

Code, see Short Title note set out under section 2151 of this title and Tables.

Section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, referred to in subsec. (c)(3), is section 510 of Pub. L. 101-513, title V, Nov. 5, 1991, 104 Stat. 2003, which is not classified to the Code.

DELEGATION OF AUTHORITY WITH RESPECT TO ALLOCATION AND ADMINISTRATION OF NONPROLIFERATION AND DISARMAMENT FUND

Memorandum of President of the United States, Apr. 21, 1994, 59 F.R. 21619, provided:

Memorandum for the Secretary of State [and] the Secretary of Defense

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 504 and 508 [22 U.S.C. 5854, 5858] of the FREEDOM Support Act (Public Law 102-511) (the “Act”), title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103-87) [107 Stat. 941] and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

1. The authorities and duties vested in the President under section 504 of the Act [22 U.S.C. 5854] are hereby delegated to the Secretary of State. These authorities and duties shall be exercised in consultation with the Secretary of Defense and other appropriate agencies. The Secretary of State may, to the extent consistent with law, redelegate such authorities and duties and authorize their successive redelegation.

2. Notwithstanding the Presidential Memorandum of December 30, 1992 [22 U.S.C. 5852 note] (Delegation of Responsibilities under Title XIV of Public Law 102-484 and Title V of Public Law 102-511), the Secretary of State is hereby delegated the duties vested in the President under section 508 of the Act [22 U.S.C. 5858] insofar as those duties relate to notice of and reports on obligations and activities under section 504 of the Act [22 U.S.C. 5854].

3. Funds appropriated or otherwise made available to the President for a “Nonproliferation and Disarmament Fund” authorized under section 504 of the Act [22 U.S.C. 5854] shall be deemed to be allocated to the Secretary of State without any further action of the President. Such funds may be reallocated or transferred as appropriate by the Secretary of State to any agency or part thereof for obligation or expenditure consistent with applicable law.

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

WILLIAM J. CLINTON.

**§ 5855. 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 5853(a)(6) and 5854(a)(6) of this title 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 or through the Economic Development Administration.

(Pub. L. 102-511, title V, § 505, Oct. 24, 1992, 106 Stat. 3340; Pub. L. 105-277, div. A, § 101(f) [title IV, § 405(d)(20)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-422.)

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 set out under section 5801 of this title and Tables.

AMENDMENTS

1998—Pub. L. 105-277 substituted “or through” for “, through the Defense Conversion Adjustment Program (as authorized by the Job Training Partnership Act), or through” in last sentence.

**§ 5856. Soviet weapons destruction**

**(a), (b) Omitted**

**(c) 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 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), was section 221(a) of Pub. L. 102-228, which was set out in a note under section 2551 of this title prior to repeal by Pub. L. 113-291, div. A, title XIII, § 1351(1), Dec. 19, 2014, 128 Stat. 3606. 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 was set out in a note under section 2551 of this title and was repealed by Pub. L. 113-291, div. A, title XIII, § 1351(1), Dec. 19, 2014, 128 Stat. 3606. 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 subsecs. (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).

#### (b) Exceptions

Subsection (a) 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.

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

#### (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, 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<sup>1</sup> 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, which was set out in a note under section 2551 of this title, but did not become effective, pursuant to section 5856(c) of this title. Section 221 of Pub. L. 102-228 was repealed by Pub. L. 113-291, div. A, title XIII, §1351(1), Dec. 19, 2014, 128 Stat. 3606.

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 the Act because title II of Pub. L. 102-228 does not contain a subtitle B.