

or other papers), map, photograph, machine readable material, or other documentary material, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value in them, and such term does not include library or museum material made or acquired and preserved solely for reference or exhibition purposes, any extra copy of a document preserved only for convenience of reference, or any stocks of publications or of processed documents.

(Aug. 1, 1956, ch. 841, title IV, § 407, as added Pub. L. 102-138, title I, § 198(a), Oct. 28, 1991, 105 Stat. 690.)

#### AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103-236, set out as a note under section 2651a of this title.

### CHAPTER 54—PRIVATE ORGANIZATION ASSISTANCE

#### SUBCHAPTER I—THE ASIA FOUNDATION

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#### SUBCHAPTER I—THE ASIA FOUNDATION

##### § 4401. Findings

The Congress finds that—

(1) The Asia Foundation, a private nonprofit corporation incorporated in 1954 in the State of California, has long been active in promoting Asian-American friendship and cooperation and in lending encouragement and assistance to Asians in their own efforts to develop more open, more just, and more democratic societies;

(2) The Asia Foundation's commitment to strengthening indigenous Asian institutions which further stable national development, constructive social change, equitable economic growth, and cooperative international relationships is fully consistent with and supportive of long-term United States interests in Asia;

(3) The Asia Foundation, as a private organization, is able to conduct programs in re-

sponse to Asian initiatives that would be difficult or impossible for an official United States instrumentality, and it is in a position in Asia to respond quickly and flexibly to meet new opportunities;

(4) in recognition of the valuable contributions of The Asia Foundation to long-range United States foreign policy interests, the United States Government has, through a variety of agencies, provided financial support for The Asia Foundation; and

(5) it is in the interest of the United States, and the further strengthening of Asian-American friendship and cooperation, to establish a more permanent mechanism for United States Government financial support for the ongoing activities of The Asia Foundation, while preserving the independent character of the Foundation.

(Pub. L. 98-164, title IV, § 402, Nov. 22, 1983, 97 Stat. 1038.)

#### SHORT TITLE

Pub. L. 98-164, title IV, § 401, Nov. 22, 1983, 97 Stat. 1038, provided that: "This title [enacting this subchapter] may be cited as 'The Asia Foundation Act'."

For short title of title V of Pub. L. 98-164, which enacted subchapter II of this chapter, as the "National Endowment for Democracy Act", see section 501 of Pub. L. 98-164, set out as a Short Title note under section 4411 of this title.

##### § 4402. Grants; authorization; purposes; terms and conditions; deposit of interest

(a) The Secretary of State shall make an annual grant to The Asia Foundation with the funds made available under section 4403 of this title. Such grants shall be in general support of the Foundation's programs and operations. The terms and conditions of grants pursuant to this section shall be set forth in a grant agreement between the Secretary of State and The Asia Foundation.

(b) If funds made available to The Asia Foundation pursuant to this subchapter or pursuant to any other provision of law are, with the permission of the head of the Federal agency making the funds available, invested by the Foundation or any of its subgrantees pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if that interest is used for the purposes for which the funds were made available.

(Pub. L. 98-164, title IV, § 403, Nov. 22, 1983, 97 Stat. 1038.)

##### § 4403. Funding

There is authorized to be appropriated to the Secretary of State \$15,000,000 for the fiscal year 2003 for grants to The Asia Foundation pursuant to this subchapter.

(Pub. L. 98-164, title IV, § 404, Nov. 22, 1983, 97 Stat. 1039; Pub. L. 99-93, title IV, § 401, Aug. 16, 1985, 99 Stat. 437; Pub. L. 100-204, title VI, § 601, Dec. 22, 1987, 101 Stat. 1383; Pub. L. 101-246, title V, § 501, Feb. 16, 1990, 104 Stat. 73; Pub. L. 105-277, div. G, subdiv. B, title XXI, § 2103, Oct. 21, 1998, 112 Stat. 2681-803; Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title I, § 105], Nov. 29, 1999, 113 Stat. 1536, 1501A-414; Pub. L. 107-228, div. A, title I, § 116, Sept. 30, 2002, 116 Stat. 1360.)

## AMENDMENTS

2002—Pub. L. 107-228 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated to the Secretary of State \$15,000,000 for each of the fiscal years 2000 and 2001 for grants to The Asia Foundation pursuant to this subchapter.”

1999—Pub. L. 106-113 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated to the Secretary of State \$10,000,000 for each of the fiscal years 1998 and 1999 for grants to The Asia Foundation pursuant to this subchapter.”

1998—Pub. L. 105-277 amended section generally. Prior to amendment, section read as follows:

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State \$13,900,000 for the fiscal year 1990 and \$18,000,000 for the fiscal year 1991 for grants to The Asia Foundation pursuant to this subchapter.

“(b) ALLOCATION OF FUNDS.—Of amounts authorized to be appropriated under subsection (a) of this section, \$1,324,000 for the fiscal year 1990 and \$1,324,000 for the fiscal year 1991 shall be available only for the expansion of programs and services (including the establishment of a field office) for Oceania, comprised of Polynesia, Micronesia, and Melanesia.”

1990—Pub. L. 101-246 amended section generally. Prior to amendment, section read as follows: “There is authorized to be appropriated to the Secretary of State \$13,700,000 for the fiscal year 1988 and \$15,000,000 for the fiscal year 1989 for grants to the Asia Foundation pursuant to this subchapter.”

1987—Pub. L. 100-204 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated to the Secretary of State \$10,500,000 for each of the fiscal years 1986 and 1987 for grants to The Asia Foundation pursuant to this subchapter.”

1985—Pub. L. 99-93 amended section generally, substituting “\$10,500,000 for each of the fiscal years 1986 and 1987” for “\$5,000,000 for the fiscal year 1983, \$10,000,000 for the fiscal year 1984, and \$10,000,000 for the fiscal year 1985”.

SUBCHAPTER II—NATIONAL ENDOWMENT  
FOR DEMOCRACY**§ 4411. Findings; statement of purposes**

(a) The Congress finds that there has been established in the District of Columbia a private, nonprofit corporation known as the National Endowment for Democracy (hereafter in this subchapter referred to as the “Endowment”) which is not an agency or establishment of the United States Government.

(b) The purposes of the Endowment, as set forth in its articles of incorporation, are—

(1) to encourage free and democratic institutions throughout the world through private sector initiatives, including activities which promote the individual rights and freedoms (including internationally recognized human rights) which are essential to the functioning of democratic institutions;

(2) to facilitate exchanges between United States private sector groups (especially the two major American political parties, labor, and business) and democratic groups abroad;

(3) to promote United States nongovernmental participation (especially through the two major American political parties, labor, business, and other private sector groups) in democratic training programs and democratic institution-building abroad;

(4) to strengthen democratic electoral processes abroad through timely measures in cooperation with indigenous democratic forces;

(5) to support the participation of the two major American political parties, labor, business, and other United States private sector groups in fostering cooperation with those abroad dedicated to the cultural values, institutions, and organizations of democratic pluralism; and

(6) to encourage the establishment and growth of democratic development in a manner consistent both with the broad concerns of United States national interests and with the specific requirements of the democratic groups in other countries which are aided by programs funded by the Endowment.

(Pub. L. 98-164, title V, § 502, Nov. 22, 1983, 97 Stat. 1039.)

## SHORT TITLE

Pub. L. 98-164, title V, § 501, Nov. 22, 1983, 97 Stat. 1039, provided that: “This title [enacting this subchapter] may be cited as the ‘National Endowment for Democracy Act.’”

**§ 4412. Grants to the Endowment****(a) Authorization; funding; grant agreement**

The Director of the United States Information Agency shall make an annual grant to the Endowment to enable the Endowment to carry out its purposes as specified in section 4411(b) of this title. Such grants shall be made with funds specifically appropriated for grants to the Endowment or with funds appropriated to the Agency for the “Salaries and Expenses” account. Such grants shall be made pursuant to a grant agreement between the Director and the Endowment which requires that grant funds will only be used for activities which the Board of Directors of the Endowment determines are consistent with the purposes described in section 4411(b) of this title, that the Endowment will allocate funds in accordance with subsection (e) of this section, and that the Endowment will otherwise comply with the requirements of this subchapter. The grant agreement may not require the Endowment to comply with requirements other than those specified in this subchapter.

**(b) Implementation of purposes**

Funds so granted may be used by the Endowment to carry out the purposes described in section 4411(b) of this title, and otherwise applicable limitations on the purposes for which funds appropriated to the United States Information Agency may be used shall not apply to funds granted to the Endowment.

**(c) Status of Endowment**

Nothing in this subchapter shall be construed to make the Endowment an agency or establishment of the United States Government or to make the members of the Board of Directors of the Endowment, or the officers or employees of the Endowment, officers or employees of the United States.

**(d) Oversight procedures applicable**

The Endowment and its grantees shall be subject to the appropriate oversight procedures of the Congress.