

COMMITTEE ON FOREIGN RELATIONS
COMMITTEE ON INTERNATIONAL RELATIONS

Legislation on Foreign Relations Through 1997

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FOREWORD

This volume of legislation and related material is part of a five volume set of laws and related material frequently referred to by the Committees on International Relations of the House of Representatives and Foreign Relations of the Senate, amended to date and annotated to show pertinent history or cross references.

Volumes I (A and B), II, III and IV contain legislation and related material and are republished with amendments and additions at the end of each annual session of Congress. Volume V, which contains treaties and related material, will not be revised every year, but only as necessary.

We wish to express our appreciation to Dianne E. Rennack

and C. Winston Woodland of the Foreign Affairs and National Defense Division of the Congressional Research Service of the Library of Congress who prepared volume I-B of this year's compilation.

Jesse Helms,
Chairman, Committee on Foreign Relations.
Benjamin A. Gilman,
Chairman, Committee on International Relations.

(iii)

EXPLANATORY NOTE

All public laws included in this volume are codified and in force through the end of the first session of the 105th Congress. The texts of the public laws in this volume are printed as they appear in the United States Statutes at Large rather than the United States Code. Amendments are incorporated into the text and distinguished by a footnote.

All Executive orders and State Department delegations of authority are codified and in force as of January 31, 1998.

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ABBREVIATIONS

Bevans.....	Treaties and Other International Agreements of the United States of America, 1776-1949, compiled under the direction of Charles I. Bevans.
CFR.....	Code of Federal Regulations.
EAS.....	Executive Agreement Series.
F.R.....	Federal Register.
LNTS.....	League of Nations Treaty Series.
I Malloy, II Malloy.....	Treaties, Conventions, International Acts, Protocols, and Agreements Between the United States of America and Other Powers, 1776-1909, compiled under the direction of the United States Senate by William M. Malloy.
Stat.....	United States Statutes at Large.
TIAS.....	Treaties and Other

	International Acts Series.
TS.....	Treaty Series.
UNTS.....	United Nations Treaty Series.
U.S.C.....	United States Code.
UST.....	United States Treaties and Other International Agreements.

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b. Assistance to Eastern Europe and the Former Soviet Union

- (1) Act For Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine, and Other New Independent States

FRIENDSHIP Act

Partial text of Public Law 103-199 [H.R. 3000], 107 Stat. 2317, approved December 17, 1993

Note.--The FRIENDSHIP Act amends several Public Laws presented in Legislation on Foreign Relations Through 1997.

In volume I-A, see: Foreign Assistance Act of 1961; Arms Export Control Act; International Security Assistance and Arms Export Control Act of 1976; International Security Assistance Act of 1978; and International Security and Development Cooperation Act of 1981.

In volume I-B, see: Department of Defense Appropriations Authorization Act, 1975; Department of

Defense Authorization Act, 1986; National Defense Authorization Act, Fiscal Year 1987; National Defense Authorization Act for Fiscal Years 1988 and 1989; National Defense Authorization Act, Fiscal Year 1989; and Joint Resolution of August 8, 1985 relating to U.S./Soviet communications.

In volume II, see: Department of State Authorization Act, Fiscal Years 1982 and 1983; Foreign Relations Authorization Act, Fiscal Years 1986 and 1987; Foreign Relations Authorization Act, Fiscal Years 1988 and 1989; Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; Foreign Relations Authorization Act, Fiscal Years 1992 and 1993; Mutual Educational and Cultural Exchange Act of 1961; Soviet-Eastern European Research and Training Act of 1983; Fawcett Fellowship Act; Board for International Broadcasting Authorization Act, Fiscal Years 1984 and 1985; Arms Control and Disarmament Act; and Foreign Service Buildings Act, 1926.

In volume III, see: Export Administration Act of 1979 and Omnibus Trade and Competitiveness Act of 1988.

In volume IV, see: Title 18 U.S.C.; Global Climate Protection Act of 1987; and Arctic Research and Policy Act of 1984.

The FRIENDSHIP Act also amended: Intelligence Authorization Act, Fiscal Year 1987; Intelligence Authorization Act, Fiscal Year 1988; Intelligence Authorization Act, Fiscal Year 1990; Act of November 2, 1966 (Fur Seal Act); Federal Civil Defense Act of 1950; and Subversive Activities Control Act of 1950.

AN ACT For reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine, and other new independent states of the former Soviet Union.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLES.

This Act 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''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short titles.
- Sec. 2. Table of contents.
- Sec. 3. Definition.

TITLE I--POLICY OF FRIENDSHIP AND COOPERATION

Sec. 101. Statement of purpose.

- Sec. 102. Findings.
- Sec. 103. Statutory provisions that have been applicable to the Soviet Union.

TITLE II--TRADE AND BUSINESS RELATIONS

- Sec. 201. Policy under Export Administration Act.
- Sec. 202. Representation of countries of Eastern Europe and the Independent States of the former Soviet Union in legal commercial transactions.
- Sec. 203. Procedures regarding transfers of certain Department of Defense-funded items.
- Sec. 204. Soviet slave labor.

TITLE III--CULTURAL, EDUCATIONAL, AND OTHER EXCHANGE PROGRAMS

- Sec. 301. Mutual Educational and Cultural Exchange Act of 1961.
- Sec. 302. Soviet-Eastern European research and training.
- Sec. 303. Fascell Fellowship Act.
- Sec. 304. Board for International Broadcasting Act.
- Sec. 305. Scholarship programs for developing countries.
- Sec. 306. Report on Soviet participants in certain exchange programs.

TITLE IV--ARMS CONTROL

- Sec. 401. Arms Control and Disarmament Act.
- Sec. 402. Arms Export Control Act.
- Sec. 403. Annual reports on arms control matters.
- Sec. 404. United States/Soviet direct communication link.

TITLE V--DIPLOMATIC RELATIONS

- Sec. 501. Personnel levels and limitations.
- Sec. 502. Other provisions related to operation of embassies and consulates.
- Sec. 503. Foreign Service Buildings Act.

TITLE VI--OCEANS AND THE ENVIRONMENT

- Sec. 601. Arctic Research and Policy Act.
- Sec. 602. Fur seal management.
- Sec. 603. Global climate protection.

TITLE VII--REGIONAL AND GENERAL DIPLOMATIC ISSUES

- Sec. 701. United Nations assessments.
- Sec. 702. Soviet occupation of Afghanistan.
- Sec. 703. Angola.
- Sec. 704. Self determination of the people from the Baltic States.
- Sec. 705. Obsolete references in Foreign Assistance Act.
- Sec. 706. Review of United States policy toward the Soviet Union.

TITLE VIII--INTERNAL SECURITY; WORLDWIDE COMMUNIST CONSPIRACY

- Sec. 801. Civil defense.
- Sec. 802. Report on Soviet press manipulation in the United States.
- Sec. 803. Subversive Activities Control Act.

Sec. 804. Report on Soviet and international communist behavior.

TITLE IX--MISCELLANEOUS

Sec. 901. Ballistic missile tests near Hawaii.
Sec. 902. Nondelivery of international mail.
Sec. 903. State-sponsored harassment of religious groups.
Sec. 904. Murder of Major Arthur Nicholson.
Sec. 905. Monument to honor victims of communism.

SEC. 3. DEFINITION.

As used in this Act (including the amendments made by this Act), the terms ``independent states of the former Soviet Union'' and ``independent states'' have the meaning given those terms by section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5801).

TITLE I--POLICY OF FRIENDSHIP AND COOPERATION

SEC. 101. STATEMENT OF PURPOSE.

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

SEC. 102. FINDINGS.

The Congress finds and declares as follows:

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

(2) The Vancouver Declaration underscored that--

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

(B) the rapid integration of Russia into the community of democratic nations and the world

economy is important to the national interest of the United States; and

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

(3) The Congress enacted the FREEDOM Support Act (Public Law 102-511), as well as other legislation such as the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228) and the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484), to help meet the historic opportunities and challenges presented by the transformation that has taken place, and is continuing to take place, in what once was the Soviet Union.

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

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

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

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

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

(c) Findings and Affirmation.--The Congress finds and affirms that provisions such as those described in this section, including--

- (1) section 216 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4316),
- (2) sections 136 and 804 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93),
- (3) section 1222 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1411),
- (4) the Multilateral Export Control Enhancement Amendments Act (50 U.S.C. 2410 note, et seq.),
- (5) the joint resolution providing for the designation of ``Captive Nations Week'' (Public Law 86-90),
- (6) the Communist Control Act of 1954 (Public Law 83-637),
- (7) provisions in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including sections 101(a)(40), 101(e)(3), and 313(a)(3),
- (8) 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), and
- (9) section 43 of the Bretton Woods Agreements Act (22 U.S.C. 286aa),

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

TITLE II--TRADE AND BUSINESS RELATIONS

SEC. 201. POLICY UNDER EXPORT ADMINISTRATION ACT.

(a) Conforming Amendments.-- * * *

(b) Policy Regarding KAL.--

(1) The Congress finds that--

(A) President Yeltsin should be commended for meeting personally with representatives of the families of the victims of the shootdown of Korean Airlines (KAL) Flight 7;

(B) President Yeltsin's Government has met on two separate occasions with United States Government and family members to answer questions associated with the shootdown and has arranged for the families to interview Russians involved in the incident or the search and rescue operations that followed;

(C) President Yeltsin's Government has also cooperated fully with the International Civil Aviation Organization (ICAO) to allow it to complete its investigation of the incident and has provided numerous materials requested by the ICAO, including radar data and so-called

``black boxes'', the digital flight data and cockpit voice recorders from the flight;

(D) the Export Administration Act of 1979 continues to state that the United States should continue to object to exceptions to the International Control List for the Union of Soviet Socialist Republics in light of the KAL tragedy, even though the ``no exceptions'' policy was rescinded by President Bush in 1990;

(E) the Government of the United States is seeking compensation from the Russian Government on behalf of the families of the KAL victims, and the Congress expects the Administration to continue to pursue issues related to the shutdown, including that of compensation, with officials at the highest level of the Russian Government; and

(F) in view of the cooperation provided by President Yeltsin and his government regarding the KAL incident and these other developments, it is appropriate to remove such language from the Export Administration Act of 1979.

(2) * * *
* * * * *

TITLE IX--MISCELLANEOUS

* * * * *

SEC. 905. MONUMENT TO HONOR VICTIMS OF COMMUNISM.

(a) Findings.--Congress finds that--

(1) since 1917, the rulers of empires and international communism led by Vladimir I. Lenin and Mao Tse-tung have been responsible for the deaths of over 100,000,000 victims in an unprecedented imperial communist holocaust through conquests, revolutions, civil wars, purges, wars by proxy, and other violent means;

(2) the imperialist regimes of international communism have brutally suppressed the human rights, national independence, religious liberty, intellectual freedom, and cultural life of the peoples of over 40 captive nations;

(3) there is a danger that the heroic sacrifices of the victims of communism may be forgotten as international communism and its imperial bases continue to collapse and crumble; and

(4) the sacrifices of these victims should be permanently memorialized so that never again will nations and peoples allow so evil a tyranny to terrorize the world.

(b) Authorization of Memorial.--

(1) Authorization.--

(A) The National Captive Nations Committee, Inc., is authorized to construct, maintain, and operate in the District of Columbia an

appropriate international memorial to honor victims of communism.

(B) The National Captive Nations Committee, Inc., is encouraged to create an independent entity for the purposes of constructing, maintaining, and operating the memorial.

(C) Once created, this entity is encouraged and authorized, to the maximum extent practicable, to include as active participants organizations representing all groups that have suffered under communism.

(2) Compliance with standards for commemorative works.--The design, location, inscription, and construction of the memorial authorized by paragraph (1) shall be subject to the requirements of the Act entitled ``An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes'', approved November 14, 1986 (40 U.S.C. 1001 et seq.).

(c) Payment of Expenses.--The entity referred to in subsection (b)(1) shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) Deposit of Excess Funds.--If, upon payment of all expenses of the establishment of the memorial, including the maintenance and preservation amount provided for in section 8(b) of the Act entitled ``An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes'', approved November 14, 1986 (40 U.S.C. 1008(b)), or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 4010(b)), there remains a balance of funds received for the establishment of the memorial, the entity referred to in subsection (b)(1) shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

(2) Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992

FREEDOM Support Act

Partial text of Public Law 102-511 [S. 2532], 106 Stat. 3320, approved October 24, 1992; amended by Public Law 104-66 [Federal Reports Elimination and Sunset Act of 1995; S. 790], 109 Stat. 707, approved December 21, 1995

AN ACT To support freedom and open markets in the independent states of the former Soviet Union, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.\1\ SHORT TITLES.

This Act may be cited as the ``Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992'' or the ``FREEDOM Support Act''.

\1\22 U.S.C. 5801 note.

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SEC. 3.\2\ 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.

TITLE I--GENERAL PROVISIONS

SEC. 101.\3\ FINDINGS.

The Congress finds that--

\3\22 U.S.C. 5811.

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

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

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

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

(5) the independent states of the former Soviet Union face unprecedented environmental problems that jeopardize the quality of life and the very existence of not only their own peoples but also the peoples of other countries, and it is incumbent on the international community to assist the independent states in addressing these problems and in promoting sustainable use of resources and development;

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

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

(B) reciprocal commitments by the governments of the independent states to work toward the creation of democratic institutions and an environment hospitable to foreign investment based upon the rule of law, including negotiation of bilateral and multilateral agreements on open trade and investment, adoption of commercial codes, establishment of

transparency in regulatory and other governmental decision making, and timely payment of obligations carried over from previous governmental entities; and

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

SEC. 102.\4\ PROGRAM COORDINATION, IMPLEMENTATION, AND OVERSIGHT.

(a) Coordination.--The President shall designate, within the Department of State, a coordinator who shall be responsible for--

\4\22 U.S.C. 5812. See Executive Order 12884 of December 1, 1993 (58 F.R. 64099; December 3, 1993), providing for the delegation of functions under the Freedom Support Act and related provisions in the Foreign Operations, Export Financing, and Related Programs Appropriations Act.

(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);

(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);

(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), 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), 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.

SEC. 103.\5\ REPORT ON OVERALL ASSISTANCE AND ECONOMIC COOPERATION STRATEGY.

(a) Requirement for Submission.--As soon as practicable after the date of enactment of this Act, the coordinator designated pursuant to section 102(a) 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.

\5\22 U.S.C. 5813.

(b) Assistance Plan.--The report submitted pursuant to subsection (a) 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 proposed to be allocated for each of the categories of activities authorized by section 498 of that Act and to carry out section 301 of this Act (relating to American Business Centers), section 303 of this Act (relating to export promotion activities and capital projects), and title IV of this Act (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 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 that are proposed to be made to each agency to carry out activities for the independent states under that Act or this Act.

SEC. 104.\6\ ANNUAL REPORT.

Not later than January 31 of each year, the President shall submit to the Congress a report on United States assistance for the independent states of the former Soviet Union under this Act or other provisions of law. Each such report shall include--

\6\22 U.S.C. 5814.

In a January 29, 1993, memorandum for the Secretary of State, the President delegated the functions and authorities relating to the report required in this section to the Secretary of State, and further authorized their redelegation by the Secretary (Memorandum of January

29, 1993; 58 F.R. 8201; February 12, 1993).

Subsequently, in sec. 2(a) of Executive Order 12884 of December 1, 1993 (58 F.R. 64099; December 3, 1993), the President delegated to the Coordinator (as established in sec. 102 of this Act) those functions conferred upon the President in sec. 104, further providing that ``the Coordinator is authorized to assign responsibility for particular aspects of the reports described in that section to the heads of appropriate agencies''.

Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 1998 (Public Law 105-118; 111 Stat. 2395; 22 U.S.C. 5814 note), provided the following:

``assistance for the new independent states of the former soviet union

``(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, \$770,000,000, to remain available until September 30, 1999: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph.

* * * * *

``(c) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian and refugee relief.''.

On January 26, 1998, the President issued such a determination as required by subsec. (c) (Presidential Determination No. 98-11; as yet unpublished).

(1) an assessment of the progress each independent state has made in meeting the standards set forth in section 498A of the Foreign Assistance Act of 1961, including a description of the steps each independent state has taken or is taking toward meeting those standards and a discussion of additional steps that each independent state could take to meet those standards;

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

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

(4) an evaluation of the manner in which the

``notwithstanding'' authority provided in section 498B(j)(1) of the Foreign Assistance Act of 1961, and the ``notwithstanding'' authority provided in any other provision of law with respect to assistance for the independent states, has been used and why the use of that authority was necessary.

TITLE II--BILATERAL ECONOMIC ASSISTANCE ACTIVITIES

SEC. 201. SUPPORT FOR ECONOMIC AND DEMOCRATIC DEVELOPMENT IN THE INDEPENDENT STATES.

Part I of the Foreign Assistance Act of 1961 is amended by adding after chapter 10 the following:

\7\Codified at 22 U.S.C. 2295-2295C. Incorporated into the Foreign Assistance Act of 1961 (Public Law 87-195) as secs. 498-498C. For text, see Legislation on Foreign Relations Through 1997, vol. I-A.

``Chapter 11--Support for the Economic and Democratic Development of the Independent States of the Former Soviet Union * * *''\7\

SEC. 202.\8\ INELIGIBILITY FOR ASSISTANCE OF INSTITUTIONS WITHHOLDING CERTAIN DOCUMENTS OF UNITED STATES NATIONALS.

(a) Prohibition.--Except as provided in subsections (b) and (c), an agency, instrumentality, or other governmental entity of an independent state of the former Soviet Union shall not be eligible to receive assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 if--

\8\22 U.S.C. 2295a note.

(1) on the date of enactment of this Act, there is outstanding a final judgment by a court of competent jurisdiction in that independent state that that governmental entity is withholding unlawfully books or other documents of religious or historical significance that are the property of United States persons; and

(2) within 90 days of a request by such United States persons, the Secretary of State determines that execution of the court's judgment is blocked as the result of extrajudicial causes such as any of the following:

(A) A declared refusal of the defendant to comply.

(B) The unwillingness or failure of local authorities to enforce compliance.

(C) The issuance of an administrative decree nullifying a court's judgment or forbidding compliance.

(D) The passage of legislation, after a court's judgment, nullifying that judgment or forbidding compliance with that judgment.

(b) Exception for Humanitarian Assistance.--The prohibition contained in subsection (a) shall not apply to the provision of

assistance to alleviate suffering resulting from a natural or man-made disaster.

(c) Waiver Authority.--The Secretary of State may waive the application of subsection (a) whenever the Secretary finds that--

- (1) the court's judgment has been executed; or
- (2) it is important to the national interest of the United States to do so.

(d) Report.--Nine months after the date of enactment of this Act, the Secretary of State shall report to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on the status of final judgments described in subsection (a)(1).

(e) United States Person.--For purposes of this section, the term ``United States person'' means--

- (1) any citizen, national, or permanent resident alien of the United States; and
- (2) any corporation, partnership, or other juridical entity which is 50 percent or more beneficially owned by individuals described in paragraph (1).

TITLE III--BUSINESS AND COMMERCIAL DEVELOPMENT

SEC. 301.\9\ 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 where the President determines that such centers can be cost-effective in promoting the objectives described in section 498 of that Act and United States economic interests and in establishing commercial partnerships between the people of the United States and the peoples of the independent states.

\9\22 U.S.C. 5821. Section 2(b) of Executive Order 12884 of December 1, 1993 (58 F.R. 64099; December 3, 1993) delegated to the Coordinator (as established in section 102 of this Act) those functions conferred upon the President in sec. 301, ``insofar as it related to determinations and directives''.

Sec. 3 of Executive Order 12884, however, ``delegated to the United States International Development Cooperation Agency the functions conferred upon the President by:

``(a) sections 301(a) and 307 of the Act, except insofar as provided otherwise in section 2(b) of this order;''.

This delegation of authority is subject to the authority of the Coordinator (as established in sec. 102).

(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 the date of enactment of this Act, 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, 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.

SEC. 302.\10\ 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'')--

\10\22 U.S.C. 5822.

- (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.

SEC. 303.\11\ FUNDING FOR EXPORT PROMOTION ACTIVITIES AND CAPITAL PROJECTS.

(a) Allocation of A.I.D. Funds.--The President is encouraged to use a portion of the funds made available for the independent states of the former Soviet Union under chapter 11 of part I of the Foreign Assistance Act of 1961--

\11\22 U.S.C. 5823.

- (1) to fund the export promotion, finance, and related activities carried out pursuant to subsection (b)(1), including activities relating to the export of intermediary goods; and
- (2) to fund capital projects, including projects for telecommunications, environmental cleanup, power production, and energy related projects.

(b) Export Promotion, Finance, and Related Activities.--The Secretary of Commerce, as Chair of the Trade Promotion Coordination Committee, should, in conjunction with other

members of that committee, design and implement programs to provide adequate commercial and technical assistance to United States businesses seeking markets in the independent states of the former Soviet Union, including the following:

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

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

(3) Utilizing the Market Development Cooperator Program under section 2303 of the Export Enhancement Act of 1988 (15 U.S.C. 4723).

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

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

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

(7) Supporting the Business Information Service (BISNIS) and its related programs.

SEC. 304.\12\ 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--

\12\22 U.S.C. 5824.

(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.

SEC. 305.\13\ * * * [Repealed--1995]

\13\Formerly at 22 U.S.C. 5825; repealed by sec. 1021(e) of Public Law 104-66 (109 Stat. 713). Sec. 305 required the Secretary of Commerce to report annually to Congress on implementation of this Act, on the programs of other industrialized nations establishing business in former Soviet Union, and on related trade and pricing practices of other OECD nations.

SEC. 306.\14\ POLICY ON COMBATting TIED AID PRACTICES.

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

\14\22 U.S.C. 5826.

SEC. 307.\15\ TECHNICAL ASSISTANCE FOR THE 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.

\15\22 U.S.C. 5827. Sec. 3(a) of Executive Order 12884 of December 1, 1993 (58 F.R. 64099; December 3, 1993), delegated to the United States International Development Cooperation Agency the functions conferred upon the President by sec. 307. This delegation of authority is subject to the authority of the Coordinator (as established in sec. 102).

(b) Authorization of Appropriations.--There are authorized to be appropriated \$2,000,000 to carry out subsection (a).

SEC. 308.\16\ 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 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.

\16\22 U.S.C. 5828.

(b) Enactment of OPIC Authorization Act.--The authority of subsection (a) shall cease to be effective upon the enactment of the Overseas Private Investment Corporation Act Amendments Act of 1992.\17\

\17\The Overseas Private Investment Corporation Act Amendments Act of 1992 was incorporated into the Jobs Through Exports Act of 1992 (Public Law 102-549; 106 Stat. 3651), and reauthorized OPIC in the Foreign Assistance Act of 1961.

TITLE IV--THE DEMOCRACY CORPS

SEC. 401.\18\ AUTHORIZATION FOR ESTABLISHMENT OF THE 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).

\18\22 U.S.C. 5841.

(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) 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 the 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).

(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) 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 102(a), 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, United States Code.

- (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) 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, 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.

(1) 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.

TITLE V--NONPROLIFERATION AND DISARMAMENT PROGRAMS AND ACTIVITIES

SEC. 501.\19\ FINDINGS.

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

\19\22 U.S.C. 5851.

- (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.

SEC. 502.\20\ 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 503 and 504 only if the President has certified to the Congress,\21\ during that fiscal year, that such independent state is committed to--

\20\22 U.S.C. 5852.

\21\In a memorandum of December 30, 1992, for the Secretaries of State and Defense, and the Director, OMB, the President delegated authority established in sec. 502 of the FREEDOM Support Act and in sec. 1412(d) of Public Law 102-484 to the Secretary of State. The President further delegated authority in secs. 1412(a), 1431, and 1432 of Public Law 102-484, and in secs. 503 and 508 of the FREEDOM Support Act to the Secretary of Defense. That memorandum further provided that: ``The Secretary of Defense shall not exercise authority delegated * * * with respect to any former Soviet republic unless the Secretary of State has exercised his authority and performed the duty delegated * * * with respect to that former Soviet Republic. The Secretary of Defense shall not obligated funds in the exercise of authority delegated * * * unless the Director of the Office of Management and Budget has determined that expenditures during fiscal year 1993 pursuant to such obligation shall be counted against the defense category of discretionary spending limits for that fiscal year (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of Part C of the Balanced Budget and Emergency Deficit Control Act of 1985.''. (58 F.R. 3193; January 8, 1993).

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

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

(3) forgoing any use in new nuclear weapons of

fissionable or other components of destroyed nuclear weapons; and

(4) facilitating United States verification of any weapons destruction carried out under section 503(a) or 504(a) of this Act 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).\22\

\22\For the Soviet Nuclear Threat Reduction Act of 1991, see Legislation on Foreign Relations Through 1997, vol. II.

SEC. 503.\23\ NONPROLIFERATION AND DISARMAMENT ACTIVITIES IN THE INDEPENDENT STATES.

(a) Authorization.--The President is authorized\24\ to promote bilateral and multilateral nonproliferation and disarmament activities--

\23\22 U.S.C. 5853.

\24\In a memorandum of December 30, 1992, for the Secretaries of State and Defense, and the Director, OMB, the President delegated authority established in sec. 502 of the FREEDOM Support Act and in sec. 1412(d) of Public Law 102-484 to the Secretary of State. The President further delegated authority in secs. 1412(a), 1431, and 1432 of Public Law 102-484, and in secs. 503 and 508 of the FREEDOM Support Act to the Secretary of Defense. That memorandum further provided that: ``The Secretary of Defense shall not exercise authority delegated * * * with respect to any former Soviet republic unless the Secretary of State has exercised his authority and performed the duty delegated * * * with respect to that former Soviet Republic. The Secretary of Defense shall not obligated funds in the exercise of authority delegated * * * unless the Director of the Office of Management and Budget has determined that expenditures during fiscal year 1993 pursuant to such obligation shall be counted against the defense category of discretionary spending limits for that fiscal year (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of Part C of the Balanced Budget and Emergency Deficit Control Act of 1985.''. (58 F.R. 3193; January 8, 1993).

(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).

(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), 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.\25\

\25\For title I of Public Law 102-229, see Legislation on Foreign Relations Through 1997, vol. II.

(2) Limitation.--Funds described in paragraph (1) may not be obligated for programs and activities under subsection (a) unless the Director of the Office of Management and Budget has determined that expenditures during fiscal year 1993 pursuant to such obligation shall be counted against the defense category of the discretionary spending limits for that fiscal year (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 504.\26\ NONPROLIFERATION AND DISARMAMENT FUND.

(a) Authorization.--The President is authorized to promote bilateral and multilateral nonproliferation and disarmament activities--

\26\22 U.S.C. 5854. Authorities and duties vested in the President under this section are delegated to the Secretary of State, in consultation with the Secretary of Defense and other appropriate agencies (Presidential memorandum of April 21, 1994; 59 F.R. 21619). Funds appropriated or otherwise made available for the Nonproliferation and Disarmament Fund are, furthermore, allocated to the Secretary of State, by the same memorandum.

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

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

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

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

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

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

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

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

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

(c) Use of Security Assistance Funds.--

(1) Authorization.--In recognition of the direct contributions to the national security interests of the United States of the programs and activities authorized by subsection (a), 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) Definition.--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 (relating to the Economic Support Fund) or assistance under section 23 of the Arms Export Control Act (relating to the ``Foreign Military Financing Program'').

(3) Exemption from certain restrictions.--Section 531(e) of the Foreign Assistance Act of 1961, 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.

SEC. 505.\27\ 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 503(a)(6) and 504(a)(6) 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, through the Defense Conversion Adjustment Program (as authorized by the Job Training Partnership Act), or through the Economic Development Administration.

\27\22 U.S.C. 5855.

SEC. 506.\28\ SOVIET WEAPONS DESTRUCTION.

(a)\29\ Additional Funding.--

\28\22 U.S.C. 5856.

\29\Sec. 1421 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2565) made amendments identical to those in subsecs. (a) and (b).

(1) Authorization amount.--Section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note) is amended by striking out ``\$400,000,000'' and inserting in lieu thereof ``\$800,000,000''.

(2) Authorization period.--Section 221(e) of such Act is amended--

(A) by inserting ``for fiscal year 1992 or fiscal year 1993'' after ``under part B'';

(B) by inserting ``for that fiscal year'' after ``for that program''; and

(C) by striking out ``for fiscal year 1992'' and inserting in lieu thereof ``for that fiscal year''.

(b)\29\ Technical Revisions to Public Law 102-229.--Public Law 102-229 is amended--

(1) in section 108 (105 Stat. 1708), by striking out ``contained in H.R. 3807, as passed the Senate on November 25, 1991'' and inserting in lieu thereof ``(title II of Public Law 102-228)''; and

(2) in section 109 (105 Stat. 1708)--

(A) by striking out ``H.R. 3807, as passed the Senate on November 25, 1991'' and inserting in lieu thereof ``Public Law 102-228 (105 Stat. 1696)''; and

(B) by striking out ``of H.R. 3807''.

(c)\29\ 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 503 and 508 of this Act shall be deemed to apply with respect to the funds made available under such amendments.

SEC. 507.\30\ WAIVER OF CERTAIN PROVISIONS.

(a) In General.--Funds made available for fiscal year 1993 under sections 503 and 504 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).

\30\22 U.S.C. 5857.

(b) Exceptions.--Subsection (a) does not apply with respect to--

- (1) this title; and
- (2) section 1341 of title 31, United States Code (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.

SEC. 508.\31\ NOTICE AND REPORTS TO CONGRESS.

(a) Notice of Proposed Obligations.--Not less than 15 days before obligating any funds under section 503 or 504 or the amendments made by section 506(a), 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--\32\

\31\22 U.S.C. 5858.

\32\In a memorandum of December 30, 1992, for the Secretaries of State and Defense, and the Director, OMB, the President delegated authority established in sec. 502 of the FREEDOM Support Act and in sec. 1412(d) of Public Law 102-484 to the Secretary of State. The

President further delegated authority in secs. 1412(a), 1431, and 1432 of Public Law 102-484, and in secs. 503 and 508 of the FREEDOM Support Act to the Secretary of Defense. That memorandum further provided that: ``The Secretary of Defense shall not exercise authority delegated * * * with respect to any former Soviet republic unless the Secretary of State has exercised his authority and performed the duty delegated * * * with respect to that former Soviet Republic. The Secretary of Defense shall not obligated funds in the exercise of authority delegated * * * unless the Director of the Office of Management and Budget has determined that expenditures during fiscal year 1993 pursuant to such obligation shall be counted against the defense category of discretionary spending limits for that fiscal year (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of Part C of the Balanced Budget and Emergency Deficit Control Act of 1985.''. (58 F.R. 3193; January 8, 1993).

In a memorandum of April 21, 1994 (59 F.R. 21619), authorities and duties vested in the President under this section as they relate to section 504 are delegated to the Secretary of State.

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

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

(b) Semiannual Report.--Not later than April 30, 1993, and not later than October 30, 1993, the President shall transmit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional committees a report on the activities carried out under sections 503 and 504 and the amendments made by section 506(a). Each such report shall set forth, for the preceding 6-month period and cumulatively, the following:

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

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

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

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

(5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under sections 503 and 504 and the amendments made by section 506(a).

(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\33\ 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);

\33\Sec. 1(a)(5) of Public Law 104-14 (109 Stat. 186) provided that references to the Committee on Foreign Affairs of the House of Representatives shall be treated as referring to the Committee on International Relations of the House of Representatives.

(B) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, \34\ wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

\34\Sec. 1(a)(1) of Public Law 104-14 (109 Stat. 186) provided that references to the Committee on Armed Services of the House of Representatives shall be treated as referring to the Committee on National Security of the House of Representatives.

(2) the committee to which the specified activities of section 503(a) or 504(a) or subtitle B of the Soviet Nuclear Threat Reduction Act of 1991 \35\ (as the case may be), if the subject of separate legislation, would be referred, under the rules of the respective House of Congress.

\35\For text, see Legislation on Foreign Relations Through 1997, vol. II.

SEC. 509. \36\ INTERNATIONAL NONPROLIFERATION INITIATIVE.

(a) Assistance for International Nonproliferation Activities.--Subject to the limitations and requirements provided in this section, during fiscal year 1993 the Secretary of Defense, under the guidance of the President, may provide assistance to support international nonproliferation activities.

\36\22 U.S.C. 5859.

(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 the International Atomic Energy Agency (IAEA) that are designed to ensure more effective safeguards against nuclear proliferation and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968.

(2) Activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(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 proliferation through joint technical projects and improved intelligence 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 against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(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 shall be derived from amounts made available to the Department of Defense for fiscal year 1993 or 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 may not exceed \$40,000,000. Of such amount, not more than \$20,000,000 may be used for the activities of the On-Site Inspection agency in support of the United Nations Special Commission on Iraq.

(4) Not less than 30 days before obligating any funds to provide assistance under this section, the Secretary of Defense shall transmit to the committees of Congress named in subsection (e)(2) a report on the proposed obligation. Each such report shall specify--

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

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

(e) Quarterly Report.--(1) Not later than 30 days after the end of each quarter of fiscal year 1993, 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) and under subsection (d)(2) 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 Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.\37\

\37\Sec. 1(a)(1) of Public Law 104-14 (109 Stat. 186) provided that references to the Committee on Armed Services of the House of Representatives shall be treated as referring to the Committee on National Security of the House of Representatives. Sec. 1(a)(4) of that Act similarly provided that reference to the Committee on Energy and Commerce shall be treated as referring to the Committee on Commerce, and sec. 1(a)(5) provided that reference to the Committee on Foreign Affairs shall be treated as referring to the Committee on International Relations.

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

SEC. 510.\38\ REPORT ON SPECIAL NUCLEAR MATERIALS.

Not later than 180 days after the date of enactment of this Act, 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--

\38\22 U.S.C. 5860.

(1) a cost-benefit analysis comparing (A) the relative merits of the indefinite storage and safeguarding of such materials in the independent

states of the former Soviet Union and (B) its acquisition by the United States by purchase, barter, or other means;

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

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

SEC. 511.\39\ 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.

\39\22 U.S.C. 5861.

(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 (relating to joint research and development programs with the independent states of the former Soviet Union) are otherwise available for such purpose, such funds may be made available to the Director for use by the Director in establishing the endowment of the Foundation and otherwise carrying out this section.

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

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

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

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

(5) Investment of government assistance.--The Foundation may invest any revenue provided to it through United States Government assistance, and any interest earned on such investment may be used only for the purpose for which the assistance was provided.

(6) Other funds from government and nongovernmental

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

TITLE VI--SPACE TRADE AND COOPERATION

SEC. 601.\40\ FACILITATING DISCUSSIONS REGARDING THE ACQUISITION OF SPACE HARDWARE, TECHNOLOGY, AND SERVICES FROM THE FORMER SOVIET UNION.

(a) Expedited Review.--Any request for a license or other approval described in subsection (c) 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.

\40\22 U.S.C. 5871.

(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), 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.

SEC. 602.\41\ 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.

\41\22 U.S.C. 5872.

(b) Monitoring Negotiations.--The Office of Space Commerce--

- (1) shall monitor the progress of any discussions described in section 601(c)(1) 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.

SEC. 603.\42\ REPORT TO CONGRESS.

Within one year after the date of enactment of this title, the President shall submit to the designated congressional committees a report describing--

\42\22 U.S.C. 5873.

- (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 601(c);
- (4) the trade missions carried out pursuant to section 602(a), 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 602(b).

SEC. 604.\43\ DEFINITIONS.

For purposes of this title--

\43\22 U.S.C. 5874.

- (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\44\ and the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate.

\44\Sec. 1(a)(5) of Public Law 104-14 (109 Stat. 186) provided that

references to the Committee on Foreign Affairs of the House of Representatives shall be treated as referring to the Committee on International Relations of the House of Representatives. Sec. 1(a)(10) of that Act similarly provided that references to the Committee on Science, Space, and Technology shall be treated as referring to the Committee on Science.

TITLE VII--AGRICULTURAL TRADE

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SEC. 703. ASSISTANCE FOR PRIVATE VOLUNTARY ORGANIZATIONS.

The President is encouraged to use funds made available under section 109 of Public Law 102-229 (105 Stat. 1708), and funds made available under chapter 11 of part I of the Foreign Assistance Act of 1961, to assist private voluntary organizations and cooperatives in carrying out food assistance programs for the independent states of the former Soviet Union under--

- (1) section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o);
- (2) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431); or
- (3) title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.).

SEC. 704. DISTRIBUTION OF AID TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

It is the sense of Congress that, in order to avoid waste and to ensure fair and equitable distribution of food and commodities provided to the independent states of the former Soviet Union, the President should, as appropriate, when discussing and planning the provision of such food aid, whether acting unilaterally or multilaterally with other donor countries, encourage the involvement of suitable multinational organizations to monitor the transport and distribution of such food aid within such entities.

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SEC. 707. DIRECT CREDIT SALES.

- (a) * * *
- (b) * * *
- (c) * * *
- (d)\45\ * * * [Repealed--1996]

\45\22 U.S.C. 5621 note. Subsec. (a) through (c) of this section amended the Agricultural Trade Act of 1978 at sec. 201 (7 U.S.C. 5621). Subsec. (d), struck out by sec. 276 of Public Law 104-127 (110 Stat. 977) required that the Secretary of Agriculture issue final regulations to implement section 201 of the Agricultural Trade Act of 1978 not later than 30 days after the date of enactment of this Act.

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TITLE VIII--UNITED STATES INFORMATION AGENCY, DEPARTMENT OF STATE, AND
RELATED AGENCIES AND ACTIVITIES

SEC. 801.\46\ DESIGNATION OF EDMUND S. MUSKIE FELLOWSHIP PROGRAM. * * *

\46\Sec. 801 amended sec. 227 of the Foreign Relations
Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note),
relating to the Edmund S. Muskie Fellowship Program.

SEC. 802. NEW DIPLOMATIC POSTS IN THE INDEPENDENT STATES.

There are authorized to be appropriated for ``new
diplomatic posts'' for personnel, support, and other expenses,
not otherwise provided for, for the Department of State and the
United States Information Agency to establish and operate new
diplomatic posts in the independent states of former Soviet
Union, \$25,000,000 for fiscal year 1993, which are authorized
to remain available until September 30, 1994.

SEC. 803.\47\ OCCUPANCY OF NEW CHANCERY BUILDINGS. * * *

\47\Sec. 803 repealed subsecs. (f) and (g) of section 132 of the
Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

SEC. 804. CERTAIN POSITIONS AT UNITED STATES MISSIONS.

(a)\48\ Amendment.--* * *

\48\Sec. 804(a) amended the Omnibus Diplomatic Security and Anti-
Terrorism Act of 1986 at sec. 1004(a). For text, see Legislation on
Foreign Relations Through 1997, vol. II.

(b)\49\ Funding.--In addition to the funds made available
pursuant to section 1005(c) of that Act, funds authorized to be
appropriated by chapter 11 of part I of the Foreign Assistance
Act of 1961 may be used in carrying out the amendment made by
subsection (a) with respect to missions in the independent
states of the former Soviet Union.

\49\22 U.S.C. 4903 note.

SEC. 805.\50\ INTERNATIONAL DEVELOPMENT LAW INSTITUTE.

For purposes of the International Organizations Immunities
Act (22 U.S.C. 288 and following), the International
Development Law Institute shall be considered to be a public
international organization in which the United States
participates under the authority of an Act of Congress
authorizing such participation.

\50\22 U.S.C. 288j. For International Organizations Immunities Act

(Public Law 79-291), see Legislation on Foreign Relations Through 1997, vol. II.

SEC. 806.\51\ CERTAIN BOARD FOR INTERNATIONAL BROADCASTING CONSTRUCTION
ACTIVITIES.* * *

\51\Sec. 806 amended the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (104 Stat. 63), at sec. 301(c). For text, see Legislation on Foreign Relations Through 1997, vol. II.

SEC. 807.\52\ EXCHANGES AND TRAINING AND SIMILAR PROGRAMS.

(a) Funding for Exchanges and Training and Similar Programs.--

\52\22 U.S.C. 2452 note.

(1) Authorization of appropriations.--To carry out a broad spectrum of exchanges, and of training and similar programs to promote the objectives described in section 498 of the Foreign Assistance Act of 1961, between the United States and the independent states of the former Soviet Union, there are authorized to be appropriated for fiscal year 1993 (in addition to amounts otherwise available for such purposes) the following:

(A) \$20,000,000 for exchange programs for secondary school students.

(B) \$30,000,000 for programs for participants other than secondary school students, including undergraduate and graduate students, farmers and other agribusiness practitioners, and participants in the exchanges carried out under paragraph (2).

(2) Local and regional self-government exchanges.--The Director of the United States Information Agency is authorized to use funds authorized to be appropriated by paragraph (1)(B) to conduct exchanges to provide technical assistance in local and regional self-government to the independent states.

(3) Report on proposed funding allocations.--Within 45 days after the date of the enactment of this Act, the coordinator designated pursuant to section 102(a) of this Act shall submit to the Congress a report specifying the amount of funds authorized to be appropriated by paragraph (1) that is proposed to be allocated for each category of program and for each Government agency.

(4) Program administration.--

(A) USIA.--Educational, cultural, and any other exchange programs carried out under this subsection, including any such programs for secondary school students, shall be administered by the United States Information

Agency, and funds allocated for such programs shall be transferred to that Agency.

(B) Other agencies.--Training and other non-exchange programs carried out under this subsection shall be administered by the Agency for International Development or such other Government agency as has experience and expertise in carrying out such programs.

(5) Administrative expenses.--Up to 5 percent of the funds made available to each Government agency under this subsection may be used by that agency for administrative expenses of program implementation.

(b) Enhancement of USIA Educational and Cultural Exchange Programs.--In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the United States Information Agency for fiscal year 1993 for enhancement of existing educational and cultural exchange programs the following:

(1) \$9,950,000 for Fulbright Academic Exchange Programs.

(2) \$10,850,000 for other programs administered by the Bureau of Educational and Cultural Affairs.

(c)\53\ Repeal.--Effective 6 months after the date of enactment of this Act, section 225 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, and the item relating to that section in the table of contents set forth in section 2 of that Act, are repealed.

\53\22 U.S.C. 2452 note.

(d)\54\ Agribusiness Exchanges.--

\54\Section 4 of Executive Order 12884 of December 1, 1993 (58 F.R. 64099; December 3, 1993) delegated to the Secretary of Agriculture those functions conferred upon the President in sec. 807(d). This delegation of authority is subject to the authority of the Coordinator (as established in sec. 102).

(1) Authorization.--The President is authorized to establish regional agribusiness offices at State universities and land grant colleges in the United States for the purpose of expanding exchanges between agribusiness practitioners in the United States and agribusiness practitioners in the independent states of the former Soviet Union.

(2) Limitation on funding sources.--Funds authorized to be appropriated by this section or other provisions of this Act (including chapter 11 of part I of the Foreign Assistance Act of 1961) may not be used to carry out this subsection.

TITLE IX--OTHER PROVISIONS

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SEC. 902.\55\ JOHNSON ACT.

Section 955 of title 18, United States Code, shall not apply with respect to any obligations of the former Soviet Union, or any of the independent states of the former Soviet Union, or any political subdivision, organization, or association thereof.

\55\18 U.S.C. 955 note. For text of the Johnson Act (Public Law 80-772), see Legislation on Foreign Relations Through 1997, vol. III.
