

SEC. 4. *Mission and Functions of the Working Group.* The Working Group, as may be necessary and appropriate to carry out this order, shall:

(a) Ensure efficient and effective coordination of energy access activities in Sub-Saharan Africa among Participating Agencies.

(b) Identify, prioritize, and evaluate potential Power Africa projects, regulatory and policy reforms, and programmatic focus areas, including maximizing deployment of and access to renewable energy.

(c) Identify country and project specific obstacles to the development of the electricity sector, including financial and technical assistance needs and capacity building needs, and identify opportunities for Participating Agencies to deploy their respective tools and best practices to advance needed reforms and accelerate the completion of Power Africa projects.

(d) Enhance coordination among Participating Agencies to maximize the efficiency and effectiveness of United States Government development assistance and other development finance tools as related to Power Africa priorities.

(e) Facilitate information sharing and coordination of partnerships between Participating Agencies and African governments, the private sector, development partners, and bilateral and multilateral partners to help advance Power Africa's goals.

(f) Identify appropriate courses of action to liaise with host governments to advance regulatory and policy reforms, as well as energy transactions, related to Power Africa.

(g) Identify best practices for Participating Agencies to coordinate their engagement with development partners, including bilateral donors, development finance institutions, and multilateral development banks on energy access issues, to ensure that Power Africa's tools are deployed in a way that is complementary to and leverages the impact of United States Government resources.

(h) Meet with private sector partners, as appropriate, to review Power Africa projects and activities, and to solicit input regarding technical, policy, financial or political, obstacles that partners are encountering in the energy sector across Sub-Saharan Africa.

(i) Meet with bilateral and multilateral development partners, as appropriate, to coordinate country-specific and regional energy access policy agendas, coordinate deployment of financial resources and technical expertise to identify and accelerate Power Africa projects and activities, and review project pipelines.

(j) Monitor and periodically evaluate Power Africa projects and activities to measure the effectiveness of United States Government assistance and other development finance tools in achieving Power Africa's electricity generation and access goals, and to share lessons learned. These evaluations may recommend reforms to facilitate support for future projects and activities, and to increase the Working Group's effectiveness.

SEC. 5. *Partnering with African Private Sector Companies.* I hereby direct Participating Agencies to facilitate as appropriate, to the maximum extent possible under the law, the participation of local and regional companies in power, renewable energy, and climate change projects in low-income countries in Africa, including through the use of financing and risk insurance, where appropriate.

SEC. 6. *Reporting.* The Administrator of USAID, in coordination with the Participating Agencies, shall lead in the development of a report, to be transmitted to the Congress pursuant to section 7 of the Act and the Presidential Memorandum of August 3, 2016, "Delegation of Authority Pursuant to Section 4 and Section 7 of the Electrify Africa Act of 2015," on progress made toward achieving the comprehensive, integrated, multiyear strategy that was transmitted to the Congress on August 6, 2016, pursuant to section 4 of the Act, to encourage the efforts of countries in Sub-Saharan Africa to implement national power strategies and develop an appropriate mix of power solutions to provide access to

sufficient, reliable, affordable, and sustainable power in order to reduce poverty and drive economic growth and job creation.

SEC. 7. *General Provisions.* (a) Nothing in this order 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.

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

(c) This order 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.

BARACK OBAMA.

DELEGATION OF AUTHORITY PURSUANT TO SECTION 4 AND SECTION 7 OF THE ELECTRIFY AFRICA ACT OF 2015

Memorandum of President of the United States, Aug. 3, 2016, 81 F.R. 52323, provided:

Memorandum for the Administrator of the United States Agency for International Development

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authorities vested in the President by section 4 and section 7 of the Electrify Africa Act of 2015 (Public Law 114-121) (the "Act") [22 U.S.C. 2293 note].

Any reference in this memorandum to the Act shall be deemed to be a reference to any future act that is the same or substantially the same as such provisions.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 2294. Authorizations of appropriations for Development Fund for Africa

Funds appropriated to carry out this part are authorized to be made available until expended. It is the sense of the Congress that the authority of this subsection¹ should be used to extend the period of availability of those funds whenever appropriate to improve the quality of assistance provided under section 2293 of this title.

(Pub. L. 87-195, pt. I, §497, as added Pub. L. 101-513, title V, §562(a), Nov. 5, 1990, 104 Stat. 2030.)

PRIOR PROVISIONS

A prior section 2294, Pub. L. 87-195, pt. I, §497, as added Pub. L. 95-92, §4, Aug. 4, 1977, 91 Stat. 614, related to balance of payments loan for Portugal, prior to repeal by Pub. L. 99-83, title XII, §1211(a)(4), Aug. 8, 1985, 99 Stat. 279, effective Oct. 1, 1985.

PART XI—SUPPORT FOR ECONOMIC AND DEMOCRATIC DEVELOPMENT OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

§ 2295. Assistance for the independent states

The President is authorized to provide assistance to the independent states of the former Soviet Union under this part for the following activities:

(1) Urgent humanitarian needs

Meeting urgent humanitarian needs (including those arising from the health effects of ex-

¹ So in original. Probably should be "section".

posure to radiation in the Chernobyl region), in particular—

(A) meeting needs for medicine, medical supplies and equipment, and food, including the nutritional needs of infants such as processed baby food; and

(B) continuing efforts to rebuild from the earthquake in Armenia.

(2) Democracy and rule of law

Establishing a democratic and free society by fostering—

(A) political, social, and economic pluralism;

(B) respect for internationally recognized human rights and the rule of law;

(C) the development of institutions of democratic governance, including electoral and legislative processes;

(D) the institution and improvement of public administration at the national, intergovernmental, regional, and local level;

(E) development and support of grass-roots and nongovernmental organizations promoting democracy, the rule of law, transparency, and accountability in the political process, including grants in small amounts to such organizations;

(F) international exchanges and other forms of public diplomacy to promote greater understanding on how democracy, the public policy process, market institutions, and an independent judiciary function in Western societies;

(G) political parties and coalitions committed to promoting democracy, human rights, and economic reforms;

(H) support for civic organizations committed to promoting human rights;

(I) the development of effective control by elected civilian officials over, and the development of a nonpolitical officer corps in, the military and security forces; and

(J) strengthened administration of justice through programs and activities carried out in accordance with section 2295b(e) of this title, including—

(i) support for nongovernmental organizations, civic organizations, and political parties that favor a strong and independent judiciary;

(ii) support for local organizations that work with judges and law enforcement officials in efforts to achieve a reduction in the number of pretrial detainees; and

(iii) support for the creation of legal associations or groups that provide training in human rights and advocacy, public education with respect to human rights-related laws and proposed legislation, and legal assistance to persons subject to improper government interference.

(3) Independent media

Developing free and independent media, including—

(A) supporting all forms of independent media reporting, including print, radio, and television;

(B) providing special support for, and unrestricted public access to, nongovernmental Internet-based sources of information, dis-

semination and reporting, including providing technical and other support for web radio services, providing computers and other necessary resources for Internet connectivity and training new Internet users in nongovernmental civic organizations on methods and uses of Internet-based media; and

(C) training in journalism, including investigative journalism techniques that educate the public on the costs of corruption and act as a deterrent against corrupt officials.

(4) Free market systems

Creating and developing private enterprise and free market systems based on the principle of private ownership of property, including—

(A) the development of private cooperatives, credit unions, and labor unions;

(B) the improvement in the collection and analysis of statistical information;

(C) the reform and restructuring of banking and financial systems; and

(D) the protection of intellectual property.

(5) Trade and investment

Creating conditions that promote trade and investment, and encouraging participation of the United States private sector in the development of the private sector in the independent states of the former Soviet Union.

(6) Food distribution and production

Promoting market-based mechanisms for the distribution of the inputs necessary to agricultural production and for the handling, marketing, storage, and processing of agricultural commodities; encouraging policies that provide incentives for agricultural production; and creating institutions that provide technical and financial support for the agricultural sector.

(7) Health and human services

Promoting programs to strengthen and build institutions that provide quality health care and voluntary family planning services, housing, and other services and policies that are components of a social safety net, particularly for infants, children, and people with disabilities.

(8) Education and educational television

Promoting broad-based educational reform at all levels, in particular—

(A) by assisting the development of curricula and by making available textbooks, other educational materials, and appropriate telecommunications technologies for the delivery of educational and instructional programming; and

(B) by assisting the development of the skills necessary to produce educational television programs aimed at promoting basic skills and the human values associated with a democratic society and a free market economy.

(9) Energy efficiency and production

Promoting market-based pricing policies and the transfer of technologies that reduce energy wastage and harmful emissions; sup-

porting developmentally sound capital energy projects that utilize United States advanced coal technologies; and promoting efficient production, use, and transportation of oil, gas, coal, and other sources of energy.

(10) Civilian nuclear reactor safety

Implementing—

(A) a program of short-term safety upgrade of civilian nuclear power plants, including the training of power plant personnel, implementation of improved procedures for nuclear power plant operation, the development of effective and independent regulatory authorities, and cost-effective hardware upgrades; and

(B) a program to retire those civilian nuclear power plants whose capacity could be more cost-effectively replaced through energy efficiency.

(11) Environment

Enhancing the human and natural environment and conserving environmental resources, including through—

(A) facilitation of the adoption of environmentally-sound policies and technologies, environmental restoration, and sustainable use of natural resources;

(B) promotion of the provision of environmental technology, education, and training by United States businesses, not-for-profit organizations, and institutions of higher education; and

(C) promotion of cooperative research efforts to validate and improve environmental monitoring of protracted radiation exposure.

(12) Transportation and telecommunications

Improving transportation and telecommunications infrastructure and management, including intermodal transportation systems to ensure the safe and efficient movement of people, products, and materials.

(13) Drug education, interdiction, and eradication

Promoting drug education, interdiction, and eradication programs.

(14) Migration

Protecting and caring for refugees, displaced persons, and other migrants; addressing the root causes of migration; and promoting the development of appropriate immigration and emigration laws and procedures.

(Pub. L. 87-195, pt. I, §498, as added Pub. L. 102-511, title II, §201, Oct. 24, 1992, 106 Stat. 3324; amended Pub. L. 107-246, §4(a), Oct. 23, 2002, 116 Stat. 1514.)

AMENDMENTS

2002—Par. (2). Pub. L. 107-246, §4(a)(1)(A), substituted “Democracy and rule of law” for “Democracy” in heading.

Par. (2)(E) to (J). Pub. L. 107-246, §4(a)(1)(B)–(E), added subpars. (E) to (H) and (J), redesignated former subpar. (F) as (I), and struck out former subpars. (E) and (G) which read as follows:

“(E) the development of a free and independent media;

“(G) strengthened administration of justice through programs and activities carried out in accordance with section 2295b(e) of this title.”

Pars. (3) to (14). Pub. L. 107-246, §4(a)(2), added par. (3) and redesignated former pars. (3) to (13) as (4) to (14), respectively.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title, and section 3(b) of Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, as amended, set out as a note under section 5812 of this title.

FINDINGS AND PURPOSES

Pub. L. 107-246, §2, Oct. 23, 2002, 116 Stat. 1511, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) Since the dissolution of the Soviet Union, the leadership of the Russian Federation has publicly committed itself to building—

“(A) a society with democratic political institutions and practices, the observance of universally recognized standards of human rights, and religious and press freedom; and

“(B) a market economy based on internationally accepted principles of transparency, accountability, and the rule of law.

“(2) In order to facilitate this transition, the international community has provided multilateral and bilateral technical assistance, and the United States’ contribution to these efforts has played an important role in developing new institutions built on democratic and liberal economic foundations and the rule of law.

“(3)(A) Since 1992, United States Government democratic reform programs and public diplomacy programs, including training, and small grants have provided access to and training in the use of the Internet, brought nearly 40,000 Russian citizens to the United States, and have led to the establishment of more than 65,000 nongovernmental organizations, thousands of independent local media outlets, despite governmental opposition, and numerous political parties.

“(B) These efforts contributed to the substantially free and fair Russian parliamentary elections in 1995 and 1999.

“(4) The United States has assisted Russian efforts to replace its centrally planned, state-controlled economy with a market economy and helped create institutions and infrastructure for a market economy. Approximately two-thirds of the Russian Federation’s gross domestic product is now generated by the private sector, and the United States recognized Russia as a market economy on June 7, 2002.

“(5)(A) The United States has fostered grassroots entrepreneurship in the Russian Federation by focusing United States economic assistance on small- and medium-sized businesses and by providing training, consulting services, and small loans to more than 250,000 Russian entrepreneurs.

“(B) There are now more than 900,000 small businesses in the Russian Federation, producing 12 to 15 percent, depending on the estimate, of the gross domestic product of the Russian Federation.

“(C) United States-funded programs have contributed to fighting corruption and financial crime, such as money laundering, by helping to—

“(i) establish a commercial legal infrastructure;

“(ii) develop an independent judiciary;

“(iii) support the drafting of a new criminal code, civil code, and bankruptcy law;

“(iv) develop a legal and regulatory framework for the Russian Federation’s equivalent of the United States Securities and Exchange Commission;

“(v) support Russian law schools;

“(vi) create legal aid clinics; and

“(vii) bolster law-related activities of nongovernmental organizations.

“(6) Because the capability of Russian democratic forces and the civil society to organize and defend democratic gains without international support is uncertain, and because the gradual integration of the Russian Federation into the global order of free-market, democratic nations would enhance Russian cooperation with the United States on a wide range of political, economic, and security issues, the success of democracy in Russia is in the national security interest of the United States, and the United States Government should develop a far-reaching and flexible strategy aimed at strengthening Russian society’s support for democracy and a market economy, particularly by enhancing Russian democratic institutions and education, promoting the rule of law, and supporting Russia’s independent media.

“(7) Since the tragic events of September 11, 2001, the Russian Federation has stood with the United States and the rest of the civilized world in the struggle against terrorism and has cooperated in the war in Afghanistan by sharing intelligence and through other means.

“(8) United States-Russia relations have improved, leading to a successful summit between President Bush and President Putin in May 2002, resulting in a ‘Foundation for Cooperation’.

“(b) PURPOSES.—The purposes of this Act [see Short Title of 2002 Amendments note set out under section 2151 of this title] are—

“(1) to strengthen and advance institutions of democratic government and of free and independent media, and to sustain the development of an independent civil society in the Russian Federation based on religious and ethnic tolerance, internationally recognized human rights, and an internationally recognized rule of law; and

“(2) to focus United States foreign assistance programs on using local expertise and to give local organizations a greater role in designing and implementing such programs, while maintaining appropriate oversight and monitoring.”

UNITED STATES POLICY TOWARD THE RUSSIAN FEDERATION

Pub. L. 107-246, § 3, Oct. 23, 2002, 116 Stat. 1513, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

“(1) recognize that a democratic and economically stable Russian Federation is inherently less confrontational and destabilizing in its foreign policy and therefore that the promotion of democracy in Russia is in the national security interests of the United States; and

“(2) continue and increase assistance to the democratic forces in the Russian Federation, including the independent media, regional administrations, democratic political parties, and nongovernmental organizations.

“(b) STATEMENT OF POLICY.—It shall be the policy of the United States—

“(1) to facilitate Russia’s integration into the Western community of nations, including supporting the establishment of a stable democracy and a market economy within the framework of the rule of law and respect for individual rights, including Russia’s membership in the appropriate international institutions;

“(2) to engage the Government of the Russian Federation and Russian society in order to strengthen democratic reform and institutions, and to promote transparency and good governance in all aspects of society, including fair and honest business practices, accessible and open legal systems, freedom of religion, and respect for human rights;

“(3) to advance a dialogue among United States Government officials, private sector individuals, and representatives of the Government of the Russian Federation regarding Russia’s integration into the Western community of nations;

“(4) to encourage United States Government officials and private sector individuals to meet regularly

with democratic activists, human rights activists, representatives of the independent media, representatives of nongovernmental organizations, civic organizers, church officials, and reform-minded politicians from Moscow and all other regions of the Russian Federation;

“(5) to incorporate democratic reforms, the promotion of independent media, and economic reforms in a broader United States dialogue with the Government of the Russian Federation;

“(6) to encourage the Government of the Russian Federation to address, in a cooperative and transparent manner consistent with internationally recognized and accepted principles, cross-border issues, including the nonproliferation of weapons of mass destruction, environmental degradation, crime, trafficking, and corruption;

“(7) to consult with the Government of the Russian Federation and the Russian Parliament on the adoption of economic and social reforms necessary to sustain Russian economic growth and to ensure Russia’s transition to a fully functioning market economy and membership in the World Trade Organization;

“(8) to persuade the Government of the Russian Federation to honor its commitments made to the Organization for Security and Cooperation in Europe (OSCE) at the November 1999 Istanbul Conference, and to conduct a genuine good neighbor policy toward the other independent states of the former Soviet Union in the spirit of internationally accepted principles of regional cooperation; and

“(9) to encourage the G-8 partners and international financial institutions, including the World Bank, the International Monetary Fund, and the European Bank for Reconstruction and Development, to develop financial safeguards and transparency practices in lending to the Russian Federation.”

ACTIVITIES TO SUPPORT THE RUSSIAN FEDERATION

Pub. L. 107-246, § 5, Oct. 23, 2002, 116 Stat. 1515, provided that:

“(a) ASSISTANCE PROGRAMS.—In providing assistance to the Russian Federation under chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.), the President is authorized to—

“(1) work with the Government of the Russian Federation, the Duma, and representatives of the Russian Federation judiciary to help implement a revised and improved code of criminal procedure and other laws;

“(2) establish civic education programs relating to democracy, public policy, the rule of law, and the importance of independent media, including the establishment of ‘American Centers’ and public policy schools at Russian universities and encourage cooperative programs with universities in the United States to offer courses through Internet-based off-site learning centers at Russian universities; and

“(3) support the Regional Initiatives (RI) program, which provides targeted assistance in those regions of the Russian Federation that have demonstrated a commitment to reform, democracy, and the rule of law, and which promotes the concept of such programs as a model for all regions of the Russian Federation.

“(b) RADIO FREE EUROPE/RADIO LIBERTY AND VOICE OF AMERICA.—RFE/RL, Incorporated, and the Voice of America should use new and innovative techniques, in cooperation with local independent media sources and using local languages as appropriate and as possible, to disseminate throughout the Russian Federation information relating to democracy, free-market economics, the rule of law, and human rights.”

§ 2295a. Criteria for assistance to governments of the independent states

(a) In general

In providing assistance under this part for the government of any independent state of the