

(Pub. L. 107-148, §2, Mar. 11, 2002, 116 Stat. 64.)

REFERENCES IN TEXT

The United States Information and Educational Exchange Act of 1948, referred to in subsec. (c), is act Jan. 27, 1948, ch. 36, 62 Stat. 6, as amended, which is classified generally to chapter 18 (§1431 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1431 of this title, and Tables.

The United States International Broadcasting Act of 1994, referred to in subsec. (c), is title III of Pub. L. 103-236, Apr. 30, 1994, 108 Stat. 432, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6201 of this title and Tables.

The Foreign Affairs Reform and Restructuring Act of 1998, referred to in subsec. (c), is division G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-761, as amended. For complete classification of division G to the Code, see Short Title note set out under section 6501 of this title and Tables.

CODIFICATION

Section was enacted as part of the Radio Free Afghanistan Act, and not as part of the United States International Broadcasting Act of 1994 which comprises this chapter.

§ 6216. Special authority for surge capacity

(a) Emergency authority

(1) In general

Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other entity of the United States to furnish the Broadcasting Board of Governors with such assistance outside the United States as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

(2) Supersedes existing law

The authority of paragraph (1) shall supersede any other provision of law.

(3) Surge capacity defined

In this subsection, the term “surge capacity” means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis abroad.

(4) Duration

The President is authorized to exercise the authority provided in subsection (a)(1) for a period of up to six months, which may be renewed for one additional six month period.

(b) Authorization of appropriations

(1) In general

There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed \$25,000,000.

(2) Availability of funds

Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

(3) Designation of appropriations

Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the “United States International Broadcasting Surge Capacity Fund”.

(c) Report

The annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 6204(a)(9) of this title shall provide a detailed description of any activities carried out under this section.

(Pub. L. 103-236, title III, §316, as added Pub. L. 110-53, title XX, §2031(c), Aug. 3, 2007, 121 Stat. 516.)

FINDING; SENSE OF CONGRESS

Pub. L. 110-53, title XX, §2031(a), (b), Aug. 3, 2007, 121 Stat. 515, provided that:

“(a) FINDING.—Congress finds that the report of the National Commission on Terrorist Attacks Upon the United States stated that ‘Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.’

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) the United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations; and

“(2) public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.”

CHAPTER 72—NUCLEAR PROLIFERATION PREVENTION

SUBCHAPTER I—SANCTIONS FOR NUCLEAR PROLIFERATION

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SUBCHAPTER I—SANCTIONS FOR NUCLEAR
PROLIFERATION

§ 6301. Imposition of procurement sanction on persons engaging in export activities that contribute to proliferation

(a) Determination by President

(1) In general

Except as provided in subsection (b)(2), the President shall impose the sanction described in subsection (c) if the President determines in writing that, on or after the effective date of this subchapter, a foreign person or a United States person has materially and with requisite knowledge contributed, through the export from the United States or any other country of any goods or technology (as defined in section 6305(2) of this title), to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device.

(2) Persons against which the sanction is to be imposed

The sanction shall be imposed pursuant to paragraph (1) on—

(A) the foreign person or United States person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person or United States person;

(C) any foreign person or United States person that is a parent or subsidiary of that person if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of that determination; and

(D) any foreign person or United States person that is an affiliate of that person if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(3) Other sanctions available

The sanction which is required to be imposed for activities described in this subsection is in addition to any other sanction which may be imposed for the same activities under any other provision of law.

(4) Definition

For purposes of this subsection, the term “requisite knowledge” means situations in which a person “knows”, as “knowing” is defined in section 78dd-2 of title 15.

(b) Consultation with and actions by foreign government of jurisdiction

(1) Consultations

If the President makes a determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of the sanction pursuant to this section.

(2) Actions by government of jurisdiction

In order to pursue such consultations with that government, the President may delay imposition of the sanction pursuant to this section for up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies in writing to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of the sanction for up to an additional 90 days if the President determines and certifies in writing to the Congress that that government is in the process of taking the actions described in the preceding sentence.

(3) Report to Congress

Not later than 90 days after making a determination under subsection (a)(1), the President shall submit to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

(c) Sanction

(1) Description of sanction

The sanction to be imposed pursuant to subsection (a)(1) is, except as provided in paragraph (2) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(2) Exceptions

The President shall not be required to apply or maintain the sanction under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

(C) to—

(i) spare parts which are essential to United States products or production;