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
3. section 4711 of title 15 (relating to economic policy and trade practices).


REFERENCES IN TEXT


CHAPTER 67—FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT

Sec.

5801. Definition of independent states.

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5823. Funding for export promotion activities and capital projects.

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

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5826. Policy on combatting tied aid practices.

5827. Technical assistance for Russian Far East.

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SUBCHAPTER III—THE DEMOCRACY CORPS


SUBCHAPTER IV—NONPROLIFERATION AND DISARMAMENT PROGRAMS AND ACTIVITIES

5851. Findings.

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5853. Nonproliferation and disarmament activities in independent states.

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5855. Limitations on defense conversion authorities.

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5858. Notice and reports to Congress.

5859. International nonproliferation initiative.

5859a. International nonproliferation initiative.


5861. Research and Development Foundation.

SUBCHAPTER V—SPACE TRADE AND COOPERATION

5871. Facilitating discussions regarding acquisition of space hardware, technology, and services from former Soviet Union.

5872. Office of Space Commerce.

See References in Text note below.

§ 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.


REFERENCES IN TEXT


SHORT TITLE OF 2012 AMENDMENT


SHORT TITLE OF 2007 AMENDMENT


SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103–199, § 1, Dec. 17, 1993, 107 Stat. 2317, provided that: “This Act [amending sections 265, 2301, 2364, 2370, 2460, 2461, 2576, 2591, 2592, 2596, 2790c, 2790d, 4501 to 4504, 4792, 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 785 of Title 50, War and National Defense, and sections 2401 and 2402 of Title 50, Appendix, repealing sections 254–2, 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 2401 of Title 15, and section 106 of former Title 40, Public Buildings, Property, and Works, and repealing provisions set out as notes under sections 287, 2811, 2283, 2458, and 4301 of this title, section 1307 of Title 19, Customs Duties, and section 791 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 2362, 3293, 3293a, 3293b, 3293c, and 3293d of this title, amending sections 2624, 2370, 2507, and 4903 of this title and sections 1736c, 2393, 5682, 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

"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.

"(1) The Congress finds and declares as follows:

"(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.

"(2) The Congress declared that—

"(a) 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.

"(b) The Congress finds that—

"(i) the United States and Russia are fundamentally different from the relations that previously existed between the United States and the Soviet Union, connoting an adversarial relationship between the United States and the independent states of the former Soviet Union, and affirms that provisions such as those described in section 3 of the Freedom of Information Act, Fiscal Years 1986 and 1987 (Public Law 99–240) [22 U.S.C. 2551 note] and the Former Soviet Union Demilitarization Act of 1992 (title XIV of Pub. L. 102–228) [22 U.S.C. 5901 et seq.], have been 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.

"(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;


"(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];


"(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, nor is it intended to 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)."
§ 5811

(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.

SEC. 2. FINDINGS.

"Congress finds the following:


"(2) The Government of Belarus has engaged in a pattern of clear and uncorrected violations of basic principles of democratic governance, including through a series of fundamentally flawed presidential and parliamentary elections undermining the legitimacy of executive and legislative authority in that country.

"(3) The Government of Belarus has subjected thousands of pro-democratic political activists to harassment, beatings, and jailings, a part of their attempts to peacefully exercise their right to freedom of assembly and association.

"(4) The Government of Belarus has attempted to maintain a monopoly over the country's information space, targeting independent media, including independent journalists, for systematic reprisals and elimination, while suppressing the right to freedom of expression and expression of those dissenting from the dictatorship of Aleksandr Lukashenka, and adopted laws restricting the media, including the Internet, in a manner inconsistent with international human rights agreements.

"(5) The Government of Belarus continues a systematic campaign of harassment, repression, and closure of nongovernmental organizations, including independent trade unions and entrepreneurs, and this crackdown has created a climate of fear that inhibits the development of civil society and social solidarity.

"(6) The Government of Belarus has subjected leaders and members of select ethnic and religious minorities to harassment, including the imposition of heavy fines and denying permission to meet for religious services, sometimes by selective enforcement of the 2002 Belarus religion law.

"(7) The Government of Belarus has attempted to silence dissent by persecuting human rights and democracy activists with threats, firings, expulsions, beatings and other forms of intimidation, and restrictions on freedom of movement and prohibition of international travel.

"(8) The dictator of Belarus, Aleksandr Lukashenka, established himself in power by orchestrating an illegal and unconstitutional referendum that enabled him to impose a new constitution, abolishing the duly elected parliament, the 13th Supreme Soviet, installing a largely powerless National Assembly, extending his term in office, and removing applicable term limits.

"(9) The Government of Belarus has failed to make a convincing effort to solve the cases of disappeared opposition figures Yuri Zakharanka, Viktor Gonchar, and Anatoly Krasovsky and journalist Dmitry Zavadsky, even though credible allegations and evidence links top officials of the Government to these disappearances.

"(10) The Government of Belarus has restricted freedom of expression on the Internet by requiring Internet Service Providers to block Web sites.

"(11) On December 19, 2010, the Government of Belarus conducted a presidential election that failed to meet the standards of the Organization for Security and Cooperation in Europe (OSCE) for democratic elections.

"(12) After the December 19, 2010, presidential election the Government of Belarus responded to opposition protests by beating scores of protesters and detaining more than 600 peaceful protestors.

"(13) After the December 19, 2010, presidential election the Government of Belarus jailed seven of the nine opposition presidential candidates and abused the process of criminal prosecution to persecute them.
“(14) After the December 19, 2010, presidential election, the Government of Belarus disrupted independent broadcast and Internet media, and engaged in repressive actions against independent journalists.

“(15) After the December 19, 2010, presidential election, Belarusian security services and police conducted raids targeting civil society groups, independent democracy activists, and independent media.

“(16) After the December 19, 2010, presidential election, opposition candidates and activists have been persecuted and detainees have been physically mistreated, and denied access to family, defense counsel, medical treatment, and open legal proceedings.

“(18) After the December 19, 2010, presidential election, lawyers representing those facing criminal charges related to the post-election protest have been subjected to the revocation of licenses, disbarment, and other forms of pressure.

“(19) After the December 19, 2010, presidential election, the Government of Belarus has convicted political detainees to harsh prison sentences.

“(20) After the December 19, 2010, presidential election, the United States expanded its visa ban list, imposed additional financial sanctions on certain state-owned enterprises, and initiated preparations to freeze the assets of several individuals in Belarus. The European Union imposed targeted travel and financial sanctions on an expanded list of officials of the Government of Belarus.

“(21) After the December 19, 2010, presidential election, the United States fully restored sanctions against Belarus’s largest state-owned petroleum and chemical conglomerate and all of its subsidiaries.

“(22) After the December 19, 2010, presidential election, the United States has engaged in assistance efforts to provide legal and humanitarian assistance to those facing repression and preserving access to independent information, and has pledged resources to support human rights advocates, trade unions, youth and environmental groups, business associations, think-tanks, democratic political parties and movements, independent journalists, newspapers and electronic media operating both inside Belarus and broadcasting from its neighbors, and to support access of Belarusian students to independent higher education and expand exchange programs for business and civil society leaders.

“SEC. 3. STATEMENT OF POLICY. "It is the policy of the United States to—

“(1) condemn the conduct of the December 19, 2010, presidential election and crackdown on opposition candidates, political leaders, and activists, civil society representatives, and journalists;

“(2) continue to call for the immediate release without preconditions of all political prisoners in Belarus, including all those individuals detained in connection with the December 19, 2010, presidential election;

“(3) continue to support the aspirations of the people of Belarus for democracy, human rights, and the rule of law;

“(4) continue to support the aspirations of the people of Belarus to preserve the independence and sovereignty of their country;

“(5) continue to support the growth of democratic movements and institutions in Belarus, which empower the people of Belarus to end tyranny in their country;

“(6) continue to refuse to accept the results of the fundamentally flawed December 19, 2010, presidential election held in Belarus, and to support calls for new presidential and parliamentary elections, conducted in a manner that is free and fair according to OSCE standards;

“(7) continue to call for the fulfillment by the Belarusian government of Belarus’s freely undertaken obligations as an OSCE participating state;

“(8) continue to call for 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 in any way responsible for the disappearances of those opposition leaders and journalists;

“(9) continue to work closely with the European Union and other countries and international organizations, to promote the conditions necessary for the integration of Belarus into the European family of democracies;

“(10) call on the International Ice Hockey Federation to suspend its plan to hold the 2014 International World Ice Hockey championship in Minsk until the Government of Belarus releases all political prisoners; and

“(11) remain open to reevaluating United States policy toward Belarus as warranted by demonstrable progress made by the Government of Belarus consistent with the aims of this Act as stated in this section.

“SEC. 4. 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 their pursuit of freedom, democracy, and human rights and in their aspiration to join the European community of democracies;

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

“(3) To assist in the development of a democratic political culture and civil society 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) expanding independent radio and television broadcasting to and within Belarus;

“(2) facilitating the development of independent broadcast, print, and Internet media working within Belarus and from locations outside the country and supported by nongovernmental and international organizations promoting democracy and supporting human rights, including youth groups, entrepreneurs, and independent trade unions;

“(4) the work of human rights defenders;

“(5) enhancing the development of democratic political parties;

“(6) 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 2007 and 2008.

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

``SEC. 5. RADIO, TELEVISION, AND INTERNET BROADCASTING TO BELARUS.

"(a) APPLICATION OF SANCTIONS.—The sanctions described in subsections (c) through (f) 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 or expression, including those individuals jailed based on political beliefs or expression in connection with repression that attended the presidential election of December 19, 2010.

"(2) The withdrawal of politically motivated legal charges against all opposition activists and independent journalists in Belarus, including politically motivated legal charges made in connection with repression that attended the presidential election of December 19, 2010.

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

"(4) The cessation of all forms of harassment and respect for the independence of media, independent trade unions, nongovernmental organizations, youth groups, religious organizations (including their leadership and members), and the political opposition in Belarus.


"(6) A full accounting of the embezzlement of state assets by senior leadership of the Government of Belarus, their family members, and other associates.

"(7) The holding of free, fair and transparent presidential and parliamentary elections in Belarus consistent with OSCE standards and under the supervision of OSCE observers and independent domestic observers.

"(c) DENIAL OF ENTRY INTO THE UNITED STATES OF SENIOR LEADERSHIP OF THE GOVERNMENT OF BELARUS.—Notwithstanding any other provision of law, the President may exercise the authority under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) to deny the entry to the United States of any alien who—

"(1) holds a position in the senior leadership of the Government of Belarus;

"(2) is an immediate family member of a person inadmissible under paragraph (1);

"(3) through his or her business dealings with senior leadership of the Government of Belarus derives significant financial benefit from policies or actions, including electoral fraud, human rights abuses, or corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus;

"(4) is a member of any branch of the security or law enforcement services of Belarus and has participated in the violent crackdown on opposition leaders, journalists, and peaceful protests that occurred in connection with the presidential election of December 19, 2010; or

"(5) is a member of any branch of the security or law enforcement services of Belarus and has participated in the persecution or harassment of religious groups, human rights defenders, democratic opposition groups, or independent media or journalists.

"(d) PROHIBITION ON LOANS AND INVESTMENT.—

"(1) UNITED STATES GOVERNMENT FINANCING.—It is the sense of Congress that no funds available to the Trade and Development Agency should be available for activities of the Agency in or for Belarus.

"(e) MULTILATERAL FINANCIAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States Executive Director at each international financial institution of 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, or loans and assistance that serve humanitarian needs.

"(f) BLOCKING OF ASSETS AND OTHER PROHIBITED ACTIVITIES.

"(1) BLOCKING OF ASSETS.—It is the sense of Congress that the President should block all property and interests in property, including all commercial, industrial, or public utility corporations, owned, controlled, or exercised control by any person who through his or her business dealings with senior leadership of the Government of Belarus derives significant financial benefit from policies or actions, including electoral fraud, human rights abuses, or corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus; and

"(2) PROHIBITED ACTIVITIES.—Activities prohibited by reason of the blocking of property and interests in property under paragraph (1) should include—

"(i) payments or transfers of any property, or any transactions involving the transfer of anything of economic value by any United States person to, the Government of Belarus, to any person or entity acting for or on behalf of, or owned or controlled, directly or indirectly, by that government, or to any member of the senior leadership of the Government of Belarus;

"(ii) the export or reexport to any entity owned, controlled, or operated by the Government of Belarus, directly or indirectly, of any goods, technology, or services, either—

"(II) by a United States person; or

"(B) are in the United States, or in the possession or control of the Government of the United States or of any United States financial institution, including any branch or office of such financial institution that is located outside the United States;

"(2) is an immediate family member of a person inadmissible under paragraph (1).

"(3) through his or her business dealings with senior leadership of the Government of Belarus derives significant financial benefit from policies or actions, including electoral fraud, human rights abuses, or corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus;
loan or other financing, in support of an industrial, commercial, or public utility operated, controlled, or owned by the Government of Belarus.

"(3) PAYMENT OF EXPENSES.—All expenses incident to the blocking and maintenance of property blocked under paragraph (1) should be charged to the owners or operators of such property. Such expenses may not be paid from blocked funds.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit any contract or other financial transaction with any private or non-governmental organization or business in Belarus.

"(5) EXCEPTIONS.—Paragraphs (1) and (2) do not apply to—

(A) assistance authorized under section 4 or 5 of this Act; or

(B) medicine, medical equipment or supplies, food, as well as any other form of humanitarian assistance provided to Belarus as relief in response to a humanitarian crisis.

"(6) PENALTIES.—Any person who violates any prohibition or restriction imposed under this subsection should be subject to the penalties under section 6 [206] of the International Emergency Economic Powers Act (50 U.S.C. 1706) to the same extent as for a violation under that Act [50 U.S.C. 1706 et seq.].

"(7) DEFINITIONS.—In this subsection:

(A) AIR CARRIER.—The term ‘air carrier’ has the meaning given that term in section 40102 of title 49, United States Code.

(B) UNITED STATES PERSON.—The term ‘United States person’ means—

(i) any United States citizen or alien admitted for permanent residence to the United States;

(ii) any entity organized under the laws of the United States; and

(iii) any person in the United States.

"SEC. 7. MULTILATERAL COOPERATION.

It is the sense of Congress that the President should continue to seek the support of other countries, particularly European countries, for 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. 8. REPORT.

(a) REPORT.—Not later than 90 days after the date of the enactment of the Belarus Democracy and Human Rights Act of 2011 [Pub. L. 112–82, approved Jan. 3, 2012], 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 or provision of weapons or weapons-related technologies or weapons-related training from the Republic of Belarus to any country, the government of which the Secretary of State has determined, for purposes of section 6(e)(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 or weapons-related training involved in the sale or delivery or provision.

(3) An identification of the goods, services, credits, or other consideration received by Belarus in exchange for the weapons or weapons-related technologies or weapons-related training described in paragraph (1).

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

(5) The cooperation of the Government of Belarus with any foreign government or organization for purposes related to the censorship or surveillance of the Internet, or the purchase or receipt by the Government of Belarus of any technology or training from any foreign government or organization for purposes related to the censorship or surveillance of the Internet.

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

"SEC. 9. DEFINITIONS.

"In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Foreign Affairs 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, Chairman of State Committees, governors, heads of state enterprises, and members of the Presidential Administration of Belarus;

(B) any official of the Government of Belarus who—

(i) is personally and substantially involved in the suppression of freedom in Belarus, including judges, prosecutors, and heads of professional associations and educational institutions; or

(ii) is otherwise engaged in public corruption in Belarus; 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 Government of Belarus that are in contradiction internationally recognized human rights standards.


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: ‘‘(a) 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.’’
§ 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.


References in Text


Amendments


Russian and Ukrainian Business Management Education


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

"(B) 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.

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

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

“(1) describes in detail the following—

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

“(B) the status of negotiations for a peaceful settlement between Armenia and Azerbaijan 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 subsections (g)(4) and (6) of title II of Pub. L. 107–115, set out above, deleted by Secret of State by section 1–100(a)(13) of Ex. Ord. No. 12183, 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.”
§ 5812
TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

Page 1402

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


By the authority vested in me as President by the Constitution and the laws of the United States of America, including the President, Export Financing, and Related Programs Appropriations Act, 1993 (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:

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

(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.

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) [former] 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.

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.

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].

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

(a) sections 498B(b) and 498B(d) of the Foreign Assistance Act [22 U.S.C. 2295b(b), (d)], (ii) 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.

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)(1) 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. 12183, as amended [22 U.S.C. 2381 note].

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

WILLIAM J. CLINTON.


WAIVER OF RESTRICTION ON ASSISTANCE TO AZERBAIJAN

Determination of President of the United States, No. 2005–18, Jan. 13, 2005, 70 F.R. 3583, provided:

Memorandum for the Secretary of State


• 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:


§ 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.


REFERENCES IN TEXT


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

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 Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006, Pub. L. 109–162, title V, §577(a), Nov. 14, 2005, 119 Stat. 2201, and were repeated in provisions of subsequent appropriations acts which are not set out in the Code. Similar provisions were also contained in the following prior appropriations acts:


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.


REFERENCES IN TEXT

§ 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.


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
§ 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.


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 Organizations for Economic Cooperation and Development nations.

§ 5826. Policy on combating 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.


§ 5827. Technical assistance for Russian Far East

(a) Authorization

The President is authorized to provide technical assistance, through an American university 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.

§ 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 Amendments Act of 1992.


REFERENCES IN TEXT


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 determination, 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.

References in Text


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.

§ 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 independ-
ent 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).


DELIGATION OF AUTHORITY

Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3195, 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:


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 506 of Public Law 102–611 (22 U.S.C. 5853, 5868).

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 1995 pursuant to such obligation shall not exceed 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 section 108 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.

INAPPLICABILITY TO COOPERATIVE THREAT REDUCTION PROGRAMS


DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 110–181


§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 Direc-
the Former Soviet Union Demilitarization Act of 1992

including the use of those and other funds by any Fed-
eral agency having expertise and programs related to
states of the former Soviet Union assisted under sec-
tion 503(a)(5) of the FREEDOM Support Act (22 U.S.C. 5853(a)(5)) or 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 activ-
ties 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 tech-
ologies 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 bilat-
eral and multilateral nonproliferation and disarmament activities—

(1) by supporting the dismantlement and de-
struction 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, bio-
logical, and chemical weapons, their delivery systems, related technologies, and other weap-
ons, including activities such as—

(A) the storage, transportation, and safe-
guarding of such weapons, and

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

(3) by establishing programs for safeguarding against the proliferation of nuclear, bio-
logical, 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 pur-
pose of engaging weapons scientists and engi-
neers of the independent states (in particular those who were previously involved in the de-
sign 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 author-
ized 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.


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 Title IV, § 2346 et seq. (relating to the Economic Support Fund) or assistance under section 2763 of this title (relating to the "Foreign Military Financing Program").


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 103–167] [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, redelega 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] and shall perform such duties. These authorities and duties relate to the transfer of an amount that is the same or greater than the amount that is authorized

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 reallocated 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 entity under its authority 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.


REFERENCES IN TEXT


AMENDMENTS


§ 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 authorizes 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.


REFERENCES IN TEXT

For the amendments made by this section, referred to in subsec. (c), see 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 2561 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 2561 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.


REFERENCES IN TEXT


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 29 ($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.


§ 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), the President shall transmit to—

(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 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.

(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 Affairs 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.


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 2581 of this title, but did not become effective, pursuant to section 5856(c) of this title.


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 3581 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 contained in 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 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 committees 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.


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


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”.

MODIFICATIONS

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


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 1996 (as defined in section 686(a)(2) of title II) 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 a fiscal year referred to in this paragraph may also be derived” for “fiscal year 1994” before period at end. Pub. L. 104–106, §1403(b)(1), struck out “or” after “fiscal year 1996,” and inserted “, or $15,000,000 for fiscal year 1996” before period at end. Pub. L. 104–106, §1403(b)(1), (c)(2), struck out “may not exceed $352,000,000 for fiscal year 1994 or $20,000,000 for fiscal year 1995” after “under this section,” substituted “Department of Defense” for “the On-Site Inspection Agency,” and inserted before period at end “, may not exceed $352,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, or $15,000,000 for fiscal year 1996”.


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 “international 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 1996 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)(2). Pub. L. 103–337, §1707(c)(1), which directed amendment of subsec. (e)(2) by striking out “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.

§ 5860. Report on special nuclear materials

Not later than 180 days after October 24, 1992, the Secretary of State shall prepare, in consultation 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—
§ 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.
§ 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.

§ 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 space hardware, space technologies, and space services that may be available from the independent states, and with the business practices and overall business climate in the independent states.

(b) Monitoring negotiations
The Office of Space Commerce—

(1) shall monitor the progress of any discussions described in section 5871(c)(1) of this title that are being conducted; and
(2) shall advise the Administrator of the National Aeronautics and Space Administration as to the impact on United States industry of each potential acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union, specifically including any anticompetitive issues the Office may observe.

§ 5873. Report to Congress

Within one year after October 24, 1992, the President shall submit to the designated congressional committees a report describing—

(1) the opportunities for increased space-related trade with the independent states of the former Soviet Union;
(2) a technology procurement plan for identifying and evaluating all unique space hardware, space technology, and space services available to the United States from the independent states;
(3) specific space hardware, space technology, and space services that have been, or could be, the subject of discussions described in section 5871(c) of this title;
(4) the trade missions carried out pursuant to section 5872(a) of this title, including the private participation in and the results of such missions;
(5) any barriers, regulatory or practical, that inhibit space-related trade between the United States and independent states, including any such barriers in either the United States or the independent states; and
(6) any anticompetitive issues raised during the course of negotiations, as observed pursuant to section 5872(b) of this title.

§ 5874. Definitions

For purposes of this subchapter—

(1) the term “contractor” means a National Aeronautics and Space Administration contractor to the extent that the acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union may be relevant to the contractor’s responsibilities under the contract; and
(2) the term “designated congressional committees” means the Committee on Science, Space, and Technology and the Committee on Foreign Affairs of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate.
CHAPTER 68—DEMILITARIZATION OF FORMER SOVIET UNION

SUBCHAPTER I—FINDINGS AND PROGRAM AUTHORITY

Sec. 5901. Demilitarization of independent states of former Soviet Union.

5902. Authority for programs to facilitate demilitarization.

SUBCHAPTER II—ADMINISTRATIVE AND FUNDING AUTHORITIES

5903. Programs with states of former Soviet Union.

SUBCHAPTER III—REPORTING REQUIREMENTS

5904. Quarterly reports on programs.

SUBCHAPTER IV—JOIN T RESEARCH AND DEVELOPMENT PROGRAMS

5905. Subchapter IV.

§ 5901. Demilitarization of independent states of former Soviet Union

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 the independent states of the former Soviet Union, including the safe and secure storage of fissile materials, dismantlement of missiles and launchers, and the elimination of chemical and biological weapon capabilities;

(B) the prevention of proliferation of weapons of mass destruction and their components and destabilizing conventional weapons of the independent states of the former Soviet Union, 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 demilitarization of the massive defense-related industry and equipment of the independent states of the former Soviet Union and conversion of such industry and equipment to civilian purposes and uses; and

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


SHORT TITLE

Section 1401 of title XIV of div. A of Pub. L. 102–484 provided that: "This title [enacting this chapter and amending provisions set out as a note under section 2551 of this title] may be cited as the ‘Former Soviet Union Demilitarization Act of 1992’."

POLICY ON REDUCTION OF RUSSIAN NUCLEAR FORCES

Pub. L. 106–38, § 3, July 22, 1999, 113 Stat. 205, provided that: "It is the policy of the United States to seek continued negotiated reductions in Russian nuclear forces."

NUCLEAR WEAPONS REDUCTION

Section 1321 of Pub. L. 102–484 provided that:

(a) FINDINGS.—The Congress makes the following findings:

(1) On February 1, 1992, the President of the United States and the President of the Russian Federation agreed in a Joint Statement that ‘Russia and the United States do not regard each other as potential adversaries’ and stated further that, ‘We will work to remove any remnants of cold war hostility, including taking steps to reduce our strategic arsenals’.

(2) In the Treaty on the Non-Proliferation of Nuclear Weapons, in exchange for the non-nuclear-weapons states agreeing not to seek a nuclear weapons capability nor to assist other non-nuclear-weapons states in doing so, the United States agreed to seek the complete elimination of all nuclear weapons worldwide, as declared in the preamble to the Treaty, which states that it is a goal of the parties to the Treaty ‘to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery’ as well as in Article VI of the Treaty, which states that ‘each of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament’.

(3) Carrying out a policy of seeking further significant and continuous reductions in the nuclear arsenals of all countries, besides reducing the likelihood of the proliferation of nuclear weapons and increasing the likelihood of a successful extension and possible strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons in 1995, when the Treaty is scheduled for review and possible extension, has additional benefits to the national security of the United States, including—

(A) a reduced risk of accidental enablement and launch of a nuclear weapon, and

(B) a defense cost savings which could be reallocated for deficit reduction or other important national needs.

(4) The Strategic Arms Reduction Talks (START) Treaty and the agreement by the President of the United States and the President of the Russian Federation on June 17, 1992, to reduce the strategic nuclear arsenals of each country to a level between 3,000 and 3,500 weapons are commendable intermediate stages in the process of achieving the policy goals described in paragraphs (1) and (2).

(5) The current international era of cooperation provides greater opportunities for achieving worldwide reduction and control of nuclear weapons and material than any time since the emergence of nuclear weapons 50 years ago.

(6) It is in the security interests of both the United States and the world community for the President and the Congress to begin the process of reducing the number of nuclear weapons in every country through multilateral agreements and other appropriate means.

(7) In a 1991 study, a committee of the National Academy of Sciences concluded that: ‘The appropriate new levels of nuclear weapons cannot be specified at this time, but it seems reasonable to the committee that U.S. strategic forces could in time be reduced to 1,000–2,000 nuclear warheads, provided that such a multilateral agreement included appropriate levels and verification measures for the other nations that possess nuclear weapons. This step would require successful implementation of our proposed post-START U.S.-Soviet reductions, related confidence-building measures in all the countries involved, and multilateral security cooperation in areas such as conventional force deployments and planning.’.

Section 1321 of Pub. L. 102–484 further provided that:

The Congress makes the following additional findings:

(1) The transportation, storage, safeguarding, and destruction of nuclear and other weapons of the independent states of the former Soviet Union, including the safe and secure storage of fissile materials, dismantlement of missiles and launchers, and the elimination of chemical and biological weapon capabilities; the prevention of proliferation of weapons of mass destruction and their components and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons; the prevention of diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries; and other efforts designed to reduce the military threat from the former Soviet Union.

(2) The transportation, storage, safeguarding, and destruction of nuclear and other weapons of the independent states of the former Soviet Union, including the safe and secure storage of fissile materials, dismantlement of missiles and launchers, and the elimination of chemical and biological weapon capabilities; the prevention of proliferation of weapons of mass destruction and their components and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons; the prevention of diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries; and other efforts designed to reduce the military threat from the former Soviet Union.

(3) The transportation, storage, safeguarding, and destruction of nuclear and other weapons of the independent states of the former Soviet Union, including the safe and secure storage of fissile materials, dismantlement of missiles and launchers, and the elimination of chemical and biological weapon capabilities; the prevention of proliferation of weapons of mass destruction and their components and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons; the prevention of diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries; and other efforts designed to reduce the military threat from the former Soviet Union.

(4) The transportation, storage, safeguarding, and destruction of nuclear and other weapons of the independent states of the former Soviet Union, including the safe and secure storage of fissile materials, dismantlement of missiles and launchers, and the elimination of chemical and biological weapon capabilities; the prevention of proliferation of weapons of mass destruction and their components and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons; the prevention of diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries; and other efforts designed to reduce the military threat from the former Soviet Union.