

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

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

#### REFERENCES IN TEXT

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

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

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

#### CODIFICATION

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

### § 5857. Waiver of certain provisions

#### (a) In general

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

#### (b) Exceptions

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

(1) this subchapter; and

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

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

#### REFERENCES IN TEXT

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

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (b)(2), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, as amended, which enacted chapter 20 (§900 et seq.) and sections 654 to 656 of Title 2, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106, and 1109

of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

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

### § 5858. Notice and reports to Congress

#### (a) Notice of proposed obligations

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

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

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

#### (b) Semiannual report

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

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

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

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

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

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

#### (c) Appropriate congressional committees

As used in this section—

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

(A) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account,

<sup>1</sup> See References in Text note below.

budget activity, or program is funded from appropriations made under the international affairs budget function (150);

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

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

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

#### REFERENCES IN TEXT

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

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

#### DELEGATION OF FUNCTIONS

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

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

### § 5859. International nonproliferation initiative

#### (a) to (e) Omitted

#### (f) Avoidance of duplicative authorizations

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

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

#### REFERENCES IN TEXT

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

#### CODIFICATION

Section is comprised of section 509 of Pub. L. 102-511. Subsecs. (a) to (e) were omitted pursuant to subsec. (f) because section 1505 of the National Defense Authorization Act for Fiscal Year 1993, Pub. L. 102-484, which is classified to section 5859a of this title, enacted the

same authorities and requirements as contained in subsecs. (a) to (e) and authorized the appropriation of the same or a greater amount to carry out such authorities.

### § 5859a. International nonproliferation initiative

#### (a) Assistance for international nonproliferation activities

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

#### (b) Activities for which assistance may be provided

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

(1) Activities carried out by international organizations that are designed to ensure more effective safeguards against proliferation and more effective verification of compliance with international agreements on nonproliferation.

(2) Activities of the Department of Defense in support of the United Nations Special Commission on Iraq (or any successor organization).

(3) Collaborative international nuclear security and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, including joint emergency response exercises, technical assistance, and training.

(4) Efforts to improve international cooperative monitoring of nuclear, biological, chemical, and missile proliferation through technical projects and improved information sharing.

#### (c) Form of assistance

(1) Assistance under this section may include funds and in-kind contributions of supplies, equipment, personnel, training, and other forms of assistance.

(2) Assistance under this section may be provided to international organizations in the form of funds only if the amount in the "Contributions to International Organizations" account of the Department of State is insufficient or otherwise unavailable to meet the United States fair share of assessments for international nuclear nonproliferation activities.

(3) No amount may be obligated for an expenditure under this section unless the Director of the Office of Management and Budget determines that the expenditure will be counted as discretionary spending in the national defense budget function (function 050).

(4) No assistance may be furnished under this section unless the Secretary of Defense determines and certifies to the Congress 30 days in advance that the provision of such assistance—

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

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

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