

sequent appropriations acts. Similar provisions were contained in the following prior appropriation act:

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

§ 5732. Separate part of country reports

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

- (1) sections 2151n(d) and 2304(b) of this title (relating to human rights);
- (2) section 2241 of title 19 (relating to trade barriers); and
- (3) section 4711¹ of title 15 (relating to economic policy and trade practices).

(Pub. L. 102-383, title III, § 302, Oct. 5, 1992, 106 Stat. 1454.)

REFERENCES IN TEXT

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 (3), was repealed by Pub.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

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

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5858. Notice and reports to Congress.
5859. International nonproliferation initiative.
5859a. International nonproliferation initiative.

¹ See References in Text note below.

Sec.
5860. Report on special nuclear materials.
5861. Research and Development Foundation.

SUBCHAPTER V—SPACE TRADE AND COOPERATION

5871. Facilitating discussions regarding acquisition of space hardware, technology, and services from former Soviet Union.
5872. Office of Space Commerce.
5873. Report to Congress.
5874. Definitions.

§ 5801. Definition of independent states

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

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

REFERENCES IN TEXT

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

SHORT TITLE OF 2012 AMENDMENT

Pub. L. 112-82, § 1, Jan. 3, 2012, 125 Stat. 1863, provided that: “This Act [amending provisions set out as a note under section 5811 of this title] may be cited as the ‘Belarus Democracy and Human Rights Act of 2011.’”

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 109-480, § 1, Jan. 12, 2007, 120 Stat. 3666, provided that: “This Act [enacting and amending provisions set out as notes under section 5811 of this title] may be cited as the ‘Belarus Democracy Reauthorization Act of 2006.’”

SHORT TITLE OF 1993 AMENDMENT

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

SHORT TITLE

Pub. L. 102-511, § 1, Oct. 24, 1992, 106 Stat. 3320, provided that: “This Act [enacting this chapter and sections 282m, 282n, 286e-1f, 286e-5b, 286e-13, 286f, 286mm, 288j, 2295 to 2295c, and 5402 of this title, amending sections 262d, 2370, 2507, and 4903 of this title and sections 1736o, 3293, 5602, 5621, 5622, and 5651 of Title 7, Agri-

culture, enacting provisions set out as notes under sections 2295a, 2452, 2753, 4903, and 5812 of this title, section 5621 of Title 7, and section 955 of Title 18, Crimes and Criminal Procedure, amending provisions set out as notes under section 2452 of this title, section 5622 of Title 7, and sections 1157 and 1255 of Title 8, Aliens and Nationality, and repealing provisions set out as a note under section 2452 of this title] may be cited as the ‘Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992’ or the ‘FREEDOM Support Act.’”

POLICY OF FRIENDSHIP AND COOPERATION

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

“SEC. 101. STATEMENT OF PURPOSE.

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

“SEC. 102. FINDINGS.

“The Congress finds and declares as follows:

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

“(2) The Vancouver Declaration underscored that—

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

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

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

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

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

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

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

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

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

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

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

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

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

“(4) the Multilateral Export Control Enhancement Amendments Act [see Short Title of 1988 Amendment note set out under section 2410 of Title 50, App., War and National Defense] (50 [App.] U.S.C. 2410 note, et seq.),

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

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

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

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

“(9) section 43 of the Bretton Woods Agreements Act (22 U.S.C. 286aa), should not be construed as being directed against Russia, Ukraine, or the other independent states of the former Soviet Union, connoting an adversarial relationship between the United States and the independent states, or signifying or implying in any manner unfriendliness toward the independent states.”

DEFINITIONS FOR PUB. L. 103-199

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

SUBCHAPTER I—GENERAL PROVISIONS

§ 5811. Findings

The Congress finds that—

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

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

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

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

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

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

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

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

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

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

SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY

Pub. L. 112-208, title IV, Dec. 14, 2012, 126 Stat. 1502, provided that:

“SEC. 401. SHORT TITLE.

“This title may be cited as the ‘Sergei Magnitsky Rule of Law Accountability Act of 2012’.

“SEC. 402. FINDINGS; SENSE OF CONGRESS.

“(a) FINDINGS.—Congress finds the following:

“(1) The United States aspires to a mutually beneficial relationship with the Russian Federation based on respect for human rights and the rule of law, and supports the people of the Russian Federation in their efforts to realize their full economic potential and to advance democracy, human rights, and the rule of law.

“(2) The Russian Federation—

“(A) is a member of the United Nations, the Organization for Security and Co-operation in Europe, the Council of Europe, and the International Monetary Fund;

“(B) has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, and the United Nations Convention against Corruption; and

“(C) is bound by the legal obligations set forth in the European Convention on Human Rights.

“(3) States voluntarily commit themselves to respect obligations and responsibilities through the adoption of international agreements and treaties, which must be observed in good faith in order to maintain the stability of the international order. Human rights are an integral part of international law, and lie at the foundation of the international order. The protection of human rights, therefore, particularly in the case of a country that has incurred obligations to protect human rights under an international agreement to which it is a party, is not left exclusively to the internal affairs of that country.

“(4) Good governance and anti-corruption measures are instrumental in the protection of human rights and in achieving sustainable economic growth, which benefits both the people of the Russian Federation and the international community through the creation of open and transparent markets.

“(5) Systemic corruption erodes trust and confidence in democratic institutions, the rule of law, and human rights protections. This is the case when public officials are allowed to abuse their authority with impunity for political or financial gains in collusion with private entities.

“(6) The Russian nongovernmental organization INDEM has estimated that bribes by individuals and businesses in the Russian Federation amount to hundreds of billions of dollars a year, an increasing share of the country’s gross domestic product.

“(7) Sergei Leonidovich Magnitsky died on November 16, 2009, at the age of 37, in Matrosskaya Tishina Prison in Moscow, Russia, and is survived by a mother, a wife, and 2 sons.

“(8) On July 6, 2011, Russian President Dmitry Medvedev’s Human Rights Council announced the results of its independent investigation into the death of Sergei Magnitsky. The Human Rights Council concluded that Sergei Magnitsky’s arrest and detention was illegal; he was denied access to justice by the courts and prosecutors of the Russian Federation; he was investigated by the same law enforcement officers whom he had accused of stealing Hermitage Fund companies and illegally obtaining a fraudulent \$230,000,000 tax refund; he was denied necessary medical care in custody; he was beaten by 8 guards with rubber batons on the last day of his life; and the ambulance crew that was called to treat him as he was dying was deliberately kept outside of his cell for one