsec. (e)(1). Pub. L. 104-106, §1403(a)(2), substituted “a fiscal year during which the authority of the Secretary of Defense to provide assistance under this section is in effect” for “fiscal years 1994 and 1995”.

Subsec. (e)(2)(B). Pub. L. 104-106, §1502(c)(2)(B), substituted “the Committee on National Security, the Committee on Appropriations, the Committee on International Relations, and the Committee on Commerce” for “the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce”.

Subsec. (f). Pub. L. 104-201, §1301(a)(2), substituted “1997” for “1996”.

Pub. L. 104-106, §1403(a)(3), added subsec. (f).

1994—Subsec. (a). Pub. L. 103-337, §1501(a)(1), substituted “fiscal years 1994 and 1995” for “fiscal year 1994”.

Subsec. (b)(1). Pub. L. 103-337, §1501(b)(1), substituted “international organizations” for “the International Atomic Energy Agency (IAEA)”, struck out “nuclear” after “safeguards against”, and substituted “effective verification” for “aggressive verification” and “inter-

national agreements on nonproliferation” for “the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968”.

Subsec. (b)(4). Pub. L. 103-337, §1501(b)(2), substituted “nuclear, biological, chemical, and missile proliferation through technical projects and improved information sharing” for “nuclear proliferation through joint technical projects and improved intelligence sharing”.

Subsec. (d)(1). Pub. L. 103-337, §1501(c)(1), inserted “for fiscal year 1994” after “under this section” and substituted “fiscal year 1994. Funds provided as assistance under this section for fiscal year 1995 shall be derived from amounts made available to the Department of Defense for fiscal year 1995. Funds provided as assistance under this section for a fiscal year referred to in this paragraph may also be derived” for “fiscal year 1994 or”.

Subsec. (d)(3). Pub. L. 103-337, §1501(c)(2), inserted “for fiscal year 1994 or \$20,000,000 for fiscal year 1995”.

Subsec. (e)(1). Pub. L. 103-337, §1501(a), substituted “fiscal years 1994 and 1995” for “fiscal year 1994”.

Subsec. (e)(2). Pub. L. 103-337, §1070(c)(1), which directed amendment of subsec. (e)(2) by striking out “and under subsection (d)(4) of this section” effective as of Oct. 23, 1992, and as if included in the National Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102-484), as enacted, was executed to subsec. (e)(2) as amended by Pub. L. 103-160, §1182(c)(5), to reflect the probable intent of Congress. See 1993 Amendment note below.

1993—Subsecs. (a), (d)(1). Pub. L. 103-160, §1602(a), substituted “fiscal year 1994” for “fiscal year 1993”.

Subsec. (d)(3). Pub. L. 103-160, §1602(b)(2), struck out at end “Of such amount, not more than \$20,000,000 may be used for the activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.”

Pub. L. 103-160, §1602(b)(1), substituted “\$25,000,000, including funds used for activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq” for “40,000,000”.

Subsec. (d)(4). Pub. L. 103-160, §1602(c), struck out par. (4) which read as follows: “Not less than 30 days before obligating any funds to provide assistance under this section, the Secretary of Defense shall transmit to the committees of Congress named in subsection (e)(2) of this section a report on the proposed obligation. Each such report shall specify—

“(A) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

“(B) the activities and forms of assistance for which the Secretary of Defense plans to obligate the funds.”

Subsec. (e)(1). Pub. L. 103-160, §1602(a), substituted “fiscal year 1994” for “fiscal year 1993”.

Subsec. (e)(2). Pub. L. 103-160, §1182(c)(5), substituted “(d)(4)” for “(d)(2)” in introductory provisions.

CHANGE OF NAME

Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred to Committee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 1070(c) of Pub. L. 103-337 provided in part that the amendment made by that section is effective as of Oct. 23, 1992, and as if included in the National Defense Authorization Act for Fiscal Year 1993, Pub. L. 102-484, as enacted.

§ 5860. Report on special nuclear materials

Not later than 180 days after October 24, 1992, the Secretary of State shall prepare, in con-

sultation with the Secretary of Defense and the Secretary of Energy, and shall transmit to the Congress a report on the possible alternatives for the ultimate disposition of special nuclear materials of the former Soviet Union. This report shall include—

(1) a cost-benefit analysis comparing (A) the relative merits of the indefinite storage and safeguarding of such materials in the independent states of the former Soviet Union and (B) its acquisition by the United States by purchase, barter, or other means;

(2) a discussion of relevant issues such as the protection of United States uranium producers from dumping, the relative vulnerability of these stocks of special nuclear materials to illegal proliferation, and the potential electrical and other savings associated with their being made available in the fuel cycle in the United States; and

(3) a discussion of how highly enriched uranium stocks could be diluted for reactor fuel.

(Pub. L. 102-511, title V, §510, Oct. 24, 1992, 106 Stat. 3344.)

§ 5861. Research and Development Foundation

(a) Establishment

The Director of the National Science Foundation (hereinafter in this section referred to as the “Director”) is authorized to establish an endowed, nongovernmental, nonprofit foundation (hereinafter in this section referred to as the “Foundation”) in consultation with the Director of the National Institute of Standards and Technology.

(b) Purposes

The purposes of the Foundation shall be the following:

(1) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent the dissolution of the technological infrastructure of the independent states.

(2) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(3) To assist in the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(4) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(5) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(c) Functions

In carrying out its purposes, the Foundation shall—

(1) promote and support joint research and development projects for peaceful purposes between scientists and engineers in the United States and independent states of the former Soviet Union on subjects of mutual interest; and

(2) seek to establish joint nondefense industrial research, development, and demonstration activities through private sector linkages which may involve participation by scientists and engineers in the university or academic sectors, and which shall include some contribution from industrial participants.

(d) Funding**(1) Use of certain Department of Defense funds**

(A) To the extent funds appropriated to carry out subtitle E of title XIV of the National Defense Authorization Act for Fiscal Year 1993 [22 U.S.C. 5931] (relating to joint research and development programs with the independent states of the former Soviet Union) are otherwise available for such purpose, such funds may be made available to the Director for use by the Director in establishing the endowment of the Foundation and otherwise carrying out this section.

(B) For each fiscal year after fiscal year 1993, not more than 50 percent of the funds made available to the Foundation by the United States Government may be funds appropriated in the national defense budget function (function 050).

(2) Contribution to endowment by participating independent states

As a condition of participation in the Foundation, an independent state of the former Soviet Union must make a minimum contribution to the endowment of the Foundation, as determined by the Director, which shall reflect the ability of the independent state to make a financial contribution and its expected level of participation in the Foundation's programs.

(3) Debt conversions

To the extent provided in advance by appropriations Acts, local currencies or other assets resulting from government-to-government debt conversions may be made available to the Foundation. For purposes of this paragraph, the term "debt conversion" means an agreement whereby a country's government-to-government or commercial external debt burden is exchanged by the holder for local currencies, policy commitments, other assets, or other economic activities, or for an equity interest in an enterprise theretofore owned by the debtor government.

(4) Local currencies

In addition to other uses provided by law, and subject to agreement with the foreign government, local currencies generated by United States assistance programs may be made available to the Foundation.

(5) Investment of Government assistance

The Foundation may invest any revenue provided to it through United States Government

assistance, and any interest earned on such investment may be used only for the purpose for which the assistance was provided.

(6) Other funds from Government and non-governmental sources

The Foundation may accept such other funds as may be provided to it by Government agencies or nongovernmental entities.

(Pub. L. 102-511, title V, §511, Oct. 24, 1992, 106 Stat. 3345.)

REFERENCES IN TEXT

Subtitle E of title XIV of the National Defense Authorization Act for Fiscal Year 1993, referred to in subsec. (d)(1), is subtitle E of title XIV of div. A of Pub. L. 102-484, Oct. 23, 1992, 106 Stat. 2566, which is classified generally to subchapter IV (§5931) of chapter 68 of this title.

SUBCHAPTER V—SPACE TRADE AND COOPERATION

§ 5871. Facilitating discussions regarding acquisition of space hardware, technology, and services from former Soviet Union**(a) Expedited review**

Any request for a license or other approval described in subsection (c) of this section that is submitted to any United States Government agency by the National Aeronautics and Space Administration, any of its contractors, or any other person shall be considered on an expedited basis by that agency and any other agency involved in an applicable interagency review process.

(b) Notice to Congress if license denied

If any United States Government agency denies a request for a license or other approval described in subsection (c) of this section, that agency shall immediately notify the designated congressional committees. Each such notification shall include a statement of the reasons for the denial.

(c) Description of discussions

This section applies to a request for any license or other approval that may be necessary to conduct discussions with an independent state of the former Soviet Union with respect to the possible acquisition of any space hardware, space technology, or space service for integration into—

- (1) United States space projects that have been approved by the Congress, or
- (2) commercial space ventures,

including discussions relating to technical evaluation of such hardware, technology, or service.

(Pub. L. 102-511, title VI, §601, Oct. 24, 1992, 106 Stat. 3346.)

§ 5872. Office of Space Commerce**(a) Trade missions**

The Office of Space Commerce of the Department of Commerce is authorized and encouraged to conduct one or more trade missions to appropriate independent states of the former Soviet Union for the purpose of familiarizing United States aerospace industry representatives with