

(Pub. L. 109–401, title II, §274, Dec. 18, 2006, 120 Stat. 2752.)

§ 8175. Notice of IAEA notifications

The President shall notify Congress of any notifications issued by the IAEA to the United States under Article 10 of the Additional Protocol.

(Pub. L. 109–401, title II, §275, Dec. 18, 2006, 120 Stat. 2753.)

SUBCHAPTER VIII—AUTHORIZATION OF APPROPRIATIONS

§ 8181. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this chapter.

(Pub. L. 109–401, title II, §281, Dec. 18, 2006, 120 Stat. 2753.)

CHAPTER 89—ADVANCING DEMOCRATIC VALUES

Sec.	
8201.	Findings.
8202.	Statement of policy.
8203.	Definitions.

SUBCHAPTER I—ACTIVITIES TO ENHANCE THE PROMOTION OF DEMOCRACY

8211.	Democracy promotion at the Department of State.
8212.	Democracy Fellowship Program.
8213.	Investigations of violations of international humanitarian law.

SUBCHAPTER II—STRATEGIES AND REPORTS ON HUMAN RIGHTS AND THE PROMOTION OF DEMOCRACY

8221.	Strategies, priorities, and annual report.
8222.	Translation of human rights reports.

SUBCHAPTER III—ADVISORY COMMITTEE ON DEMOCRACY PROMOTION AND THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE

8231.	Advisory Committee on Democracy Promotion.
8232.	Sense of Congress regarding the Internet website of the Department of State.

SUBCHAPTER IV—TRAINING IN DEMOCRACY AND HUMAN RIGHTS; INCENTIVES

8241.	Training in democracy promotion and the protection of human rights.
8242.	Sense of Congress regarding ADVANCE Democracy Award.
8243.	Personnel policies at the Department of State.

SUBCHAPTER V—COOPERATION WITH DEMOCRATIC COUNTRIES

8251.	Cooperation with democratic countries.
-------	--

SUBCHAPTER VI—FUNDING FOR PROMOTION OF DEMOCRACY

8261.	The United Nations Democracy Fund.
8262.	United States democracy assistance programs.

§ 8201. Findings

Congress finds the following:

(1) The United States Declaration of Independence, the United States Constitution, and the United Nations Universal Declaration of

Human Rights declare that all human beings are created equal and possess certain rights and freedoms, including the fundamental right to participate in the political life and government of their respective countries.

(2) The development of democracy constitutes a long-term challenge that goes through unique phases and paces in individual countries as such countries develop democratic institutions such as a thriving civil society, a free media, and an independent judiciary, and must be led from within such countries, including by nongovernmental and governmental reformers.

(3) Individuals, nongovernmental organizations, and movements that support democratic principles, practices, and values are under increasing pressure from some governments of nondemocratic countries (as well as, in some cases, from governments of democratic transition countries), including by using administrative and regulatory mechanisms to undermine the activities of such individuals, organizations, and movements.

(4) Democratic countries have a number of instruments available for supporting democratic reformers who are committed to promoting effective, nonviolent change in nondemocratic countries and who are committed to keeping their countries on the path to democracy.

(5) United States efforts to promote democracy and protect human rights can be strengthened to improve assistance for such reformers, including through an enhanced role for United States diplomats when properly trained and given the right incentives.

(6) The promotion of democracy requires a broad-based effort with cooperation between all democratic countries, including through the Community of Democracies.

(Pub. L. 110–53, title XXI, §2102, Aug. 3, 2007, 121 Stat. 526.)

SHORT TITLE

Pub. L. 110–53, title XXI, §2101, Aug. 3, 2007, 121 Stat. 526, provided that: “This title [enacting this chapter and amending provisions set out as a note under section 2151n of this title] may be cited as the ‘Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2007’ or the ‘ADVANCE Democracy Act of 2007’.”

DEEPENING U.S. GOVERNMENT EFFORTS TO COLLABORATE WITH AND STRENGTHEN CIVIL SOCIETY

Memorandum of President of the United States, Sept. 23, 2014, 79 F.R. 58237, provided:

Memorandum for the Heads of Executive Departments and Agencies

The participation of civil society is fundamental to democratic governance. Through civil society, citizens come together to hold their leaders accountable and address challenges that governments cannot tackle alone. Civil society organizations—such as community groups, non-governmental organizations, labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations—often drive innovations and develop new ideas and approaches to solve social, economic, and political problems that governments can apply on a larger scale. Moreover, by giving people peaceful avenues to advance their interests and express their convictions, a free and flourishing civil society contributes to

stability and helps to counter violent extremism. Countries should ensure that civil society organizations can engage freely in legitimate and peaceful activity, while recognizing the potential for illicit actors to abuse the sector and establishing proportionate and targeted safeguards to prevent that abuse.

The rights to freedom of expression, peaceful assembly, and association that enable civil society to participate fully in social, economic, and political life are enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In many parts of the world, however, these rights are in danger. An increasing number of governments are inhibiting the free operation of civil society and cutting off civil society organizations' ability to receive funding from legitimate sources. In some cases, these restrictions arise out of the implementation of laws, regulations, and administrative measures that are being inappropriately applied; in other cases, the laws, regulations, and administrative measures are themselves problematic. Despite concerted efforts by the United States and a growing number of like-minded governments to address this problem, greater, sustained energy and attention is needed worldwide.

On September 23, 2013, during the United Nations General Assembly, the United States convened a High Level Event on Civil Society that included heads of state, representatives of civil society, the philanthropic community, and multilateral organizations to spur coordinated international action to support and defend civil society. Through the issuance of a Joint Statement on the Promotion and Protection of Civil Society, attendees affirmed that the strength and success of nations depend on allowing civil society to function without interference, and on robust engagement between governments and civil society to advance shared goals of peace, prosperity, and the well-being of all people. Attendees also committed to take concrete steps, individually and jointly, and to lead by example to promote laws, policies, and practices that expand the space for civil society to operate in accordance with international law.

To take further steps to fulfill that commitment, this memorandum directs agencies engaged abroad (as defined in section 6 of this memorandum), including those that do not traditionally work with civil society, to take actions that elevate and strengthen the role of civil society; challenge undue restrictions on civil society; and foster constructive engagement between governments and civil society.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

SEC. 1. *Engaging in Consultation with Civil Society Representatives.* (a) In the conduct of U.S. foreign policy, it is in the national interest to build relationships with people, as well as with governments. Therefore, agencies engaged abroad shall consult with representatives of civil society to explain the views of the United States on particular issues, seek their perspectives, utilize their expertise, and build strong partnerships to address joint challenges.

(b) When traveling overseas, senior U.S. officials of agencies engaged abroad shall seek opportunities to meet with representatives of civil society, especially those who face restrictions on their work and who may benefit from international support and solidarity.

(c) Each agency engaged abroad shall incorporate inclusive outreach to civil society into their international engagement.

SEC. 2. *Working with Civil Society Organizations.* The U.S. Government works with civil society organizations even when local laws restrict the ability of civil society organizations to operate or where local laws restrict the fundamental freedoms of expression, peaceful assembly, and association, with due regard for the safety of civil society interlocutors and their operations. Agencies engaged abroad shall oppose, through appropriate means, efforts by foreign governments to dictate the nature of U.S. assistance to civil society, the selec-

tion of individuals or entities to implement U.S. Government programs, or the selection of recipients or beneficiaries of those programs. Additionally, agencies engaged abroad shall review their internal regulations, policies, and procedures to ensure that programmatic requirements do not inadvertently impede civil society operations.

SEC. 3. *Opposing Undue Restrictions on Civil Society and Fundamental Freedoms.* (a) Agencies engaged abroad shall oppose, through appropriate means, efforts by foreign governments that restrict the freedoms of expression, peaceful assembly, and association in a manner inconsistent with their international obligations and commitments. Such actions may include urging relevant governments or legislatures to reverse course; making high-level statements or delivering messages publicly or privately; working with local and international civil society organizations and stakeholders, like-minded countries, and regional and multilateral organizations and bodies; and, where possible, providing direct assistance to civil society actors engaged in these efforts.

(b) Agencies engaged abroad shall, where possible, expand the provision of advice and other support to governments seeking to institute legal and political reforms to protect civic space, and to civil society organizations where governments are not engaged in such affirmative reform efforts. This may include funding for democracy, human rights, workers' rights, and governance assistance, as well as emergency support to activists and organizations.

(c) Agencies engaged abroad shall seek diplomatic and programmatic opportunities in regional and multilateral organizations and bodies to protect and strengthen civil society. This shall include efforts to enhance support for the work of the U.N. Special Rapporteurs charged with advancing relevant rights, including the rights to freedom of opinion and expression, peaceful assembly and association, and human rights defenders.

SEC. 4. *Facilitating Exchanges between Governments and Civil Society.* (a) Agencies engaged abroad shall seek to foster improved relations and understanding between governments and civil society, including in the advancement of social, economic, and development priorities. Such efforts may include training for government and civil society representatives; brokering dialogue between government and civil society representatives; identifying affirmative activities around which governments and civil society organizations can engage; providing legal or other assistance to governments and civil society organizations to draft or improve laws, regulations, and administrative measures; and sharing best practices regarding the proper implementation of these laws.

(b) Agencies engaged abroad that organize public, U.S.-hosted international gatherings shall create opportunities for civil society to substantively engage in such events, where appropriate.

SEC. 5. *Reporting on Progress.* The National Security Advisor shall prepare an annual report for the President on the Federal Government's progress implementing the requirements of this memorandum. Agencies engaged abroad shall provide the National Security Advisor with any requested information on their progress implementing the requirements of this memorandum to include in this annual report.

SEC. 6. *Definitions.* For the purposes of this memorandum, "agencies engaged abroad" are the Departments of State, the Treasury, Defense, Justice, Agriculture, Commerce, Labor, Health and Human Services, and Homeland Security, the United States Agency for International Development, the Millennium Challenge Corporation, and the Office of the United States Trade Representative.

SEC. 7. *General Provisions.* (a) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof, or the status of that department or agency within the Federal Government; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) Nothing in this memorandum shall alter the role of the Secretary of State or Chiefs of Mission in the coordination or implementation of U.S. foreign policy, and this memorandum shall be implemented consistent with agencies' respective missions.

(d) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) The Secretary of State is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 8202. Statement of policy

It is the policy of the United States—

(1) to promote freedom and democracy in foreign countries as a fundamental component of United States foreign policy, along with other key foreign policy goals;

(2) to affirm fundamental freedoms and internationally recognized human rights in foreign countries, as reflected in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and to condemn offenses against those freedoms and rights as a fundamental component of United States foreign policy, along with other key foreign policy goals;

(3) to protect and promote such fundamental freedoms and rights, including the freedoms of association, of expression, of the press, and of religion, and the right to own private property;

(4) to commit to the long-term challenge of promoting universal democracy by promoting democratic institutions, including institutions that support the rule of law (such as an independent judiciary), an independent and professional media, strong legislatures, a thriving civil society, transparent and professional independent governmental auditing agencies, civilian control of the military, and institutions that promote the rights of minorities and women;

(5) to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage, including by—

(A) providing appropriate support to individuals, nongovernmental organizations, and movements located in nondemocratic countries that aspire to live in freedom and establish full democracy in such countries; and

(B) providing political, economic, and other support to foreign countries and individuals, nongovernmental organizations, and movements that are willingly undertaking a transition to democracy; and

(6) to strengthen cooperation with other democratic countries in order to better promote and defend shared values and ideals.

(Pub. L. 110-53, title XXI, §2103, Aug. 3, 2007, 121 Stat. 527.)

§ 8203. Definitions

In this chapter:

(1) Annual Report on Advancing Freedom and Democracy

The term “Annual Report on Advancing Freedom and Democracy” refers to the annual report submitted to Congress by the Department of State pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note), in which the Department reports on actions taken by the United States Government to encourage respect for human rights and democracy.

(2) Appropriate congressional committees

The term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(3) Assistant Secretary

The term “Assistant Secretary” means the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(4) Community of Democracies and Community

The terms “Community of Democracies” and “Community” mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.

(5) Department

The term “Department” means the Department of State.

(6) Nondemocratic country or democratic transition country

The term “nondemocratic country” or “democratic transition country” shall include any country which is not governed by a fully functioning democratic form of government, as determined by the Secretary, taking into account the general consensus regarding the status of civil and political rights in a country by major nongovernmental organizations that conduct assessments of such conditions in countries and whether the country exhibits the following characteristics:

(A) All citizens of such country have the right to, and are not restricted in practice from, fully and freely participating in the political life of such country.

(B) The national legislative body of such country and, if directly elected, the head of government of such country, are chosen by free, fair, open, and periodic elections, by universal and equal suffrage, and by secret ballot.

(C) More than one political party in such country has candidates who seek elected office at the national level and such parties are not restricted in their political activities or their process for selecting such candidates, except for reasonable administrative requirements commonly applied in countries categorized as fully democratic.